

RESOLUTION NO. R-83-590

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF DELRAY BEACH TO REZONE RECENTLY ANNEXED PROPERTY PURSUANT TO §171.062, FLORIDA STATUTES, AND CITY OF DELRAY BEACH RESOLUTION NO. 23-83

WHEREAS, by its Resolution No. 23-83, the City of Delray Beach has requested permission from the Board of County Commissioners to rezone the property described therein which has been annexed into the corporate limits of the City of Delray Beach; and

WHEREAS, the property is currently zoned AR (Agricultural 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-1AA (single family), and

WHEREAS, the Comprehensive Land Use Plan recommends medium to medium high density for this parcel; and

WHEREAS, the Planning Division has reviewed the request and has found the proposed rezoning consistent with the Comprehensive Land Use Plan, as outlined in the May 3, 1983 memorandum, attached hereto and made a part hereof; and

WHEREAS, after consideration of the request this Board finds that the uses and densities in the City's plan for the property will have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County systems; and

WHEREAS, based on the foregoing, this Board finds the proposed rezoning compatible with the Comprehensive Land Use Plan

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the request of the City of Delray Beach in its Resolution No. 23-83 attached hereto and made a part hereof, is approved.

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

PEGGY B. EVATT	- Aye
KENNETH G. SPILLIAS	- Aye
DENNIS P. KOEHLER	- Aye
DOROTHY H. WILKEN	- Aye
BILL BAILEY	- Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 24th day of MAY, 1983.

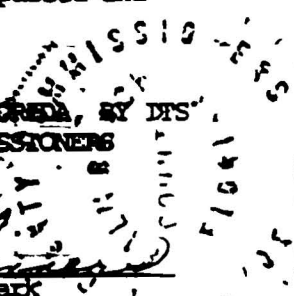
PALM BEACH COUNTY, FLORIDA, BY DYS  
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

JOHN B DUNKLE, Clerk

BY: [Signature]  
Assistant County Attorney

BY: [Signature]  
Deputy Clerk



FILED THIS 24 DAY OF MAY, 1983

RECORDED IN RESOLUTION  
BOOKING 290  
PAGE 263-268 RECORD VERIFIED  
JOHN B DUNKLE, CLERK  
BY: [Signature] DC

83 590

RESOLUTION NO. 23-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171 062, TO REZONE LAND ANNEXED TO THE CITY OF DELRAY BEACH FROM THE COUNTY ZONING CLASSIFICATION AR (AGRICULTURAL RESIDENTIAL) TO THE CITY'S ZONING CLASSIFICATION R-1AA (SINGLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach, as fee-simple owner, by and through its City Council, requested to have the following described property annexed into the municipal limits of the City of Delray Beach

North 150.00 feet of the East 150.00 feet of the West 528.00 feet of the North  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 18, Township 46 South, Range 43 East, Palm Beach County, Florida.

The subject property is located south of the L-32 Canal, between High Point Boulevard North and Davis Road,

and,

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 15-83; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of R-1AA (Single Family Dwelling) District subsequent to its 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 AR (Agricultural Residential), and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's currently existing Land Use Plan designation, and,

WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designations are compatible with existing patterns in the immediate vicinity of the annexed property,

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 a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone, the property described above from AR (Agricultural Residential) to R-1AA (Single Family Dwelling) District which would result in an increase in the density for 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 12th day of April, 1983.

  
MAYOR

ATTEST.

  
City Clerk

83 590

## Inter-Office Communication

PALM BEACH COUNTY

*OK*

TO Stan Redick, Planning Director      DATE May 3, 1983  
FROM Richard Morley, Principal Planner      FILE  
RE Delray Beach Annexation - Waiver Request Resolution No 23-83

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The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and offers the following comments

### Background Information

The City has recently annexed and changed their Comprehensive Plan to reflect the annexation of a 0.5 acre parcel. The request is now for the purpose of rezoning the parcel from the County's Zoning Classification of AR (Agricultural Residential) to the City's Zoning Classification R-1AA (Single Family Dwelling) District. The subject property is located south of the L-32 Canal, between High Point Boulevard and Davis Road. (see map)

### Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned AR (Agricultural Residential) by the County.
- b) The City proposes to rezone the property to R-1AA (Single Family Dwelling).
- c) The difference in zoning density between the City's R-1AA and the County's AR is significant.
- d) The County's Land Use Plan identifies the subject annexed site as Medium to Medium High having an allowable density range of eight units per acre in a standard subdivision and twelve units per acre in a PUD
- e) Since the City's request is for single family residential the density is significantly less than what the County allows in the Medium to Medium High Land Use Classification (8-10 units per acre), the proposed rezoning is consistent with the County's Land Use Plan.

In summary, the Planning Division has determined that the City's zoning proposal to R-1AA (single family) will have no significant impact on County system and hence, it is recommended that the requested waiver of County zoning be granted to the City of Delray Beach.

RM cjs

83-590

SIGNED

*Richard F. Morley*

BOOK 290 266

ORDINANCE NO. 15-83

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 43 EAST, WHICH 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 ZONING THEREOF.

WHEREAS, the City of Delray Beach, a Florida Municipal Corporation, is the fee-simple owner of the property hereinafter described, and,

WHEREAS, the City of Delray Beach has requested to have the subject property annexed into the municipal limits of the City of Delray Beach, and,

WHEREAS, the designation of a zoning classification is part of the annexation proceeding, the City Council has determined that the procedures 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, BE 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: -

North 150.00 feet of the East 150.00 feet of the West 528.00 feet of the North  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 18, Township 46 South, Range 43 East, Palm Beach County, Florida

The subject property is located south of the L-32 Canal, between High Point Boulevard North and Davis Road

The above-described parcel contains a 0.5 acre parcel of land.

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.

Section 3. That Section 30-23 of the Zoning Code shall not apply 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 Zoning District R-1AA (Single Family 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.

Section 6 That if any word, phrase, clause, sentence or part of this ordinance shall be declared illegal by a Court of competent jurisdiction, 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 8th day of March, 1983.

  
MAYOR

ATTEST:

  
City Clerk

First Reading February 8, 1983

Second Reading March 8, 1983

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