

RESOLUTION NO. R-83-1365

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. 79-83.

WHEREAS, by its Resolution No. 79-83, 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 RS-Single Family Residential and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to rezone the property to R-1AA - Single Family Dwelling to allow the petitioner to develop the parcel for residential purposes with a density of three to five units per acre; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a low to medium land use designation with a density range of three units per acre in a standard subdivision and five units per acre in a Planned Unit Development, provided that the project meets all mandatory performance standards; 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 consistent with the Comprehensive Land Use Plan designation of RS-Single Family Residential for the subject area and would have little or no significant impact upon County systems, as outlined in the October 17, 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. 79-83, 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. Dunkle*
County Attorney

BY: *John B. Dunkle*
Deputy Clerk

FILED THIS OCT 25 1983 DAY OF
AND RECORDED IN RESOLUTION - 19
MINUTE BOOK NO 316 AT
PAGE 27-31 RECORD VERIFIED
BY *John B. Dunkle* JOHN B. DUNKLE, CLERK DC.

R 83 1365

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RESOLUTION NO. 79-83

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

WHEREAS, the City of Delray Beach received a request for annexation from C.J. LaScala and Pamela K. LaScala, his wife, the fee-simple owners of the following described property:

Lot 16, LAKE SHORE ESTATES, according to the plat recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 25, page 26.

The subject property is located south of N.W. 22nd Street, between N.W. 4th Avenue and N.W. 3rd Avenue.

The above-described parcel contains a 0.485 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. 61-83; 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 (Residential Single Family); 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 RS (Residential Single Family) to R-1AA (Single Family Dwelling) District which would not 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 23rd day of August, 1983.

[Handwritten signature]

Inter-Office Communication
PALM BEACH COUNTY

TO Stan Redick, Planning Director DATE September 29, 1983
FROM Richard Morley FILE
Principal Planner
RE Delray Beach Annexation - Waiver Request Resolution No. 79-83

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

Background Information

The City has recently annexed and changed their Comprehensive Plan to reflect the annexation of a 0.485 acre parcel. The request is now for the purpose of rezoning the parcel from the County's Zoning Classification of RS - Single Family Residential to the City's Zoning Classification R-1AA - Single Family Dwelling District. The subject property is located south of N.W. 22nd Street, between N.W. 4th Avenue and N.W. 3rd Avenue (see map).

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS - Single Family 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 RS is not significant.
- d) The County's Land Use Plan identifies the subject annexed site as Low to Medium Residential having an allowable density range of three units per acre in a standard subdivision and five units per acre in a PUD.
- e) Since the City's request is for single family residential, the density is comparable to what the County allows in the Low to Medium Land Use Classification (3-5 units per acre), Hence, the proposed rezoning is consistent with the County's Land Use Plan.

Recommendation

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The Planning Division has determined that the City's zoning proposal to R-1AA - Single Family, is consistent with the County's Land Use Plan and the change in zoning will have no significant impact on County systems. It is recommended that the requested waiver of County zoning be granted to the City of Delray Beach.

RM:cjs

BOOK 316

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SIGNED

Richard F. Morley

CITY OF DELRAY BEACH

100 N. S. AVENUE • DELRAY BEACH FLORIDA 33444 • 305/278 2841



CERTIFICATION

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. [REDACTED] which was passed on the 23rd day of August, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this 24th day of August, 1983.

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

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FILED
PALM BEACH COUNTY

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