

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. 19-85 (RANSOM).

WHEREAS, by its Resolution No. 19-85 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 RM-Multiple Family Residential and is subject to County Land Use Controls; and

WHEREAS, the City proposes to rezone the parcel to R-1A-Single Family Dwelling District; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium Density Residential Land Use Designation allowing for 8 units per acre in a Standard Subdivision and 12 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 Low to Medium Density Residential for the subject site 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 March 11, 1985 memorandum of the Planning Division, attached hereto and made a part hereof; and

BOOK 393 PAGE 205

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. 19-85, attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was sponsored by Commissioner MARCUS 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 ADAMS, CHAIRMAN	- AYE
KAREN T. MARCUS, VICE CHAIRMAN	- AYE
KEN SPILLIAS	- ABSENT
JERRY L. OWENS	- AYE
DOROTHY H. WILKEN	- AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 26th day of March, 1985.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

JOHN B. DUNKLE, Clerk

[Signature]
COUNTY ATTORNEY

By *[Signature]*
DEPUTY CLERK

FILED THIS MAR 26 1985 DAY OF
 19
 AND RECORDED IN RESOLUTION
 MINUTE BOOK NO. 393 AT
 PAGE 205-211 RECORD VERIFIED
 JOHN B. DUNKLE, CLERK
 BY P.W. D.C.

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BOOK 393 PAGE 206

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. 19-85 which was passed by City Council on the 26th day of February, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 4th day of March, 1985.


Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

BOOK 393 PAGE 207

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Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick, Planning Director DATE March 11, 1985
FROM John Rupertus, Planner FILE
RE Annexation/Rezoning - City of Delray Beach - Resolution
No. 19-85 (Ransom)

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.

Background Information

The City of Delray Beach has recently annexed a .19 acre parcel of land situated on the south side of Lake Ida Road between N.W. 8th Avenue, if extended north, and N.W. 10th Avenue, if extended north. The request is now for the purpose of rezoning this tract from the County zoning classification of RM - Multiple Family Residential District (Medium Density) to the City's zoning classification R-1A (Single Family Dwelling) District.

Land Use Plan Description and Zoning District

- a) The subject site is presently zoned RM.
- b) The City proposes to rezone the property to R-1A.
- c) The Plan Category for the parcel is L-M (Low-Medium Density Residential). The City has determined that the proposed rezoning is consistent with its Comprehensive Plan.
- d) The City's proposed rezoning to R-1A is consistent with the County's Land Use Designation of Low-Medium Density Residential for the subject location.

Recommendation

The Planning Division has determined that the requested R-1A zoning is consistent with the County's Comprehensive Plan. In addition, it will not have a significant impact on County Systems.

BOOK 393 PAGE 208

JR:cjs

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SIGNED 

RESOLUTION NO. 19-85

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 RM-MULTIPLE FAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY), TO THE CITY'S ZONING CLASSIFICATION R-1A (SINGLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Ray Ransom the fee-simple owner of the following described property:

Starting at the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the East quarter (E $\frac{1}{4}$) of Lot 19, Section 8, Township 46 South, Range 43 East, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, page 4; go North 175 feet along the West boundary line of said tract to the point of beginning; thence go East 165 feet along a line parallel to the South boundary line of said tract; thence go North 50 feet along a line parallel to the West boundary line of said tract; thence go West 165 feet along a line parallel to the South boundary line of said tract; thence go South 50 feet along the West boundary line of said tract to the point of beginning.

The subject property is located on the south side of Lake Ida Road, between N.W. 8th Avenue, if extended north, and N.W. 10th Avenue, if extended north.

The above-described parcel contains a 0.19 acre parcel of land, more or less.

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 30-85; and,

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WHEREAS, in order for this parcel to be zoned to the City Zoning classification of R-1A (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 RM-Multiple Family Residential (Medium Density) District; and,

BOOK 393 PAGE 209

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 RM-Multiple Family Residential (Medium Density) District to R-1A (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 26th day of February, 1985.

Wesley Campbell
MAYOR

ATTEST:

Elizabeth Aron
City Clerk

BOOK 393 PAGE 210

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