

RESOLUTION NO. R-2000- 1574

RESOLUTION APPROVING ZONING PETITION TDR80-153(H)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF LEVITT HOMES
BY LAND DESIGN SOUTH, AGENT
ABERDEEN PUD

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-10, as amended), have been satisfied; and

WHEREAS, Zoning Petition TDR80-153(H) was presented as a development order to the Board of County Commissioners at a public hearing conducted on September 28, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. Pursuant to Section 6.1 O.H. of the ULDC, the Planning Division has established a County TDR Bank with TDR Units accumulated through the purchase of property under the Environmentally Sensitive Lands Program; and
2. Revenue from the TDR Bank are earmarked for the acquisition and management of environmentally sensitive lands and wetlands; and
3. Pursuant to Section 6.10.H.4.b. of the ULDC, the Planning Division and the Land Use Advisory Board (LUAB) have recommended that the sale price for a County TDR units for FY99-00 be \$9,833 per unit. However, the price has been discounted to be \$5,000 per unit to be paid in cash, with the balance to be in the form of a 2.14 acre conservation easement; and,
4. Pursuant to Section 6.10.1. of the ULDC, the TDR80-153(H) qualifies as a TDR Receiving Area; and
5. Pursuant to Section 6.10.K.3.e. of the ULDC, there are five standards which must be complied with in order to use the TDR Program and each of the five standards has been complied with; and

WHEREAS, Section 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition TDR80-153(H) the petition of Levitt Homes by Land Design South, agent, for a Transfer of Development Rights (TDR) for 67 units and designate DOA80-153(H) as the receiving area on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 2000, subject to the conditions of approval described in EXHIBIT C.I, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Absent
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

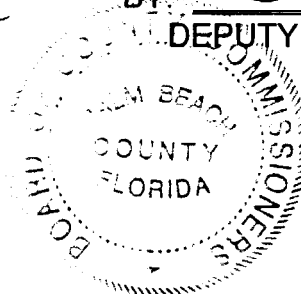


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 15, TOWNSHIP 45 SOUTH, RANGE 42 EAST BEING A PORTION OF PLAT NO. 1 LE CHALET (P.U.D.) AS RECORDED IN PLATBOOK 31, PAGES 166 AND 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID PLAT NO. 1 LE CHALET: THENCE NORTH 00° 20' 28" EAST ALONG THE WEST BOUNDARY LINE OF SAID PLAT FOR 571.34 FEET TO THE NORTH BOUNDARY LINE OF SAID PLAT: THENCE NORTH 79° 09' 19" EAST ALONG SAID NORTH BOUNDARY LINE OF SAID PLAT, 1978.50 FEET: THEN SOUTH 00° 22' 58" EAST FOR 472.44 FEET: THENCE SOUTH 89° 37' 02" WEST FOR 104.50 FEET: THENCE SOUTH 00° 22' 58" EAST FOR 440.24 FEET TO THE SOUTH BOUNDARY LINE FOR 1848.41 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION OF SECTION 16, TOWNSHIP 45 SOUTH, RANGE 42 EAST ALSO KNOWN AS TRACT "V", ABERDEEN-PLAT NO. 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, PAGES 174-180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A NET AREA OF 35.034 ACRES (1,526,098 SQUARE FEET) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

APR 19 2000

80-153H

FILE COPY

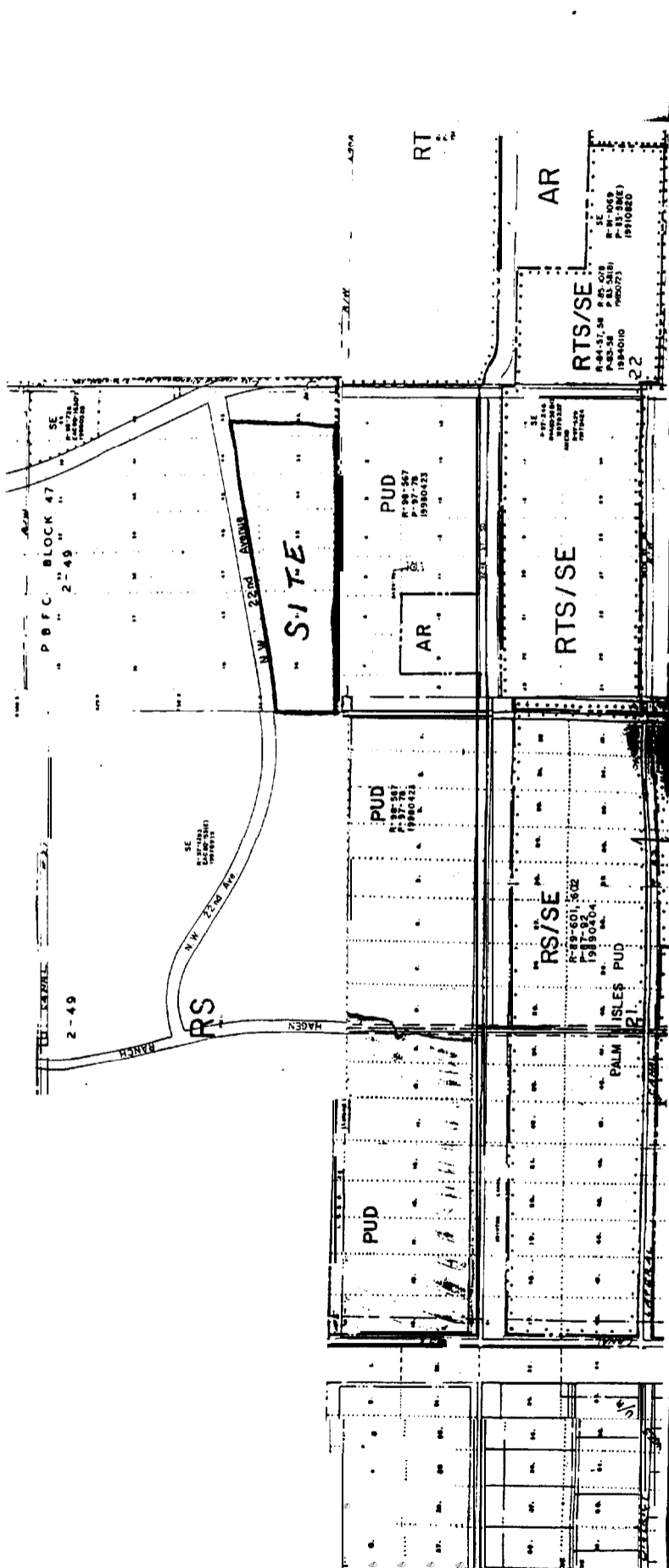


EXHIBIT C.I

TDR CONDITIONS OF APPROVAL

1. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, a "Contract for Sale and Purchase of TDR's" shall be executed by the applicant, in a manner and form approved by the Office of the County Attorney, and formally executed by the Chairman of the Board of County Commissioners. The *Contract* shall accommodate a maximum of sixty-seven (67) TDR units at a selling price of \$5,000 per unit to be paid in cash, with the balance to be in kind development of the Green Cay Wetlands project by Palm Beach County Water Utilities Department (PBCWUD).(DRC: COUNTY ATTORNEY/PREM-Prem)
2. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, two (2) recorded copies of the "Contract for Sale and Purchase of TDR's" shall be provided to the Palm Beach County Zoning Division. (DRC: ZONING/PREM-Prem)
3. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, monies representing sixty-seven (67) TDR units shall be placed in an escrow account in a form acceptable to PREM. (DRC:ZONING/PREM-Prem)
4. Prior to January 1, 2001 or at the time of closing of the purchase of the 32 acre Palm Beach County Water Utilities Department (PBCWUD) property by the developers Ciba Geigy PUD, whichever occurs first, the escrow monies shall be released to Palm Beach County. (DATE/CLOSING: MONITORING / PREM-Prem)
5. Prior to January 1, 2001 or at the time of closing of the purchase of the 32 acre Palm Beach County Water Utilities Department (PBCWUD) property by the developers of Ciba Geigy PUD, whichever occurs first, a deed conveying the applicable TDR units from the County TDR bank to the subject property, shall be executed and ready to record in a manner and form approved by the Office of the County Attorney. (DATE/CLOSING: MONITORING / PREM/CTY ATTY-Prem)
6. Prior to January 1, 2001 or at the time of closing of the purchase of the 32 acre Palm Beach County Water Utilities Department (PBCWUD) property by the developers of Ciba Geigy PUD, whichever occurs first, a conservation easement over the 2.14 acre preserve property shall be recorded in a manner and form approved by the Office of the County Attorney. (DATE/CLOSING: MONITORING/ PREM/PBCWU/CTY ATTY -Prem)
7. Any additional increase in density must be requested through the TDR program. (ONGOING: ZONING/PREM-Zoning)
8. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

- 9. The proposed 2.14 acre upland preserve area shall comply with the ERM Preserve criteria including a management plan and recorded conservation pursuant to ULDC Section 9.5.2.c. Establishing Natural Area Preserves. (DRC:ERM)