

ORDINANCE NO. 41-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE FROM LOW DENSITY (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6<sup>TH</sup> AVENUE, 32 NORTHWEST 6<sup>TH</sup> AVENUE, 34 NORTHWEST 6<sup>TH</sup> AVENUE, 27 NORTHWEST 7<sup>TH</sup> AVENUE, AND 31 NORTHWEST 7<sup>TH</sup> AVENUE, 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, the Delray Beach CRA, is the fee simple owner of 26 NW 6<sup>th</sup> Avenue, 34 NW 6<sup>th</sup> Avenue, 27 NW 7<sup>th</sup> Avenue, and 31 NW 7<sup>th</sup> Avenue, which measure approximately 0.599 acres± and is located north of West Atlantic Avenue and between NW 6<sup>th</sup> Avenue and NW 7<sup>th</sup> Avenue; and,

WHEREAS, EDRON, LLC, is the fee simple of 32 NW 6<sup>th</sup> Avenue, which measures approximately 0.153 acres ± and is located north of West Atlantic Avenue and between NW 6<sup>th</sup> Avenue and NW 7<sup>th</sup> Avenue; and,

WHEREAS, EDRON, LLC, has designated the Delray Beach Community Redevelopment Agency to act as the agent for the Future Land Use Map (FLUM) amendment to redesignate the parcel at 32 NW 6<sup>th</sup> Avenue from Low Density (LD) to Commercial Core (CC); and,

WHEREAS, the subject properties hereinafter described have an existing FLUM designation of Low Density (LD); 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 November 18, 2019, and voted \_\_\_to \_\_\_ to recommend that the Future Land Use Map designation be changed for the properties 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, it is appropriate that the designation of Commercial Core (CC) on the Future Land Use Map of the City of Delray Beach, Florida is applied to the property described herein.

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 of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a future land use designation of Commercial Core (CC) for the described properties in **Exhibit “A” Legal Descriptions.**

Section 3. 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 2 hereof.

**See Exhibit “B” Proposed Future Land Use Map**

Section 4. 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 5. 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. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. 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. 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:

\_\_\_\_\_  
Lynn Gelin, City Attorney

“EXHIBIT A”  
LEGAL DESCRIPTIONS

26 NORTHWEST 6<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0170)

Lot 17, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

32 NORTHWEST 6<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0180)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

34 NORTHWEST 6<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0190)

Lot 19, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

27 NORTHWEST 7<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0250)

Lot 25, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

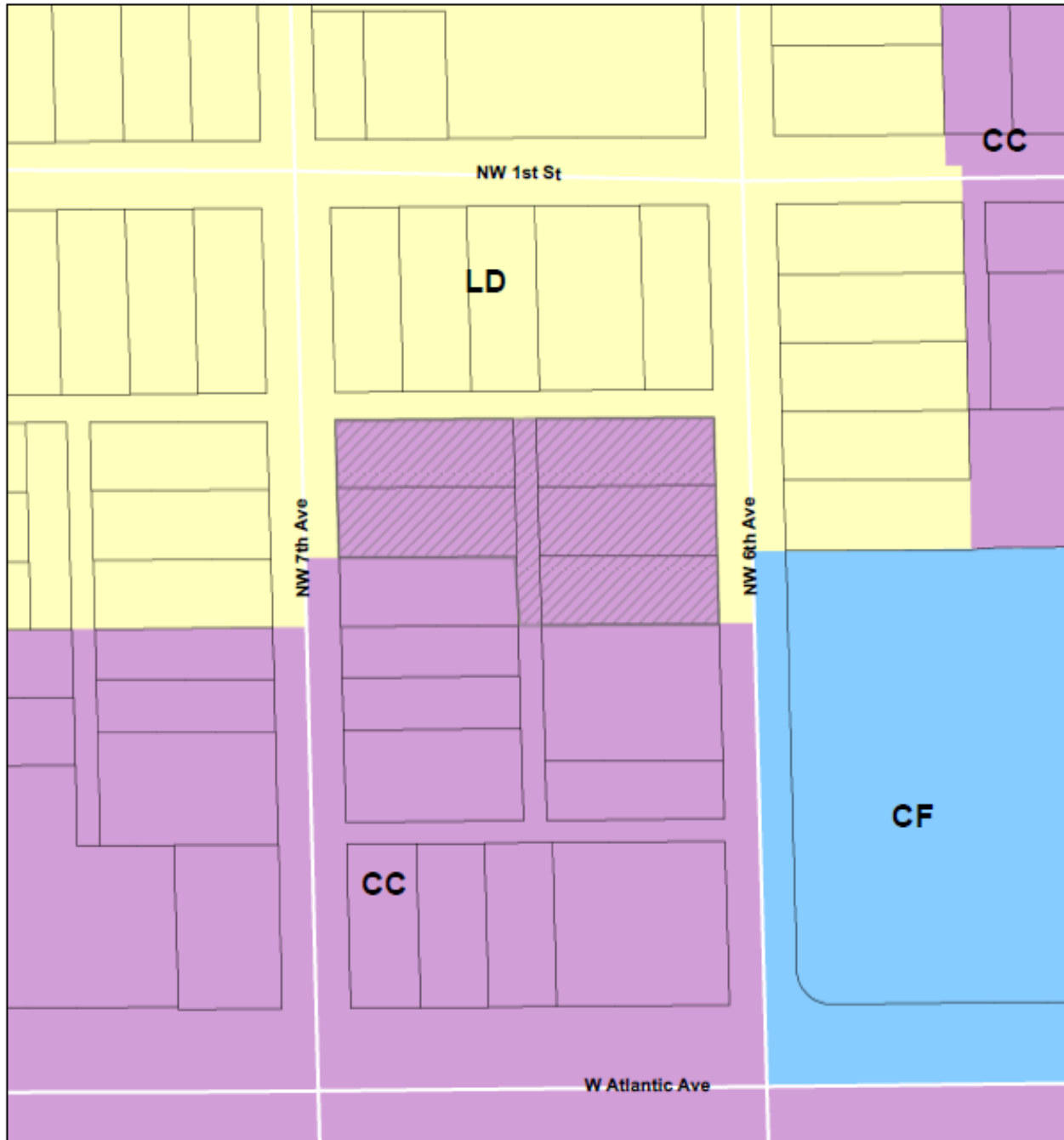
TOGETHER WITH

31 NORTHWEST 7<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0240)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.752 acres, more or less.

**“EXHIBIT B”  
PROPOSED FUTURE LAND USE MAP**



**Future Land Use Designation (Proposed)  
NW 6th Avenue & NW 7th Avenue**

- CC - COMMERCIAL CORE
- CF - COMMUNITY FACILITIES
- LD - LOW DENSITY, 0-5 UNITS PER ACRE
- MD - MEDIUM DENSITY, 5-12 UNITS PER ACRE

Subject Properties



Date: 11/5/2019