

RESOLUTION NO R-84- 973

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM-BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF GREENACRES TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171 062, FLORIDA STATUTES, AND CITY OF GREENACRES RESOLUTION NO 84-25

WHEREAS, by its Resolution No 84-25, the City of Greenacres 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 AR-Agricultural Residential and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the entire parcel to MR-Medium Density Residential to allow for a maximum of ten dwelling units per acre, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Medium to Medium High Residential Land Use Designation, allowing for eight dwelling units in a standard subdivision and twelve units per acre in a Planned Unit Development, and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning is consistent with the Comprehensive Land Use Plan designation of Medium to Medium High Residential 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 June 21, 1984 memorandum of the Planning Division, 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

BOOK 350 467

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

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 Greenacres will have no significant impact upon County Systems

3 The request of the City of Greenacres, in its Resolution No 84-25, attached hereto and made a part hereof, is hereby approved

The foregoing Resolution was sponsored by Commissioner Wilken who moved for its adoption. The motion was seconded by Commissioner Evatt, 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	- ABSENT
BILL BAILEY	- AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 17th day of July, 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 JUL 17 1984 DAY OF  
19  
AND RECORDED IN RESOLUTION  
MINUTE BOOK NO 350 AT  
PAGE 467-476 RECORD VERIFIED  
BY JOHN B. DUNKLE, CLERK  
Darlene Harris D.C.

BOOK 350 468

84 973

ORDINANCE NO 84-12

AN ORDINANCE OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, AMENDING THE CITY'S LAND USE PLAN BY DESIGNATING THE LAND USE OF THE PARCEL DESCRIBED HEREIN AS MEDIUM DENSITY RESIDENTIAL, AS PETITIONED BY EDWARD JABLONSKI; REPEALING ALL LAWS IN CONFLICT THEREWITH, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Greenacres City Council adopted the Greenacres City Comprehensive Plan on October 5, 1981, setting forth the land use designations for certain parcels within Greenacres City, and

WHEREAS, a request has been made to the City to rezone certain land, and

WHEREAS, in conjunction with the rezoning, a change must be made in the land use designation of the parcel described herein, and

WHEREAS, the request for the designation of the parcel described herein as Medium Density Residential has been found to be in conformance with surrounding land uses, and

WHEREAS, the City wishes to formally designate the property described herein as Medium Density Residential.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, AS FOLLOWS:

Section 1 The land use designation of the parcel of land described hereafter is hereby determined to be Medium Density Residential and the Land Use Plan for Greenacres City is hereby changed to reflect the land use stated herein. The legal description of the parcel is as follows:

BOOK 350 469

LEGAL DESCRIPTION

SOUTH 1/2 OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA CONTAINING 4.89 ACRES, MORE OR LESS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD

Section 2. REPEAL OF CONFLICTING ORDINANCES

~~All Ordinances or parts thereof or parts of the Code conflicting or~~  
inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. SEVERABILITY

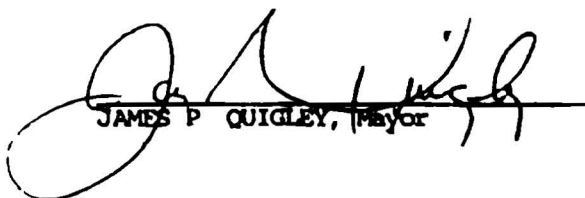
If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect this remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances

Section 4 EFFECTIVE DATE.

The provisions of this Ordinance shall become effective in accordance with the laws of the State of Florida.

PASSED on the first reading this 14th day of May, 1984

PASSED AND ADOPTED on the second reading this 29th day of May, 1984

  
 JAMES P. QUIGLEY, Mayor

 VOTED (YES)  
 JAMES E. RAWLINS, SR., Deputy Mayor

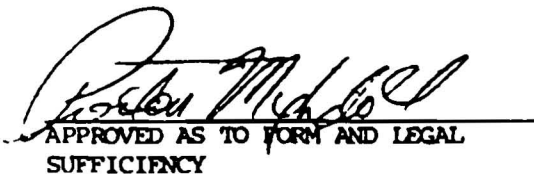
 (Yes)  
 MARSHALL K. DAN, Councilman

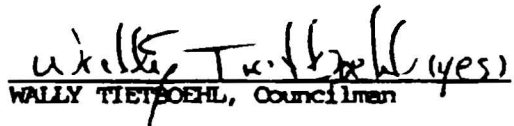
Attest:

  
 EVELYN L. WHEELLES, City Clerk

 (YES)  
 SAMUEL J. FERRERI, Councilman

 (Yes)  
 CARL SACKS, Councilman

  
 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

 (yes)  
 WALLY TIETBOEHL, Councilman

R-84-973

RESOLUTION NO. 84-25

A RESOLUTION OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171 062, TO REZONE LAND IN GREENACRES CITY FROM THE COUNTY'S ZONING CLASSIFICATION AR (AGRICULTURAL RESIDENTIAL) TO THE CITY'S ZONING CLASSIFICATION MR (MEDIUM DENSITY RESIDENTIAL)

WHEREAS, Greenacres City has received a request for rezoning from Edward L Jablonski, owner of the following described property

LEGAL DESCRIPTION

SOUTH 1/2 OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

CONTAINING 4.89 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD

WHEREAS, the City Council of Greenacres City, at its regular meeting of May 29, 1984, considered this property for an amendment to the Greenacres City Comprehensive Plan Land Use Element and has amended that area to reflect a Medium Density Residential land use, and

WHEREAS, Chapter 171 062, Florida Statutes, requires that when a municipality desires to annex property at a zoning classification, which could permit higher density than is currently in effect under County regulations, that the municipality request and receive permission from the Board of County Commissioners for such a change

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF GREENACRES CITY, FLORIDA AS FOLLOWS:

Section 1 That the City Council hereby requests permission from the Board of County Commissioners of Palm Beach County to rezone the property described above from AR (Agricultural Residential) to MR (Medium Density Residential) District which will result in an increase in the density allowed in such land

BOOK 350 471

~~Section 2 That a 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~~

RESOLVED this 29th day of May, 1984

*James P. Quigley*  
JAMES P. QUIGLEY, Mayor

*James B. Rawlins, Sr.* VOTED (YAS)  
JAMES B. RAWLINS, SR., Deputy Mayor

*Marshall K. Dan* (YAS)  
MARSHALL K. DAN, Councilman

Attest

*Evelyn L. Wheelles*  
EVELYN L. WHEELLES, City Clerk

*Samuel J. Ferreri* (YES)  
SAMUEL J. FERRERI, Councilman

*Carl Sacks* (YAS)  
CARL SACKS, Councilman

*Ruben Mitchell*  
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*Wally Tietze* (YES)  
WALLY TIETZEHL, Councilman

R-84-973

## Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick, Planning Director DATE June 21, 1984  
FROM Richard Morley FILE  
Principal Planner  
RE Annexation/Rezoning - Greenacres City  
Resolution No 84-25

---

The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and County Ordinance No. 82-26, amendment to the intergovernmental coordination element of the County's Comprehensive Plan. The following comments are offered

### Background Information

Greenacres City has recently annexed a 4.89 acre parcel of land located east of Jog Road, south of Melaleuca Lane. The request is now for the purpose of rezoning the land from the County Zoning Classification AR (Agricultural Residential) to the City's Zoning Classification MR (Medium Density Residential District).

The proposal is for a maximum of 10 dwelling units per acre

### Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned AR (Agricultural Residential) by the County.
- b) The City proposes to rezone the property to MR (Medium Density Residential)
- c) There is a significant difference between the County's AR Zoning District and the City's proposed MR District. The AR District allows 1 unit per five acres while the City's MR Zoning District will allow 10 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 MR is consistent with the County's Land Use designation of Medium to Medium High Residential for the subject area

### Recommendation

BOOK 350 473

84 973

Since the City's proposed rezoning to MR is consistent with the County's Land Use Designation of Medium to Medium High Residential and the project will not have significant impact on County Systems, it is recommended that the County grant Greenacres City the waiver request under Chapter 171.062 F.S.

RM cjs

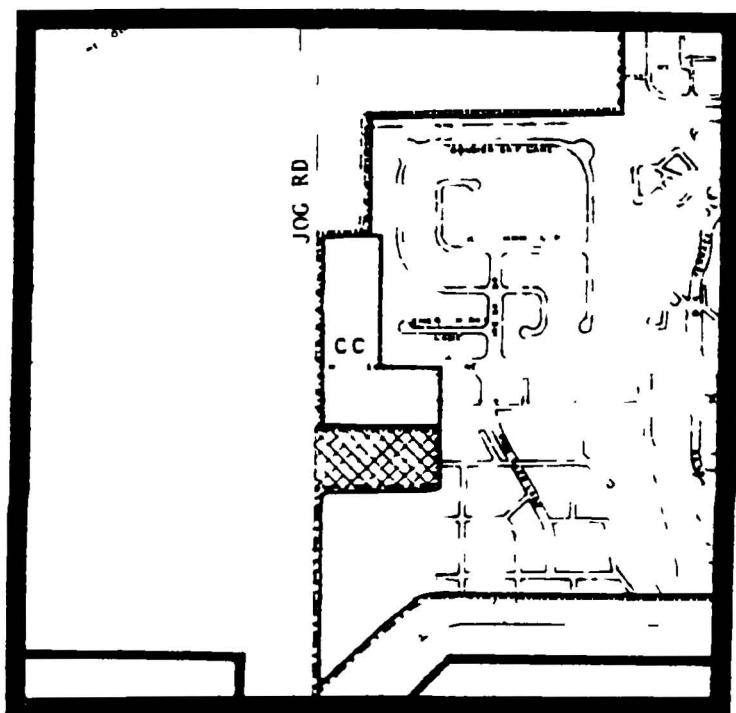
SIGNED

*Richard F. Morley*

PLANNING AND ZONING DEPARTMENT  
GREENACRES CITY

ANX-84-01

EXHIBIT "A"



PETITIONER Mr Edward J Jablonski, owner

LOCATION East of Jog Road, south of Melaleuca Lane

LEGAL DESCRIPTION South  $\frac{1}{2}$  of northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 27 Township 44 South Range 42 East Palm Beach County Florida Containing 4.89 acres, more or less Subject to easements reservations restrictions and rights-of-way of record

REQUEST Annexation of 4.89 acres into Greenacres City

BOOK 350 474  
-1-

84 973



Revised 4/23/84

ANX-84-1

ORDINANCE NO. 84-03

AN ORDINANCE OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, ANNEXING CERTAIN LANDS AS PETITIONED BY EDWARD JABLONSKI, OWNER OF SAID LAND AND REDEFINING THE BOUNDARY LINES OF GREENACRES CITY, FLORIDA ZONING THE SAME, PROVIDING FOR CONFLICTING ORDINANCES TO BE REPEALED AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, AS FOLLOWS.

Section 1 The boundary lines of Greenacres City, Florida, are hereby redefined to include the following described real property lying in Palm Beach County, to wit

LEGAL DESCRIPTION

LEGAL DESCRIPTION South 1/2 of northwest 1/4 of the southwest 1/4 of the southeast 1/4 of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida Containing 4.89 acres, more or less. Subject to easements, reservations, restrictions, and rights-of-way of record

and the above-described real property is hereby annexed by Greenacres City, Florida

Section 2 The land above-described is presently zoned as "AR" (Agricultural - residential) district

Section 3 REPEAL OF CONFLICTING ORDINANCES.

All Ordinances or parts thereof or parts of the Code inconsistent with the provisions of this Ordinance are hereby repealed

Section 4 SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect this remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or cir-

84 100824

89A MAY -8 AM 10 51

233 P0389

FILED  
MAY 3 1984  
CITY CLERK

BOOK 350 475

01 000

circumstances

Section 5. EFFECTIVE DATE

The provisions of this Ordinance shall become effective in accordance with the laws of the State of Florida

PASSED on the first reading this 23rd day of April, 1984

PASSED AND ADOPTED on the second reading this 30th day of April, 1984

James P. Quigley  
JAMES P. QUIGLEY, Mayor

James E. Rawlins, Sr. VOTED (YES)  
JAMES E. RAWLINS, SR, Deputy Mayor

Marshall K. Dan (YES)  
MARSHALL K. DAN, Councilman

Attest:

Evelyn L. Wheelles  
EVELYN L. WHEELLES, City Clerk

Samuel J. Ferreri (YES)  
SAMUEL J. FERRERI, Councilman

Carl Sacks (YES)  
CARL SACKS, Councilman

Robert M. Dobb  
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Wally Tietboehl (YES)  
WALLY TIETBOEHL, Councilman

84 973

BOOK 250 476

9233 P0380

RECORD VERIFIED  
PALM BEACH COUNTY FLA  
JOHN B DUNKLE  
CLERK CIRCUIT COURT