

RESOLUTION NO. R-83-1066

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. 73-83.

WHEREAS, by its Resolution No. 73-83, the 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 (Residential High Density) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to Rezone the property to R-1A (Single Family Dwelling) District to allow the Petitioner to develop the parcel for residential purposes with a density of 3 units per acre; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Medium to Medium High land use designation allowing for 8 units per acre in a standard subdivision and 12 units per acre in a Planned Unit Development; and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinance 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 found that the proposed development is consistent with the Comprehensive Land Use Plan designation of Medium to Medium High Residential in terms of less density than what is allowed under the Comprehensive Land Use Plan for the subject area and would have little or no significant impact on County Systems as outlined in the August 31, 1983 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 Delray Beach will have no significant impact upon County systems.
3. The request of the City of Delray Beach in its Resolution No. 72-83, attached hereto and made a part hereof, is hereby approved.

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

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

The Chairman thereupon declared the Resolution duly passed and adopted this 13th day of September, 1983.

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

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Loris K. Chavers
Deputy Clerk

By: John G. [Signature]
County Attorney

FILED THIS 13 DAY OF
Sept 19 83
AND RECORDED IN RESOLUTION
PAGE BOOK NO. AT
THE RECORDED BY
JOHN B DUNKLE CLERK
BY Towdy Madden, D.C.

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Inter-Office Communication
PALM BEACH COUNTY

78-1-5

TO Stan Redick, Planning Director DATE August 30, 1983
FROM Richard Morley FILE
Principal Planner
RE Annexation/Rezoning - City of Delray Beach
Resolution No 73-83

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 0.25 acre parcel of land located west of Germantown Road, between Royal Palm Drive and S.W. 10th Street. 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 R-1A (Single Family Dwelling) District.

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 R-1A (Single Family Dwelling) District.
- c) There is a significant difference between the County's RH Zoning District and the City's proposed R-1A District
- 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 R-1A is consistent with the County's Land Use designation of medium to medium high residential in terms of less density than what is allowed under the Comprehensive Plan

Recommendation

Since there is not a significant impact on County systems and the requested zoning density is less than what is allowed under the County Comprehensive Plan, it is recommended that the County grant the City of Delray Beach the waiver request under Chapter 171 062 F S.

RM cjs

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SIGNED

Richard F. Morley

RESOLUTION NO: 73-83

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 RH (RESIDENTIAL HIGH DENSITY) TO THE CITY'S ZONING CLASSIFICATION R-1A (SINGLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Charles Castilyn and Elizabeth C. Castilyn, his wife, the fee-simple owners of the following described property:

The South 155 feet of the East 70 feet of the West $\frac{1}{4}$ of Lot 29, Section 20, Township 46 South, Range 43 East, as shown in Plat Book 1, Page 4, Palm Beach County Records, further described as follows:

Beginning at the Southeast corner of the above described tract of land, thence running West 70 feet, thence North 155 feet, thence East 70 feet to the West line of the Esquire Subdivision, thence South along this line 155 feet to the point of beginning, except a public right-of-way over the South 25 feet, heretofore granted by the parties of the first part.

The subject property is located West of Germantown Road, between Royal Palm Drive and S.W 10th Street

The above described parcel contains a 0.25 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. 43-83; and,

WHEREAS, in order for this parcel to be zoned to the City zoning classification of R-1A (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 RH (Residential High Density), and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's Comprehensive Land Use Plan; 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 RH (Residential High Density) to R-1A (Single Family Dwelling) District which would result in a decrease 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 July, 1983.


MAYOR

ATTEST.


City Clerk

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