

ORDINANCE NO. 09-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN", IN SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," OF THE LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the properties hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Single Family Residential (R-1-A); and

WHEREAS, the Delray Beach Community Redevelopment Agency (CRA), is the fee simple owner of 26 NW 6<sup>th</sup> Avenue, 34 NW 6<sup>th</sup> Avenue, 27 NW 7<sup>th</sup> Avenue, and 31 NW 7<sup>th</sup> Avenue, which measure approximately 0.599 acres± and is located north of West Atlantic Avenue and between NW 6<sup>th</sup> Avenue and NW 7<sup>th</sup> Avenue; and

WHEREAS, EDRON, LLC, is the fee simple owner of 32 NW 6<sup>th</sup> Avenue, which measures approximately 0.153 acres ± and is located north of West Atlantic Avenue and between NW 6<sup>th</sup> Avenue and NW 7<sup>th</sup> Avenue; and

WHEREAS, EDRON, LLC, designated the CRA as its agent for the rezoning to re-designate the parcel at 32 NW 6<sup>th</sup> Avenue from Single Family Residential (R-1-A) to Central Business District (CBD); and

WHEREAS, a Comprehensive Plan designation of Commercial Core was simultaneously requested for said parcels, and approved by the City of Delray Beach on \_\_\_\_\_; 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 January 27, 2020, and voted 6 to 1 to recommend that the property hereinafter described be rezoned to City of Delray Beach

Central Business District (CBD), 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, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, is amended to reflect the revised zoning classification; and

WHEREAS, it is appropriate that the West Atlantic Neighborhood Sub-district and Regulating Plan maps in Section 4.4.13 of the Land Development Regulations are amended to be consistent with 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 Central Business (CBD) District for the described properties in Exhibit "A", Legal Descriptions, and identified in Exhibit "B", Proposed Zoning Map, attached hereto and incorporated herein.

Section 3. That the West Atlantic Neighborhood Sub-district Regulating Plan, as shown in Figure 4.4.13-6, in Section 4.4.13 Central Business (CBD) District of the Land Development Regulations shall, upon the effective date of this ordinance, be amended, as shown in "Exhibit C", to conform with the provisions of Section 2 hereof.

Section 4. That 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 only after the effective date of Ordinance No. 41-19, and upon approval at second reading. No development orders, 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 \_\_\_\_\_, 2020.

ATTEST:

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Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

EXHIBIT A  
LEGAL DESCRIPTIONS

26 NORTHWEST 6<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0170)

Lot 17, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

32 NORTHWEST 6<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0180)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

34 NORTHWEST 6<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0190)

Lot 19, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

27 NORTHWEST 7<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0250)

Lot 25, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

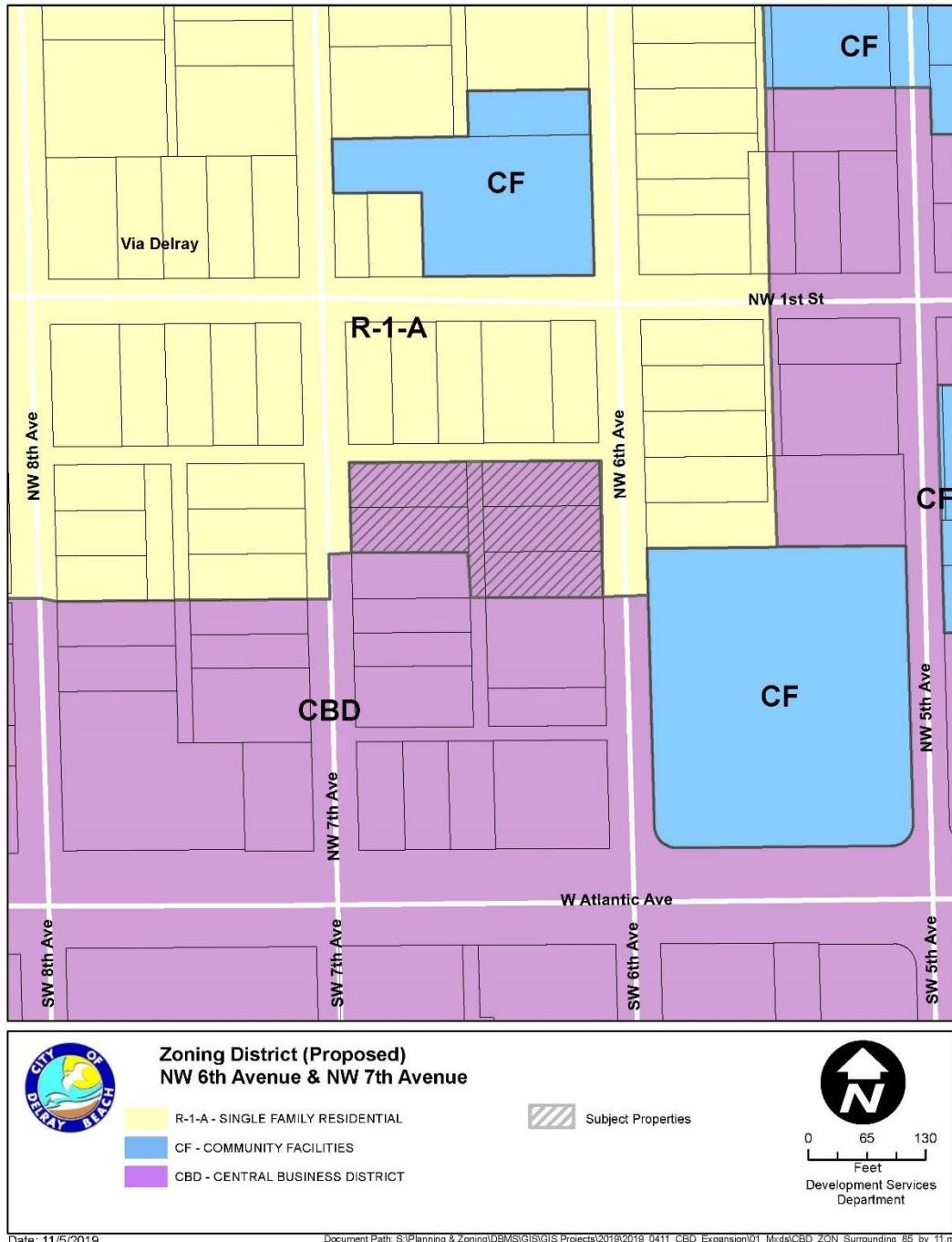
TOGETHER WITH

31 NORTHWEST 7<sup>TH</sup> AVENUE (PCN 12-43-46-17-01-012-0240)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.752 acres, more or less.

EXHIBIT B  
PROPOSED ZONING MAP



## EXHIBIT C

Figure 4.4.13-6 West Atlantic Neighborhood Sub-district Regulating Plan



### Legend

- CBD ZONING
- WEST ATLANTIC NEIGHBORHOOD COMMERCIAL AREA
- WEST ATLANTIC NEIGHBORHOOD
- WEST ATLANTIC LIMITED HEIGHT AREA
- ××× OSSHD ZONING WITH CBD OVERLAY
- REQUIRED RETAIL FRONTAGE
- PRIMARY STREETS
- PUBLIC PARKING GARAGE