

ORDINANCE NO. 13-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 0.79 ACRES LOCATED AT 1660 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PROFESSIONAL AND OFFICE DISTRICT TO GENERAL COMMERCIAL DISTRICT; 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, Heidi Deux Properties, Inc. (“Owner”), is the owner of a parcel of land that measures approximately 0.79 acres, located at 1660 South Congress Avenue (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Owners designated Neil Schiller, Esq., Government Law Group (the “Applicant”), to act as its agent; and

WHEREAS, the Property is zoned Professional and Office District (“POD”) according to the City of Delray Beach Zoning Map, dated July 6, 2021; and

WHEREAS, the Applicant requested a rezoning of the Property from POD to General Commercial District, as depicted in Exhibit “B”; and

WHEREAS, Section 2.4.5(B)(6) of the Land Development Regulations of the City of Delray Beach requires the City Commission to make a finding that the rezoning is in furtherance of the public health, safety, and welfare and that it fulfills one of the following three reasons:

- (a) The zoning had previously been changed, or was originally established, in error;
- (b) There has been a change in circumstance which makes the current zoning inappropriate; or
- (c) The requested zoning is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood; 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 March 17, 2025, and voted 6 to 1 to recommend to the City Commission 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 there has been a change in circumstances which makes the current zoning inappropriate and is in furtherance of the public health, safety, and welfare.

Section 3. The City Commission of the City of Delray Beach finds that Ordinance No. 13-25 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 4. 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 General Commercial for the property described in Exhibit "A", as shown on the map in Exhibit "B", attached hereto and incorporated herein.

Section 5. 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before this Ordinance has become effective.

Section 8. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to Neil Schiller, Esq., Government Law Group, at 137 NW 1st Avenue, Delray Beach, Florida 33444.

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

A PARCEL OF LAND LYING IN THE SOUTH HALF (SOUTH ½) OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE 53.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 19, SAID PARALLEL LINE BEING THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 12TH STREET, AND A LINE 485.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILWAY, SAID PARALLEL BEING THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 20TH AVENUE (CONGRESS AVENUE); THENCE SOUTH 89°59'03" WEST ON A ASSUMED BEARING, ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 12TH STREET AND PARALLEL WITH THE SAID SOUTH LINE OF SECTION 19, A DISTANCE OF 200 FEET TO A POINT; THENCE NORTH 00°12'10" WEST, PARALLEL WITH THE SAID WEST RIGHT-OF-WAY LINE OF SOUTHWEST 20TH AVENUE (CONGRESS AVENUE), A DISTANCE OF 200 FEET TO A POINT; THENCE NORTH 89°59'03" EAST, PARALLEL WITH SAID SOUTH LINE OF SECTION 19, A DISTANCE OF 200 FEET TO A POINT IN THE SAID WEST, RIGHT-OF-WAY LINE OF SOUTHWEST 20TH AVENUE (CONGRESS AVENUE); THENCE SOUTH 00°12'10" EAST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

ALSO KNOWN AS:

ALL OF THE PLAT OF BRANCH BANK OF LANTANA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 188, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT FROM ALL THE ABOVE:

THAT CERTAIN PORTION AS DESCRIBED IN THE AGREED ORDER OF TAKING BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED OCTOBER 1, 2018, IN OFFICIAL RECORDS BOOK 30154, PAGE 1659, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 34,622 SQUARE FEET (0.7948 ACRES) MORE OR LESS.

**EXHIBIT “B”
PROPOSED ZONING**

