

RESOLUTION NO. 93-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST TO UTILIZE THE CONTEMPORARY FUNCTIONALISM ARCHITECTURAL STYLE FOR THE PROJECT LOCATED AT 109 SE 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 109 5th, LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.89 acres located at 109 SE 5th Avenue (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Central Business District (“CBD”); and

WHEREAS, the adopted “Delray Beach Central Business District Architectural Design Guidelines,” as amended, identifies architectural styles as appropriate for downtown Delray Beach, based on historical precedent, climate, and building scale; and

WHEREAS, Owner designated Neil Schiller, Esq., to act as its agent regarding the Property; and

WHEREAS, the City of Delray Beach, Florida (“City”) received a Level 3 Site Plan Application (File No. 2024–104) from the Owner, seeking to construct a residential development using the Contemporary Functionalism architectural style (“Project”); and

WHEREAS, Contemporary Functionalism is not an approved architectural style identified in the “Delray Beach Central Business District Architectural Design Guidelines”; and

WHEREAS, Section 4.4.13(F)(3)(c) of the City Land Development Regulation (“LDR”) states that, for properties zoned CBD, elevations introducing a new architectural style may be utilized with City Commission approval, after recommendation by Site Plan Review and Appearance Board or Historic Preservation Board, as applicable; and

WHEREAS, LDR Section 4.4.13(F)(3)(c) requires the approving body to make a finding that:

1. The proposed style is a documented and substantiated Florida vernacular architecture;
2. The proposed style is appropriate for downtown Delray Beach; and
3. The proposed graphics demonstrate the building design follows the proposed style; and

WHEREAS, on April 21, 2025, the Planning and Zoning Board for the City voted 4 to 2 to recommend approval to the City Commission; and

WHEREAS, on June 3, 2025, the City Commission considered the request to use Contemporary Functionalism architectural style as well as the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission makes positive findings that the proposed Contemporary Functionalism architectural style is a documented and substantiated Florida vernacular architecture, is appropriate for downtown Delray Beach, and the proposed graphics demonstrate the building design follows the proposed style.

Section 3. The City Commission approves the use of the Contemporary Functionalism architectural style for the Project.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Neil M. Schiller, Esq., 137 NW 1st Avenue, Delray Beach, Florida 33444.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit “A”

LOT 1 OF FIDELITY FEDERAL BANK – EAST DELRAY, according to the Plat thereof, as recorded in Plat Book 92, Page 40, of the Public Records of Palm Beach County, Florida.