

RESOLUTION NO. R-84-1683

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 74-84

WHEREAS, by its Resolution No 74-84, 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 RS-Single Family Residential and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the entire parcel to RM-10 (Multiple Family Dwelling) 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 Low to Medium Residential Land Use Designation, permitting three dwelling units per acre in a standard subdivision and five dwelling units per acre in a Planned Unit Development, and

WHEREAS, there appears to be a significant difference between the existing and proposed allowable densities, and

WHEREAS, the size of the subject parcel would preclude its receiving the maximum proposed density of ten dwelling units per acre, 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 Low to Medium Residential for the subject site and will not have a significant impact upon County systems, as outlined in the October 17, 1984 memorandum from 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

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 74-84, attached hereto and made a part hereof, is hereby approved

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

KEN 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 6th day of November, 1984

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

Lucy Sprague
COUNTY ATTORNEY

JOHN B DUNKLE, Clerk
By Elizabeth Richards
DEPUTY CLERK

FILED THIS 6th DAY OF November, 1984
AN RECORD OF RESOLUTION
MINUTE BOOK NO 375 AT
PAGE 065-071, RECORD VERIFIED
JOHN B. DUNKLE, CLERK

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Elizabeth Richards

7B-14

Inter-Office Communication
PALM BEACH COUNTY

TO Stan Redick, Planning Director **DATE** October 17, 1984
FROM John Rupertus, Planner **FILE**
RE Annexation/Rezoning - City of Delray Beach - Resolution
No 74-84 (Brooks 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 Comprehensive Plan.

Background Information

The City of Delray Beach has annexed a 0.20 acre parcel of land located on the west side of Florida Boulevard between La Mat Avenue and Avenue J. The request is to rezone the property from the County Zoning Classification RS (Residential Single-Family Density) District 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 RS (Residential Single-Family) by the County
- b) The City proposes to rezone the tract to RM-10 (Multiple Family Dwelling) District
- c) The County Land Use Plan identifies this property as having a Plan Category of Low-Medium (L-M) Residential Density. This permits a maximum of three (3) units/acre or five (5) units/acre with a Planned Unit Development. The City's RM-10 Zone allows no more than ten (10) units/acre
- d) There appears to be a significant difference between the present and proposed allowable densities. However, the size of the subject parcel would preclude its receiving the maximum density under RM-10 zoning.
- e) Thus the proposed rezoning is consistent with the County's Land Use Plan designation of Low-Medium Residential Density

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



SIGNED



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Stan Redick
October 17, 1984
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It is recommended that the waiver of County Zoning (RS) be granted to the City of Delray Beach under Chapter 171.062 F.S.

JR cjs
Attachments

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CITY OF DELRAY BEACH

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. 74-84 which was passed by City Council on the 25th day of September, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 1st day of October, 1984

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

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SEAL

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RECEIVED