

ORDINANCE NO. 16-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 4.0781 ACRES IN SIZE PRESENTLY ZONED AGRICULTURAL (A) TO SINGLE-FAMILY RESIDENTIAL (R-1-A), FOR THE PROPERTY LOCATED AT 3827 WEST ATLANTIC AVENUE 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, Robert Vincent, Inc., is the fee simple owner of 3827 West Atlantic Avenue; and

WHEREAS, Robert Vincent, Inc., has granted permission to CB Delray Gardens, LLC and Malory Clifford, Managing Member, to act as the applicant, and Covelli Design Associates, Inc., Mike Covelli, to act as the agent on their behalf to request a rezoning of the property from Agriculture (A) to Single-Family Residential (R-1-A); and

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Agriculture (A) District; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board of the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on February 24, 2020 and voted _ to _ to recommend that the property hereinafter described be rezoned to Single-Family Residential (R-1-A), 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 zoning designation of Single-Family (R-1-A) District is consistent with the Comprehensive Plan designation of Low Density (LD); and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, is amended to reflect the revised zoning classification; 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 City of Delray Beach Zoning District Map be and the same, is hereby amended to reflect a zoning district designation of Single-Family Residential (R-1-A), for the properties described in Exhibit A, "Legal Descriptions", attached hereto and incorporated herein.

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, as depicted in Exhibit B, "Proposed Zoning Map", attached hereto and incorporated herein.

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. That this ordinance shall become effective only after the effective date of Ordinance No. 16-20 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 _____, 2020.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Second Reading _____

EXHIBIT "A"

LEGAL DESCRIPTION

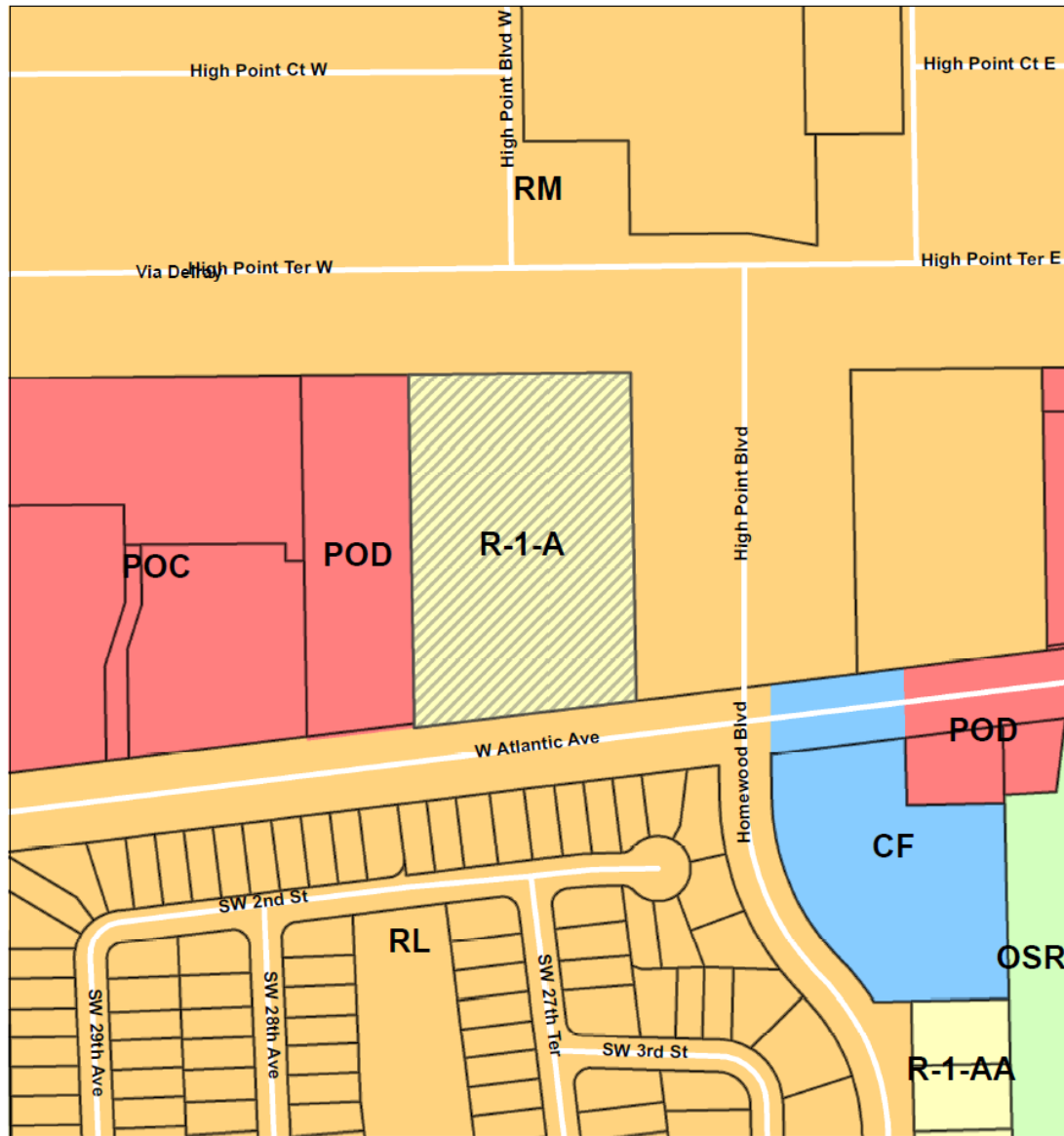
ALL THAT PART OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 43 EAST, LYING NORTH OF THE RIGHT-OF-WAY OF STATE ROAD 806 (ATLANTIC AVENUE), PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

LOTS 1 TO 25, INCLUSIVE, BLOCK A; THE 16 FOOT WIDE ALLEYS WITHIN SAID BLOCK; THE RIGHT-OF-WAY OF KANSAS AVENUE; THE WEST ONE-HALF OF THE RIGHT-OF-WAY OF OHIO AVENUE; OCEAN CITY ESTATES, ACCORDING TO THE PLAT THEREOF (VACATED BY PALM BEACH COUNTY RESOLUTION DATED MARCH 25, 1969): AS RECORDED IN PLAT BOOK 13, PAGE 22, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH 20 FEET THEREOF, WHICH HAS BEEN CONVEYED TO THE STATE OF FLORIDA.

EXHIBIT "B" PROPOSED ZONING MAP



Zoning District (Proposed) **3827 W Atlantic Ave**

OSR - OPEN SPACE & RECREATION

POC - PLANNED OFFICE CENTER

POD - PROFESSIONAL OFFICE DISTRICT

RL - MULTIPLE FAMILY RESIDENTIAL (LOW DENSITY)

RM - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)

R-1-A/AA - SINGLE FAMILY RESIDENTIAL

CF - COMMUNITY FACILITIES

Subject Parcel



0 100 200
Feet

Development Services
Department

Date: 1/16/2020

Document Path: S:\Planning & Zoning\BMS\GIS\GIS Projects\2019\2019_0411_CBD_Expansion\01_Mxd\ICBD_ZON_Proposed_85_by_11.mxd