

ORDINANCE NO. 47-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR ONE (1) PARCEL OF LAND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL (MR-5) TO CITY OF DELRAY BEACH LOW DENSITY (LD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED IMMEDIATELY WEST OF BARWICK ROAD, AND IMMEDIATELY SOUTH OF CANAL L-30 AT 13029 BARWICK ROAD WHICH MEASURES APPROXIMATELY ONE ACRE, 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, in passing Ordinance No. 19-19, the City Commission adopted the "Comprehensive Plan - Delray Beach, Florida;" 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, the Parcel hereinafter described has an existing Land Use Map designation from Palm Beach County of Medium Residential (MR-5); 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, 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 August 17, 2020, and voted 6 to 0 to recommend that the Land Use Map designation be changed for Parcel hereinafter described, finding that the request is consistent and thereof meets the Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the City Commission of the City of Delray Beach finds that Ordinance 14-20 is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City; and

WHEREAS, it is appropriate that Low Density (LD) is hereby deemed the Land Use Map designation on the Land Use Map of the City of Delray Beach for said Parcel.

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

Section 3. The Land Use Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a Land Use Map designation of Low Density (LD) for Parcel as described in Exhibit "A":

Section 4. The 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 3 hereof.

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or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 6. 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 7. 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 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

EXHIBIT "A" PAGE 1 OF 3

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 $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$), 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 $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$), 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 $\frac{1}{4}$) OF SAID SECTION 12, NORTH $01^{\circ}14'48''$ 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 $\frac{1}{4}$) OF SECTION 12, SOUTH $89^{\circ}02'23''$ 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 $\frac{1}{4}$) OF SECTION 12, SOUTH $01^{\circ}14'48''$ 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 $\frac{1}{4}$) OF SECTION 12, NORTH $89^{\circ}02'23''$ WEST A DISTANCE OF 209.16 FEET TO AN INTERSECTION WITH SAID EAST LINE OF BEXLEY PARK; THENCE ALONG SAID EAST LINE, NORTH $01^{\circ}14'48''$ 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.

EXHIBIT "A" PAGE 2 OF 3

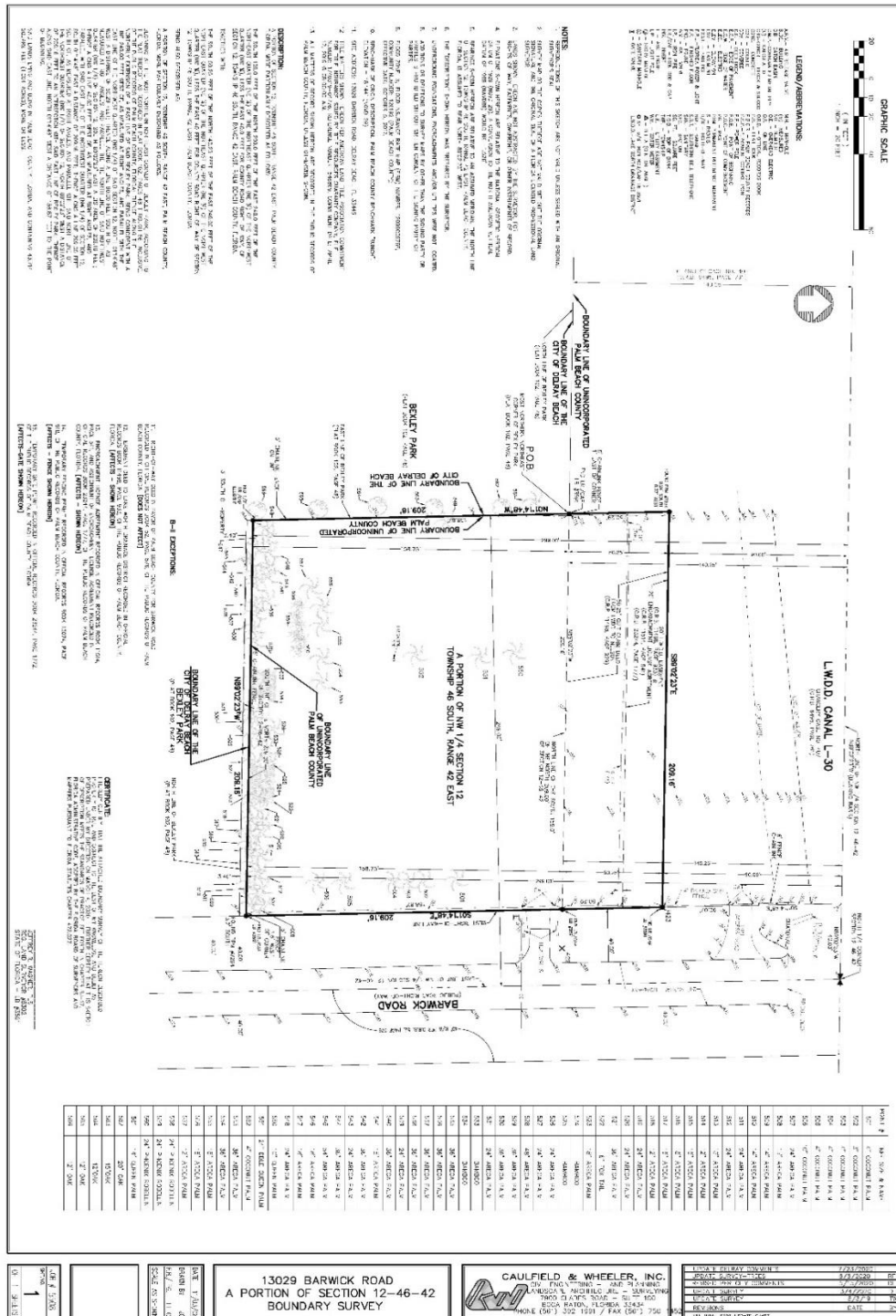


EXHIBIT "A" PAGE 1 OF 3

