



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** December 1, 2020

ORDINANCE NO. 37-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR BY ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR SIXTY-ONE PARCELS OF LAND, WHICH MEASURES APPROXIMATELY 9.94± ACRES, AND RE-DESIGNATING SAID LAND FROM LOW DENSITY (LD) TO GENERAL COMMERCIAL (GC), TRANSITIONAL (TRN), AND MEDIUM DENSITY (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF OLD DIXIE HIGHWAY AND SE 10<sup>TH</sup> STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PUBLIC HEARING/SECOND READING)

### **Recommended Action:**

Review and consider a request to approve Ordinance No. 37-20, a City-initiated amendment to the Land Use Map from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use to correct a scrivener's error.

### **Background:**

City staff recently identified a scrivener's error on the adopted Land Use Map for the properties entirely within the Silver Terrace Special Activities District (SAD), which is located southeast of the intersection of SE 10<sup>th</sup> Street and Old Dixie Highway. This requested correction is not associated with a development; however, the map error was discovered during a pre-application meeting with a property owner within the area who is interested in redeveloping their property. The Silver Terrace SAD has 61 parcels totaling 9.94± acres, currently designated erroneously on the adopted Land Use Map as Low Density (LD).

In June 2016, the adopted Land Use Map had the designations of General Commercial (GC), Medium Density (MD), and Transitional (TRN). No Land Use Map Amendments (LUMAs) have been proposed or adopted for the subject area since that time. In fact, the last amendment in the general area was the adoption of Comprehensive Plan Amendment 96-1B in June 1996. The scrivener's error has been confirmed to be a result of the conversion of map data from AutoCAD to Geographic Information Systems (GIS) in 2017. The June 2016 Land Use Map was the last map adopted with the correct designation of GC, MD, and TRN.

The implementing zoning district for these 61 parcels is the Silver Terrace SAD, which was adopted in 1996 by Ordinance No. 39-96 and revised by subsequent amendments described in and adopted

by Ordinance Nos. 54-02, 51-02, and 30-00. Both the Land Use Map amendment that established the GC, MD, and TRN land use, and the SAD zoning, were adopted in response to recommendations within the Silver Terrace Redevelopment Plan (1996). Residents and businesses in the area supported the existing mix of residential and commercial uses, but felt constrained from making improvements to their properties by their status as non-conforming in the adopted zoning districts at that time. The SAD allowed the area to maintain and redevelop consistent with the existing neighborhood character. Any change to the land use map, except for the proposed amendment, which corrects the map error, would be subject to full review and analysis and the adopted redevelopment plan.

Staff consulted with the Department of Economic Opportunity, the state regulating agency for comprehensive planning, and determined that an official update to the Land Use Map is the most appropriate course of action to correct the scrivener's error. The proposed LUMA will correct the adopted error and revert these 61 parcels to the correct designation as GC, MD, and TRN from LD, as described more particularly in Exhibit A of the adopting ordinance.

The Planning and Zoning Board voted 6-0 to recommend approval of the request at its meeting on August 17, 2020. The City Commission voted 5-0 to approve Ordinance No. 37-20 at first reading on October 6, 2020.

**City Attorney Review:**

Ordinance No. 37-20 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA

**Timing of Request:**

NA