

ORDINANCE NO. 24-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.33± ACRES IN SIZE FROM LOW DENSITY (LD) TO MEDIUM DENSITY (MD), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT 1060 DEL HARBOUR DRIVE, AT THE SOUTHWEST CORNER OF DEL HARBOUR DRIVE AND SOUTH OCEAN BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act"; and,

WHEREAS, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and,

WHEREAS, Wright By The Sea 1901, LLC, is the fee simple owner of a parcel of land measuring approximately 0.3313 acres± and is located at 1060 Del Harbour Drive, on the southwest corner of South Ocean Boulevard and Del Harbour Drive; and,

WHEREAS, the subject property hereinafter described has an existing Future Land Use Map designation of Low Density (LD) zoning district designation of Multiple-Family Residential, Medium Density (RM), which are not deemed consistent and compatible by Table L-6, Land Use Designation / Zoning Matrix of the Future Land Use Element; and,

WHEREAS, the owner of the property has requested an amendment to the Future Land Use Map from LD Medium Density (MD) for the subject property to provide consistency and compatibility with the RM zoning district designation; and,

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on July 15, 2019, and voted 5 to 0 to recommend that the Future Land Use Map designation be changed for the property hereinafter described finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and,

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and,

WHEREAS, it is deemed appropriate that the designation of Medium Density (MD) on the Future Land Use Map of the City of Delray Beach, Florida is applied to the property at 1060 Del Harbour Drive.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Future Land Use Map designation of the subject property is hereby officially designated as Medium Density (MD).

Section 3. That the City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the "Community Planning Act."

Section 4. That the Future Land Use Map of the City of Delray Beach, Florida, be, and the same is hereby amended to reflect a Future Land Use Map (FLUM) designation of Medium Density (MD) for the following described property:

LOT 1, DEL HARBOUR, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 25, PAGE 148 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATED IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINS 0.3313 ACRES (14,430 SQUARE FEET), MORE OR LESS.

Section 5. That the Future Land Use Map of the City of Delray Beach, Florida, shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 4 hereof.

Section 6. That all ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. That if any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 8. That this ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____
Second Reading _____

Approved as to form and legal sufficiency:

City Attorney