

ORDINANCE NO. 48-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) TO CITY OF DELRAY BEACH GENERAL COMMERCIAL (GC); FOR A PARCEL OF LAND LOCATED ON THE WEST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF CANAL L-30, AND WHICH MEASURES ONE ACRE, 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 (AG) District; and

WHEREAS, Robert and Andrea Keiser ("Owner") are the fee simple owners of one (1) parcel of land measuring approximately one acre, which is located on the west side of Barwick Road, immediately south of Canal L-30 at 13029 Barwick Road ("Parcel") as shown on Exhibit "A"; and

WHEREAS, at its meeting of _____ the City of Delray Beach adopted Ordinance No. 46-20 to annex the Parcel into the City of Delray Beach per the Owner's request; and

WHEREAS, Owner has simultaneously requested re-designating the Land Use Map of Parcel from Palm Beach County Medium Residential (MR-5) to City of Delray Beach Low Density (LD); and

WHEREAS, Owner has simultaneously requested re-designating the City of Delray Beach Zoning map of said Parcel from Palm Beach County Agricultural Residential (AR) to City of Delray Beach Single Family Residential (R-1-AA); 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 August 17, 2020 and voted ____ to recommend that the Parcel hereinafter described be rezoned to City of Delray Beach Single Family Residential (R-1-AA) finding that the request and approval thereof is _____ with the Comprehensive Plan and _____ the criteria set forth in the Land Development Regulations; 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. The recitations set forth above are incorporated herein.

Section 2. The Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of Single Family Residential (R-1-AA); for the Parcel 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. 47-20, amending the Comprehensive Plan, 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.

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" – 1 of 2

DESCRIPTION:

A PORTION OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 159.0 FEET OF THE NORTH 299.0 FEET OF THE EAST 249.0 FEET OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), LESS THE EAST 40.0 FEET FOR COUNTY ROAD RIGHT-OF-WAY, OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 50.25 FEET OF THE NORTH 140.25 FEET OF THE EAST 249.00 FEET OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), LESS THE EAST 40 FEET FOR COUNTY ROAD RIGHT-OF-WAY OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

BEING ALSO DESCRIBED AS:

A PORTION OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERN NORTHEAST CORNER OF BEXLEY PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 102, PAGES 48 THROUGH 56, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY EXTENSION OF A EAST LINE OF SAID BEXLEY PARK, BEING COINCIDENT WITH A LINE 249.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12, NORTH 01°14'48" WEST A DISTANCE OF 50.29 FEET; THENCE ALONG A LINE 90.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL THE THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SECTION 12, SOUTH 89°02'23" EAST A DISTANCE OF 209.16 FEET; THENCE ALONG A LINE 40.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, SOUTH 01°14'48" EAST A DISTANCE OF 209.16 FEET; THENCE ALONG A LINE 299.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, NORTH 89°02'23" WEST A DISTANCE OF 209.16 FEET TO AN INTERSECTION WITH SAID EAST LINE OF BEXLEY PARK; THENCE ALONG SAID EAST LINE, NORTH 01°14'48" WEST A DISTANCE OF 158.87 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 43,714 SQUARE FEET (1.004 ACRES), MORE OR LESS.

