

ORDINANCE NO. 14-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL, WITH A LIMITATION OF 8 DWELLING UNITS PER ACRE (RM-8) TO MEDIUM DENSITY RESIDENTIAL (RM), REMOVING THE DENSITY LIMIT FOR THE PROPERTY LOCATED AT 4652 133RD ROAD SOUTH, MEASUREING APPROXIMATELY 3.18± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “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. (FIRST READING)

WHEREAS, Ocean Ridge Rentals, LLC, is the fee simple owner of 4652 133rd Road South (“Subject Property”), measuring approximately 3.18± acres, which is located on the south side of 133rd Road South west of Barwick Road, as more particularly described in Exhibit “A”, Legal Description, and shown on Exhibit “B”, Proposed Zoning; and

WHEREAS, the Subject Property is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Medium Density Residential with a limitation of 8 dwelling units per acre (RM-8); and

WHEREAS, Ocean Ridge Rentals, LLC, requested a rezoning of the Subject Property from RM-8 to Medium Density Residential (RM), removing the density limit; 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 **May 17, 2021 and voted x to x** to recommend that the Subject Property hereinafter described be rezoned to Medium Density Residential (RM), finding that the request and approval thereof is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interest of the City; and

WHEREAS, the City Commission of the City of Delray Beach finds the designation of RM zoning is more appropriate for the Property and in the best interest of the City; 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 Medium Density Residential (RM) for the Subject Property described in Exhibit “A”, Legal Description, and shown on the map in Exhibit “B”, Proposed Zoning, attached

hereto and incorporated herein.

Section 3. The Zoning District 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.

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 immediately 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 _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

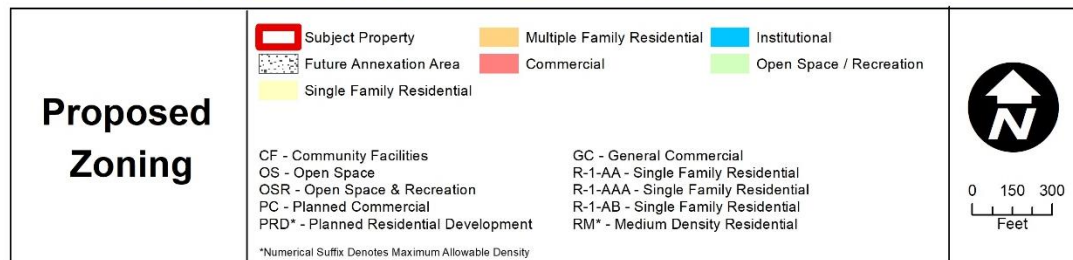
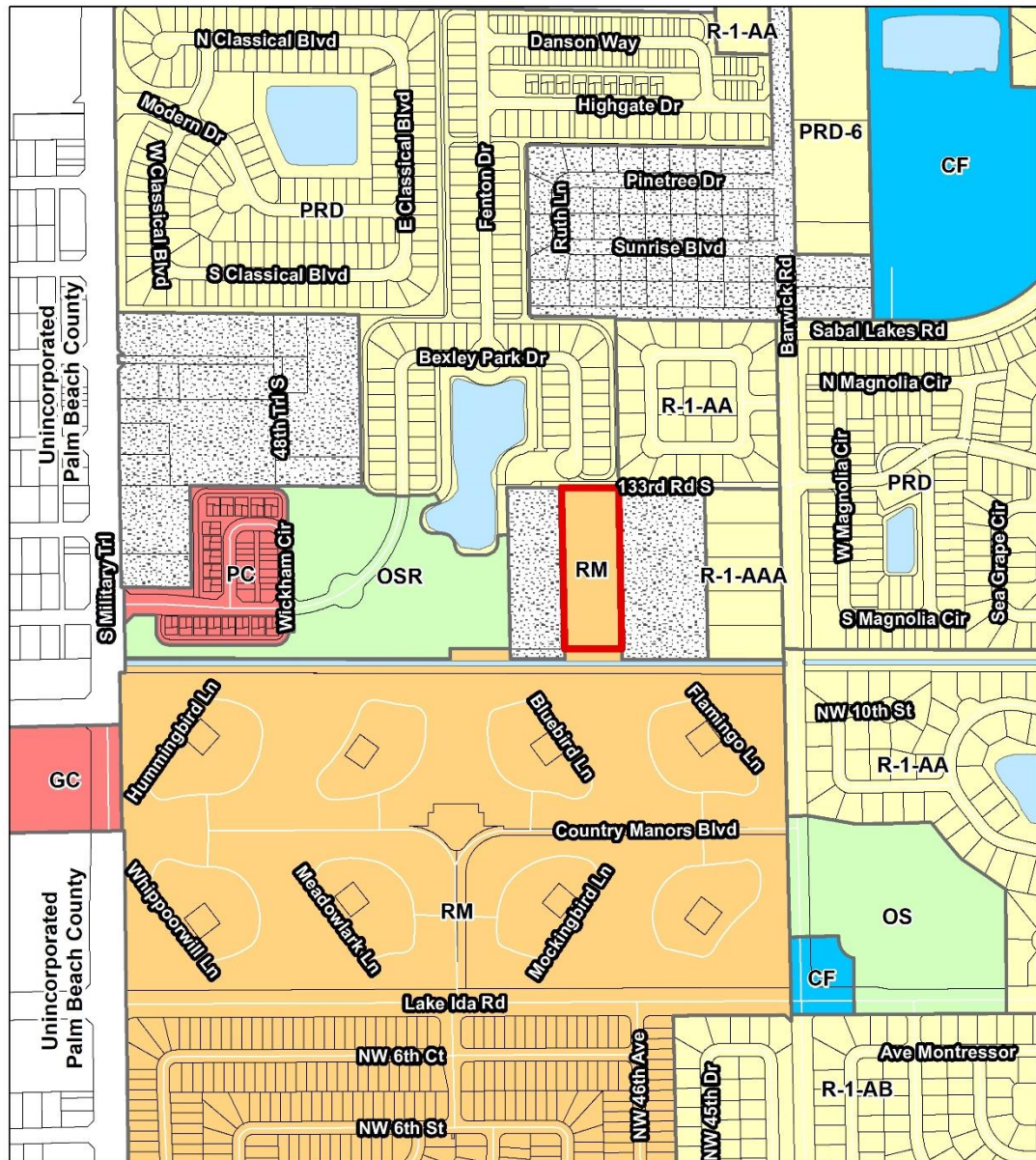
EXHIBIT "A"
LEGAL DESCRIPTION

The east 221.59 feet of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 12, Township 46 South, Range 42 East, Palm Beach County, Florida, LESS the South 40 feet thereof for Lake Worth Drainage District Right-of-Way.

Said land situates in Palm Beach County, Florida and contains 138,231 square feet (3.173 acres) more or less.

EXHIBIT "B"

PROPOSED ZONING



Date: 4/5/2021

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