

ORDINANCE NO. 38-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT IN PART AND RESIDENTIAL HIGH (RH) DISTRICT IN PART, TO CITY OF DELRAY BEACH PLANNED RESIDENTIAL DEVELOPMENT WITH A SPECIFIED DENSITY OF SIX (6) DWELLING UNITS PER ACRE (PRD-6), FOR A DEVELOPMENT TO BE KNOWN AS BANYAN COURT, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the property hereinafter described is presently zoned Palm Beach County Agricultural Residential (AR) District in part and Residential High (RH) District in part; and,

WHEREAS, Andrew V. Podray is the fee simple owner of the subject property lying on the east side of Barwick Road, immediately south of the Lake Worth Drainage District L-30 Canal; and,

WHEREAS, the owner of the subject property has requested that the subject property be annexed into the City of Delray Beach, which the City of Delray Beach approved on January 14, 2020; and

WHEREAS, the owner of the subject property has simultaneously requested the property be provided a comprehensive plan designation of Medium Density Residential in the City of Delray Beach Comprehensive Plan, which the City of Delray Beach approved on January 14, 2020; and

WHEREAS, the owner has simultaneously requested rezoning from Palm Beach County Agriculture Residential (AR) and Residential High (RH) to City of Delray Beach Planned Residential Development, 6 du/acre (PRD-6) and designating the City of Delray Beach Zoning map for these parcels; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public

hearing on October 21, 2019 and voted 7-0 to recommend that the property hereinafter described be rezoned to City of Delray Beach Planned Residential Development 6 du/acre (PRD-6), 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, pursuant to the adopted Land Development Regulations Section 4.4.7(E)(1), a Master Development Plan must be adopted concurrent with a rezoning to Planned Residential Development, and the Planning and Zoning Board voted 7-0 at its meeting on October 21, 2019 to approve the Banyan Court Master Development Plan; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

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 Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of Planned Residential Development with a density of 6 dwelling units per acre (PRD-6), for the properties described in Exhibit A.

Section 3. The City of Delray Beach Zoning Map shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof.

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

Section 5. 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 6. This ordinance shall become effective concurrent with the effective date of Ordinance No. 37-19 amending the Future Land Use Map, and upon approval at second reading. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

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

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT A

Parcel I

The North 549.75 feet of the West one-quarter (W1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, Palm Beach County Florida, less the West 40.00 feet of road right-of-way recorded in O.R. Book 52, Page 576, more particularly described as follows: The West 40 feet of the Northwest One-Quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, less and except the Lake Worth Drainage District Canal L-30.

PARCEL II AND III

The North 521.00 feet of the South 771.00 feet of the West one-quarter (W1/4) of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East, Palm Beach County Florida, less the West 40.00 feet for road right-of-way, more particularly described as follows:

Commencing at the Southwest corner of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 12, Township 46 South, Range 42 East; thence run N00°00'00"E, along the West line of said Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4), a distance of 250.13 feet to a point on said West line, also being the center line of Barwick Road, (80 Foot Right-Of-Way); thence Run S88°10'24"E a distance of 40.00 feet to a point on the East right-of-way line of Barwick Road and the point of beginning; thence continue along the last described course, a distance of 295.82 feet to a point on the East line of the West one-quarter (W 1/4) of the Northwest one quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of said Section 12; thence run N00°04'35"E, along said East line, a distance of 521.24 feet to a point; thence run N88°10'25"W a distance of 296.52 feet to a point on the East right-of-way line of Barwick Road; thence run S00°00'00"W, along said East right-of-way line, a distance of 521.26 feet to the point of beginning. Containing 290,906.54 square feet, or 6.678 acres.

The subject property is located on the east side of Barwick Road and immediately south of Lake Worth Drainage District L-30 canal.

Said land situate in the City of Delray Beach, Palm Beach County, Florida and contain 6.68 acres, more or less.