

ORDINANCE NO. 26-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, CODE OF ORDINANCES, BY AMENDING CHAPTER 4, “ZONING REGULATIONS”, ARTICLE 4.5 “OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS”, SECTION 4.5.1, “HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS”, SUBSECTION (I), “LOCAL REGISTER OF HISTORIC PLACES”, BY ADDING A NEW PARAGRAPH 46 TO ADD A NEW HISTORIC DISTRICT GENERALLY LOCATED ALONG ATLANTIC AVENUE BETWEEN SWINTON AVENUE AND THE INTRACOASTAL WATERWAY, AS MORE PARTICULARLY DESCRIBED HEREIN, TO THE LOCAL REGISTER OF HISTORIC PLACES DESIGNATED AS THE ATLANTIC AVENUE HISTORIC DISTRICT; AMENDING THE “ZONING MAP OF DELRAY BEACH, FLORIDA (JULY 6, 2021)” TO REFLECT THE HISTORIC DESIGNATION IN AN OVERLAY MANNER; PROVIDING FOR A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 4.5.1 of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach (“LDR”) provides for the designation and protection of historic sites and districts; and

WHEREAS, the City retained Richard J. Heisenbottle Architects, Inc. to survey the Atlantic Avenue corridor for potential historic significance and integrity; and

WHEREAS, the Atlantic Avenue Historic Resources Survey, by Richard J. Heisenbottle Architects Inc., which is attached hereto as Exhibit “A”, recommends that a new historic district be created, which is generally located along East Atlantic Avenue between Swinton Avenue and the Intracoastal Waterway; and

WHEREAS, on July 19, 2022, the City Commission reviewed the Atlantic Avenue Historic Resources Survey and nominated the Atlantic Avenue Historic District for placement on the Local Register of Historic Places; and

WHEREAS, on April 19, 2023, the Historic Preservation Board reviewed the Atlantic Avenue Historic Resources Survey, and there was board consensus to set the date of June 7, 2023 for the public hearing for consideration of a recommendation to the City Commission for designation of the Atlantic Avenue Historic District (File No. 2021-278); and

WHEREAS, the Atlantic Avenue Historic Resources Survey identifies properties located within the proposed Atlantic Avenue Historic District with local historic significance for architectural and cultural importance; and

WHEREAS, on XX XX, 2023, the Historic Preservation Board of the City of Delray Beach held a duly noticed Public Hearing to consider the designation of the Atlantic Avenue Historic District, as more particularly described in the legal description, map, and table attached hereto as Composite Exhibit “B”; and

WHEREAS, on XX XX, 2023, the Historic Preservation Board of the City of Delray Beach recommended \_\_ to \_\_ that the property described herein be designated as a local historic district; and

WHEREAS, on XX XX, 2023, the City Commission of the City of Delray Beach conducted a duly noticed Public Hearing considering the historic designation of the Atlantic Avenue Historic District and 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 this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the LDR, and has been adopted pursuant to all procedures set forth in the Florida Statutes.

Section 3. LDR Section 4.5.1, “Historic Preservation: Designated Districts, Sites, and Buildings,” Subsection 4.5.1(I), “Local Register of Historic Places”, shall be amended to add a new Paragraph (46) to read as follows:

(1) – (45) (These paragraphs shall remain in full force and effect as previously adopted]

(46) Atlantic Avenue Historic District, more particularly described as:

BEGIN at the northeast corner of Veterans Park, said point being at the intersection of the south right-of-way of NE 1st Street and the west right-of-way of the Intracoastal Waterway; thence southwesterly along the west right-of-way of the Intracoastal Waterway to the south line of said lands described in Special Warranty Deed recorded in Official Records Book 8696, Page 1629 of the Public Records of Palm Beach County, Florida; thence along said south line and its westerly extension to the centerline of Palm Square; thence northerly along the centerline of Palm Square to the easterly extension of the south line of said lands described in Official Records Book 8709, Page 718 of the Public Records of Palm Beach County, Florida; thence westerly, along said south line and its easterly extension to the most easterly line of said lands described in Official Records Book 9809, Page 1034 of the Public Records of Palm Beach County, Florida; thence southerly along said east line to the south line of said lands described in Official Records Book 9809, Page 1034 of the Public Records of Palm Beach County, Florida; thence westerly, along said south line and its westerly extension to the centerline of SE 7th Avenue; thence southerly along the centerline of

SE 7th Avenue to the easterly extension of the south line of Lot 18, Block 117, Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; thence westerly along said south line of Lot 18, Block 117, its easterly extension and its westerly extension to the centerline of that north to south alley lying in said Block 117; thence northerly along the centerline of said north to south alley to the centerline of that east to west alley lying in said Block 117; thence westerly along the centerline of that east to west alley lying in Block 109 of said Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida to the centerline of that north to south alley lying in said Block 109; thence southerly along the centerline of that north to south alley to the centerline of the most southerly east to west alley lying in said Block 109; thence westerly along the centerline of said most southerly east to west alley lying in Block 109 and the centerline of those east to west alleys lying in Blocks 93 and 101, Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida to the centerline of SE 3rd Avenue; thence southerly along the centerline of SE 3rd Avenue to a line 199 feet south of the north line of Block 85, of said Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; thence westerly along said line lying 199 feet south of the north line of said Block 85 to the east right-of-way of the Florida East Coast Railway; thence northeasterly along the east right-of-way of the Florida East Coast Railway to the south right-of-way of Atlantic Avenue (State Road 806); thence westerly along said south right-of-way to the west right-of-way of the Florida East Coast Railway; thence southwesterly along said west right-of-way to the south line of AVENUE EAST RETAIL, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 20189, Page 1396, of the Public Records of Palm Beach County, Florida; thence westerly along said south line and along the west line of said AVENUE EAST RETAIL, a Condominium to the intersection of a line 79.3 feet north of the south line of Lot 1, Block 85, Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; thence westerly along said line being 79.3 feet north of the south line of Lot 1, Block 85 to the east right-of-way of SE 2nd Avenue; thence southerly along said east right-of-way of SE 2nd Avenue to the easterly extension of the north line of WORTHING PLACE BLOCK 77 REPLAT, according to the Plat thereof as recorded in Plat Book 113, Pages 65 and 66 of the Public Records of Palm Beach County, Florida; thence westerly along the north line of said WORTHING PLACE BLOCK 77

REPLAT and its easterly extension to the east line of Lot 3, Block 77, Map of the Town of Linton, Florida (now Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; thence southerly along said east line of Lot 3, Block 77 and its southerly extension to the centerline of that east to west alley lying in said Block 77, Map of the Town of Linton, Florida (now Delray Beach); thence westerly along the centerline of said alley and along the centerline of that east to west alley lying in the Subdivision of Block 69, Town of Delray, according to the Plat thereof as recorded in Plat Book 2, Page 43 of the Public Records of Palm Beach County, Florida to the east right-of-way of Swinton Avenue; thence northerly along said east right-of-way to the south right-of-way of NE 1st Street; thence easterly along the south right-of-way of NE 1st Street to the west right-of-way of NE 1st Avenue; thence southerly along the west right-of-way of NE 1st Avenue to the westerly extension of the centerline of that east to west alley lying in Block 76, Map of the Town of Linton (now known as Delray Beach), according to the Plat thereof as recorded in Plat Book 1, Page 3, Public Records of Palm Beach County, Florida; thence easterly along said centerline and its westerly extension and along the centerline of that east to west alley lying in Block 84 of said Map of the Town of Linton (now known as Delray Beach) to the west right-of-way of the Florida East Coast Railway; thence southwesterly along said right-of-way to the north right-of-way of Atlantic Avenue; thence easterly along the north right-of-way of Atlantic Avenue to the centerline of Railroad Street as shown on DELRAY RESUBDIVISION OF BLOCKS 91 AND 92, AND WEST 1/2 OF BLOCK 99, TOWN OF LINTON, according to the Plat thereof as recorded in Plat Book 2, Page 21 of the Public Records of Palm Beach County, Florida; thence northeasterly along the centerline of said Railroad Street to the centerline of that east to west alley lying in Block 92 of said DELRAY RESUBDIVISION OF BLOCKS 91 AND 92, AND WEST 1/2 OF BLOCK 99, TOWN OF LINTON; thence easterly along the centerline of said east to west alley and along the centerline of that east to west alley lying in Block 100, Map of Subdivision of Block 100 Town of Delray, according to the Plat thereof as recorded in Plat Book 1, Page 65 of the Public Records of Palm Beach County, Florida to the centerline of that north to south alley in said Block 100; thence northerly along said centerline to the westerly extension of the north line of Lot 8 of said Block 100; thence easterly along said north line of Lot 8, Block 100, its westerly extension and its easterly extension to the centerline of NE 5th Avenue; thence northerly along the centerline of NE 5th Avenue to the westerly extension of the south line of TOWN SQUARE, according to the Plat thereof as recorded in Plat Book 89, Pages 40 and 41 of the Public Records of Palm Beach County, Florida; thence easterly along the south line of said TOWN SQUARE, its westerly extension and its easterly extension to the centerline of NE 6th Avenue; thence southerly along the centerline of NE 6th Avenue to the north

right of way of Atlantic Avenue; thence easterly along the north right-of-way of Atlantic Avenue to the west line of VETERANS PARK, according to the Plat thereof as recorded in Plat Book 75, Page 169 of the Public Records of Palm Beach County, Florida; thence northerly along said west line of VETERANS PARK to the south right-of-way of NE 1st Street; thence easterly along the south right-of-way of NE 1st Street to the POINT OF BEGINNING.

Section 4. The Zoning District Map of the City of Delray Beach, Florida is hereby amended to reflect the Atlantic Avenue Historic District Overlay for the Property described and shown in Composite Exhibit “B”, as shown on the map attached hereto as Exhibit “C”.

Section 5. Should any section or provision of this ordinance or any portion of 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 6. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall become effective immediately upon passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

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

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

Approved as to Form and Legal Sufficiency:

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