

**RESOLUTION NO. R-98- 1109**

**RESOLUTION APPROVING ZONING PETITION DOA NPN-13(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF ORIOLE HOMES  
BY KILDAY & ASSOCIATES, INC., AGENT  
(CORAL LAKES PUD (AKA MY BAY))**

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 DOA NPN-13(B) was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; 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 determination and 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 DOA NPN-13(B), the petition of Oriole Homes, by Kilday & Associates, Inc., agent, for a Development Order Amendment (DOA) to add land area (34.18 acres) and transfer units (82) and redesignate unit types (82 MFR to 82 SFR) 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 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

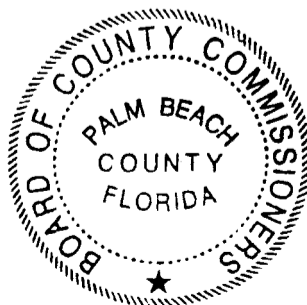
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**PROPERTY DESCRIPTION FOR OVERALL VILLA DELRAY PUD**

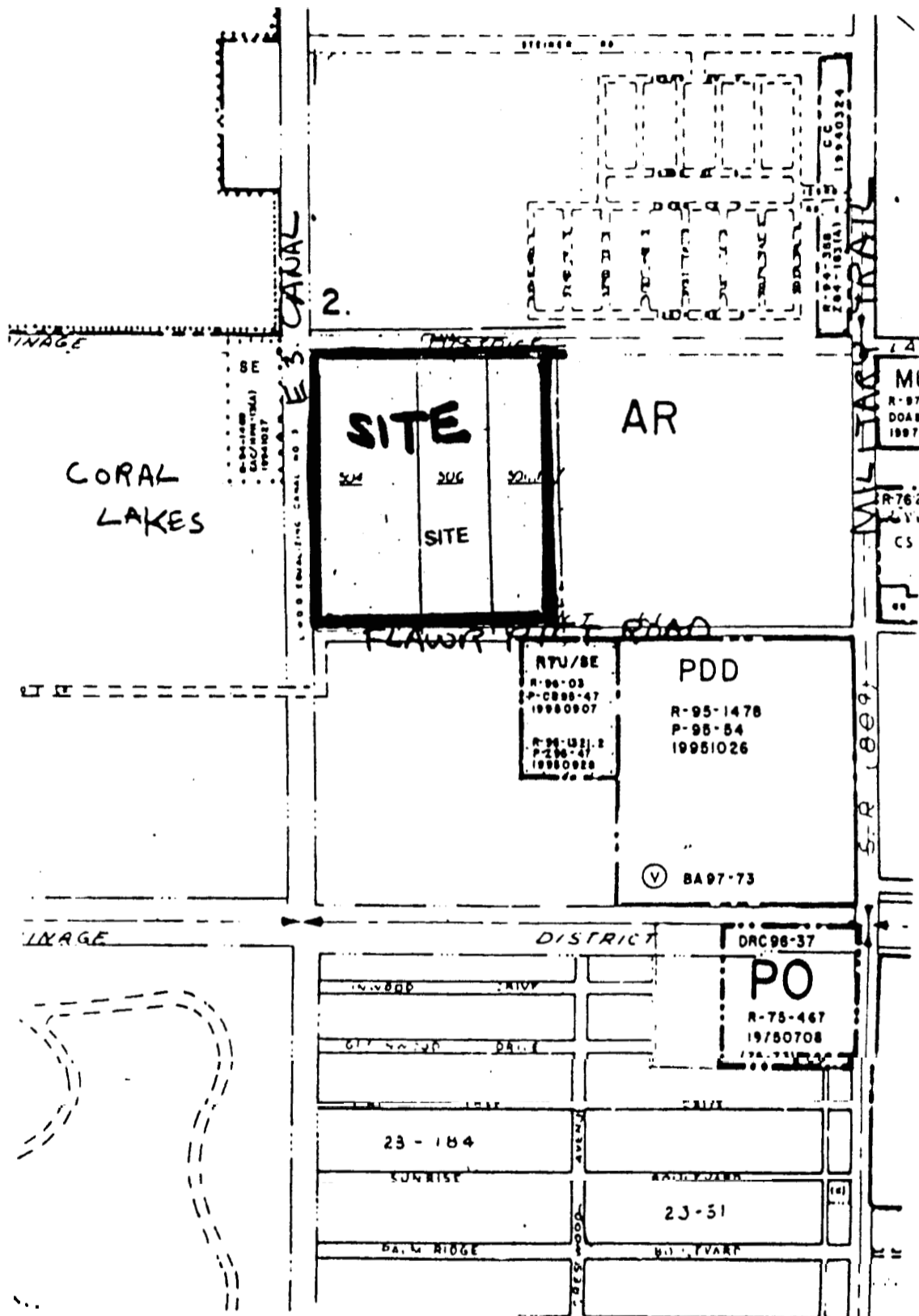
CORAL LAKES fka IVY BAY	P.B. 67, PG. 197-198
<b>PALM</b> GREENS AT VILLA DELRAY (south golf course)	ORB 0030, PG 0077-0079
<b>PALM</b> GREENS AT VILLA DELRAY Condo Phases 1, 2, 2-A, 2-B, 2-C, 3, 3-A, 3-B, 4-AL, 4-AR, 5, 5-A, 5-B, 5-C, 5-D, 5-E, 6, 7, 8, 9, 10	ORB 2249, PG 0889
<b>PALM</b> GREENS AT VILLA DELRAY 12, 13, 14, 15, 16 & 17 condo8	ORB 3370, PG 1374
<b>PALM</b> GREENS AT VILLA DELRAY condo 18	ORB 3601, PG 0304
HIGH POINT GOLF COURSE, INC. (north golf course) & <b>PALM</b> GREENS RECREATION AREA	ORB 3700, PG 1808
<b>PALM</b> GREENS WAY	00 42 46 11 14 002 000
Easterly 149.83 feet of W 1/4 of N 1/4 of SE 1/4 lying south of Via Delray Road	ORB 6227, PG 0409
East 470 feet of West 520 feet of N 1/4 of SE 1/4 lying south of Via Delray Road (less South 25 feet of West 10 feet)	ORB 6062, PG 1259
West 1/4 of N 1/4 of SE 1/4 lying north of Via Delray Road (less W 60 feet of N 80 feet LWDD Canal ROW)	ORB 6227, PG 0407

**PARCEL TO BE ADDED**

BEING THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 33.00 FEET THEREOF.  
AND LESS RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-29 CANAL, AND LESS RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL, AND LESS RIGHT OF WAY FOR FLAVOR PICT ROAD.

CONTAINING 34.183 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

**NOTE:** ~~All~~ previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. Condition **A.1.** Resolution R-94-1469, Petition **NPN-13(A)** which currently states:

**All** previous conditions of approval indicated in the approval **letter** dated September **17, 1971** have been consolidated as contained **herein**. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

**Is** hereby amended to state:

**All** previous conditions of approval applicable to the subject property, as **contained** in an approval letter dated September 17, 1971, and **Resolution R-94-1469, Petition NPN-13(A)**, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. 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 22, 1998. 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)

#### B. CONDITIONS FROM APPROVAL LETTER DATED 9/17/71

1. Reservation to be made of road rights-of-way existing or future **as** designated by **the** County Engineer. (Previously Condition ~~E.1.~~ Resolution R-94-1469, Petition **NPN-13(A)**) (ENGINEERING)
2. Condition B.2. of R-94-1469, Petition **NPN-13(A)** which currently states:  
  
Positive drainage to be adequately provided **for**.(ENGINEERING)  
  
~~Is~~ hereby deleted. [REASON: Code Requirement]
3. The agreement **for** Palm Beach County **to** take ownership of the ~~water~~ and sewer utility system shall be executed per your letter **to George Warren, Chairman, Board of County Commissioners of Palm Beach County, dated September 15, 1971**, upon approval of said agreement by **the Palm Beach County Pollution and Water Control Authority**. Previously Condition B.3. Resolution R-94-1469, Petition **NPN-13(A)** (ENGINEERING)

4. Condition 8.4. of R-94-1469, Petition NPN-13(A) which currently states:

**This Conditional Use, if not utilized for the purpose intended, shall become null and void by March 16, 1972. (ENGINEERING)**

Is hereby deleted. REASON: [No longer applicable. Property in 75% built-out and in compliance with Residential Planned Development standards ]

**C. COUNTY ATTORNEY**

1. **The additional acreage shall be incorporated into the master property owner's association for Coral Lakes PUD.** Previously Condition C.1. Resolution R-94-1469, Petition NPN-13(A). (COUNTY ATTORNEY)

**D. PLANNED UNIT DEVELOPMENT- PARCEL 17** The following conditions are applicable to the Parcel 17 approved July 1998, located Northeast of Flavor Pict Road and the E-3 Canal.

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG -Zoning)
5. All property included in the Coral Lakes legal description (PB 67, Page 197-198) of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG . Co Att)

6. Prior to issuance of the first building permit (not including sales models) for residences on Parcel 17, a document giving notice of the existence and location of an agricultural packing plant on Flavor Pict Road shall be approved by the County Attorney and shall be submitted to the Monitoring Section. This document shall describe the use listed above, the irregular hours of operation, and shall include a place for the purchaser's signature acknowledging the notice. This document shall be made part of the closing documents for each residential unit sold in Parcel 17. (MONITORING: BLDG PERMIT - CO ATTORNEY)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Flavor Pict Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
3. The Property owner shall construct a left turn lane south west approach on Flavor Pict Road at the projects entrance road.
  - a. 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.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. On or before **January 1, 1998**, the property owner shall convey to Palm Beach County **sufficient** road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Flavor Pict Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than **20** feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County

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Engineer. Any and **all** excess **fill** material **from** excavation by Palm Beach County within said easements shall **become** the property of Palm Beach County which at its discretion may use this **fill** material.  
(DATE:MONITORING-Eng)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE of PARCEL 17. (Abutting Flavor Pict Road)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape **buffer** strip;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH, EAST, WEST PROPERTY LINE of PARCEL 17

1. Landscaping and buffering along the north, east, west property line of Parcel 17 shall include:
  - a. A minimum ten (10) foot wide landscape buffer strip, along the east and north property line;
  - b. A minimum five (5) foot along the west property line;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
  - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for 50% of the perimeter canopy trees; and,
  - 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)

H. MASS TRANSIT PARCEL 17 The following conditions are applicable to the Parcel 17 approved July 1998, located Northeast of Flavor Pict Road and E-3 Canal.

1.
  - a. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
  - b. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than 25% (#35) of the units. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on



private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

I. PLANNING

1. Prior to final site plan certification for this 34 acre pod, the site plan shall, (in furtherance of the recommendations of the West Boynton Area Community Plan), depict a street circulation pattern that is inter-connected which allows automobiles greater circulation options and reduces reliance on an) one road. (DRC: PLANNING)
2. Prior to final site plan certification for this 34 acre pod, the site plan shall, (in furtherance of the recommendations of the West Boynton Area Community Plan), provide street cross section details depicting sidewalks for pedestrian and bicycle circulation through this pod connecting to the entire PUD. (DRC: PLANNING)

J. 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 standard; 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)