

ORDINANCE NO. 01-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 4.27 ACRES LOCATED AT 975 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL TO MIXED INDUSTRIAL AND COMMERCIAL; 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, Nathan Properties, Inc. and Properties of Delray, Inc. (the “Owners”) are the owners of a parcel of land that measures approximately 4.27 acres, located at 975 South Congress Avenue (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Owners designated McKenna West, Coteleur & Hearing (the “Applicant”) to act as its agent; and

WHEREAS, the Property is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as being zoned Mixed Residential, Office, and Commercial; and

WHEREAS, the Applicant requested a rezoning of the Property to Mixed Industrial and Commercial, as depicted in Exhibit “B”; 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 February 24, 2025, and voted 6 to 0 to recommend that the zoning designation be changed for the Property hereinafter described, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; 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 City Commission of the City of Delray Beach finds that Ordinance No. 01-25 is consistent with the Comprehensive Plan, meets the Criteria set forth in the Land Development Regulations, and the designation of Mixed Industrial and Commercial is appropriate for the Property and in the best interest of the City.

Section 3. 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 Mixed Industrial and Commercial for the property described in Exhibit “A”, as shown on the map in Exhibit “B”, attached hereto and incorporated herein.

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 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 concurrent with the effective date of Ordinance No. 02-25, amending the Land Use Map for the Property. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

Section 8. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to McKenna West, Coteleur & Hearing, at 1934 Commerce Lane, Suite 1, Jupiter, FL 33458.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT "A"
LEGAL DESCRIPTION

LOT 1, OF ARCHER-LINPRO, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 64, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 185,833 SQUARE FEET OR 4.266 ACRES, MORE OR LESS.

EXHIBIT “B” PROPOSED ZONING

