

ORDINANCE NO. 03-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.1109 ACRES IN SIZE PRESENTLY ZONED COMMUNITY FACILITIES TO CENTRAL BUSINESS DISTRICT WITHIN THE CENTRAL CORE SUB-DISTRICT FOR AN UNADDRESSED PARCEL LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021”; CORRECTING THE SCRIVENER’S ERROR IN FIGURE 4.4.13-B-1, “CENTRAL CORE AND BEACH SUB-DISTRICTS REGULATING PLAN,” OF THE LAND DEVELOPMENT REGULATIONS, TO MAINTAIN THE PARCEL AS PART OF THE CENTRAL CORE SUB-DISTRICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Pierre Delray Two, LLC, (“Owner”) is the owner of an unaddressed parcel located on the west side of Southeast 3rd Avenue between East Atlantic Avenue and Southeast 1st Street with a Parcel Control Number of 12-43-46-16-01-085-0050 (“Property”); and

WHEREAS, the Property, measuring approximately 0.1109 acres, as more particularly described in Exhibit “A”, Legal Description, and Exhibit “B”, Proposed Zoning, is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as zoned Community Facilities and has a Land Use Map designation of Commercial Core; and

WHEREAS, Owner designated Bonnie Miskel, Esq. of Dunay, Miskel & Backman, LLP (“Applicant”) to act as its agent; and

WHEREAS, Applicant requested a rezoning of the Property from Community Facilities to Central Business District within the Central Core Sub-district; and

WHEREAS, a scrivener’s error was identified on Figure 4.4.13-B-1, “Central Core and Beach Sub-districts Regulating Plan,” of the Land Development Regulations of the City of Delray Beach (“LDR”) that includes the Property within the Central Core Sub-district; 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 January 24, 2022 and voted 5 to 0 to recommend that the Property hereinafter described be rezoned to Central Business District within the Central Core Sub-district, finding that the request and approval thereof 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; and

WHEREAS, the City Commission of the City of Delray Beach finds the designation of Central Business District zoning 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; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification; and

WHEREAS, the City Commission of the City of Delray Beach finds the Property should be incorporated into the Central Core Sub-district and hereby corrects the scrivener's error in Figure 4.4.13-B-1, "Central Core and Beach Sub-districts Regulating Plan," of the LDR, to maintain the parcel as part of the Central Core Sub-district.

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, upon the effective date of this Ordinance, be, and the same is, hereby amended to reflect a zoning classification of Central Business District for the Property described in Exhibit "A", Legal Description, as shown on the map in Exhibit "B", Proposed Zoning, attached hereto and incorporated herein.

Section 3. That the scrivener's error in Figure 4.4.13-B-1, "Central Core and Beach Sub-districts Regulating Plan," of the Land Development Regulations, be corrected to maintain the Property as part of the Central Core Sub-district is hereby adopted.

Section 4. 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 concurrent with the effective date of Ordinance 02-22, amending the Comprehensive Plan, and upon approval at second reading. No development orders, development permits, 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 \_\_\_\_\_, 2022.

ATTEST:

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Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

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

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

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

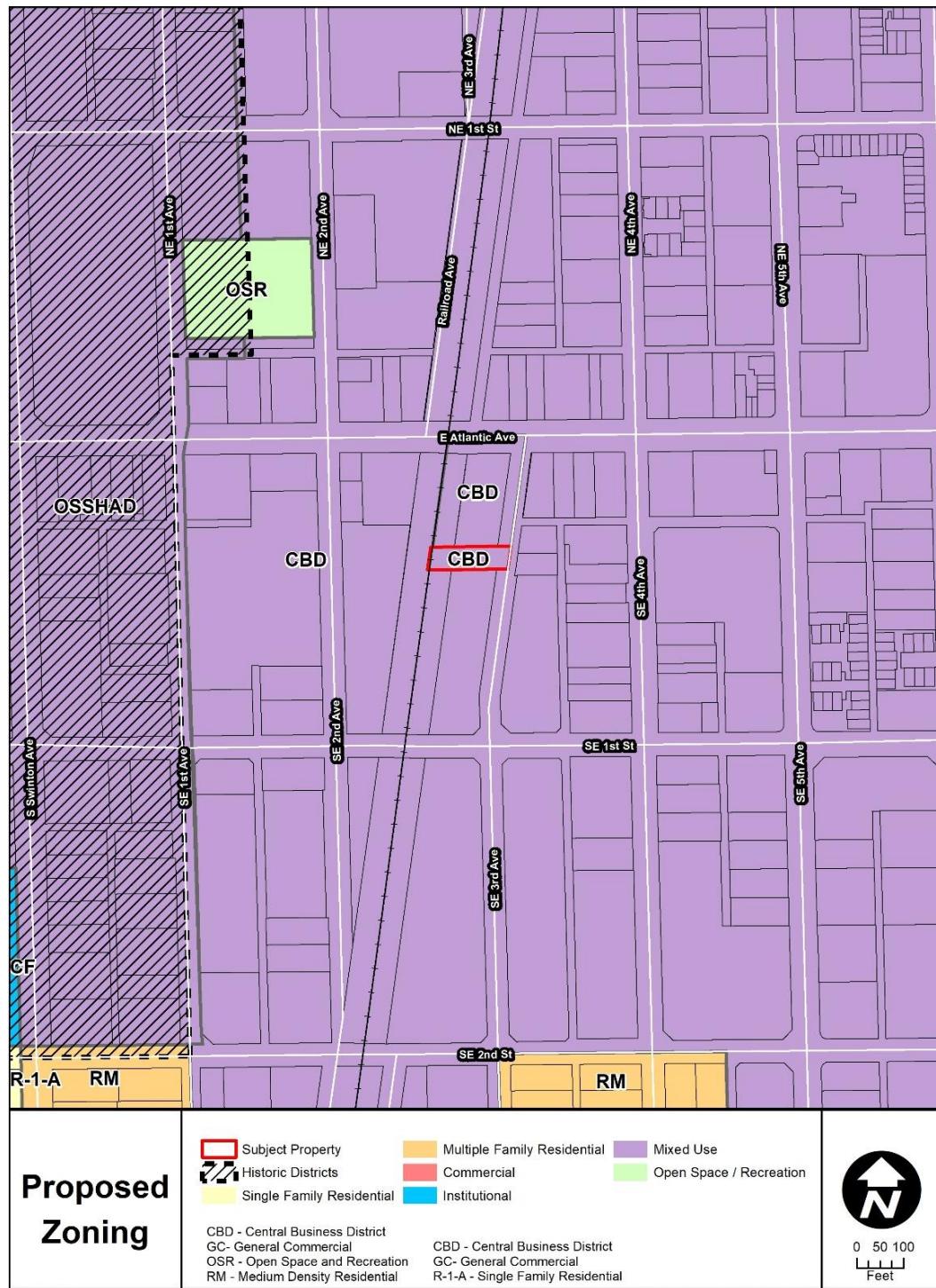
**SE 3<sup>rd</sup> Avenue - PCN 12-43-46-16-01-085-0050**

The South 51 feet of the North 250 feet of Block 85 lying East of the Florida East Coast Railroad Right-of-Way in the City of Delray Beach, Florida according to the Plat of the Map of Town of Linton (now Delray Beach), as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.1109 acres, more or less.

## **EXHIBIT "B"**

### **PROPOSED ZONING**



# Proposed Zoning

The legend is organized into three horizontal rows. The first row contains three categories: 'Subject Property' (orange square), 'Multiple Family Residential' (yellow square), and 'Mixed Use' (purple square). The second row contains two categories: 'Historic Districts' (black and white checkered square) and 'Commercial' (red square). The third row contains two categories: 'Single Family Residential' (yellow square) and 'Institutional' (blue square). Below the legend, two district labels are shown: 'CBD - Central Business District' and 'GC - General Commercial'.

Subject Property	Multiple Family Residential	Mixed Use
Historic Districts	Commercial	Open Space / Recreation
Single Family Residential	Institutional	

CBD - Central Business District      GC - General Commercial      CBD - Central Business District

Date: 12/1/2021

Document Path: S:\Planning & Zoning\DBMS\GIS\GIS Projects\202103\_Map\_Requests\2021\_1201\_SE\_3rd\_Ave\01\_Mxd\SE\_3rd\_Current\_Zoning.mxd