

RESOLUTION NO. R-83-1002

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF DELRAY BEACH TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171.062, FLORIDA STATUTES, AND CITY OF DELRAY BEACH RESOLUTION NO. 55-83.

WHEREAS, by its Resolution No. 55-83, the City of Delray Beach has requested permission from the Board of County Commissioners to Rezone the property described therein after Annexation of same into the Corporate Limits of the City; and

WHEREAS, the property is currently zoned RS (Single Family Residential) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to Rezone the property to RM-6 (Multiple Family Dwelling) District to allow the Petitioner to develop the parcel for residential purposes, provided that the project meets all mandatory Performance Standards; and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan, (Ordinance 80-8, as amended by Ordinance 81-27 and 82-26) provides that the Board of County Commissioners may find the proposed waiver request compatible with the Comprehensive Plan if the uses and/or densities proposed will have no significant effect on County systems, or such effect is mitigated by compliance with the Performance Standards; and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has found that the proposed development is not consistent with the Comprehensive Land Use Plan designation of "Low to Medium Residential." However, the Board may find the waiver compatible with the Plan "if the uses and/or densities in the Municipal Plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted Ordinances) on County Systems. It has been determined by the Planning Division that there is not a significant impact on County Systems from the proposed Rezoning and approval of the Waiver request brought under §171.062, Florida Statutes, is recommended as outlined in the August 31, 1983 memorandum of the Planning Director, attached hereto and made a part hereof; and

WHEREAS, Florida Statutes, §171.062 requires that when a City desires to Rezone property which was previously subject to County Land Use control, that the City must request and receive permission for such change from the Board of County Commissioners of the respective County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. This Board finds that the Rezoning proposed by the City of Delray Beach will have no significant impact upon County systems.
3. The request of the City of Delray Beach in its Resolution No. 55-83, attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and, upon being put to a vote, the vote was as follows:

PEGGY B. EVATT	- Aye
KENNETH G. SPILLIAS	- Aye
DENNIS P. KOEHLER	- Absent
DOROTHY H. WILKEN	- Aye
BILL BAILEY	- Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 13th day of September, 1983.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Trist Chiswick*
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *John Batlett*
County Attorney

FILED THIS 13 DAY OF
sept 1983
- 40 RECORDED IN RESOLUTION
MINUTE BOOK NO AT
PAGE RECORD VERIFIED
JOHN B DUNKLE CLERK
BY *Tandy Madden* D.C.

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Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick, Planning Director **DATE** August 30, 1983
FROM Richard Morley **FILE**
Principal Planner
RE Annexation/Rezoning - City of Delray Beach
Resolution No. 55-83

The Planning Division has reviewed the above waiver request under Chapter 171 062 Florida Statutes and County Ordinance 82-26, amendment to the inter-governmental coordination element of the County's Comprehensive Plan. The following comments are offered.

Background Information

The City of Delray Beach has recently annexed a 0.13 acre parcel of land located west of Florida Boulevard, between La-Mat Avenue and Avenue "J". The request is now for the purpose of rezoning the land from the County Zoning Classification RS (Single Family Residential) to the City's Zoning Classification RM-6 (Multiple Family Dwelling) District.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS (Single Family Residential) by the County.
- b) The City proposes to rezone the property to RM-6 (Multiple Family Dwelling) District.
- c) There is a significant difference between the County's RS Zoning District and the City's proposed RM-6 District.
- d) The County Land Use Plan identifies the subject site as having low to medium land use designation allowing for three units per acre in a standard subdivision and five units per acre in a PUD
- e) The City's proposed rezoning to RM-6 is not consistent with the County's Land Use designation of Low to Medium Residential for the subject area

Waiver Determination

The City's proposed rezoning to RM-6 is not consistent with the County's Land Use Designation of "Low to Medium Residential". However, the Board of County Commissioners, under the amendment to the Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan, may find the proposed waiver compatible with the Plan if "the uses and or densities in the Municipal Plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County systems." In this case, it has been determined that there is not a significant impact on County systems from the proposed rezoning.

SIGNED _____

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Stan Radick
August 30, 1983
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Recommendation

Since there is not a significant impact on County systems, it is recommended that the County grant the City of Delray Beach the waiver request under Chapter 171.062 P.S.

Richard E. Malley

RM.cjs

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RESOLUTION NO. 35-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.062, TO REZONE LAND ANNEXED TO THE CITY OF DELRAY BEACH FROM THE COUNTY ZONING CLASSIFICATION RS (SINGLE FAMILY RESIDENTIAL) TO THE CITY'S ZONING CLASSIFICATION RM-6 (MULTIPLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Maureen Kruse, the fee-simple owner of the following described property:

Lots 58 and 59, Block 34, Del-Raton Park, a Subdivision in Palm Beach County, Florida, as per Plat thereof recorded in Plat Book 14 at pages 9 and 10, of the Public Records of Palm Beach County, Florida.

The subject property is located west of Florida Boulevard, between LaMat Avenue and Avenue "J".

The above-described parcel contains a 0.13 acre parcel of land

and,

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WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 30-83, and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of RM-6 (Multiple Family Dwelling) District subsequent to its annexation, it is necessary under Chapter 171.062 of the Florida Statutes for the City to request permission from the Board of County Commissioners of Palm Beach County, Florida, for the change in zoning of this parcel which is currently zoned RS (Single Family Residential), and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's currently existing Land Use Plan designation, and,

WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designations are compatible with existing patterns in the immediate vicinity of the annexed property,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS

Section 1. That the City Council hereby requests a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone the property described above from RS (Single Family Residential) to RM-6 (Multiple Family Dwelling) District which would result in an increase in the density for such land

Section 2. That a certified copy of this resolution is being sent to each member of the Board of County Commissioners, the County Administrator and the Director of Planning, Zoning and Building.

PASSED AND ADOPTED in regular session on this the 14th day of June, 1983

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Maureen J. Young