

ORDINANCE NO. 36-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.21 ACRES LOCATED AT 210 SE 3<sup>rd</sup> AVENUE, FROM SINGLE FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021” AND AMENDING FIGURE 4.4.13-B-3, “RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN” OF SECTION 4.4.13 OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 206 Delray Beach LLC., (“Owner”) is the fee simple owner of the property located at 210 SE 3<sup>rd</sup> Avenue (the “Property”), which measures approximately 0.21 acres and is located generally south of SE 2<sup>nd</sup> Street and west of SE 3<sup>rd</sup> Avenue, as more particularly described in Exhibit “A”, Legal Description; and

WHEREAS, the Property is shown on the City of Delray Beach Zoning Map, dated July 6, 2021, as being zoned Single Family Residential (R-1-A); and

WHEREAS, the Owner authorized Dunay, Miskel, and Backman LLP, (the “Agent”) to submit an application for a rezoning request for the Property to Central Business District (CBD) District, as shown in Exhibit “B”, Proposed Zoning; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on September 12, and voted \_\_\_ to \_\_\_ to recommend that the Property hereinafter described be rezoned to Central Business District (CBD) District, 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 is in the best interest of the City; and

WHEREAS, the City Commission of the City of Delray Beach finds that the designation of Central Business District (CBD) District consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, is appropriate for the Property, 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.

WHEREAS, it is appropriate that the Railroad Corridor Sub-district Regulating Plan in Section 4.4.13 of the Land Development Regulations be amended, as shown in Exhibit “C”, Figure 4.4.13-B-3, Railroad Corridor Sub-District Regulating Plan, to be consistent with the revised zoning classification.

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 is hereby amended to reflect a zoning classification of Central Business District (CBD) 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. The Railroad Corridor Sub-district Regulating Plan, as shown in Figure 4.4.13-B-3, in Section 4.4.13, "Central Business (CBD) District," of the Land Development Regulations, shall, upon effective date of this Ordinance, be amended as shown in Exhibit "C" to conform with the provisions of Section 2 hereof.

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 No. 35-22, amending the Land Use Map, 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:

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

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

Approved as to form and legal sufficiency:

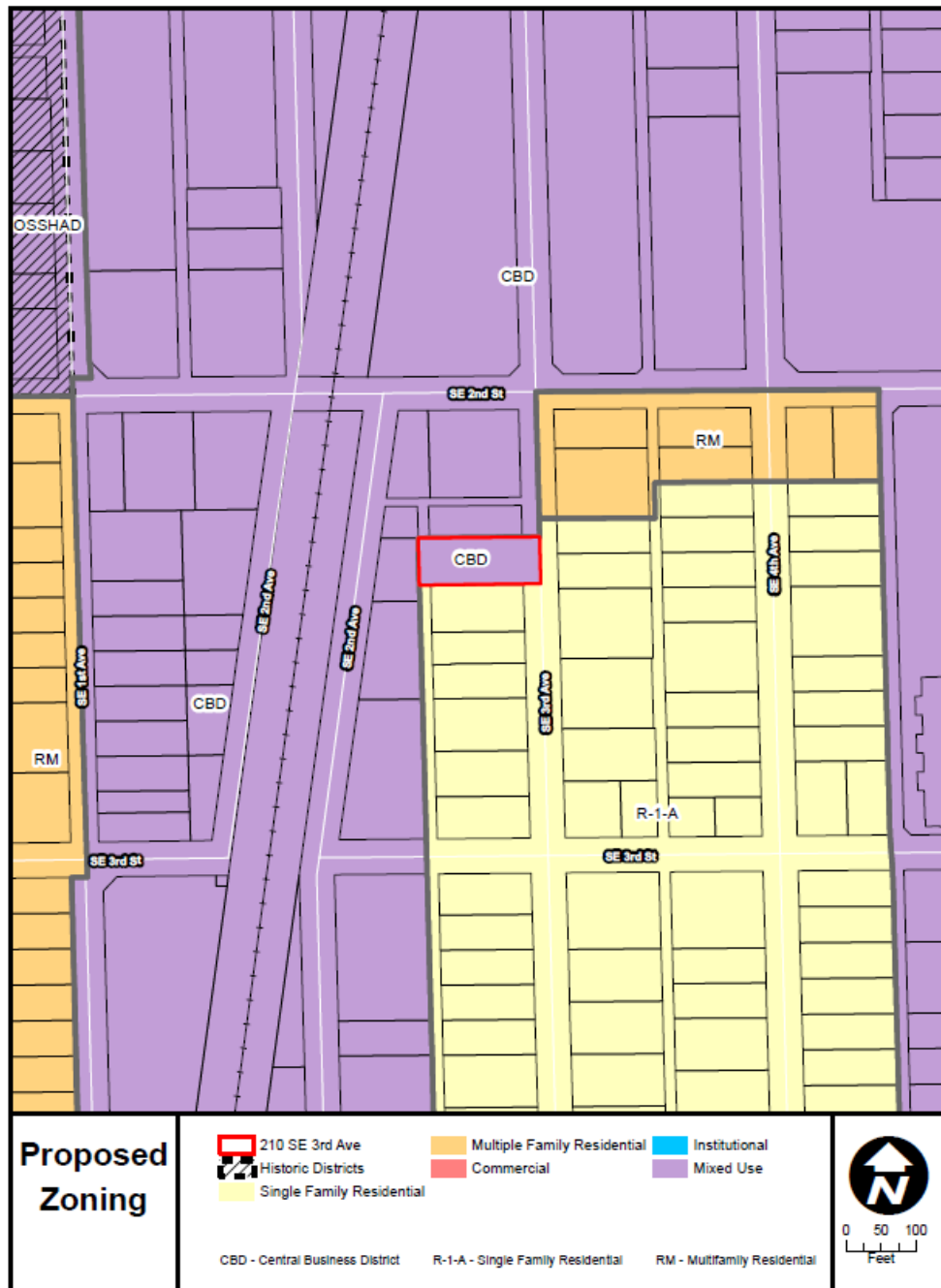
\_\_\_\_\_  
Lynn Gelin, City Attorney

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

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

LOT 16 and the north half of LOT 17, BLOCK 87, LINNS ADDITIOIN TO OSCEOLA PARK, according to the plat thereof, as recorded in Plat Book 1, Page 133, of the Public Records of Palm Beach County, Florida

# EXHIBIT "B" PROPOSED ZONING



**EXHIBIT “C”**  
**RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN**