

RESOLUTION NO. R-90- 1441

RESOLUTION APPROVING ZONING PETITION NO. 85-89(A)  
SPECIAL EXCEPTION PETITION OF WILLIAM BOOSE, III, TRUSTEE

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 85-89(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-89(A), the petition of WILLIAM BOOSE III, TRUSTEE, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION to AMEND AND EXPAND THE MASTER PLAN FOR GOLDEN LAKES PUD; INCREASE THE LAND AREA on a parcel of land lying in the East 1/2 of Tract 17, Block 3, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54; Less the South 95.00 feet thereof for road right-of-way for Belvedere Road. Together with the East 1/2 of Tract 12, Block 3, said Palm Beach Farms Company Plat No. 3, Less the North 105.00 feet of the East 210.00 feet thereof; Together with the South 1/2 of the West 450.00 feet of the East 660.00 feet of the abandoned 30.00 foot roadway lying North of and adjacent to Tract 12, Block 3, said Palm Beach Farms Company Plat No. 3, and being located on the WEST SIDE OF GOLDEN LAKES BLVD., BOUND ON THE NORTH BY LAKE SUSAN ROAD in the RS-Single Family Residential Zoning District, was approved on May 2, 1990, as advertised, subject to the following conditions:

1. Prior to site plan approval, the Master Plan shall be amended to indicate the twenty-five foot (25') PUD buffer, location of the thirty-five percent (35%) open space, twenty foot (20') lake maintenance easement, and the correct land area of the subject property.
2. A detailed tree survey, tree inventory list and vegetation preservation/relocation report shall be required prior to site plan approval. The report shall include a written assessment and evaluation of current

vegetation conditions and specific details regarding measures to preserve or relocate significant native vegetation on the site.

3. A preclearing inspection shall be completed by the Planning, Zoning and Building Department prior to site plan approval. All trees to be preserved or relocated shall be tagged and numbered in accordance with the tree survey. Trees to be preserved shall be adequately protected from damage during site development.
4. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis.
5. All finished excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to two feet below OHW or CWL. A minimum of 30% of the littoral shelf shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management for approval prior to Subdivision approval.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products.
9. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the first one inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
10. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$1,650.00 per approved single family dwelling unit (10 trips/unit X \$165.00 per trip).
11. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
12. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County

Attorney's office, which shall provide, among other things, for: Formation of a single "master" property owner's association and automatic membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development (PUD).

13. Residential construction shall be limited to the Category "B" Housing Type or Category "A".
14. Prior to November 1, 1990, the property owner shall convey to Palm Beach County adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Belvedere Road along the property frontage and for a maximum 400 feet distance each side of the property boundary lines along Belvedere Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. Said retention/detention capacity shall be met by vertical storage in the proposed and existing lakes and/or by expansion into the lake maintenance areas upon granting of necessary variances. If required by the County Engineer, the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevations of all construction shall be approved by the County Engineer.
15. If permittable by the State Department of Transportation or the County Engineer Department, the petitioner shall landscape the median of Belvedere Road for the length of the frontage of the petitioner's property on Beledere Road. This landscaping shall consist of one (1) ten foot (10') tall native canopy tree planted an average of thirty feet (30') on center and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to Xeriscape Principles. The petitioner shall present to Palm Beach County Planning, Zoning and Building Department, prior to Site Plan Review Committee approval, a landscape plan which demonstrates conformance to these conditions.
16. The existing security fence located on the adjacent property along the project's north property line shall be left in place.
17. A decorative chainlink fence six feet (6') in height shall be installed in the twenty-five foot (25') PUD buffer along Golden Lakes Boulevard, shall connect to the existing security fence located at the northeast corner of the property and shall extend southerly to the project's entrance on Golden Lakes Boulevard.
18. The petitioner shall make his best efforts to continue all existing vegetation and trees located in the twenty-five foot (25') PUD buffer along the north property line, if permitted by the County.

19. The project shall have no pedestrian or vehicular access to any area of Golden Lakes Village from any access point including, but not limited to, Lake Susan Drive and Golden Lakes Village Boulevard.
20. The security gate and fence presently in place on the private right-of-way of Golden Lakes Boulevard at its existing southern terminus shall remain in place and continue to be under the control of the Golden Lakes Village Condominium Association.
21. Residents of the project shall not have any rights to or responsibilities for any of the facilities of the Golden Lakes Condominium Association other than their required participation in the Golden Lakes Planned Unit Development water management system.
22. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:


Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE


The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

