

RESOLUTION NO. R-82-1095

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING CITY OF DELRAY BEACH TO REZONE PROPERTY AFTER ANNEXATION PURSUANT TO s.171.062, FLORIDA STATUTES, AND CITY OF DELRAY BEACH RESOLUTION NO. 77-82.

WHEREAS, by its Resolution No. 77-82, 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 RH (High Density Residential) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City of Delray Beach proposes to rezone the property to R-1A (Single family) to allow the petitioner to develop the parcel for single family purposes; and

WHEREAS, the Comprehensive Land Use Plan recommends medium to medium high residential density for this parcel, which allows multi-family development.

WHEREAS, the Planning, Zoning and Building Department has reviewed the request and offers no formal objections to same as more fully outlined in the September 16, 1982 memo 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 the request of City of Delray Beach in its Resolution No. 77-82, attached hereto and made a part hereof, is hereby approved.

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

NORMAN R. GREGORY	AYE
PEGGY B. EVATT	AYE
FRANK H. FOSTER	AYE
DENNIS P. KOEHLER	AYE
RTII BATTLE	AYE

The Chairman thereupon declared the resolution duly passed and adopted this 12th day of October, 1982.

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

JOHN B. DUNKLE, Clerk

By: *John B. Dunkle*
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

John Cabell
County Attorney

OCT 12 1982 DAY OF

FILED THIS 19

NO RECORDED IN RESOLUTION

MINUTE BOOK NO 267 AT

PAGE 315-319 RECORD VERIFIED

JOHN B. DUNKLE, CLERK

BY *Patty Boo* D.C.

Inter-Office Communication

PALM BEACH COUNTY

TO Robert E. Basehart DATE September 16, 1982
Executive Director
FROM Stan Redick FILE
Planning Director
RE Annexation Resolution 77-82
Delray Beach

The following resolution for annexation/rezoning by the City of Delray Beach has been reviewed by the Planning Division. The following comments are submitted for your consideration:

- 2nd 1. The property is currently [REDACTED] under County zoning which has a maximum density of twelve (12) units per acre.
- 3rd 2. The [REDACTED] to rezone the property to [REDACTED] with 7,500 sq. ft. lots at a density of 5.8 units per gross acre.
3. The difference in density between the County's RH zone and the City's R-1A zone on the 8.2 acres involved will mean a potential reduction in dwelling units from 98 to 47 units.
- 4th 4. The County's [REDACTED] for this area is the [REDACTED] 1 which allows 8 to 16 units per acre. Add: which allows multi-family development.
- 2nd 5. While the Land Use Plan category (M-MB) would permit higher densities, the existing land use characteristics east of S.W. 8th Avenue is [REDACTED] and consistent with the proposed R-1A zoning district.

Based upon the Planning Division's analysis, Annexation Resolution 77-82 is found to be consistent with the Comprehensive Plan and the two (2) year time period can be waived.

Attached is a map which depicts parcels involved and the general land use characteristics for the area which can be forwarded to the Board of County Commissioners for their consideration.

SR:RLL:cb
Attachment

BOOK 267 317

82

RESOLUTION NO. 77-82

A [REDACTED] OF THE CITY COUNCIL OF THE [REDACTED] FLORIDA, [REDACTED] FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.062, [REDACTED] TO BE ANNEXED TO THE CITY OF DELRAY BEACH FROM THE COUNTY ZONING CLASSIFICATION RH-RESIDENTIAL MULTIPLE FAMILY (HIGH DENSITY) [REDACTED] (SINGLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach has received a request for annexation from California Designs, Inc., the owner of the following described property:

Lots 1 through 12, Block 13; Lots 1 through 6, Block 15; Lots 1 through 12, Block 16; Lots 1 through 18, Block 18; Lots 1 through 13, Block 19, Southridge Plat No. 2, according to the Plat thereof, as recorded in Plat Book 13, Pages 38 and 39 of the Public Records of Palm Beach County, Florida;

and,

WHEREAS, the City Council upon the favorable recommendation of the Planning and Zoning Board has considered this annexation request and approves annexation of the subject parcel; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of R-1A (Single Family Dwelling) District upon 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 RH-Residential Multiple Family (High Density) in the County,

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 permission from the Board of County Commissioners of Palm Beach County to rezone, when annexed, the property described above from RH-Residential Multiple Family (High Density) to R-1A (Single Family Dwelling) District which will result in a decrease in the density allowed in 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 24th day of August, 1982.


VICE MAYOR

I-95

RH

DELAY BEACH
ORD. 6-323
JULY 27, 1959

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RH

RH AR
SE

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BANKERS
CHURCH
P.B.C.

PINE GROVE
ELEMENTARY
SCHOOL

R-79-186 SE
P-79-11
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13-38

LINTON BLVD

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RH

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IL

RESOLUTION 77-82
SUBJECT
PROPERTY

N

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TANAGER LANE

WINDY

CANAL

CIRCLE

EAST COURT

25-140

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DELAY BEACH

WINDY

ORD. 6-323