

RESOLUTION NO. R-83-1363

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF PALM BEACH GARDENS TO REZONE RECENTLY ANNEXED PROPERTY PURSUANT TO §171.062, FLORIDA STATUTES, AND PALM BEACH GARDENS RESOLUTION NO. 53-1983.

WHEREAS, by its Resolution No. 53-1983, the City of Palm Beach Gardens 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 a Planned Unit Development with underlying zoning of CG-1 General Commercial; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as Medium High to High Residential having a density of twelve (12) units per acre in a standard subdivision and eighteen (18) units per acre in a Planned Unit Development. Commercial Potential is not recognized for the site; and

WHEREAS, the Intergovernmental Coordination Element 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 little or no significant impact upon County systems, or such effect is mitigated by compliance with Performance Standards equal to those adopted as part of the County's Comprehensive Plan, or other adopted Ordinance, which, simultaneously with the development of the annexed area, will fully meet all performance criteria in terms of the impact upon County Systems; and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has found that the proposed development is inconsistent with the Comprehensive Land Use Plan designation. The difference between the County's RH Zoning District and the City's CG Zoning District is significant and is not in harmony with the intent of the Comprehensive Land Use Plan. However, the Planning Division has determined that there will not be a significant impact upon County

Systems from the proposed zoning change to CG-1 General Commercial, and therefore recommends that the waiver request be granted, as outlined in the October 19, 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 Palm Beach Gardens will have no significant impact upon County systems.
3. The request of the City of Palm Beach Gardens in its Resolution No. 53-1983 , attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was offered by Commissioner BAILEY 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 25th day of October, 1983.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

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

JOHN B. DUNKLE, Clerk

BY: John B. Dinkler

County Attorney

BY: John B. Dinkler

Deputy Clerk

FILED THIS OCT 25 1983 DAY OF 19
AND RECORDED IN RESOLUTION
MINUTE BOOK NO 316 AT
PAGE 12-21 RECORD VERIFIED
JOHN B DUNKLE, CLERK
BY J. Harris D.C.

August 15 1983

ORDINANCE 11, 1983

AN ORDINANCE OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ANNEXING A PARCEL OF LAND LOCATED IN SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, INTO THE CITY OF PALM BEACH GARDENS, FLORIDA, AND CONCURRENTLY WITH THE ANNEXATION THEREOF CREATING A ZONING AND USE CLASSIFICATION OF SAID LAND DESIGNATED AS A PLANNED UNIT DEVELOPMENT, WITH THE UNDERLYING PERMITTED ZONING USAGE OF SAID LAND BEING DESIGNATED AS CG-1 GENERAL COMMERCIAL ZONING DISTRICT, REQUIRING THE POSTING OF REQUISITE SURETY BY THE DEVELOPER TO ASSURE REQUIRED CONSTRUCTION OF ROAD PAVING, UTILITIES AND DRAINAGE IN A SUM OF MONEY TO BE DETERMINED BY THE CITY ENGINEER, PROVIDING FOR THE HATCHING OR COLORING OF THE OFFICIAL ZONING MAP OF THE CITY OF PALM BEACH GARDENS BY THE CITY CLERK TO REFLECT THE ZONING DESIGNATION CREATED HEREIN, PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND, PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the contract purchaser of the lands described in Exhibit "A", Southern Florida Bank, N A, has filed a written Petition with the City of Palm Beach Gardens, Florida, requesting that the City of Palm Beach Gardens annex said described lands into and within the territorial boundaries of said City, and

WHEREAS, said Petitioner has further requested that the City of Palm Beach Gardens concurrently with the annexation thereof create a zoning use classification thereof to be designated as a Planned Unit Development with the underlying permitted zoning usage thereof designated as CG-1 - General Commercial Zoning District, and

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WHEREAS, the City Council of Palm Beach Gardens, Florida finds that the lands described in Exhibit "A" are contiguous to existing City boundaries, and that no enclave will be created by said annexation, that the City can furnish or cause to be furnished necessary utilities police, fire, and sanitation services, and that the annexation of said lands is in compliance with Chapter 171, Annexation, Florida Statutes and with the Palm Beach Gardens Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA

Section 1. The parcel of land comprising approximately of .45 acres, located in Section 4, Township 42 South, Range 43 East, Palm Beach County, Florida, and fully described in Exhibit "A" attached hereto and made a part hereof, is hereby annexed into the territorial limits of the City of Palm Beach Gardens, Florida, and shall henceforth be a part of said City with the same force and legal effect as if having been an original part thereof.

Section 2 Concurrently with the annexation of said lands described in Exhibit "A" a zoning use classification of said lands is hereby created and designated as a Planned Unit Development with the underlying permitted zoning usage thereof being designated as CG-1 - General Commercial Zoning District

Section 3 The Planned Unit Development created by this Ordinance shall be developed solely in accordance with the Elevation Plan prepared by Robert R Smith, Architect & Financial Structures, Inc., same being Sheet Nos SD-2 and SD-4 Job No 1194, respectively, under date of August 8, 1983, and Landscaping Plan prepared by Kilday & Associates, Drawing No 83-65, said described documents are hereby expressly made a part of this Ordinance as if fully set out here

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Section 4. Prior to issuance of the initial Building Permit by the Building Official, for development of said Planned Unit Development, the Petitioner shall post with the City of Palm Beach Gardens a Performance Bond or a Letter of Credit in a sum of money which shall be determined by the City Engineer to assure construction by the Petitioner of all required road paving, drainage facilities and utilities in said Planned Unit Development. The requisite form and execution of the Bond or Letter of Credit shall be subject to the approval by the City Manager

Further, prior to the issuance by the Building Official of the first Building Permit for a building structure in said Planned Unit Development, Petitioners shall obtain and file with the City Clerk copies of all Permits required by law to be issued by governmental entities other than the City of Palm Beach Gardens

Section 5 The Petitioner, within 20 days from effective date of this Ordinance, shall execute and deliver to the City of Palm Beach Gardens, Florida, an Easement Deed in recordable form, wherein Petitioner is Grantor and said City is Grantee, which Deed shall convey, free and clear of liens and encumbrances, easement rights therein for Roadway and Utility Purposes, over, across, and under the North 25 feet of the real property described in Exhibit "A" attached hereto. The required Easement Deed shall be in a form acceptable to the City Attorney. The Attorney for Petitioner shall furnish to the City Attorney a Certificate of Title pertaining to the lands being conveyed that Petitioner has a good and marketable Title to same and that there are no liens or encumbrances thereon.

Section 6 The full development of said Planned Unit Development shall be completed within two (2) years from effective date hereof, and the Petitioner may obtain an extension of one (1) additional year for good cause shown by approval of subsequent Ordinance, otherwise, the City Council shall establish a zoning classification of permitted use for all lands remaining in the uncompleted portions of the Planned Unit Development.

Section 7 The City Clerk shall designate the change of zoning provided herein by coloring or hatching upon the official zoning map of the City. Further, the City Clerk shall furnish a certified copy of this Ordinance to the governmental bodies required by law.

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Section 8 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

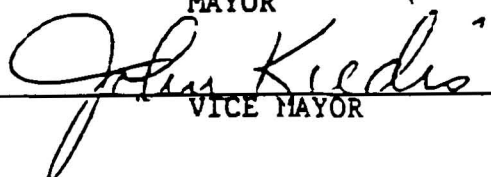
Section 9 This Ordinance shall be effective upon passage.

PLACED ON FIRST READING THIS 18th DAY OF AUGUST, 1983

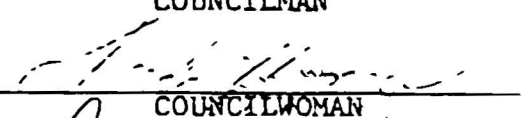
PLACED ON SECOND READING THIS 15th DAY OF SEPTEMBER, 1983


PASSED AND ADOPTED THIS 15th DAY OF SEPTEMBER 1983


MAYOR


VICE MAYOR


COUNCILMAN


COUNCILWOMAN



RESOLUTION 53, 1983

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY PURSUANT TO FLORIDA STATUTES 171.062, WAIVE THE TWO (2) YEAR PERIOD FOR THE USE OF LANDS ANNEXED TO THE CITY OF PALM BEACH GARDENS, FLORIDA WITH THE CURRENT COUNTY ZONING CLASSIFICATION MEDIUM HIGH-HIGH DENSITY RESIDENTIAL DISTRICT BEING CHANGED TO THE CITY'S ZONING CLASSIFICATION OF PUD - PLANNED UNIT DEVELOPMENT WITH UNDERLYING ZONING OF CG-1 - (GENERAL COMMERCIAL ZONING DISTRICT).

WHEREAS, the City of Palm Beach Gardens has received a request by Attorney Alan Ciklin, Authorized Agent, to annex the following described property

THE EAST 201 FEET OF THE WEST 794 FEET OF THE SOUTH 97.9 FEET OF THE NORTHWEST QUARTER (N.W. 1/4) OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE CORRECTLY DESCRIBED AS FOLLOWS

THE EAST 201 FEET OF THE WEST 794 FEET OF THE SOUTH 97.9 FEET OF THE NORTHWEST QUARTER (N.W. 1/4) OF SECTION 4, (AS MEASURED ALONG LINES PARALLEL WITH THE WEST AND SOUTH LINES OF SAID NORTHWEST QUARTER OF SECTION 4), TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA CONTAINING IN ALL 0.45 ACRES, MORE OR LESS. SUBJECT TO RIGHTS-OF-WAY, EASEMENTS AND OTHER MATTERS OF RECORD

AND WHEREAS, Chapter 171.062, Florida Statutes, requires that when a municipality shall annex unincorporated property with a zoning classification permitting a higher or lower intensity or density, than is currently in effect under permitted County zoning usage, that such use effected by the municipality cannot be utilized until two (2) years have elapsed from date of annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AS FOLLOWS

Section 1 That the City Council hereby requests the Board of County Commissioners of Palm Beach County to waive the two (2) year statutory mandatory moratorium of land use on the foregoing lands annexed by the City of Palm Beach Gardens with a zoning classification of PUD - Planned Unit Development with underlying zoning of CG - 1 - (General Commercial Zoning District).

Section 2 That the City Clerk shall deliver certified copies of this Resolution to each member of the Board of County Commissioners of Palm Beach County, the County Administrator and the Director of Planning, Zoning, and Building of Palm Beach County

INTRODUCED, PASSED, AND ADOPTED THIS THE 15th DAY OF SEPTEMBER, 1983

[Handwritten Signature]
MAYOR

ATTEST

[Handwritten Signature]
CITY CLERK

[Handwritten Signature] Clerk of the City of Palm Beach Gardens do hereby certify that this is a true and correct copy

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Stan Redick
October 18, 1983
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Comprehensive Plan or other adopted ordinances) on County systems." In this case, it has been determined that there is not a significant impact on County systems from the proposed change.

Recommendation

Based on the fact that the City's proposed change in zoning will not have a significant impact on County systems, it is recommended that the waiver of County zoning be granted to the City of Palm Beach Gardens under Chapter 171.062 Florida Statutes.

RM:cjs
Encl.

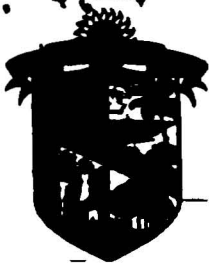
Quinton F. Malley

okjfr

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BOOK 316 019



CITY OF PALM BEACH GARDENS

10800 N MILITARY TRAIL • PALM BEACH GARDENS, FLORIDA 33410 • 622-1200

September 16, 1983

Peggy Evatt, Chairwoman
Board of County Commissioners
3188 PGA Boulevard
Palm Beach Gardens, Fla. 33410

Dear Chairwoman Evatt.

Please find enclosed certified copies of the City's Ordinance 11, 1983, and Resolution 53, 1983, unanimously adopted by the Council at their Regular Meeting of September 15, 1983.

Ordinance 11, 1983, annexed into the City a .45-acre parcel of land, on the north side of PGA Boulevard between U.S. Highway #1 and Ellison Wilson Road.

Resolution 53, 1983, references Chapter 171.062, Florida Statutes, and requests you, the Board of County Commissioners, to waive the two year statutory mandatory moratorium of usage of the lands as zoned simultaneously with the annexation - Planned Unit Development with underlying permitted zoning usage of CG-1, General Commercial Zoning District.

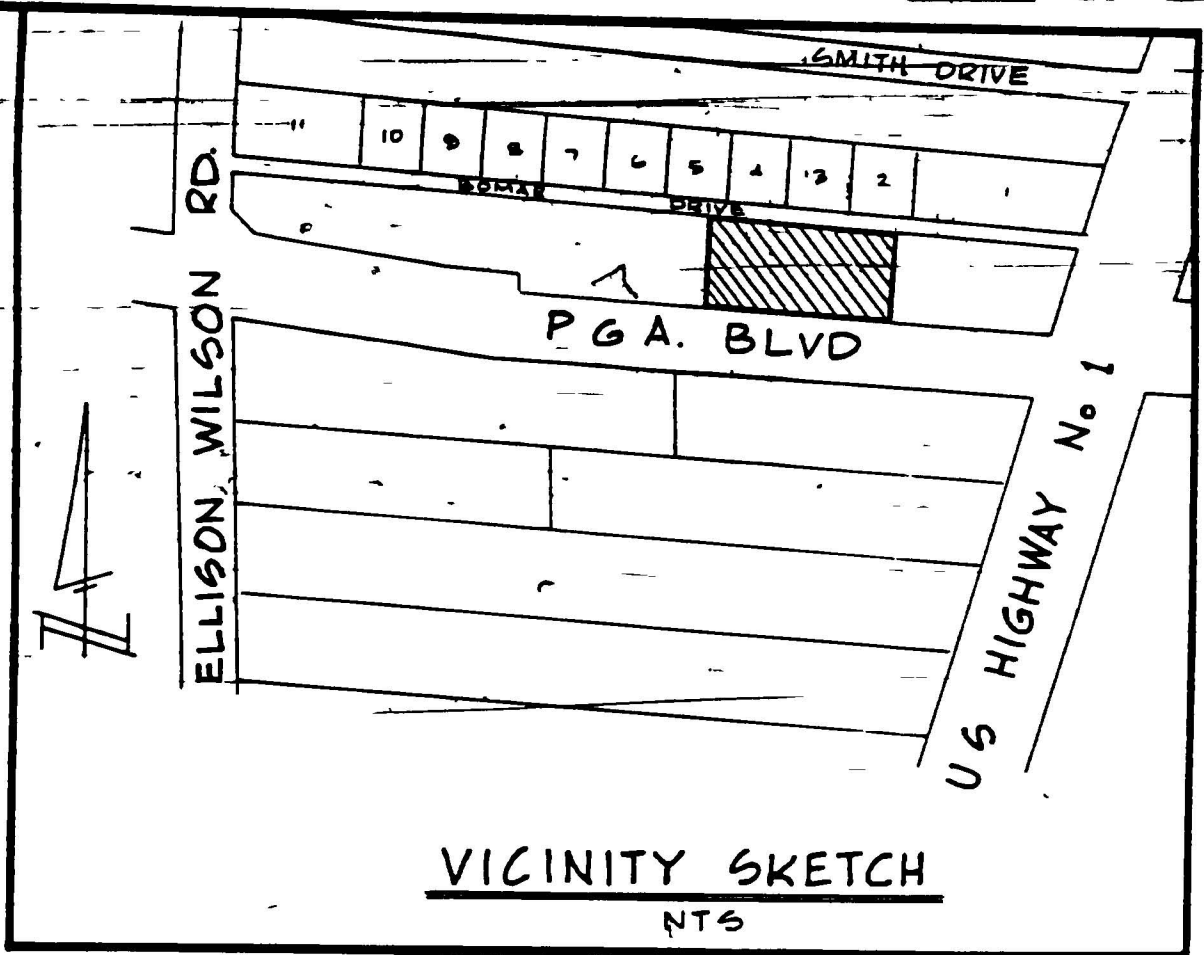
Sincerely,

Linda M. Ard
City Clerk
CITY OF PALM BEACH GARDENS

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cc. Mr. John Sansbury, County Administrator
Mr. Robert Basehart, Director of Planning, Zoning and Building

BOOK 316 020



VICINITY SKETCH
NTS

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BOOK 316 021

Resolution 53-1983

RIPTION