

ORDINANCE NO. 21-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING SEVEN PARCELS OF LAND MEASURING APPROXIMATELY 4.3882 ACRES LOCATED ON THE EAST SIDE OF NORTH FEDERAL HIGHWAY, NORTH OF DELMAR WAY AND SOUTH OF GULFSTREAM BOULEVARD, WITH ADDRESSES OF 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, FROM GENERAL COMMERCIAL TO AUTOMOTIVE COMMERCIAL AS MORE PARTICULARLY DESCRIBED HEREIN; 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, ABC JS Auto Imports II, LLC, (“Owner”) is the owner of seven parcels located on the east side of N Federal Highway between Delmar Way and Gulfstream Boulevard with the addresses of 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway (“Properties”), and

WHEREAS, the Properties, measuring approximately 4.3882 acres, as more particularly described in Exhibit “A”, Legal Description, are shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as zoned General Commercial and have a Land Use Map designation of General Commercial; and

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

WHEREAS, Applicant requested a rezoning of the Property from General Commercial to Automotive Commercial; 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 June 20, 2022 and voted 6 to 1 to recommend that the Properties hereinafter described be rezoned to Automotive Commercial, 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 considered the request to rezone the Properties from GC to AC at a public hearing on November 15, 2022; and

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 the designation of Automotive Commercial zoning is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is the more appropriate zoning designation for the Properties described in Exhibit “A”.

Section 3. 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 Automotive Commercial for the Properties described in Exhibit “A”, Legal Description, as shown on the map in Exhibit “B”, Proposed Zoning, attached hereto and incorporated herein.

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 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.

Section 7. The City Clerk, or designee, is directed to send a certified copy of this Ordinance to Dunay, Miskel & Backman, LLP at 14 SE 4th Street, Suite 36, Boca Raton, FL 33432.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

**EXHIBIT “A”
LEGAL DESCRIPTION**

2419 N Federal Highway – PCN 12-43-46-04-08-000-0351

East 80 feet of Lot 35, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

2507 N Federal Highway – PCN 12-43-46-04-08-000-0352

Lot 35, less the East 80 feet, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

2515 N Federal Highway – PCN 12-43-46-04-08-000-0340

Lot 34, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

2519 N Federal Highway – PCN 12-43-46-04-08-000-0330

Lot 33, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

2601 N Federal Highway – PCN 12-43-46-04-08-000-0320

Lot 32, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

2605 N Federal Highway – PCN 12-43-46-04-08-000-0310

Lot 31, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

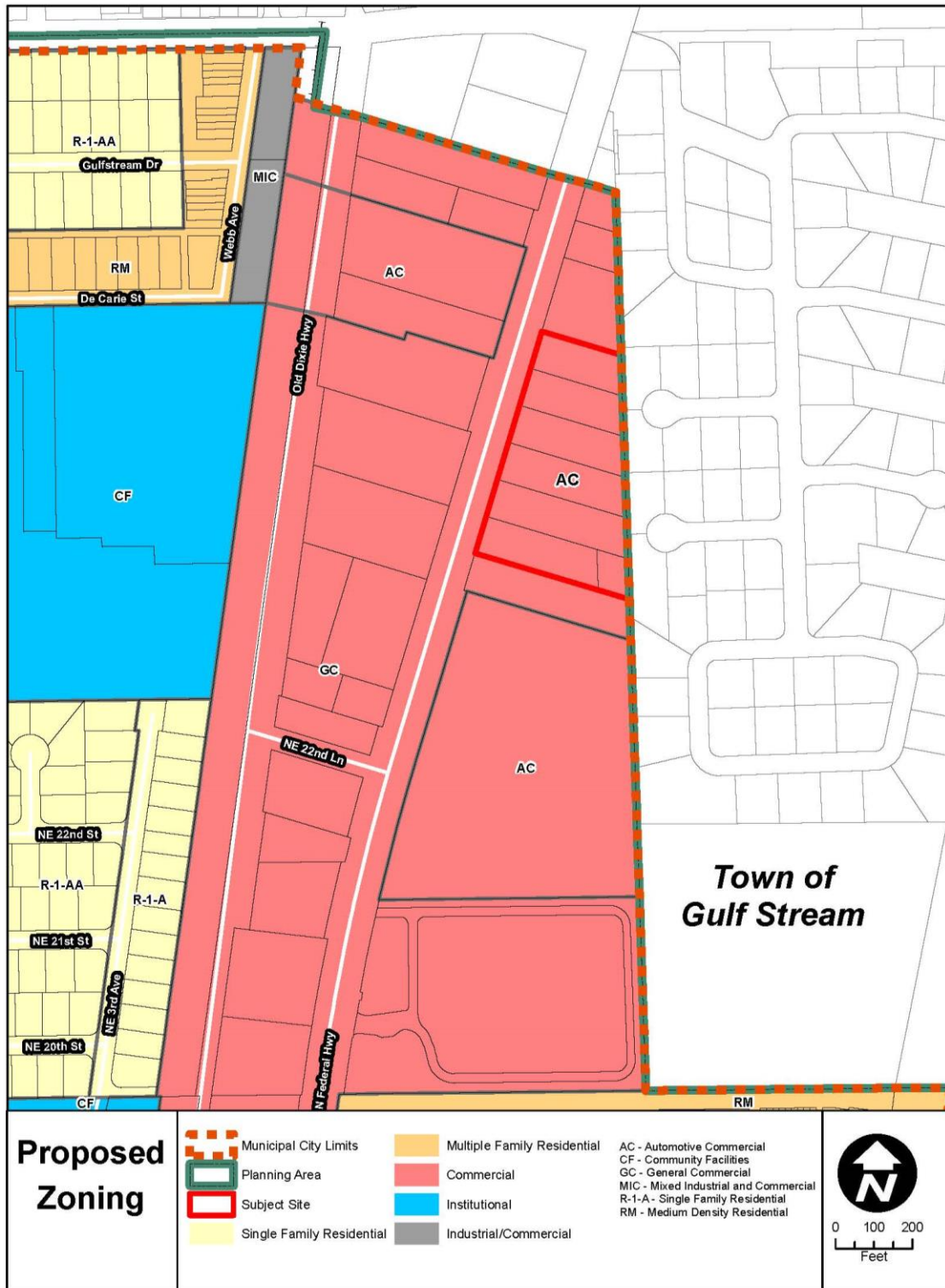
2613 N Federal Highway – PCN 12-43-46-04-08-000-0300

Lot 30, Delray Beach Estates, According to the Plat Thereof, As Recorded in Plat Book 21, Page 13 of the Public Records of Palm Beach County, Florida.

Said land is situated in the City of Delray Beach, Palm Beach County, Florida and contains 4.3882 acres, more or less.

EXHIBIT "B"

PROPOSED ZONING



Date: 4/14/2022

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