

RESOLUTION NO R-84-314

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 83-PPPP

WHEREAS, by its Resolution No 83-PPPP, the City of Boynton 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 County land-use controls, and

WHEREAS, the City proposes to Rezone the property to R-1AA (Single Family Residential), and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium Land Use designation allowing for 3-5 units per acre, 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 consistent with the Comprehensive Land Use Plan designation of Low to Medium for the subject area and would have little or no significant impact on County Systems as outlined in the February 16, 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 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 83-PPPP 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 THIS 13th DAY OF

March 1984

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BY Donna Meira D C

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By John Ballitt  
County Attorney

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

JOHN B DUNKLE, Clerk

By Phyllis A House  
Deputy Clerk

R 84

314

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**Inter-Office Communication**

PALM BEACH COUNTY

TO Stan Redick  
Planning Director  
FROM Richard Morley  
Principal Planner  
RE Annexation/Rezoning - City of Boynton Beach  
Resolution No. 83-PPPP

DATE February 16, 1984  
FILE

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 City of Boynton Beach has recently annexed 9 928 acre parcel of land located on High Ridge Road between Hypoluxo Road and Miner Road. The request is now for the purpose of rezoning the land from the County's Zoning Classification RS (Single Family Residential) to the City's Zoning Classification R-1AA, Single Family Residential. The site contains a Christian School consisting of a high school, junior high school and a utility structure.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS (Single Family) by the County.
- b) The City proposes to rezone the property to R-1AA Single Family Residential.
- c) There is little significant difference between the County's RS Zoning District and the City's proposed R-1AA Zoning District as the RS Zoning District allows educational institutions as a Special Exception.
- d) The County Land Use Plan identifies the subject site as having a Low to Medium Land Use Designation allowing for 3-5 units per acre.
- e) The City's proposed rezoning to R-1AA is consistent with the County's Land Use Designation of Low to Medium for the subject area.

Recommendation

Since the City's proposed rezoning to R-1AA (Single Family Residential) is consistent with the County's Land Use Designation of RS (Single Family) and the project will not have significant impact on County systems, it is recommended that the County grant the City of Boynton Beach the waiver request under Chapter 171 062 F S.

RM cjs

R 84

314

SIGNED

*Richard E. Morley*

RESOLUTION NO 83-PPPP

A RESOLUTION 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 INTO THE ~~CITY OF BOYNTON BEACH FROM PALM BEACH COUNTY~~ ZONING CLASSIFICATION SINGLE FAMILY RESIDENTIAL (RS) TO CITY ZONING CLASSIFICATION R-1 AA, SINGLE FAMILY RESIDENTIAL DISTRICT, AND FROM PALM BEACH COUNTY LAND USE DESIGNATION OF LOW-MEDIUM DENSITY RESIDENTIAL TO CITY OF BOYNTON BEACH LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Boynton Beach, Florida, has received a request for annexation from the Lake Worth Christian School Society, Inc , as owners of the following described property

The south half (S $\frac{1}{2}$ ) of the north half (N $\frac{1}{2}$ ) of the northwest quarter (NW $\frac{1}{4}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of Section 9, Township 45 South, Range 43 East of Palm Beach County, Florida,

and

WHEREAS, the City Council at the November 15, 1983 regular meeting ~~considered~~ this annexation request, and upon the recommendation of the Director of Planning, the Municipal Planning and Zoning Board and the Technical Review Board, determined that the proper zoning for this parcel of land would be the City's Zoning Classification R-1 AA, Single Family Residential District, and the proper Land Use Classification under the City's Land Use Plan would be Low Density Residential, and

WHEREAS, pursuant to Section 171 062, Florida Statutes, the City of Boynton Beach, Florida, hereby ~~requests~~ that the Board of County Commissioners consent to the City of Boynton Beach rezoning and changed Land Use Classification on 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 enumerated

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

Section 3: This Resolution shall take effect immediately upon passage

PASSED AND ADOPTED this 6th day of

DECEMBER, 1983.

CITY OF BOYNTON BEACH, FLORIDA

[Signature]  
MAYOR

Carl Zimmerman  
VICE MAYOR

Nick Coccarda  
COUNCIL MEMBER

Joe DeLong  
COUNCIL MEMBER

Samuel [Signature]  
COUNCIL MEMBER

ATTEST

Suzanne M. Kause  
CITY CLERK DEPUTY

(Seal)

R 84

314

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, ANNEXING A CERTAIN UNINCORPORATED TRACT OF LAND THAT IS CONTIGUOUS TO THE CITY LIMITS WITHIN PALM BEACH COUNTY AND THAT WILL, UPON ITS ANNEXATION, CONSTITUTE A REASONABLY COMPACT ADDITION TO THE CITY TERRITORY PURSUANT TO A PETITION OF THE OWNER OF SAID TRACT OF LAND, REQUESTING ANNEXATION PURSUANT TO SECTION VII, (NUMBER 32) OF THE CHARTER OF THE CITY OF BOYNTON BEACH, FLORIDA AND FLORIDA STATUTE 171 044, PROVIDING THAT THE PROPER LAND USE DESIGNATION AND PROPER ZONING OF THE PROPERTY SHALL BE REFLECTED IN SEPARATE ORDINANCES TO BE PASSED SIMULTANEOUSLY HERewith, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR ADVERTISING, PROVIDING AN EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES

WHEREAS, the Lake Worth Christian School Society, Inc., as owners of the following tract of land described as follows

The south half (S ½) of the north half (N ½) of the northwest quarter (NW ¼) of the southwest quarter (SW ¼) of Section 9, Township 45 South, Range 43 East of Palm Beach County, Florida.

filed a Petition for Annexation to the City of Boynton Beach directed to the City Council pursuant to Section VII (Number 32) of the Charter of the City of Boynton Beach, Florida, and Section 171 044, Florida Statutes; and

WHEREAS, said tract of land lying being within Palm Beach County is contiguous to the existing City limits of the City of Boynton Beach, Florida and will, upon its annexation, constitute a reasonably compact addition to the City territory, and

WHEREAS, the proposed use of said land and land use designation has been determined to be consistent with the future land uses of the City of Boynton Beach and the Palm Beach County Commission has no objection to the designated use

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

Section 1 Pursuant to Section VII (Number 32) of the Charter of the City of Boynton Beach, Florida and Section 171 044, Florida Statutes, the following described unincorporated and contiguous tract of land situated and lying and being in the County of Palm Beach, Florida, to-wit

The south half (S ½) of the north half  
(N ½) of the northwest quarter (NW ¼)  
of the southwest quarter (SW ¼) of  
Section 9, Township 45 South, Range  
43 East of Palm Beach County, Florida

is hereby annexed to the City of Boynton Beach, and such land so annexed shall be and become part of the City with the same force and affect as though the same had been originally incorporated in the territorial boundaries thereof.

Section 2: That Section VI and VI(a) of the Charter of the City of Boynton Beach, Florida, is hereby amended to reflect the annexation of that tract of land more particulary described in Section 1 of this Ordinance

Section 3 That by Ordinances adopted simultaneously herewith, the proper zoning designation and land use category is being determined.

Section 4 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 effect the remainder of this Ordinance.

Section 6 Specific authority is hereby granted to codify this Ordinance

Section 7 This Ordinance shall not be passed until the same has been advertised for four (4) consecutive weeks in a newspaper of general circulation in the City of Boynton Beach as required by the City Charter and Section 171 044, Florida Statutes

Section 8 This Ordinance shall become effective immediately upon its final passage

Section 9 This Ordinance, after adoption, shall be filed with the Clerk of the Circuit Court of Palm Beach County, Florida

R 84

314

FIRST READING THIS 6th day of DECEMBER

1983

SECOND, FINAL READING and PASSAGE this 3rd day  
of January, 1984

CITY OF BOYNTON BEACH, FLORIDA

[Signature]  
MAYOR

Carl Zimmerman  
VICE MAYOR

Nick Cassandria  
COUNCIL MEMBER

Joe DiKey  
COUNCIL MEMBER

James James Bright  
COUNCIL MEMBER

ATTEST.

Betty S. Brown  
CITY CLERK

(Seal)

R-84

314