RESOLUTION NO. R-84- 752

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 21-84

WHEREAS, by its Resolution No 21-84, the City of Delray 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

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WHEREAS, the City proposes to rezone the property to RH-Medium High to High Density Dwelling District, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as Kaving a Medium to Medium-High Residential Land Use Designation allowing for eight (8) dwelling units per acre in a Standard Subdivision and twelve (12) dwelling units per acre in a PUD, and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning and subsequent development is consistent with the Comprehensive Land Use Designation for the subject area and would have little or no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the April 17, 1984 memorandum of 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 Bignificant 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,

BOOK 342 407

NOW, THEREFORE, BE -IT - RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT I. The foregoing resitels 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 21-84, attached hereto and made a part hereof, is hereby approved The foregoing Resolution was sponsored by Commissioner who moved for its adoption The motion was seconded by Evatt Commissioner <u>Wilken</u> ___, and, upon being put to a vote, the vote was as follows KENNETH G SPILLIAS DOROTHY H WILKEN - AYE - AYE PEGGY B EVATT - AYE DENNIS P. KOEHLER - AYE BILL BAILEY - AYE The Chairman thereupon declared the Resolution duly passed and adopted this <u>12th</u> day of <u>June</u>, 19<u>84</u>. APPROVED AS TO FORM AND PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS LEGAL SUFFICIENCY JOHN B DUNKLE, Clerk By COUNTY ATTORNEY DEPUT FILED THIS . DAY OF AND RECORDED IN REBOLUTION 19 MINUTE BOOK NO 342 AT JOHN B. DUNKLE, CLERK er ... Linda. M.. Daniels ..., ac. BOOK 342 409

RESOLUTION NO. 11-84 A RESOLUTION OF THE CITY COUNCIL OF THE-CITY 'OF THIRAY BEACE, FLORIDA, REQUESTING PERHISSION FROM THE BOARD 'OF COUNTY CONNELS, PURSANCE TO THE CITY OF DELRAY BEACE, FLORIDA, REQUESTING CLASSIFICATION RE-MEDICH HIGH TO HIGH CITY'S ZONING CLASSIFICATION RE-MEDICH HIGH TO HIGH DENSITY MELLING DISTRICT. WHEREAS, the City Of Delray Beach received a request for annex tion from Roger C. Boos and Marcella Ann Boos, his wife, the fee-sin owners of the following described property: Weinhmeiler Addition to Delray Beach, as recorded in Plat Book 33. Page 174 of the Public Records of Palm Beach County, Florida. The subject property is located on the south side of S.E. 10th Street, between Dixis Highway and Federal Highway. The above-described parcel contains a five acre parcel of land, more or less; and, WEREAS, the City Council has considered this annexation reques approved annexation of the subject parcel and did so by adoption of Cri nance No. 18-84; and, WHEREAS, the City Council has considered this annexition reques approved annexation of the Subject parcel to be soned to the City Zon nance No. 18-84; and, WEREAS, the City Council has determined that the subject pro- county Commissioners of Palm Beach County, Florida, for the Board County Commissioners of Palm Beach County, Florida, for the Board County Commissioners of Palm Beach County, Florida, for the Board County Commissioners of Palm Beach County, Florida, for the change zoning of this parcel which is currently zoned RB (High Density); at # WEREAS, the City Council has determined that the subject Pro- proposed uses and designations are compatible with existing Letters the immediate vicinity Commissioners of Palm Beach County. South existing Letters the immediate vicinity Commissioners of Palm Beach County is on immediate trecone the property described above from Re (High Density) to ki (Med High to Hyh City Council has neared property. NOW, THEREFORE, E IT RESOLVED BITHE COUNCIL OF THE CITY DELRAY BEACH,		_				
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tion from Roger C. Boos and Marcella Ann Boos, his wife, the fee-ein owners of the following described property: Weihmueller Addition to Delray Beach, as recorded in Plat Book 32, Page 174 of the Public Records of Palm Beach County, Florida. The subject property is located on the south side of 5.E. 10th Street, between Dixis Highway and Federal Highway. The above-described parcel contains a five acre parcel of land, more or less; and, WEREAS, the City Council has considered this annexation reque approved annexation of the subject parcel and did so by adoption of Or- nance No. 18-84; and, WEREAS, in order for this parcel to be moned to the City Zon classification of RE (Medium High to High Density Densiling). Dises- Subsequent to Its annexation, it is necessary under Chapter 171.062 of Florida Statutes for the City to request permission from the Board County Commissioners of Palm Beach County, Florida, for the change zoning of this parcel which is currently zoned RE (High Density); a WEREAS, the proposed zoning for the subject property is compatible with Palm Beach County's Comprehensive Plan, and proposed uses and designations are compatible with existing patterns the immediate vicinity of the annexed property. NOW, THEREFORE, BE IT RESOLVED BT THE CITY COUNCIL OF THE CITY DELRAY BEACH, FLORIDA, AS FOLLOWS: Section 1. That the City Council hareby requests a waiver f the Board of County Commissioners of Palm Beach County to immediat resone the property described above from Rd (High Density) to KM (Med High to High Density for such land. Section 2. That a certified copy of this resolution is be sent to each member of the Soard of County Commissioners, the Count Aministrator and the Director of Planning, Zoning and Building. PASSED AND ADOPTED in regular session on this the lith day MATCH		HIGH TO HIGH	DENSITY DWELLING	DISTRICT.		
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sent to each member of the Board of County Commissioners, the Count Administrator and the Director of Planning, Zoning and Building. PASSED AND ADOPTED in regular session on this the 13th day March , 1984. BOOK 342 409 Second dynamic MAYOR ATTEST: RE4 752	rezone High to	rd of County the property High Densit	Commissioners of described above f ty Ewelling) Dist	f Palm Beach From Rd (High Frict which w	County to i Density) to	mmediate KH (Medi
March, 1984. BOOK 342 409 Secret frame MAYOR RE4 752	sent to Administ	each member	of the Board o	of County Com	missioners,	the Cour
ATTEST: RE4 752	Ma		ADOPTED in regula _, 1984.	ar session on	this the 13	th day
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/ City Clerk	<u>leluja</u>	City Clerk	<u>eu</u>			

othe wixie any a cost any. IMPROVED ---- ORDINANCE NO. 18-84 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACE, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACE WEIBHUELLER ADDITION TO DELRAY BEACE, AS RECORDED IN PLAT BOOK 23, PAGE 174 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LAND BEING IN SECTION 21, TOWNSHIP 46 SOUTE, RANGE 43 EAST, WEICH LAND IS CONTIGUOUS TO EXISTING MUNICIPAL LIMITS OF SAID CITY; REDEFINING THE BOUNDARIES_OF SAID CITY-TO INCLUDE SAID LAND; PROVIDING FOR THE RIGHTS AND, OBLIGATIONS OF SAID LAND; PROVIDING FOR THE RIGHTS AND, OBLIGATIONS OF SAID LAND; PROVIDING 1. FOR THE ZONING THEREOF. WEEREAS, Roger C. Boos and Marcella Ann Boos, his wife, are the fee-simple owners of the property hereinafter described; and, wHEREAS, Roger C. BOOS and Marcella Ann Boos, his wife, have requested by their petition to have the property annexed into the Buni-sipal limits of the City of Delray Basul, and, WHEREAS, the designation of a zoning classification is part of the annexation proceeding, the City Council has determined that the pro-cedures set forth in Section 30-23 of the Zoning Code, which applies to property already in the City limits, shall not be applicable in annexation proceedings; and, WHEREAS, the City of Delray Beach has heretofore been authorized to annex lands in accordance with Section 171.044 of the Florida Statutes, NOW, THEREFORE, BL IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF -DELRAY BEACH, FLORIDA, AS FOLLOWS. Section 1. That the City Council of the City of Delray Beach, Palm Beach County, Florida, hereby annexes to said City the following described land located in Palm Beach County, Florida, which lies contiguous to said City to-wit: Weihmueller Addition to Delray Beach, as recorded in Plat Book 23, Page 174 of the Public Records of Palm Beach County, Florida. The subject property is located on the south side of S.E. 10th Street, between Dixie Highway and Federal Highway. The above-described parcel contains a five acre parcel of , land, more or less. Section 2. That the Boundaries of the City of Delray Beach, Florida, are hereby redefined to include therein the above-described tract: of land and said land is hereby declared to be within the corporate limits of the City of Delray Beach, Florida. That Section 30-23 of the Zoning Code shall not apply Section 3. to the establishment of a zoning classification in this ordinance. ~ Section 4. That the tract of land hereinabove described is hereby declared to be in Zoniag District RH (Medium High to High Density Dwelling) as defined by existing ordinances of the City of Delray Beach, Florida. Section 5. That the land hereinabove described shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Delray Beach are now or may be subjected and persons residing thereon shall be deemed citizens of the City of Delray Beach. BOOK 342 410 752 R 84

<u>Section 5.</u> That this annexation of the subject property, in-cluding adjacent roads, alleys, or the like, if any, shall not be deemed acceptance by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions. Section 7. That if any word, phrase, clause, sentence or part of this ordinance shall be declared illegal by a Court of competent jurisdic-tion, such record of illegality shall in no way affect the remaining portion. ____ ----PASSED AND ADOPTED in regular session on second and final reading on this the ______ day of ______ April _____, 1984. , Frak SC. ō ATTEST: First Reading _______ March 13. 1984 Second Reading April 10, 1984 R 84 BOOK 342 411 - 2 -Ord. No. 18-84 .

	Inter-Office Communication
-	PALM BEACH COUNTY
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· - • TO	Stan Redick, Planning Director DATE April 17, 1984
FROM	Richard Morley FILE
	Annexation/Rezoning - City of Delray Beach Resolution No 21-84 (Park Place)

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 Delray Beach has recently annexed a five acre parcel of land located on the south side of S.E 10th Street, between Dixie Highway and Federal Highway The request is now for the purpose of rezoning the land from the County Zoning Classification RH (Residential High Density) to the City's Zoning Classification RH (Medium High to High Density Dwelling).

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 RH (Medium High to High Density Dwelling District)
- c) There is little significant difference between the County's RH Zoning District and the City's proposed RH Zoning District Both Zoning Districts allow 12 units per acre
- d) The County Land Use Plan identifies the subject site as having medium to medium high land use designation allowing for eight units per acre in a standard subdivision and twelve units per acre in a PUD
- e) The City's proposed rezoning to RH is consistent with the County's Land Use designation of medium to medium high which allows up to twelve units per acre residential for the subject area

Recommendation

R 84

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The Planning Division has determined that the requested RH zoning by the City of Delray Beach is consistent with the County's Comprehensive Land Use Plan In addition, the project will not have a significant impact on County Systems

It is recommended that the waiver of County Zoning (RH) be granted to the City of Delray Beach under Chapter 171.062 F.S

FRIC "RM cjs SIGNED BUOK 342 412 5



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