

RESOLUTION NO. R-85-41

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF BOYNTON BEACH TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171.062, FLORIDA STATUTES, AND CITY OF BOYNTON BEACH RESOLUTION NO. 84-AAA.

WHEREAS, by its Resolution No. 84-AAA, the City of Boynton Beach has requested permission from the Board of County Commissioners of Palm Beach County to Rezone the property described therein after Annexation of same into the Corporate Limits of the City; and

WHEREAS, the property is currently zoned RM-Residential Medium Density, and is subject to County Land Use Controls; and

WHEREAS, the City proposes to rezone the parcel to C-3 - Community Commercial District; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium Residential Land Use, allowing for three units per acre in a standard subdivision and five units per acre in a Planned Unit Development; and

WHEREAS, the Zoning proposed by the City of Boynton Beach is inconsistent with the County's Land Use Designation of Low to Medium Residential; and

WHEREAS, the the subject parcel does not have a designation of commercial potential under the Comprehensive Land Use Plan; and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that although the proposed rezoning is inconsistent with the Comprehensive Land Use Plan designation for the subject site, it will not have a significant impact upon County systems, as outlined in the December 12, 1984 memorandum from the Planning Division, attached hereto and made a part hereof; 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 impact upon County Systems, or such effect is mitigated by compliance with the Performance Standards; and

WHEREAS, Florida Statutes, §171.062, requires that when a City desires to rezone property which was previously subject to County Land Use Controls, 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 Boynton Beach will have no significant impact upon County Systems.
3. The request of the City of Boynton Beach, in its Resolution No. 84-AAA, attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was sponsored by Commissioner Wilken \_\_\_\_\_ who moved for its adoption. The motion was seconded by Commissioner Owens \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

KEN SPILLIAS	AYE
DOROTHY H. WILKEN	AYE
KAREN T. MARCUS	ABSENT
JERRY L. OWENS	AYE
KEN ADAMS	AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 8th day of January, 1985.

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*Judy Sprague*  
COUNTY ATTORNEY

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

JOHN B. DUNKLE, Clerk

By *Darlene Harris*  
DEPUTY CLERK

FILED THIS ..... DAY OF  
JAN 8 1985 ..... 19.....  
AND RECORDED IN RESOLUTION  
MINUTE BOOK NO. 382 ..... AT  
471-479 RECORD VERIFIED  
JOHN B. DUNKLE, CLERK  
BY *Darlene Harris* ..... D.C.

BOOK 382 PAGE 472

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 171.062, FLORIDA STATUTES TO REZONE A CERTAIN PARCEL OF LAND BEING ANNEXED TO THE CITY OF BOYNTON BEACH FROM PALM BEACH COUNTY ZONING CLASSIFICATION RM (MEDIUM DENSITY RESIDENTIAL MULTI-FAMILY) TO CITY OF BOYNTON BEACH ZONING CLASSIFICATION C-3 (COMMUNITY COMMERCIAL DISTRICT); AND FROM PALM BEACH COUNTY LAND USE DESIGNATION OF LOW-MEDIUM DENSITY RESIDENTIAL TO CITY OF BOYNTON BEACH LAND USE DESIGNATION OF LOCAL RETAIL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Boynton Beach, Florida, has received a request for annexation from Carl J. Grummons and Martha J. Grummons, as owners of the following described property, to-wit:

Lot 39, amended plat of TRADE WINDS ESTATES, according to the plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 21, page 73 of the Public Records of Palm Beach County, Florida,

and

WHEREAS, the City Council, at the regular meeting considered this annexation request and upon recommendation of the City Planner, the City Planning and Zoning Board and the Technical Review Board determined that the proper zoning for this parcel of land would be City of Boynton Beach zoning classification C-3 (Community Commercial District) and that the proper City of Boynton Beach Land Use Classification would be Local Retail; and

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WHEREAS, pursuant to Section 171.062, Florida Statutes, the City of Boynton Beach requests that the Board of County Commissioners consent to the City of Boynton Beach rezoning and Land Use Classification of the above described property upon its annexation.

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

Section 1: That the City Council hereby requests permission to rezone and to change the Land Use Classification, when annexed, of the property described above as previously

Section 2: That a certified copy of this Resolution be sent to the Board of County Commissioners of Palm Beach County, Florida, the County Administrator and the County Director of Planning, Zoning and Building.

Section 3: That this Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 5<sup>th</sup> day of June, 1984.

CITY OF BOYNTON BEACH, FLORIDA

MAYOR

*[Signature]*

VICE MAYOR

*Nick Casandra*

COUNCIL MEMBER

*[Signature]*

COUNCIL MEMBER

*[Signature]*

COUNCIL MEMBER

ATTEST:

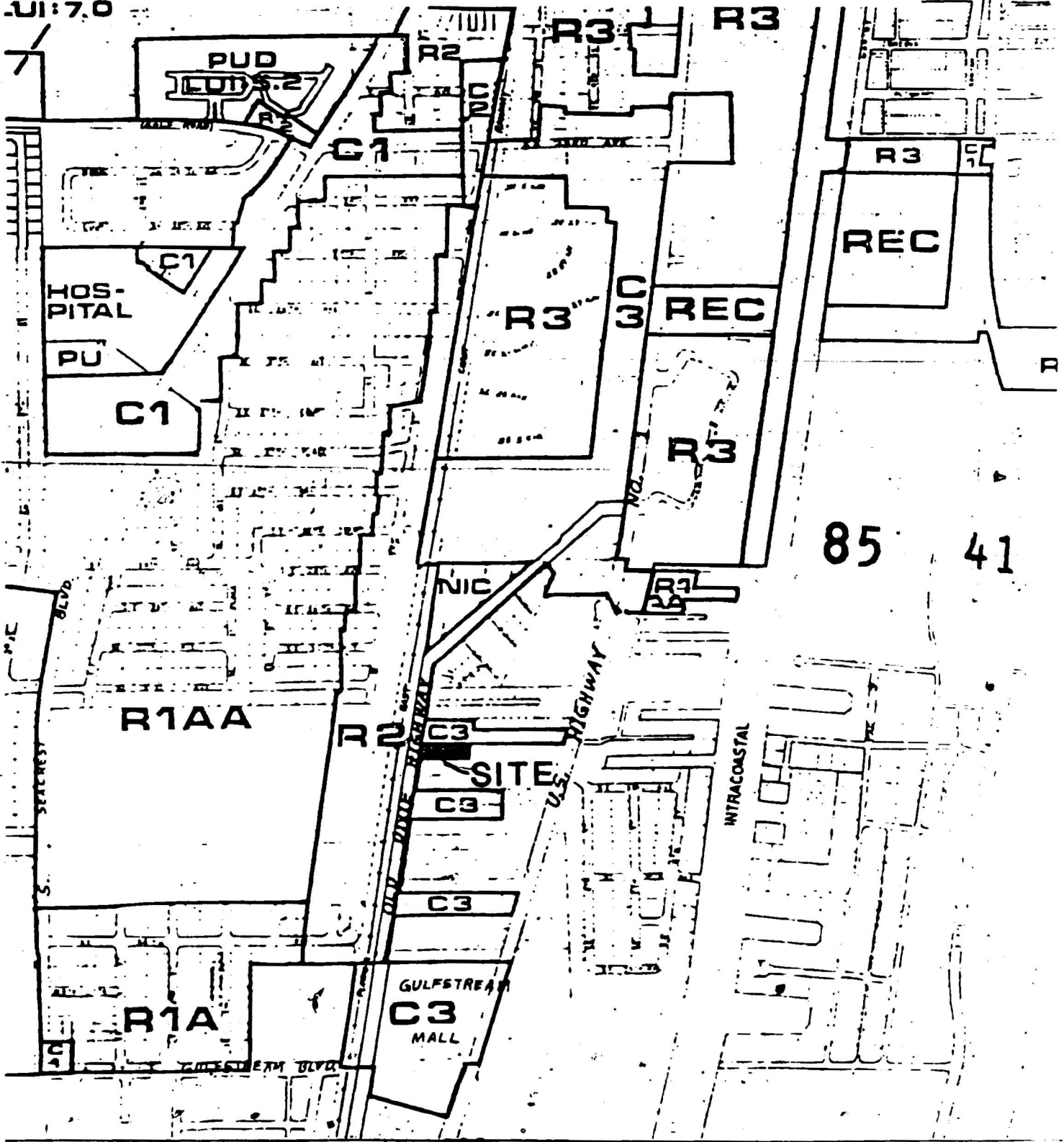
*Betty S. Boroni*  
CITY CLERK

(Seal)

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REC LOCATION MAP  
CARL J. GRUMMONS ANNEXATION,  
R3 LAND USE AMENDMENT,  
AND REZONING REQUESTS

PUD  
UI:7.0



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BOOK 382 PAGE 475

0 1/8 1/4 1/2 3/4 MILES

ORDINANCE NO. 84-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING ORDINANCE NO. 79-24 OF SAID CITY BY AMENDING THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY BY ADOPTING THE PROPER LAND USE OF CERTAIN PROPERTY WHICH IS BEING ANNEXED INTO THE CITY BY ORDINANCE SIMULTANEOUSLY HEREWITH, WHICH IS MORE PARTICULARLY DESCRIBED HEREIN; SAID LAND USE DESIGNATION IS BEING CHANGED FROM PALM BEACH COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY OF BOYNTON BEACH LOCAL RETAIL; PROVIDING A SAVINGS CLAUSE, REPEALING PROVISION; EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Boynton Beach, Florida, has adopted a Comprehensive Land Use Plan and as part of said Plan, a land use element by Ordinance No. 79-24, in accordance with the Local Government Comprehensive Planning Act; and

WHEREAS, a certain parcel of land more particularly described hereinafter is being annexed in accordance with an application by Carl J. Grummons and Martha J. Grummons into the City by Ordinance being adopted simultaneously herewith; and

WHEREAS, the procedure for amendment of a Land Use Element of a Comprehensive Plan as set forth in Section 163.3184, Florida Statutes, has been followed; and

WHEREAS, after public hearing and study, the City Council deems it in the best interest of the inhabitants of the City to amend the aforesaid Land Use Element of the Comprehensive Plan as adopted by the City herein.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA:

Section 1: That Ordinance No. 79-24 of the City is hereby amended to reflect the following:

That the Land Use of the following described land which is being annexed to the City of Boynton Beach, Florida, by Ordinance simultaneously herewith shall be designated as Local Retail. Said land is more particular described as follows:

upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	NAY
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 24th of August 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barlene Harris*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Janey [Signature]*  
County Attorney

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FILED THIS..... DAY OF  
JAN 8 1985 19.....  
AND RECORDED IN RESOLUTION  
MINUTE BOOK NO 382 AT  
PAGE 456-457 RECORDS VERIFIED  
JOHN B. DUNKLE, CLERK  
BY Barlene Harris DC



ORDINANCE NO.

84-27

*John*  
LUBA 8/12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING ORDINANCE NO. 80-19 OF SAID CITY BY REZONING A CERTAIN PARCEL OF LAND MORE PARTICULARLY DESCRIBED HEREIN WHICH IS BEING SIMULTANEOUSLY HEREWITH ANNEXED INTO THE CITY OF BOYNTON BEACH, FLORIDA, BY ORDINANCE AS C-3 (COMMUNITY COMMERCIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; REPEALING PROVISIONS; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Boynton Beach, Florida, has heretofore adopted Ordinance No. 80-19, in which a Revised Zoning Map was adopted for said City; and

WHEREAS, the City Council of the City of Boynton Beach, Florida, simultaneously herewith adopted an Ordinance annexing a parcel of land more particularly described herein into the City limits of said City; and

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WHEREAS, the owners and agents of the property have requested the above mentioned zoning category; and

WHEREAS, the Planning and Zoning Board of the City of Boynton Beach, Florida, has heretofore approved the above referenced zoning category as to the subject parcel of land; and

WHEREAS, the City Council deems it in the best interests of the inhabitants of said City to amend the aforesaid Revised Zoning Map as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:

Section 1: The following described land, located in the City of Boynton Beach, Florida, to-wit:

Lot 39, amended plat of TRADE WINDS ESTATES, according to the plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 21, page 73, of the Public Records of Palm Beach County, Florida

be and the same is hereby zoned C-3 (Community Commercial District) and is in conformity with the Comprehensive Plan of the City of Boynton Beach, Florida.



Section 2: That the aforesaid Revised Zoning Map of the City shall be amended accordingly.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: Should any section or provision of this Ordinance or a portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 5: This Ordinance shall become effective immediately upon passage.

FIRST READING this 19<sup>th</sup> day of June, 1984.

SECOND READING and FINAL PASSAGE this 3<sup>rd</sup> day of

July, 1984.

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CITY OF BOYNTON BEACH, FLORIDA

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
VICE MAYOR

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
COUNCIL MEMBER

ATTEST:

\_\_\_\_\_  
CITY CLERK.

(Seal)