

RESOLUTION NO. R-84-753

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 22-84

WHEREAS, by its Resolution No. 22-84, the City of Delray Beach has requested permission from the Board of County Commissioners of Palm Beach County to Rezone the property described therein after Annexation of same into the Corporate Limits of the City; and

WHEREAS, the property is currently zoned CG-General Commercial and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the property to RM-10, Multiple Family Dwelling District, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Medium to Medium-High Residential Land Use Designation, and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning to RM-10 and the subsequent development is consistent with the Comprehensive Land Use Designation for the subject area and would have little or no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the April 20, 1984 memorandum of the Planning Director, attached hereto and made a part hereof, and

WHEREAS, the Intergovernmental Coordination Element Section 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 no significant impact upon County Systems, or such effect is mitigated by compliance with the Performance Standards, and

WHEREAS, Florida Statutes, §171.062, requires that when a City desires to rezone property which was previously subject to County Land Use Controls 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. 22-84, attached hereto and made a part hereof, is hereby approved.

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


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

The Chairman thereupon declared the Resolution duly passed and adopted this 12th day of June, 19 84

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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


COUNTY ATTORNEY

JOHN B DUNKLE, Clerk
By 
DEPUTY CLERK

FILED THIS JUN 12 1984 DAY OF
AND RECORDED IN RESOLUTION . 19
MINUTE BOOK NO 342 AT
PAGE 414-420 RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY Linda M. Daniels D.C.

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Inter-Office Communication

5 PALM BEACH COUNTY

TO Stan Redick, Planning Director DATE April 20, 1984
FROM Richard Morley FILE
Principal Planner
RE Annexation/Rezoning - City of Delray Beach
Resolution No. 22-84 (Penta Annexation)

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 0.3 acre parcel of land located east of Dixie Highway between S.E. 10th Street and the Delray Mall. The request is now for the purpose of rezoning the land from the County Zoning Classification CG (General Commercial) to the City's Zoning Classification RM-10 (Multiple Family Dwelling) District

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned CG (General Commercial) by the County
- b) The City proposes to rezone the property to RM-10 (Multiple Family Dwelling) District
- c) There is a significant difference between the County's CG Zoning District and the City's proposed RM-10 Zoning District. The County's CG Zoning District allows intense commercial uses while the City's RM-10 Zoning District allows 10 dwelling units per acre
- 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 RM-10 is consistent with the County's Land Use designation of Medium to Medium High which allows up to twelve units per acre residential for the subject area.

Recommendation

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The Planning Division has determined that the requested RM-10 Zoning by the City of Delray Beach is consistent with the County's Comprehensive Land Use Plan. In addition, the project will not have a significant impact on County Systems

It is recommended that the waiver of County Zoning (CG) be granted to the City of Delray Beach under Chapter 171 062 F.S.

RM cjs

SIGNED

Richard F. Morley

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RESOLUTION NO. 22-84

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 CG (GENERAL COMMERCIAL) DISTRICT TO THE CITY'S ZONING CLASSIFICATION RM-10 (MULTIPLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Joseph P. Penta and Emily F. Penta, his wife, the fee-simple owners of the following described property:

Lots 8 and 9, Block 4, Silver Terrace, Delray Beach, Palm Beach County, Florida, according to the Plat thereof as recorded in Plat Book 11, Page 61 of the Public Records of Palm Beach County, Florida.

The subject property is located east of Dixie Highway between S.E. 10th Street and the Delray Mall.

The above-described parcel contains a 0.3 acre parcel of land, more or less;

and,

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 20-84; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of RM-10 (Multiple 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 CG (General Commercial) District; 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 CG (General Commercial) to RM-10 (Multiple 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 13th day of March, 1984. BOOK 342 417

ATTEST:

Elizabeth Brown
City Clerk

Richard J. King
MAYOR

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ORDINANCE NO. 20-84

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH LOTS 8 AND 9, BLOCK 4, SILVER TERRACE, DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 61 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LAND IS LOCATED EAST OF DIXIE HIGHWAY, BETWEEN S.E. 10TH STREET AND THE DELRAY MALL, 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, Joseph P. Penta and Emily F. Penta, his wife, are the fee-simple owners of the property hereinafter described; and,

WHEREAS, Joseph P. Penta and Emily F. Penta, his wife, have requested by their petition to have the 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:

Lots 8 and 9, Block 4, Silver Terrace, Delray Beach, Palm Beach County, Florida, according to the Plat thereof as recorded in Plat Book 11, Page 61 of the Public Records of Palm Beach County, Florida.

The subject property is located east of Dixie Highway, between S.E. 10th Street and the Delray Mall.

The above-described parcel contains a 0.3 acre parcel of land, more or less.

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 RM-10 (Multiple 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 10th day of April, 1984.

Robert S. Campbell
MAYOR

ATTEST:

Elizabeth Ann
City Clerk

First Reading March 13, 1984

Second Reading April 10, 1984

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