

RESOLUTION NO. R-93- 1367

RESOLUTION APPROVING ZONING PETITION 293-34  
OFFICIAL ZONING **MAP** AMENDMENT (REZONING)  
PETITION OF THE GUARDIAN COMPANIES

**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 Land Development Code (Ordinance 92-20), have been satisfied; and

**WHEREAS**, Zoning Petition 293-34 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1993; 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 Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County 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) 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) 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 Land Development Code, Ordinance 92-20; 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 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 **293-34**, the petition of THE GUARDIAN COMPANIES for a OFFICIAL ZONING **MAP** AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Residential Transitional Urban (RTU) ZONING DISTRICT 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 October **28, 1993**, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, **1993**.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

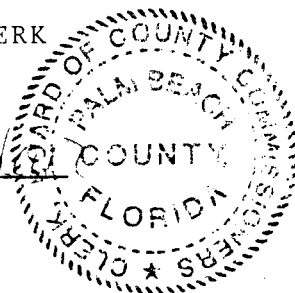
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**ROSSMOOR LAKES @ BOYNTON BEACH**

A parcel of land lying in Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows:

**The North one-half (N ½) of the Southeast one-quarter (SE ¼) of the Northeast one-quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, less the East 40 feet thereof.**

**SUBJECT** to existing Easements, Rights-of-way, Restrictions and Reservations of **Record**.

**PARCEL 1B**

The South half (S ½) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 2B**

The North half (N H) of the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 3B**

The South half (S ½) of the Northwest quarter (NW ¼) of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 4B**

The North half (N H) of the Northwest quarter (NW ¼) of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 3C**

The North half (N H) of the Southwest quarter (SW ¼) of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 4C**

The South half (S ½) of the Southwest quarter (SW ¼) of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 5C**

The South half (S ½) of the Southeast quarter (SE ¼) of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

**PARCEL 6C**

The North half (N ½) of the Southeast quarter (SE ¼) of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section 27, Township 45 South, Range 42 East, Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

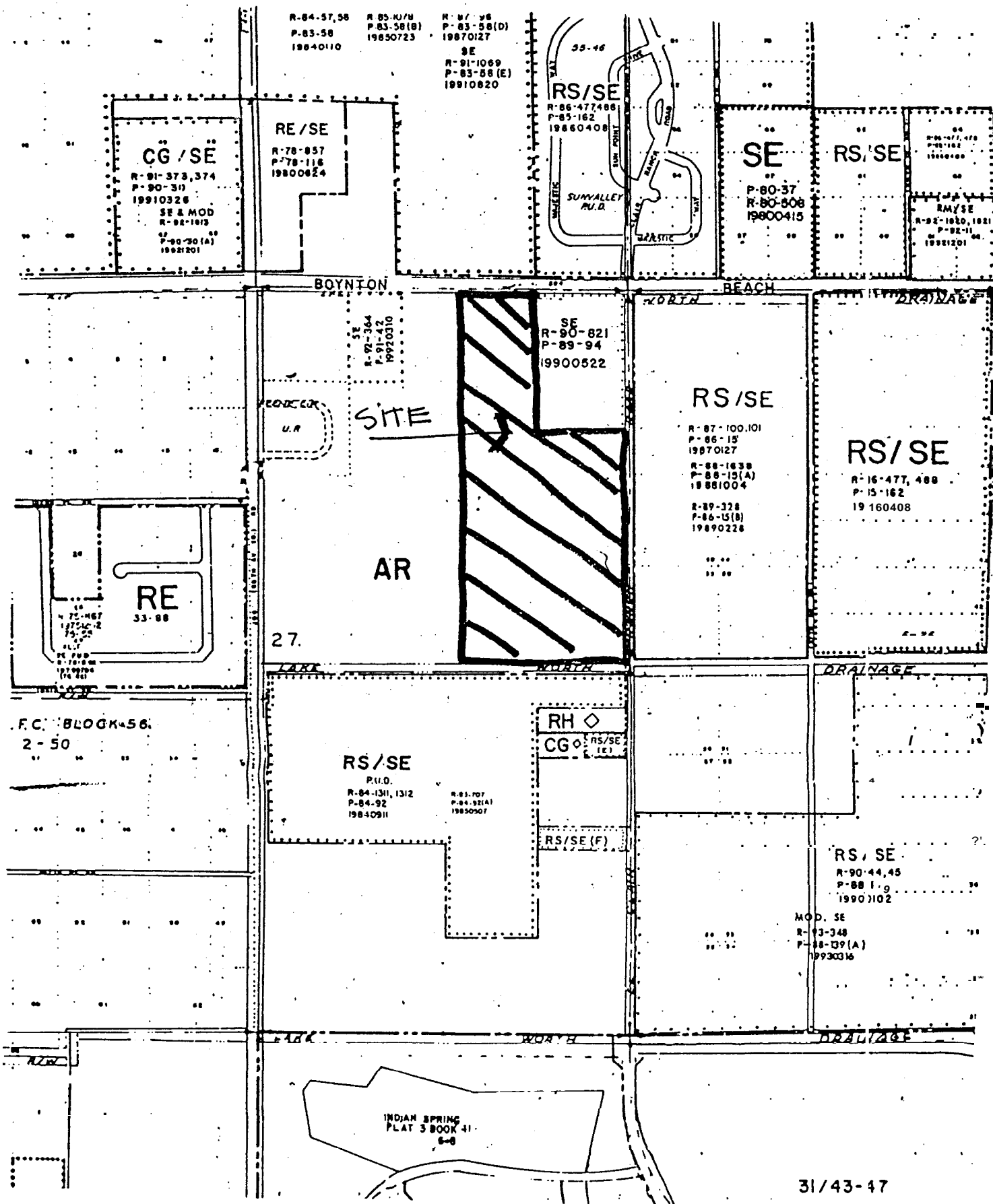


EXHIBIT C

VOLUNTARY COMMITMENTS

A. SCHOOL BOARD

1. All sales and notice literature for the development shall include a statement/notice that, students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (SCHOOL BOARD)
2. Prior to site plan certification, the petitioner shall demonstrate that they have met with School Board staff and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (SCHOOL BOARD)

B. LANDSCAPE BUFFER

1. The landscape buffers along the south and west property lines shall at a minimum include a six (6) foot high berm, wall, fence, hedge or combination thereof. (ZONING)
2. To mitigate any impact with surrounding residential areas, all trees required to be planted on site by this approval 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. (ZONING)

E. ENGINEERING

1. 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 to be paid at the time of the Building Permit (10 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for Each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Ground cover:

Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
  - 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENG)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER-Zoning)
  3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this landscaping and maintenance obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING-County Attorney)