

ORDINANCE NO. 05-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING PARCELS OF LAND MEASURING APPROXIMATELY 7.6 ACRES LOCATED AT 2855, 2875, AND 2905 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM CONGRESS AVENUE MIXED USE TO COMMERCE PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach ("City") exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act"; and

WHEREAS, in passing Ordinance No. 19-19, the City Commission adopted the Always Delray Comprehensive Plan, including the City Land Use Map; and

WHEREAS, Delray Corporate Center, LLC (the "Owner") is the owner of three parcels of land measuring approximately 7.6 acres, located at 2855, 2875, and 2905 South Congress Avenue ("Property"), as more particularly described in Exhibit "A"; and

WHEREAS, the Owner designated Damian Brink of Miskel Backman, LLP ("Applicant") to act as its agent; and

WHEREAS, the Property has a Land Use Map Designation of Congress Avenue Mixed Use; and

WHEREAS, Applicant requested a small-scale Land Use Map Amendment redesignating the Property to Commerce, 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 December 15, 2025 and voted 7 to 0 to recommend that the Land Use Map 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 held all duly required public hearings prior to submission of the proposed amendment of the plan to the State Land Planning Agency of the Florida Department of Economic Opportunity (DEO), in accordance with Chapter 163.3184, Florida Statutes, for a small-scale comprehensive plan amendment; and

WHEREAS, the City Commission considered the Land Use Map Amendment 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. 05-26 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.

Section 3. The City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the “Community Planning Act.”

Section 4. The Land Use Map of the City of Delray Beach, Florida, be, and the same is hereby, amended to reflect a Land Use Map designation of Commerce (CMR) for the Property described in Exhibit “A”, as depicted in Exhibit “B”, attached hereto and incorporated herein.

Section 5. The Land Use 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 4 hereof.

Section 6. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 7. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 8. This Ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan Amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

Section 9. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to Damian Brink, Miskel Backman, LLP, at 14 SE 4<sup>th</sup> Street, Ste. 36, Boca Raton, FL 33432.

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

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

PARCEL A (FEE SIMPLE INTEREST)

ALL OF THE PLAT OF PALM COAST INDUSTRIAL PARK, PLAT BOOK 46, PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALL OF THE PLAT OF CORPORATE TECH CENTER, PLAT BOOK 47, PAGE 152, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LOT 1, OF CORPORATE TECH CENTER PLAT NO. 2, PLAT BOOK 54, PAGE 177, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE NORTH 66.5 FEET OF THE SOUTH 1406.7 FEET OF THE SOUTHEAST 1/4 LYING BETWEEN THE S.A.L. RAILROAD RIGHT OF WAY AND CONGRESS AVENUE, ALL LYING IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THREE PARCELS OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, SAID PARCELS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

GAP PARCEL NO. 1:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30 (CORNER LOCATION AND SOUTH LINE OF THE SOUTHEAST QUARTER AS DETERMINED BY THE PALM BEACH COUNTY ENGINEERING DEPARTMENT); THENCE N 89°55'00" W (THE BEARINGS RECITED HEREIN ARE RELATIVE TO THE BEARING N 00°18'55" W AS SHOWN ON THE PLAT OF PALM COAST INDUSTRIAL PARK, PLAT BOOK 46, ON PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR THE WEST RIGHT OF WAY LINE OF THE CSX RAILROAD PREVIOUSLY KNOWN AS THE SEABOARD COASTLINE RAILROAD), ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 30, A DISTANCE OF 703.40 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF THE CSX RAILROAD AS LAID OUT AND IN USE; THENCE N 00°18'55" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1342.92 FEET TO THE INTERSECTION WITH THE MONUMENTED NORTH LINE OF THE PLAT OF CORPORATE TECH CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, ON PAGE 152, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 89°11'30" W, ALONG SAID MONUMENTED NORTH LINE OF CORPORATE TECH CENTER, ACCORDING TO A SURVEY ON FILE IN THE OFFICES OF PARAMOUNT ENGINEERING GROUP, INC. UNDER JOB NO. 2928 DATED AUGUST 7, 2003, A DISTANCE OF 176.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°11'30" W, ALONG SAID MONUMENTED NORTH LINE, A DISTANCE OF 218.76 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE AS DESCRIBED BY SAID PLAT OF CORPORATE TECH CENTER; THENCE N 00°18'55" W,

ALONG SAID EAST RIGHT OF WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 3.34 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 66.5 FEET OF THE SOUTH 1406.7 FEET OF THE SAID SOUTHEAST QUARTER OF SECTION 30; THENCE S 89°56'00" E, ALONG SAID SOUTH LINE, A DISTANCE OF 218.76 FEET TO THE POINT OF BEGINNING.

GAP PARCEL NO. 2:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30 (CORNER LOCATION AND SOUTH LINE OF SOUTHEAST QUARTER AS DETERMINED BY THE PALM BEACH COUNTY ENGINEERING DEPARTMENT); THENCE N 89°55'00" W (THE BEARINGS RECITED HEREIN ARE RELATIVE TO THE BEARING N 00°18'55" W AS SHOWN ON THE PLAT OF PALM COAST INDUSTRIAL PARK, PLAT BOOK 46, ON PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR THE WEST RIGHT OF WAY LINE OF THE CSX RAILROAD PREVIOUSLY KNOWN AS THE SEABOARD COASTLINE RAILROAD), ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 30, A DISTANCE OF 703.40 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF CSX RAILROAD AS LAID OUT AND IN USE; THENCE N 00°18'55" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1406.73 FEET TO THE POINT OF BEGINNING AND INTERSECTION WITH THE NORTH LINE OF THE NORTH 66.5 FEET OF THE SOUTH 1406.7 FEET OF THE SAID SOUTHEAST QUARTER OF SECTION 30; THENCE N 89°56'00" W, ALONG SAID NORTH LINE, A DISTANCE OF 6.04 FEET TO INTERSECTION WITH THE MONUMENTED SOUTH LINE OF THE PLAT OF PALM COAST INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, ON PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N 89°11'30" E, ALONG SAID MONUMENTED SOUTH LINE OF PALM COAST INDUSTRIAL PARK, ACCORDING TO A SURVEY ON FILE IN THE OFFICES OF PARAMOUNT ENGINEERING GROUP, INC. UNDER JOB NO. 2928 DATED AUGUST 7, 2003, A DISTANCE OF 6.04 FEET TO THE INTERSECTION WITH THE SAID WEST RIGHT OF WAY LINE OF THE CSX RAILROAD; THENCE S 00°18'55" E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 0.09 FEET TO THE POINT OF BEGINNING.

GAP PARCEL NO. 3:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30 (CORNER LOCATION AND SOUTH LINE OF THE SOUTHEAST QUARTER AS DETERMINED BY THE PALM BEACH COUNTY ENGINEERING DEPARTMENT); THENCE N 89°55'00" W (THE BEARINGS RECITED HEREIN ARE RELATIVE TO THE HEARING N 00°18'55" W AS SHOWN ON THE PLAT OF PALM COAST INDUSTRIAL PARK, PLAT BOOK 46, ON PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR THE WEST RIGHT OF WAY LINE OF THE CSX RAILROAD PREVIOUSLY KNOWN AS THE SEABOARD COASTLINE RAILROAD) ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 30, A DISTANCE OF 703.40 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF THE CSX RAILROAD AS LAID OUT AND IN USE; THENCE N 00°18'55" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1517.15 FEET TO THE POINT OF BEGINNING AND INTERSECTION WITH THE MONUMENTED NORTH LINE OF THE PLAT OF PALM COAST INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, ON PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: THENCE S 89°11'30" W, ALONG SAID MONUMENTED NORTH LINE OF PALM

COAST INDUSTRIAL PARK, ACCORDING TO A SURVEY ON FILE IN THE OFFICES OF PARAMOUNT ENGINEERING GROUP, INC. UNDER JOB NO. 2928 DATED AUGUST 7, 2003, A DISTANCE OF 395.01 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF CONGRESS AVENUE AS DESCRIBED BY SAID PLAT OF PALM COAST INDUSTRIAL PARK; THENCE N 00°18'55" W, ALONG SAID EAST RIGHT OF WAY LINE OF CONGRESS AVENUE A DISTANCE OF 2.73 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID PALM COAST INDUSTRIAL PARK ACCORDING TO THE DESCRIPTION OF SAID PLAT; THENCE N 89°12'30" E, ALONG SAID DESCRIBED NORTH LINE OF PALM COAST INDUSTRIAL PARK, A DISTANCE OF 395.01 FEET TO THE INTERSECTION WITH THE SAID WEST RIGHT OF WAY LINE OF THE CSX RAILROAD; THENCE S 00°18'55" E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 2.62 FEET TO THE POINT OF BEGINNING.

AND TOGETHER WITH:

PARCEL B (EASEMENT INTEREST)

THE NON-EXCLUSIVE EASEMENTS, INCLUDING BUT NOT LIMITED TO, ROADWAY ACCESS, UNRESTRICTED VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS, FOR THE BENEFIT OF PARCEL A ABOVE, AS CREATED AND SET FORTH IN THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANT AND EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 6697, PAGE 1951, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND BEING THE SAME PROPERTY DESCRIBED AS:

LOT 1, CORPORATE TECH CENTER PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 54, PAGE 177, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND ALL OF THE PLAT OF PALM COAST INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND ALSO ALL OF THE PLAT OF CORPORATE TECH CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 152, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND ALSO A PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, ALL OF SAID LANDS MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, OF CORPORATE TECH CENTER PLAT NO. 2; THENCE SOUTH 89°12'30" WEST, ON THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 395.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE; THENCE NORTH 00°18'55" WEST, ON THE WEST LINE OF SAID LOT 1 AND NORTHERLY EXTENSION THEREOF AND ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 837.79 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF PALM COAST INDUSTRIAL PARK; THENCE NORTH 89°12'30" EAST, ON THE NORTH LINE OF SAID PALM COAST INDUSTRIAL PARK, A DISTANCE OF 395.01 FEET TO THE NORTHEAST CORNER OF SAID PALM COAST INDUSTRIAL PARK BEING A POINT ON THE WEST RIGHT-OF-WAY LINE

OF THE CSX RAILROAD PREVIOUSLY KNOWN AS THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 00°18'55" EAST, ON THE EAST LINE OF SAID PALM COAST INDUSTRIAL PARK AND SOUTHERLY EXTENSION THEREOF AND ON SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 837.79 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

AND TOGETHER WITH:

PARCEL B (EASEMENT INTEREST):

THE NON-EXCLUSIVE EASEMENTS, INCLUDING BUT NOT LIMITED TO, ROADWAY ACCESS, UNRESTRICTED VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS, FOR THE BENEFIT OF PARCEL A ABOVE, AS CREATED AND SET FORTH IN THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANT AND EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 6697, PAGE 1951, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL ID NOS.: 12-43-46-30-20-001-0000, 12-43-46-30-21-001-0000, AND 12-43-46-30-28-000-0010.

**EXHIBIT "B"**  
**PROPOSED LAND USE**

