

ORDINANCE NO 28-21

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, 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", TO ADD DOC'S, LOCATED AT 10 NORTH SWINTON AVENUE, TO THE LOCAL REGISTER OF HISTORIC PLACES, 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 provides for the designation and protection of historic sites; and

WHEREAS, MDG BANYAN DELRAY PARTNERS, LLC, as property owner, has nominated the property described herein to be designated as a local historic site and structure; and

WHEREAS, the property at 10 North Swinton Avenue has local historic significance for its architectural and cultural importance; and

WHEREAS, the Historic Preservation Board of the City of Delray Beach held a duly noted Public Hearing in regard to the designation of the property as a local historic structure; and

WHEREAS, on September 1, 2021, the Historic Preservation Board of the City of Delray Beach recommended 5 to 1 that the property described herein be designated a local historic structure; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Historic Preservation Board Memorandum Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach has conducted a duly noticed Public Hearing in regard to the designation of the property structure located on the property described herein as a local historic structure.

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 Section 4.5.1, "Historic Preservation: Designated Districts, Sites, and Buildings," Subsection 4.5.1(I), "Local Register of Historic Places" of the Land Development Regulations of the City of Delray Beach, Florida, be amended to add Paragraph 45 to read as follows

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

(45) DOC'S, located at 10 North Swinton Avenue, Delray Beach, more particularly described as: Lot 16, Block 60, Map of the Town of Linton (now Delray Beach), according to the map or plat thereof as recorded in Plat Book 1, Page 3, Public Record of Palm Beach County, Florida, LESS and EXCEPT that portion conveyed to the State of Florida by Warranty Deed recorded in O.R. Book 1607, Page 471 and described as follows: The South 20 feet of Lot 16, Block 60, according to the Plat of Original Town of Linton, as recorded in Plat Book 1, Page 3, in the Public Records of Palm Beach County, Florida, in Section 17, Township 46 South, Range 43 east, and that part of said Lot 16 which is included in the external area formed by a 25 foot radius arc which is tangent to a line 20 feet north of and parallel to the South line of said lot 16 and tangent to the East line of said Lot 16.

Section 3 All Ordinances or parts of Ordinances in conflict herewith be, and the same are hereby repealed.

Section 4 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 5 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 _____ day of _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____
Second Reading _____

Approved as to Form and Legal Sufficiency:

Lynn Gelin, City Attorney