

ORDINANCE NO. 04-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING THE HHH BUSH BUILDING SPECIAL ACTIVITIES DISTRICT (SAD) TO THE 1177 MODERNE SPECIAL ACTIVITIES DISTRICT (SAD) FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; REPEALING ORDINANCE NOS. 38-84, 39-90, AND 01-11 IN THEIR ENTIRETY; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "1177 MODERNE"; SAID LAND GENERALLY LOCATED NORTH OF GEORGE BUSH BOULEVARD BETWEEN THE INTRACOASTAL WATERWAY AND ANDREWS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, GB1177, LLC ("Owner"), is the fee simple owner of 1177 George Bush Boulevard ("the Property"), generally located north of George Bush Boulevard between the Intracoastal Waterway and Andrews Avenue, as more particularly described in Exhibit "A"; and

WHEREAS, the Property is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned the HHH Bush Building Special Activities District (SAD); and

WHEREAS, on September 11, 1984, the HHH Bush Building SAD was adopted by Ordinance No. 38-84 and modified on September 11, 1990 by Ordinance No. 39-90 and on February 1, 2011 by Ordinance No. 01-11; and

WHEREAS, the Owner requested a rezoning from the HHH Bush Building SAD to the 1177 Moderne SAD; and

WHEREAS, pursuant to the City of Delray Beach Land Development Regulations Section 4.425(A), Special Activities Districts are established to provide a zone district for developments not otherwise classified or categorized in other districts or cannot be properly accommodated in any other zone district; and

WHEREAS, the Owner proposes a 3-story, 16-unit residential condominium and private club; and

WHEREAS, the permitted uses and development standards and the master site plan for the proposed 1177 Moderne SAD are attached hereto as Exhibit "C", Permitted Uses & Development Standards, and Exhibit "D", Master Development Plan; 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 January 25, 2021, and voted 7 to 0 to recommend approval of the rezoning to the 1177 Moderne Special Activities District, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; 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 hereby repeals Ordinance Nos. 38-84, 39-90, and 01-11 in their entirety; and

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

WHEREAS, the Land Development Regulations of the Code of Ordinances be amended to reflect the new Special Activities 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 City Commission hereby repeals Ordinance Nos. 38-84, 39-90, and 01-11 in their entirety.

Section 3. The Zoning District Map of the City of Delray Beach, be, and the same is hereby, amended to reflect the 1177 Moderne Special Activities District (SAD), for the described property in Exhibit “A”, Legal Description, and shown on the map in Exhibit “B”, Proposed Zoning Map, attached hereto and incorporated herein.

Section 4. The 1177 Moderne SAD is subject to compliance with Exhibit “C”, Permitted Uses & Development Standards, and Exhibit “D”, Master Development Plan, attached hereto and incorporated herein.

Section 5. Section 4.4.25, “Special Activities District (SAD),” Subsection (H), “S.A.D.s,” of the Land Development Regulations of the City of Delray Beach, Florida, shall be amended as follows:

(1) – (5) (These subsections shall remain in full force and effect as adopted.)

(6) ~~The HHHH Bush Building, Ordinance No. 38-84, modified by Ordinance No. 39-90, modified by Ordinance 01-11~~ 1177 Moderne, as established by Ordinance No. 04-21.

(7) – (16) (These subsections shall remain in full force and effect as adopted.)

Section 6. Upon the effective date of this ordinance, the City of Delray Beach Zoning Map shall be amended to conform to the provisions of Section 2 hereof.

Section 7. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 8. 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 9. This ordinance shall become effective upon approval of the second reading of this ordinance. 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 \_\_\_\_\_, 2021.

ATTEST:

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

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

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

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

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

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

**Exhibit "A"**  
**Legal Description**

**PARCEL 1**

A CERTAIN PARCEL OF LAND IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF TRACTS 30 AND 31, AS SHOWN ON A PLAT ENTITLED MODEL LAND COMPANY SUBDIVISION OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 8, PAGE 40 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE WEST RIGHT-OF-WAY LINE OF ANDREWS AVENUE, SO CALLED, SAID POINT BEING ALSO THE NORTHEAST CORNER OF SAID TRACT 30; THENCE WESTERLY ALONG THE SAID NORTH LINE OF TRACT 30, A DISTANCE OF 534.59 FEET TO A POINT IN A CONCRETE MONUMENT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PREMISES; THENCE SOUTHERLY MAKING AN ANGLE WITH THE PRECEDING COURSE, MEASURED EAST TO SOUTH OF 76|03'15", AND ALONG THE EASTERLY LINE OF THE LAND HEREIN DESCRIBED, A DISTANCE OF 189.30 FEET MORE OR LESS, TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE, BEING THE ARC OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 996.45 FEET, SAID RADIUS LINE MAKING AN ANGLE WITH THE SAID NORTHERLY LINE OF TRACTS 30 AND 31, MEASURED FROM EAST TO SOUTH OF 77|03'04", A DISTANCE OF 55.06 FEET; THENCE NORTHERLY ON A LINE PARALLEL WITH AND 55.00 FEET FROM (MEASURED AT RIGHT ANGLES TO) THE EASTERLY LINE OF THE HEREIN DESCRIBED PREMISES, A DISTANCE OF 200.47 FEET, MORE OR LESS, TO A POINT IN THE SAID NORTH LINE OF TRACTS 30 AND 31; THENCE EASTERLY ALONG THE SAID NORTH LINE OF TRACTS 30 AND 31, A DISTANCE OF 56.67 FEET TO THE POINT OF BEGINNING.

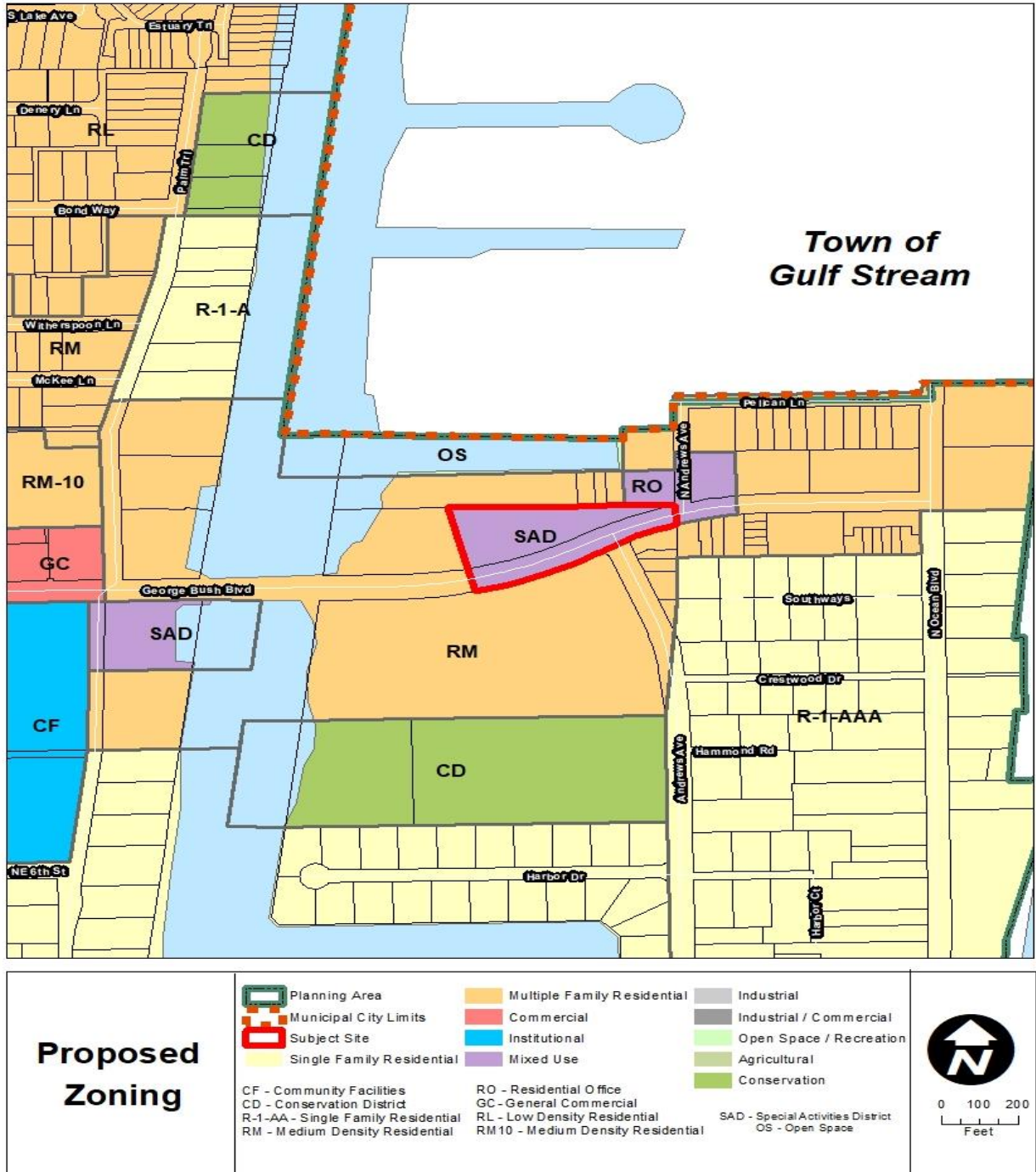
**PARCEL 2**

A PARCEL OF LAND IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 30 OF MODEL LAND COMPANY'S SUBDIVISION OF SAID SECTION 9, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 40, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF LOTS 30 AND 31 OF SAID MODEL LAND COMPANY'S SUBDIVISION, A DISTANCE OF 534.59 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LAND CONVEYED BY WILLIAM L. SHRISTENSON AND WIFE TO DR. ROBERT E. RABORN BY DEED RECORDED IN OFFICIAL RECORDS BOOK 655, PAGE 418, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY MAKING AN ANGLE WITH THE PRECEDING COURSE, MEASURED FROM EAST TO SOUTH, OF 76 DEGREES, 16 MINUTES AND ALONG THE WEST LINE OF LAND OF SAID RABORN, A DISTANCE OF 189.28 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF NORTHEAST EIGHTH STREET, BEING THE ARC OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 996.45 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 250.00 FEET, MORE OR LESS, TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1145.96 FEET AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 272.65 FEET TO A POINT IN THE EAST LINE OF SAID LOT 30; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 30, A DISTANCE OF 2.57 FEET TO THE POINT OF BEGINNING.

## Exhibit "B"

### Proposed Zoning



Date: 1/7/2021

Document Path: S:\Planning & Zoning\DBMS\GIS\GIS Projects\2021\03\_Map\_Requests\2021\_0107\_1177\_George\_Bush\_Boulevard\01\_Mxd\1177\_ZON\_Proposed.mxd

**Exhibit “C”**  
**Permitted Uses & Development Standards**

**Permitted Uses:**

- 3-story, 16-unit residential condominium and private club
- Amenities: Spa and thermal suite, pool, fitness center, dog park, and pavilions, which shall only be available to residents of the development and their guests.

**Development Standards:**

- Intensity / Floor Area Ratio: 1.0
- Density: 12 dwelling units / acre
- Setbacks: 50 feet front setback from the centerline of George Bush Boulevard, as regulated in the Land Development Regulations; 15 feet rear and side setbacks
- Maximum Building Height: 39 feet
- Lot Coverage (Maximum): 40 percent, which is the maximum amount of the lot which may be devoted to coverage by a structure or structures.
- Open Space (Minimum): Land area, equal to at least 25 percent of the total district, including the perimeter landscaped boundary, shall be in open space. Landscape areas are required to meet internal parking lot design requirements.
- Structure Size (Minimum): Any free-standing structure shall have a minimum floor area of 400 square feet and shall be architecturally consistent with other structures in the development plan.
- Fences and Walls: All fences and walls shall conform to the Land Development Regulations height and setback requirements.
- Except as specifically set forth above, the development standards shall apply as established in Section 4.4.25(E) and Section 4.3.4 of the Land Development Regulations, as applicable to the RM – Medium Density Residential Zoning District.

**Exhibit “D”**  
**Master Development Plan**