

ORDINANCE NO. 20-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.63 ACRES LOCATED AT 214 NORTHEAST 22ND LANE, FROM NEIGHBORHOOD COMMERCIAL TO SINGLE FAMILY RESIDENTIAL, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Spiritual Warrior Delray, LLC, ("Owner") is the owner of the property located at 214 Northeast 22nd Lane with a Parcel Control Number of 12-43-46-04-00-000-7190 ("the Property"); and

WHEREAS, the Property, measuring approximately 0.63 acres, as more particularly described in Exhibit "A", Legal Description, is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as zoned Neighborhood Commercial (NC) District; and

WHEREAS, in 2017, the City converted its mapping technology from AutoCAD to Geographic Information Systems (GIS) mapping technology; and

WHEREAS, prior to converting to GIS, the Property was zoned Single Family Residential (R-1-AA); and

WHEREAS, the Property was zoned NC District in error during the data conversion; and

WHEREAS, the City prepared a zoning map amendment for the Property to correct the data conversion error, rezoning the Property as Single Family Residential (R-1-AA); and

WHEREAS, the proposed rezoning is consistent with the Land Use Map designation of Low Density (LD); and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on June 20, 2022, and voted 5 to 2 to recommend that the Property be rezoned to Single Family Residential (R-1-AA), 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 considered the rezoning request and has considered the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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, upon the effective date of this Ordinance, be, and the same is, hereby amended to reflect a zoning classification of Single Family Residential (R-1-AA) for the Property described in Exhibit "A", Legal Description, as shown on the map in Exhibit "B", Proposed Zoning, attached hereto and incorporated herein.

Section 3. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. 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 5. This Ordinance shall become effective 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 6th day of June, 2023.

ATTEST:

Katerri Johnson
Katerri Johnson, City Clerk

Shelly Petrolia
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney

First Reading 5/2/2023
Second Reading 6/6/2023



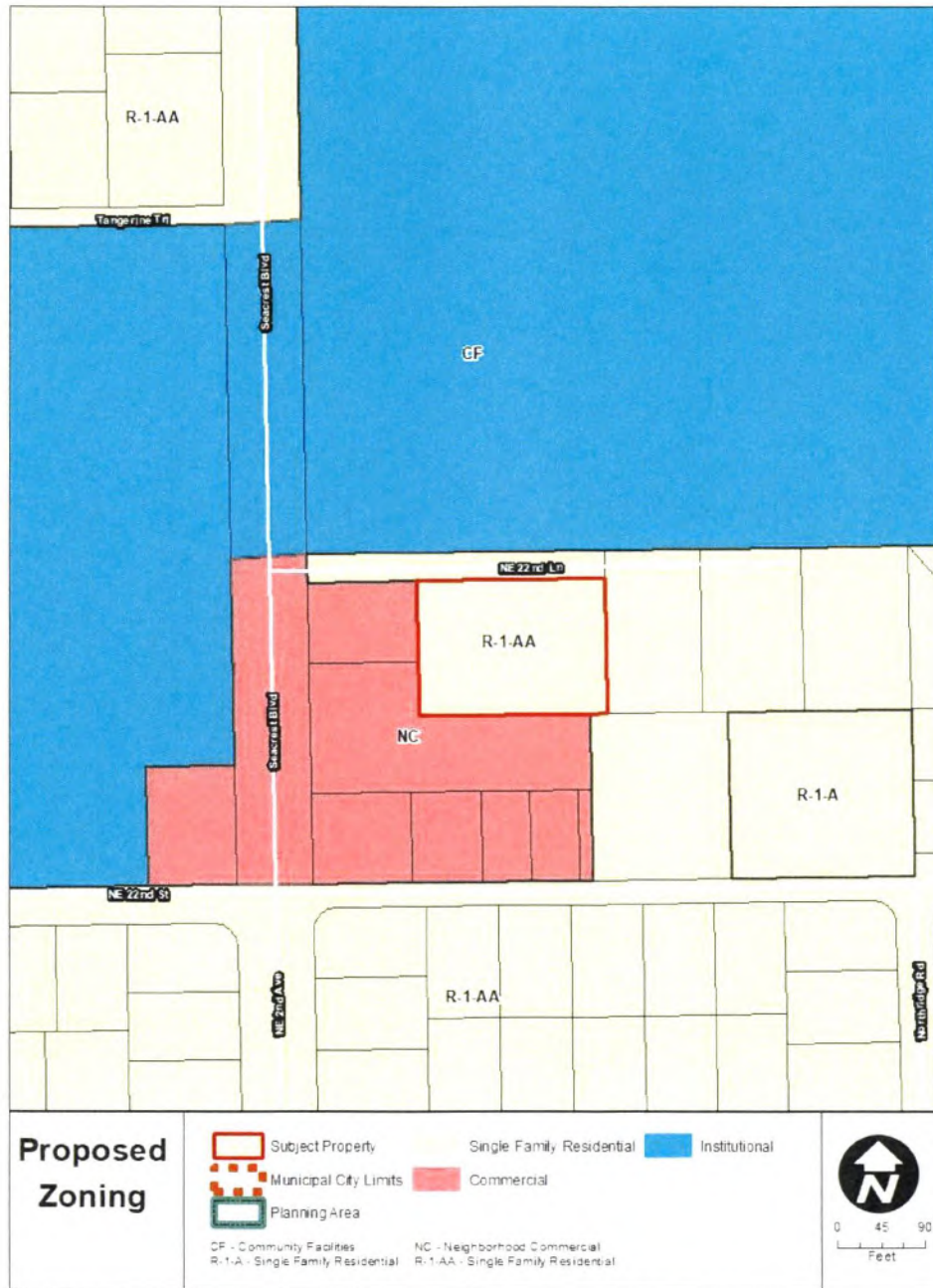
EXHIBIT "A"
LEGAL DESCRIPTION

214 NE 22nd Lane - PCN 12-43-46-04-00-000-7190

A parcel of land in Section 4, Township 46 South, Range 43 East, described as follows:

The East 195 feet of the West 350 feet of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4, Less the West 40 feet thereof and Less the North 30 feet reserved for road right-of-way, Section 4, Township 46 South, Range 43 East, Palm Beach County, Florida.

EXHIBIT "B" PROPOSED ZONING



Date: 5/5/2022

Location: Path 5: Planning & Zoning\CEMO GIS\GIS Projects\2022\GIS Map Requests\2022_Reformatting_Symbols\Map_Changes\01_Map\214_NE_22nd_Lane\proposed\proposed.kml