

RESOLUTION NO. R-95-1006

RESOLUTION APPROVING ZONING PETITION DOA86-94C  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF FLORIDA MU CHAPTER, PHI-DELTA KAPPA, INC.

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA86-94C was presented to the Board of County Commissioners at a public hearing conducted on July 27, 1995; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 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 **DOA86-94C**, the petition of Florida Mu Chapter Phi-Delta Kappa, Inc., for a Development Order Amendment (DOA) to delete Condition 8 (Unity of Title) of Resolution R-87-221 and delete acreage, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 27, 1995, subject to the conditions of approval 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

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**

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**(CLUBHOUSE)**

**WEST 299.69 FEET OF THE SOUTH 374.29 FEET OF TRACT 84 IN BLOCK 32, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54 INCLUSIVE;**

**TOGETHER WITH:**

**AN ABANDONED 30' ROAD RESERVATION (ORB 2179, PG. 1009) LYING BETWEEN TRACTS 84 AND 109.**

**CONTAINING: 3.27 ACRES, MORE OR LESS**

EXHIBIT B  
VICINITY SKETCH

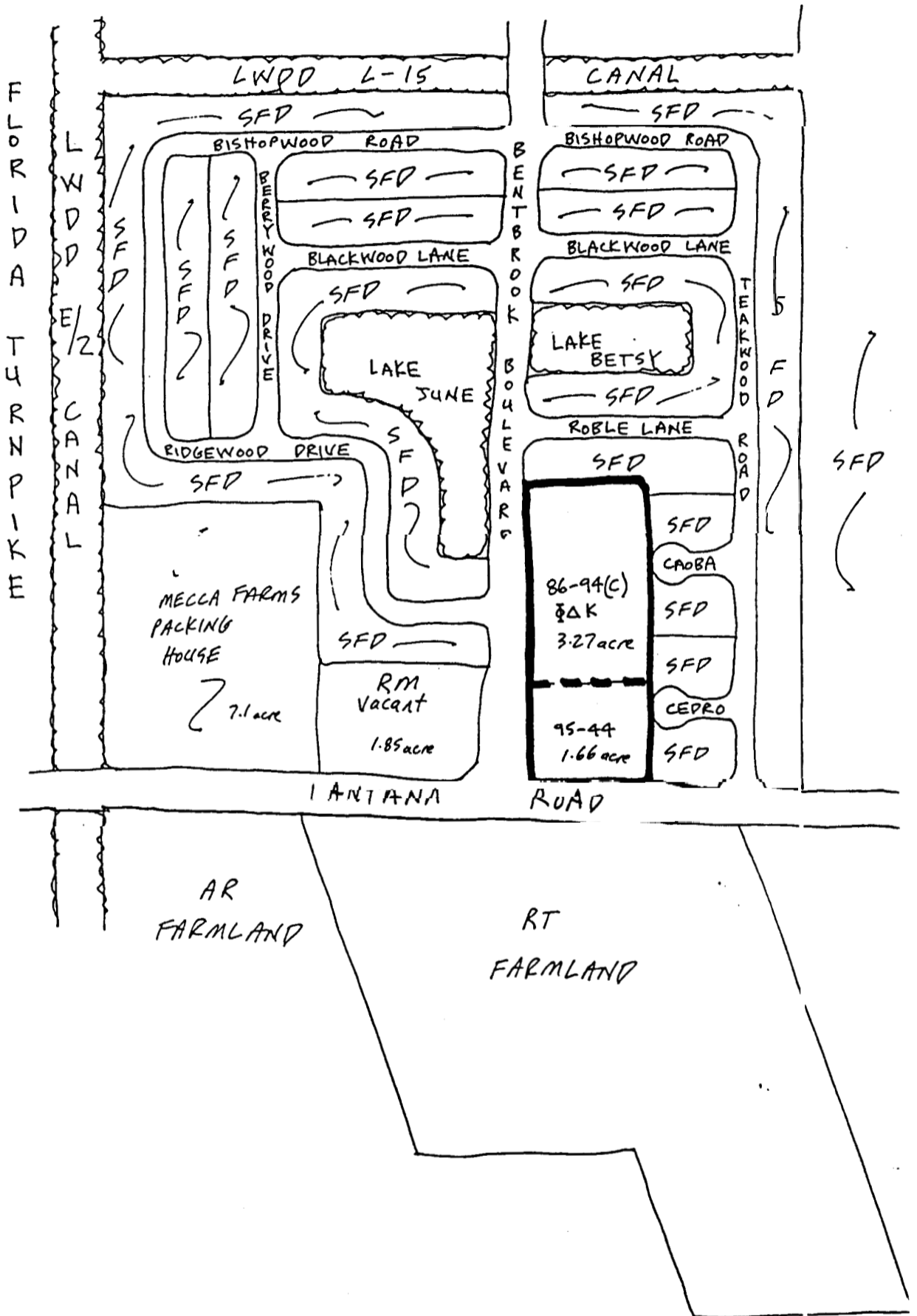


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval contained in Resolution R-87-221, Petition 86-94, are hereby repealed. (MONITORING)
2. The petitioner shall submit a revised site plan to the Development Review Committee for certification prior to September 27, 1995. (MONITORING-Zoning)
3. Compliance with the improvements required by the certified site plan shall be completed prior to July 30, 1996. (MONITORING-Zoning)

B. ZONING

1. The petitioner shall provide landscaping and parking in accordance with the conditions of approval and current ULDC requirements. (ZONING)
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, rights-of-way or interior drives. (CODE ENFORCEMENT)
3. Use of the facility shall be limited to members only. No commercial rental of the property shall be permitted. (CODE ENFORCEMENT)
4. All outside activities shall cease prior to 10:00 p.m. (CODE ENFORCEMENT)
5. No food shall be prepared (cooked) on-site within the clubhouse facility. (CODE ENFORCEMENT)
6. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (CODE ENFORCEMENT)
7. Outdoor speakers or public address system which are audible from any property line shall not be permitted on site. (CODE ENFORCEMENT)

C. LANDSCAPING

1. The petitioner shall provide a ten (10) foot wide Alternative Type 3 landscape buffer around the entire perimeter of the subject property. (BUILDING-Zoning)
2. Trees within the required buffer along Bentbrook Boulevard shall be upgraded to include one twelve (12) foot high native canopy tree spaced twenty (20) feet on center. (BUILDING-Zoning)
3. Credit may be given for existing vegetation meeting the requirements of the above landscape conditions. (BUILDING-Zoning)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this property. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I. An OSDS can only be constructed after being permitted in compliance with these regulations. (HEALTH)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. WATER UTILITIES

1. The Developer will submit to Palm Beach County Water Utilities a water/sewer utility plan for the clubhouse facility and the existing single family residence. Separate water and sewer service connections for the clubhouse facility and the existing single family residence are to be constructed by January 1, 1996. (MONITORING-Utilities)

F. COMPLIANCE

1. 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.

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)