

RESOLUTION NO. R-83-592

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 28-83

WHEREAS, by its Resolution No 28-83, 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 RS (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 low to medium 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 17, 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 28-83 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 ITS
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 1983. DAY OF

290

FILE 280-287 RECD DEPT CLERK

JOHN B. DUNKLE, CLERK

BY [Signature] DC

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RESOLUTION NO. 28-83

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 RS (SINGLE FAMILY RESIDENTIAL) TO THE CITY'S ZONING CLASSIFICATION R-1AA (SINGLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Beulah G. DeRubis, the fee-simple owner of the following described property:

The West 84 feet of the North 135 feet of the East one-half of the Southwest one-quarter of Lot 3, being in the Subdivision of Section 8, Township 46 South, Range 43 East, Palm Beach County, Florida, as recorded in Plat Book 1, Page 4, Public Records of Palm Beach County, Florida;

TOGETHER with a non-exclusive easement over the South 50 feet of the North 185 feet of the East one-half of the Southwest one-quarter of Lot 3 as above described for the purpose of effecting ingress to and egress from the above-described property.

The subject property is located north of N.W. 7th Street, between N.W. 6th Avenue and N.W. 8th Avenue.

The above-described parcel contains a 0.26 acre parcel of land;

and,

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 20-83; 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 RS (Single Family 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 RS (Single Family Residential) to R-1AA (Single Family Dwelling) District which would result in no 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 26th day of April, 1983.

Edward Young
MAYOR

ATTEST.

Elizabeth Adams
City Clerk

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH A PARCEL OF LAND IN THE SUBDIVISION OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 4 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 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, Beulah G. DeRubis is the fee-simple owner of the property hereinafter described, and,

WHEREAS, Beulah G. DeRubis has requested by her petition 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:

The West 84 feet of the North 135 feet of the East one-half of the Southwest one-quarter of Lot 3, being in the Subdivision of Section 8, Township 46 South, Range 43 East, Palm Beach County, Florida, as recorded in Plat Book 1, Page 4, Public Records of Palm Beach County, Florida;

TOGETHER with a non-exclusive easement over the South 50 feet of the North 185 feet of the East one-half of the Southwest one-quarter of Lot 3 as above described for the purpose of effecting ingress to and egress from the above-described property.

The subject property is located north of N.W. 7th Street, between N.W. 6th Avenue and N.W. 8th Avenue.

The above-described parcel contains a 0.26 acre parcel of land.

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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 this annexation of the subject property, including 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 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 26th day of April, 1983.


MAYOR

ATTEST.


City Clerk

First Reading March 22, 1983

Second Reading April 26, 1983

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BOOK 290 285



RECEIVED
MAY 9 1983
PLANNING DIVISION

C E R T I F I C A T I O N

I, ELIZABETH ARNAU, City Clerk of the City of Delray Beach, Florida, do hereby certify that the attached is a true and correct copy of Resolution No. 28-83 which was passed on the 26th day of April, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 2nd day of May, 1983.

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

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BOOK 290 286

Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick **DATE** May 17, 1983
Planning Director
FROM Richard Morley **FILE**
Principal Planner
RE Annexation/Rezoning - City of Delray Beach
Resolution No.28-83

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

Background Information

The City of Delray Beach has recently annexed a 0.26 acre parcel of land located north of N.W. 7th Street between N.W. 6th Avenue and N.W. 8th Avenue. The request is now for the purpose of rezoning the parcel from the County's Residential Single Family Zoning District (RS) to the City's Zoning Classification R-1AA (single family dwelling) District. The proposed zoning for the subject property is consistent with the City's currently existing Land Use Plan designation.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS by the County.
- b) The City proposes to rezone the property to R-1AA (single family dwelling) District.
- c) There is little difference in land use density between the County's RS Zone and the City's proposed R-1AA Zoning District.
- d) The County's Land Use Plan identifies the subject annexed site as having a low to medium land use designation allowing for 3 units per acre in a standard subdivision and 5 units per acre in a Planned Unit Development
- e) The proposed rezoning to R-1AA is consistent with the County's Land Use Plan designation of Low to Medium for the site.

In summary, the Planning Division has determined that the requested R-1AA Zoning District by the City of Delray Beach is consistent with the County's Comprehensive Land Use Plan. The R-1AA Zoning District allowable densities will have no significant impact on County systems.

It is recommended that the waiver of County Zoning be granted to the City of Delray Beach

RM cjs

ok In addition, this is in keeping with Intergovernmental Coordination by infilling an enclosure

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SIGNED _____