



# DEVELOPMENT SERVICES

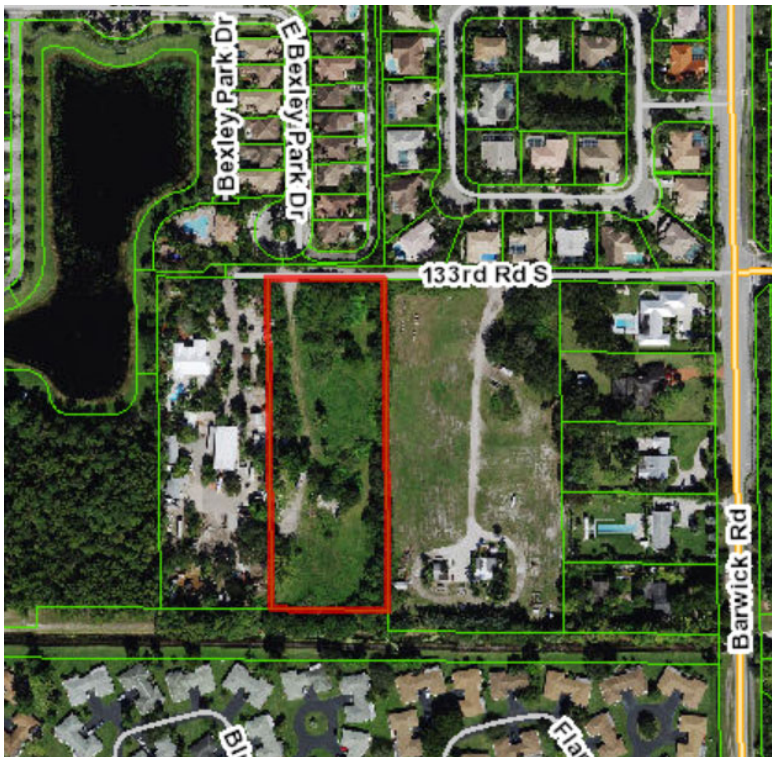
BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PUBLIC NOTICE

### RE: REZONING REQUEST FOR 4652 133<sup>RD</sup> ROAD SOUTH (DELRAY TOWNHOMES)

Pursuant to the Land Development Regulations of the City of Delray Beach, you are hereby notified that the **PLANNING AND ZONING BOARD**, acting as the Local Planning Agency, will conduct a **VIRTUAL PUBLIC HEARING** on **MONDAY, MAY 17, 2021 at 6:00 PM** to consider and make a recommendation to the City Commission on Ordinance No. 14-21, a privately initiated request to rezone 4652 133<sup>rd</sup> Road South.

*NOTE: This item was previously scheduled for the April 19, 2021 meeting of the Planning and Zoning Board but was postponed at the request of the applicant. Comments left for that meeting have been saved as part of the public record and will be played at the May 17, 2021 meeting. New comments may be provided, but they will be played in lieu of any previous comment by the same member of the public. No changes have been made to the development request.*



The property has an existing zoning designation of RM-8; the applicant is requesting that the 3.18-acre property be rezoned to RM, removing the limitation on density so that the property can be developed up to the maximum density of 12 du / acre allowed by the land use. The request would afford the applicant the ability to develop a maximum of 38 dwelling units on the property; the applicant has also submitted a Class V site plan application to develop a 35-unit, 2-story townhouse development with five 6-unit buildings, one 5-unit building, and a clubhouse (11 dwelling units per acre). If the rezoning is approved, the site plan request will be reviewed by the Site Plan Review and Appearance Board.

Additional information on the request can be found on the "Development Projects" page under the Development Services Department at [www.delraybeachfl.gov](http://www.delraybeachfl.gov). If you would like further information as to how the request may affect your property, please contact the Development Services

Department at City Hall, 100 NW 1<sup>st</sup> Avenue, Delray Beach, Florida 33444, at (561) 243-7040 or [pzmail@mydelraybeach.com](mailto:pzmail@mydelraybeach.com).

Pursuant to the Home Rule powers of the City (s. 2(b), Art. VIII of the Florida Constitution and Chapter 166, Florida Statutes), Chapter 252, Florida Statutes (Emergency Management), any and all other applicable statutes, the City Charter and Chapter 95 of the City's Code of Ordinances, PZB shall conduct business at and through virtual meetings utilizing Communications Media Technology (CMT) in accordance with the rules of procedures promulgated by the City, during the

COVID-19 public health emergency declared pursuant to Resolution No 70-20, as extended.” Members of the public wishing to view PZB meetings should log into the City’s website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public.

Members of the public wishing to participate may do so virtually by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing 561-243-7556 and leaving a voicemail message that will be played during the PZB meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Board has heard from both the applicant and the City, the PZB will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the board’s consideration.

All interested parties are invited to attend the virtual public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such record pursuant to F.S. 286.0105.

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 133<sup>RD</sup> 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 133<sup>rd</sup> Road South (“Subject Property”), measuring approximately 3.18± acres, which is located on the south side of 133<sup>rd</sup> 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**

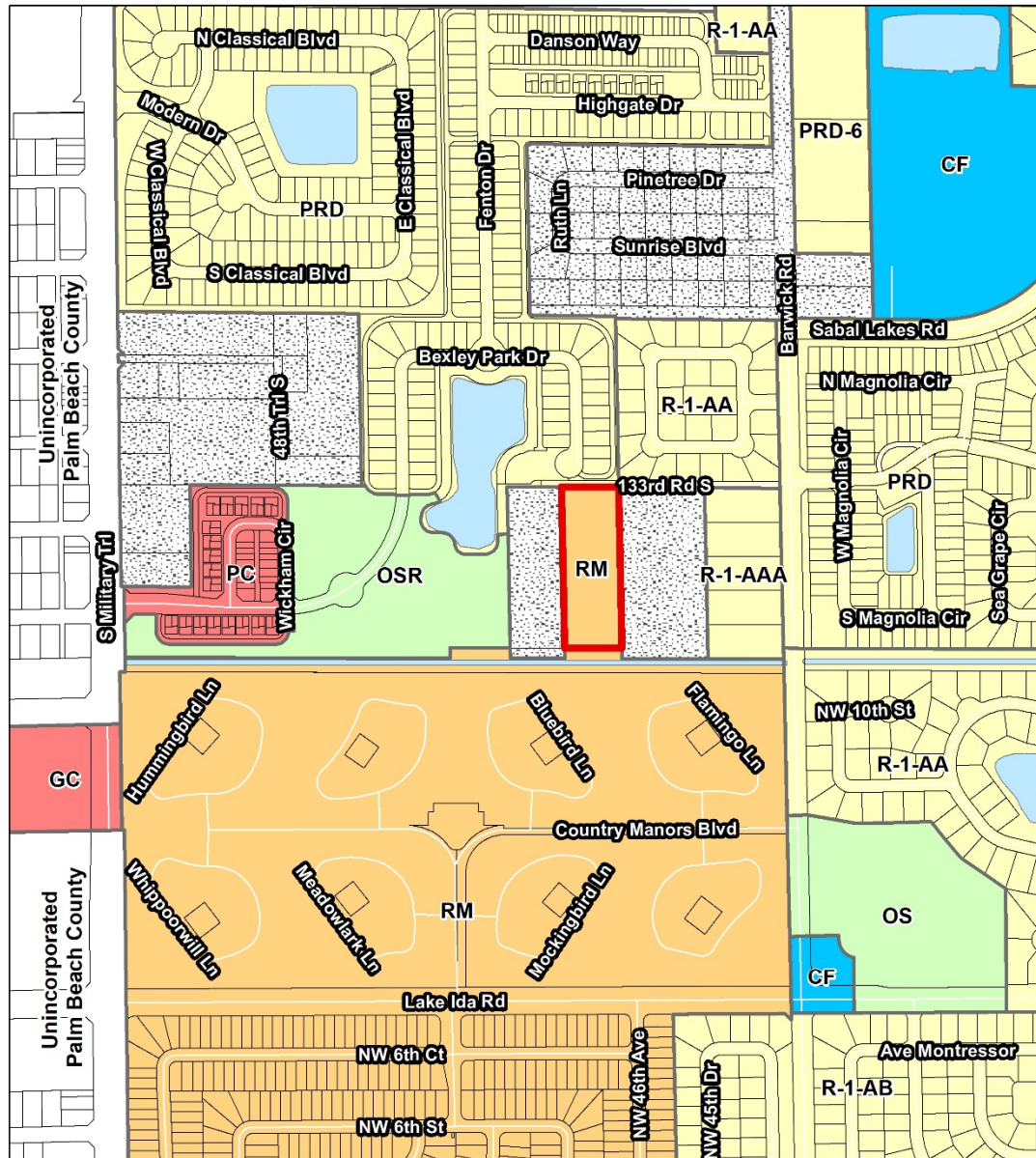
The east 221.59 feet of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 12, Township 46 South, Range 42 East, Palm Beach County, Florida, LESS the South 40 feet thereof for Lake Worth Drainage District Right-of-Way.

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



## EXHIBIT "B"

### PROPOSED ZONING



### Proposed Zoning

- Subject Property
- Future Annexation Area
- Single Family Residential

CF - Community Facilities  
 OS - Open Space  
 OSR - Open Space & Recreation  
 PC - Planned Commercial  
 PRD\* - Planned Residential Development

\*Numerical Suffix Denotes Maximum Allowable Density

- Multiple Family Residential
- Commercial
- Institutional
- Open Space / Recreation
- GC - General Commercial
- R-1-AA - Single Family Residential
- R-1-AAA - Single Family Residential
- R-1-AB - Single Family Residential
- RM\* - Medium Density Residential



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Feet

Date: 4/5/2021

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