

RESOLUTION NO R-84-316

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE VILLAGE OF NORTH PALM BEACH TO REZONE PROPERTY AFTER ANNEXATION PURSUANT TO §171.062, FLORIDA STATUTES, VILLAGE OF NORTH PALM BEACH RESOLUTION NO 2-84.

WHEREAS, by its Resolution No 2-84, the Village of North Palm 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 Village; and

WHEREAS, the property is currently zoned RH (Residential High Density) and is subject to County land use controls, and

WHEREAS, the Village proposes to Rezone the property to C-1 (Commercial District), and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Medium High to High Land Use designation, and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinances 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 determined that the proposed development is inconsistent with the Comprehensive Land Use Plan designation of Medium High to High Residential for the subject area, however, the size of the project will not trigger the County's Performance Standards nor have nor have a significant impact upon County Systems as outlined in the February 17, 1984 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 Village 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 Village of North Palm Beach will have no significant impact upon County systems

3 The request of the Village of North Palm Beach, in its Resolution No 2-84 Attached hereto and made a part hereof, is hereby approved

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

KENNETH G SPILLIAS	AYE
DOROTHY H WILKEN	AYE
PEGGY B EVATT	AYE
DENNIS P KOEHLER	AYE
BILL BAILEY	AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 13th day of March, 1984

FILED T - 13th DAY OF March 1984

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

JOHN B DUNKLE, Clerk

By Phyllis A. House Deputy Clerk

BY Sharon M. ... D C APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By John ... County Attorney

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BOOK 330 505

RESOLUTION NO 2-84

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A RESOLUTION OF THE VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171 062, TO REZONE LAND TO BE ANNEXED TO THE VILLAGE OF NORTH PALM BEACH FROM THE COUNTY ZONING CLASSIFICATION RH (MULTI-FAMILY) TO THE VILLAGE C-1 ZONING CLASSIFICATION COMMERCIAL DISTRICT.

WHEREAS, the Village of North Palm Beach has received a request for annexation from Emery F and Lois I Hogue, the owners of the following described property.

- 4-42-43 Gov Lot 8 Sub PB 18, Page 4, south 172 53 ft of west 100 ft of Lot 4.
- 4-42-43 Gov Lot 8 PB 18, Page 4, south 112 41 ft of west 50 ft. of easterly 390 ft of Lot 4

The subject property is in Section 4-42-43, and is located at 1831 McLaren Road

The above described parcel contains 0 52 acres more or less, and

WHEREAS, the Village Council at the January 12 1984 regular meeting considered this annexation request and upon the recommendations of the Planning Commission at the meeting held on October 4, 1983 feels that the proper zoning for this parcel of land would be the Village Zoning Classification C-1 Commercial District, and

WHEREAS, Chapter 171 062 Florida Statutes requires that when a Municipality desires to annex property at a zoning classification, which would permit different density and usage than is currently in effect under County regulations, that the Municipality request and receive permission from the Board of County Commissioners for such a change,

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA

Section 1 That the Village Council hereby requests permission from the Board of County Commissioners of Palm Beach County to rezone, when annexed, the property described above from RH, Multi-Family, to Commercial C-1 District, which will result in a different usage and density than the usage and density currently allowed on 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

Section 3 This Resolution shall take effect immediately upon passage

PASSED AND ADOPTED THIS 12th DAY OF JANUARY, 1984.

Tom Valente  
MAYOR

ATTEST  
Debra R. Thacker, CMC  
Village Clerk

This is a True Copy  
IN WITNESS WHEREOF, I hereunto set my  
hand and affix the Seal of Village of North Palm  
Beach, Florida this 17 day of Jan  
A.D. 1984

Debra R. Thacker, CMC  
Village Clerk

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AN ORDINANCE OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE VILLAGE OF NORTH PALM BEACH IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING ACT OF 1975 (CHAPTER 163, FLORIDA STATUTES)

BE IT ORDAINED BY THE VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA

Section 1. Pursuant to the Local Government Comprehensive Planning Act of 1975, the Village Council hereby adopts an amendment to the Comprehensive Plan for the Village of North Palm Beach, a copy of which is attached to this Ordinance as Exhibit A and by reference made a part hereof

Section 2 The Village Clerk is hereby directed to cause the official Land Use Plan map of the Village to be amended by entering the change set forth above on the official Land Use Plan map through crosshatching or other appropriate means, including redraft by an engineer, if necessary. The Mayor and Village Clerk are further directed to sign an entry on the official Land Use Plan map as follows "On the \_\_\_\_\_ day of \_\_\_\_\_, 1984 by official action of the Village Council, the following changes were made in the official Land Use Plan map Changes per Ordinance \_\_\_\_\_"

Section 3 This Ordinance shall take effect immediately upon passage

PLACED ON FIRST READING THIS 9th DAY OF FEBRUARY, 1984  
PLACED ON PUBLIC HEARING THIS 9th DAY OF FEBRUARY, 1984  
PLACED ON SECOND, FINAL READING AND PASSED THIS 23rd DAY OF FEBRUARY, 1984

*Tom Valente*  
MAYOR

ATTEST

*James R. Tucker, CMC*  
Village Clerk

This is a True Copy  
I, \_\_\_\_\_, a Notary Public for the State of Florida, do hereby certify that the foregoing is a true and correct copy of the Ordinance of the Village of North Palm Beach, Florida, as the same appears from the records of said Village, this 24th day of Feb. A.D. 19 84

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AN ORDINANCE OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ANNEXING PROPERTY WITH A STREET ADDRESS OF 1831 McLAREN ROAD, IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY TO THE VILLAGE OF NORTH PALM BEACH, AND REDEFINING THE BOUNDARY LINES OF THE VILLAGE TO INCLUDE SAID PROPERTY.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA.

Section 1. Emery F. Hogue and Lois I. Hogue, the fee simple owners of the property described on Exhibit "A" attached hereto, have petitioned the Village Council of the Village of North Palm Beach that the property described on Exhibit "A" attached hereto be annexed to the Village of North Palm Beach.

Section 2. The land annexed by this Ordinance does not result in the creation of an enclave.

Section 3. The real property described on Exhibit "A" attached hereto, which is located in the unincorporated area of Palm Beach County, and which is contiguous to the Village of North Palm Beach and reasonably compact, be, and the same is hereby, annexed into the Village of North Palm Beach.

Section 4. The boundary lines of the Village of North Palm Beach are hereby redefined to include the property described on Exhibit "A" attached hereto as being included within the municipal limits of the Village of North Palm Beach.

Section 5. The Village Clerk is directed to file a copy of this Ordinance with the Clerk of the Circuit Court in and for Palm Beach County, and with the Department of State. The Clerk is further directed to cause the boundary article of the Charter of the Village of North Palm Beach to be revised and to file such revision of the Charter with the Department of State within 30 days hereafter.

Section-6. This Ordinance has been published once a week for four consecutive weeks in the Palm Beach Post-Times published in Palm Beach County, Florida.

Section 7. This Ordinance shall take effect immediately upon passage.

PLACED ON FIRST READING THIS 8th DAY OF DECEMBER, 1983..

PLACED ON SECOND, FINAL READING AND PASSED THIS 12th DAY OF JANUARY, 1984.

(Village Seal)

*Tom Valente*  
MAYOR

ATTEST.

*James K. Thacker, Jr.*  
Village Clerk

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EXHIBIT "A"

The South 172.53 feet of the West 100 feet of Lot 4, PLAT OF SUBDIVISION OF GOV'T. LOT 4, as recorded in Plat Book 18, page 4, Public Records of Palm Beach County, Florida, and the South 112.41 feet of the West 50 feet of the East 390 feet of the LOT-4, PLAT OF SUBDIVISION OF GOV'T. LOT 4, as recorded in Plat Book 18, page 4, Public Records of Palm Beach County, Florida.

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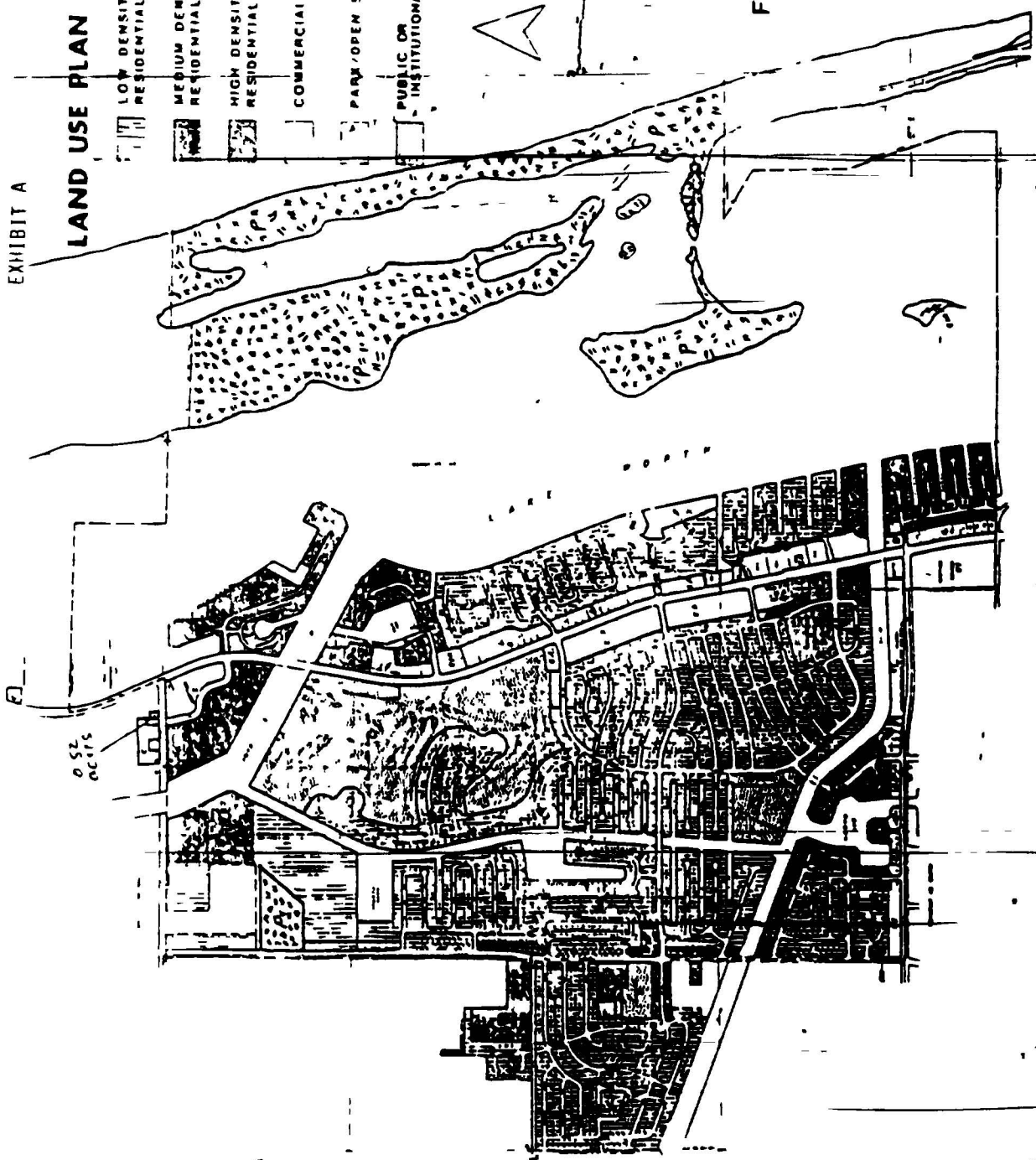
EXHIBIT A

LAND USE PLAN

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- COMMERCIAL
- PARK/OPEN SPACE
- PUBLIC OR INSTITUTIONAL

FIG 16

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BOOK 330 511



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**Inter-Office Communication**  
PALM BEACH COUNTY

**TO** Stan Redick  
Planning Director  
**DATE** February 17, 1984  
**FROM** Richard Morley  
Principal Planner  
**FILE**  
**RE** Annexation/Rezoning/Request for Waiver  
Village of North Palm Beach, Resolution 2-84

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

Background Information

The Village of North Palm Beach has recently annexed a .52 acre parcel of land located at 1831 McLaren Road. The request is now for the purpose of rezoning the land from the County Zoning Classification RH (Residential High Density) to the Village C-1 Zoning Classification Commercial District. The goal of the owner is to be able to have an interior design firm located at this site. The site is almost entirely surrounded by existing commercial development.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RH (Residential High Density) by the County.
- b) The City proposes to rezone the property to C-1- Commercial District
- c) There is a significant difference between the County's RH Zoning District and the City's proposed C-1 - Commercial District. The RH Zone deals with density while the C-1 Zone deals with intensity.
- d) The County Land Use Plan identifies the subject site as Medium High to High Land Use Designation allowing for 12 units per acre in a standard subdivision and 18 units per acre in a PUD. The site does not have commercial potential.
- e) The Village's proposed rezoning to C-1 Commercial District is not consistent with the County's Land Use Designation of Medium High to High Residential.

Waiver Determination

The Village's proposed rezoning to C-1 - Commercial District is not consistent with the County's Land Use Designation of Medium High to High Residential. However, the Board of County Commissioners, under the amendment to the Intergovernmental Coordination Element of the Palm Beach

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SIGNED \_\_\_\_\_

Stan Redick  
February 17, 1984  
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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. Due to the size of the project (.52 acres), the impact from the commercial development will not trigger the County's Performance Standards. In addition, the property is almost entirely surrounded by commercial development

Recommendation

Since there is not a significant impact on County Systems, it is recommended that the County grant the Village of North Palm Beach the waiver request under Chapter 171.062 F S.

*Richard F. Malley*

RM cjs

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