

RESOLUTION NO. R-2001- 1205

RESOLUTION APPROVING ZONING PETITION 22000-062  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF FAIRWAY ISLES LTD.  
BY KATHI POWELL, AGENT  
(LANAIR PARK TOWNHOMES)

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 zoning; 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 92-20), have been satisfied; and

WHEREAS, Zoning Petition 22000-062 was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2001; 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. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z2000-062, the petition of Fairway Isles Ltd. by Kathi Powell, agent, for an Official Zoning Map Amendment (**Z**) from Residential Single Family (RS) to Residential Medium Density (RM) with a CONDITIONAL OVERLAY ZONE (COZ) 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, was approved on July 26, 2001, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 26, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Robert Powell*  
COUNTY ATTORNEY

BY: *Joan Wilken*  
DEPUTY CLERK

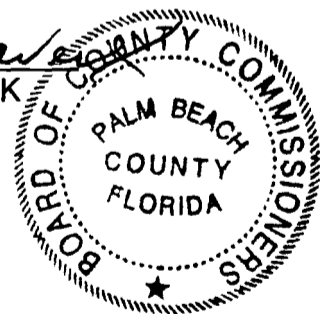


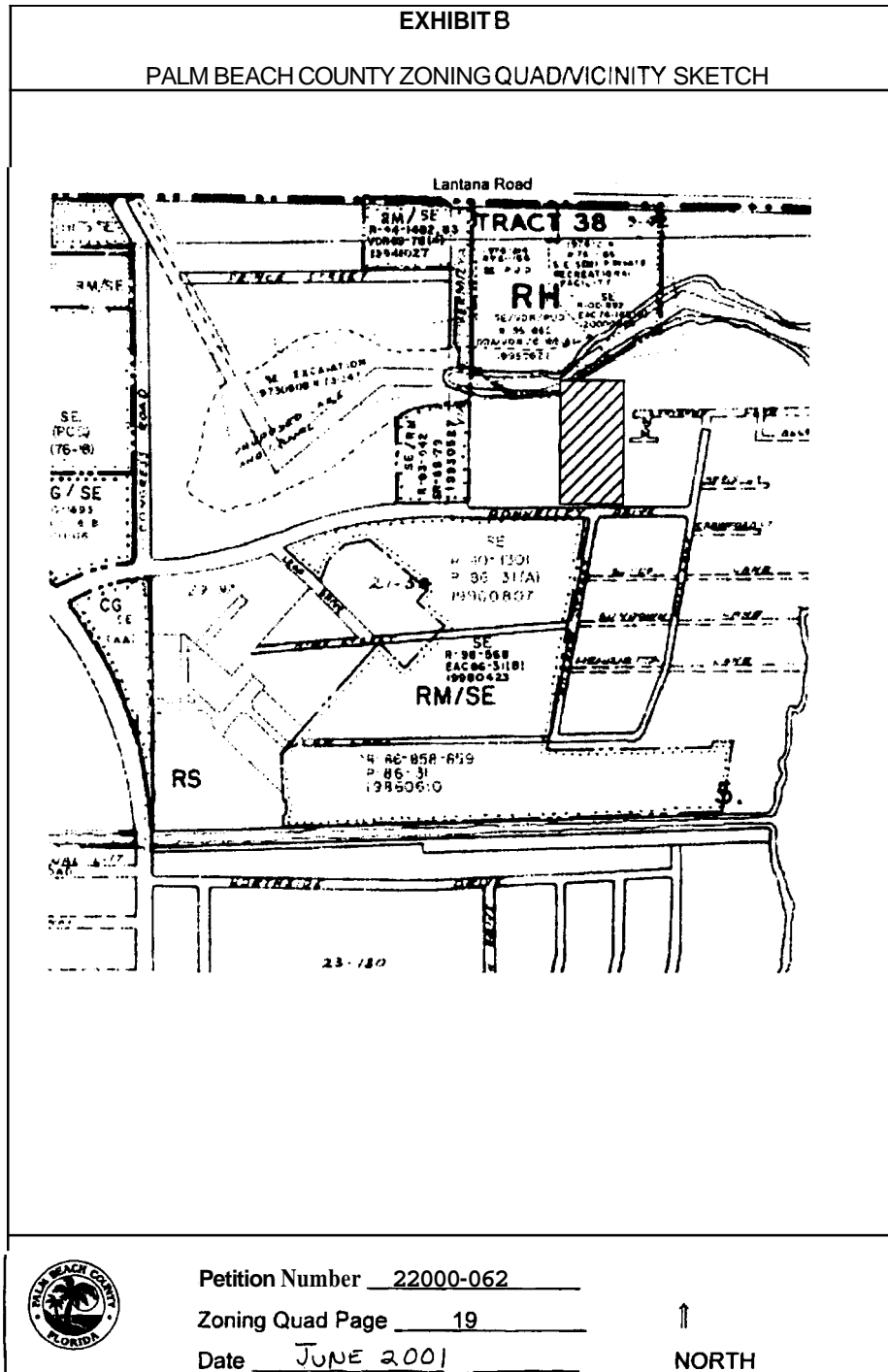
EXHIBIT A  
LEGAL DESCRIPTION

A parcel of land situate in Section 5, Township 45 South, Range 43 East, Palm Beach County, Florida, being all of lots 1 and 2, block 4 of LANAIR PARK, according to the plat thereof, as recorded in Plat Book 21, Page 58 of the public records of said Palm Beach County, Florida, being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of said Lot 1, Block 4, THENCE North 90 degrees 00 minutes 00 seconds West along the South line of said Lots 1 and 2, Block 4, a distance of 303.40 feet to the Southwest corner of said Lot 2; THENCE North 00 degrees 00 minutes 00 seconds East along the west line of said Lot 2, a distance of 383.00 feet more or less to the Southerly shoreline of the Lagoon as shown and according to the aforesaid plat LANAIR PARK, said shoreline being coincident with the Southerly line of those lands described in the certain warranty deed, recorded in Official Record Book 2030 at page 1414 of the aforesaid Public Record; THENCE meander along said southerly shoreline more or less, as protracted from said plat, for the following five (5) course, first bearing North 62 degrees 57 minutes 59 seconds East, a distance of 27.16 feet; THENCE North 83 degrees 48 minutes 00 seconds EAST, a distance of 45.57 feet; THENCE North 58 degrees 02 minutes 38 seconds EAST, a distance of 310.76 feet; THENCE North 64 degrees 39 minutes 42 seconds EAST, a distance of 21.44 feet; THENCE North 74 degrees 32 minutes 19 seconds EAST, a distance of 20.80 feet to an intersection with the East line of said Lot 1, Block 4; THENCE South 06 degrees 48 minutes 30 seconds West, along said East Line, a distance of 583.57 feet more or less back to the POINT OF BEGINNING.

The above described parcel contains 157,201 square feet or 3.6088 acres, more or less.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 26, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to reflect the correct type of units. (DRC: CONCURRENCY)

#### B. LANDSCAPING - STANDARD

1. Fifty percent (50%) of all canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

#### C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (DONNELLY DRIVE FRONTAGE)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip with no reductions or easement encroachment permitted;
  - b. a minimum two (2) foot high continuous berm measured from top of curb;
  - c. one (1) canopy tree for each thirty (30) linear feet of the frontage, and to be planted in a staggered manner;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the frontage with a maximum spacing of sixty (60) feet between clusters;
  - e. a minimum of one small shrub for each two (2) linear feet of frontage. Shrubs shall be a minimum of twenty-four (24) inch high at installation;
  - f. a minimum of one large shrub for each four (4) linear feet of frontage. Shrubs shall be a minimum of thirty (30) inch high at installation; and,

- g. all trees, palms and shrubs shall be planted in a meandering, naturalistic pattern. (CO: LANDSCAPE)

D. LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the east and west property lines shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip with no reductions or easement encroachment permitted;
  - b. a minimum two (2) foot high continuous berm measured from top of curb;
  - c. one (1) canopy tree for each twenty (20) linear feet of frontage, and to be planted in a staggered manner;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. a minimum of one small shrub for each two (2) linear feet of frontage. Shrubs shall be a minimum of twenty-four (24) inch high at installation;
  - f. a minimum of one large shrub for each four (4) linear feet of frontage. Shrubs shall be a minimum of thirty (30) inch high at installation; and,
  - g. all trees, palms and shrubs shall be planted in a meandering, naturalistic pattern. (CO: LANDSCAPE)

E. ENGINEERING

- 1. Prior to DRC approval of the final subdivision plan, the Developer's Engineer shall provide Palm Beach County Land Development Division with an approved acceptable drainage study for the 3.61 acre site. Included in the drainage study shall be verification on the size of the retention area. (DRC:ENG)

F. SCHOOL BOARD

- 1. The property owner shall post the following notice of annual boundary school assignments for students from this development on an 11" X 17" sign in a clear and visible location in all sales offices and models:

**"NOTICE TO HOME BUYERS/TENANTS"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

G. SIGNS

- 1. Freestanding residential identification signs fronting on Donnelly Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - four (4) feet;
  - b. Maximum sign face area per side - forty (40) square feet;
  - c. Maximum number of signs - one (1); and,
  - d. Style - monument style only. (CO: BLDG)

## H. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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 Code Enforcement Special Master 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)

J. SIGNS

1. Entry wall signs at project's entrance along Lake Worth Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - two **(2)**; and
  - d. Style - monument style only. (CO: BLDG)

K. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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
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