

RESOLUTION NO. R-96-1943

RESOLUTION APPROVING ZONING PETITION Z/COZ80-37(A)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF TOM WALDRON  
BY ROBERT BENTZ, AGENT  
(BOYNTON FARMS) /

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 Z/COZ80-37(A) was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; 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) 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) 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 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 Z/COZ80-37(A), the petition of Tom Waldron by Robert Bentz, agent, for an Official Zoning Map Amendment (Z) from the Agricultural Residential (AR) to Residential Single Family (RS) Zoning District 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 October 24, 1996, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

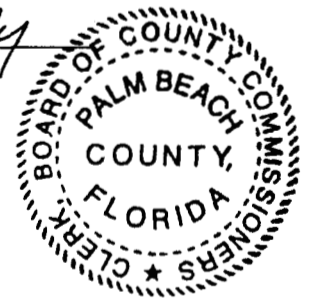
DOROTHY H. WILKEN. CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



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

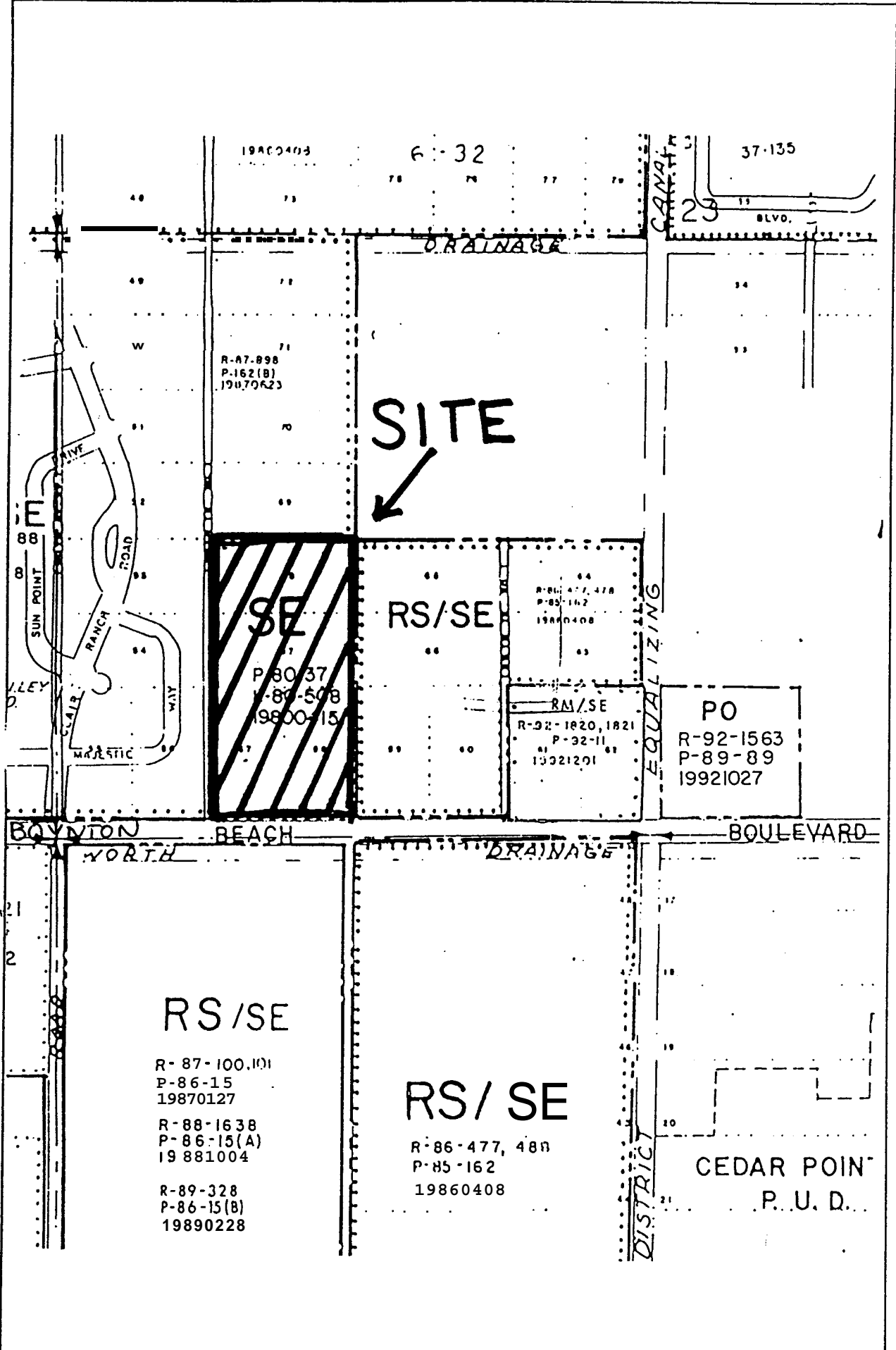
**LEGAL DESCRIPTION**

**TRACTS 57, 58, 67 AND 68, PLAT OF BOYNTON GARDENS, AS RECORDED IN PLAT BOOK 6, PAGE 32, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA**

**LESS THE RIGHT-OF-WAY FOR BOYNTON WEST ROAD, AS PER STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP, SECTION 8364-250 (ROAD PLAT BOOK 1, PAGE 184) AND LESS ADDITIONAL RIGHT OF WAY AS SHOWN IN O.R.B. 3427, PAGE 1420, SAID PUBLIC RECORDS.**

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 80-37A

Zoning Quad Page \_\_\_\_\_

Date: 9/26/96



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-80-508, Petition 80-37, is hereby revoked.  
(MONITORING)

B. LANDSCAPING ALONG SOUTH PROPERTY LINE (BOYNTON BEACH BOULEVARD FRONTAGE)

1. **All** trees required to be planted **on** the south property line shall meet the following minimum standards at time of 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.
- 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 the south property line shall meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet grey wood.
- b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE-Zoning)

3. Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip with maximum five (5) foot easement overlap.
- b. A continuous two (2) foot high berm with the height of berm measured from the top of curb.
- c. One (1) tree for each three hundred (300) square feet buffer area with a maximum spacing of thirty (30) feet on center.
- d. One (1) palm for each twenty five (25) linear feet frontage property line with a maximum spacing of sixty (60) feet between clusters.
- e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE-Zoning)

C. MASS TRANSIT

1. A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, required by the Palm Beach County School Board or Palm Tran. This requirement shall apply only if the shelter or stop is permitted within the required landscape buffer.  
(DRC: ZONING)

- B. Mass transit access, shelters and/or bus stops, if required, shall be located and constructed by the petitioner within three (3) years (November 1, 1999) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed, additional right of way for the construction of a right turn lane on Boynton Beach Boulevard at the project's entrance road. This right-of-way shall be a minimum of 50 feet in storage length, twelve feet in width and a taper length of 200 feet or as approved by the Florida Department of Transportation. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng)
2. The Property owner shall construct at the project's entrance road and Boynton Beach Boulevard:
  - a) a left turn lane west approach,
  - b) a right turn lane east approach.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING/Eng)

3. LANDSCAPE WITHIN MEDIAN

- A. Prior to technical compliance by the Land Development Division, the property owner 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, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the

Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (TC: ENG)

- B. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed concurrent with the improvements with the first plat. (ENG)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)
- 4. Prior to approval by the Development Review Committee the property owner shall revise the existing Concurrency on file with the Zoning Division. This revision shall be based on the revised acreage of this site due to the additional road right-of-way taken by the Florida Department of Transportation for the recent Boynton Beach Boulevard Road widening project. Any additional property purchased by the Florida Department of Transportation shall be deleted from the property owners gross acreage of the site. (DRC: ENG/CONCURRENCY)
- 5. Prior to DRC approval for this project the property owner shall either:
  - a. Revise the survey and gross acreage for the site and adjust the total dwelling count for the site, if payment for the right-of-way is accepted by the property owner.
  - b. Convey at no cost the additional right-of-way which is subject of litigation with the Florida DOT. If this right-of-way is conveyed at no cost, the acreage of the additional right-of-way may be used toward calculating this project's total dwelling unit count. (DRC: ENG)

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)