

RESOLUTION APPROVING ZONING PETITION  
DOA93-34(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF DONALDSON HEARING  
BY DONALDSON HEARING, AGENT  
(ROSSMOOR LAKES SUBDIVISION)

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 DOA93-34(A) was presented to the Board of County Commissioners at a public hearing conducted on September 24, 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 DOA93-34(A), the petition of Donaldson Hearing, by Donaldson Hearing, agent, for a Development Order Amendment (DOA) to add land area (+19.99 acres) and units (+48), redesignate land use, and relocate access point 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 September 24, 1998, 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 Foster 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	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 24, 1998.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

EXISTING APPROVED PARCEL LEGAL DESCRIPTION:

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 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) 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 ONE-HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 2B THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 3B THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 4B THE NORTH ONE-HALF (N 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 3C THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 4C THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 5C THE SOUTH ONE-HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.
- PARCEL 6C THE NORTH ONE-HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

NEW PARCEL LEGAL DESCRIPTION:

THE EAST ONE HALF OF THE WEST ONE HALF, THE EAST ONE HALF OF THE NORTHEAST QUARTER SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, CONTAINING 20.39 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

Scale 1" = 600'

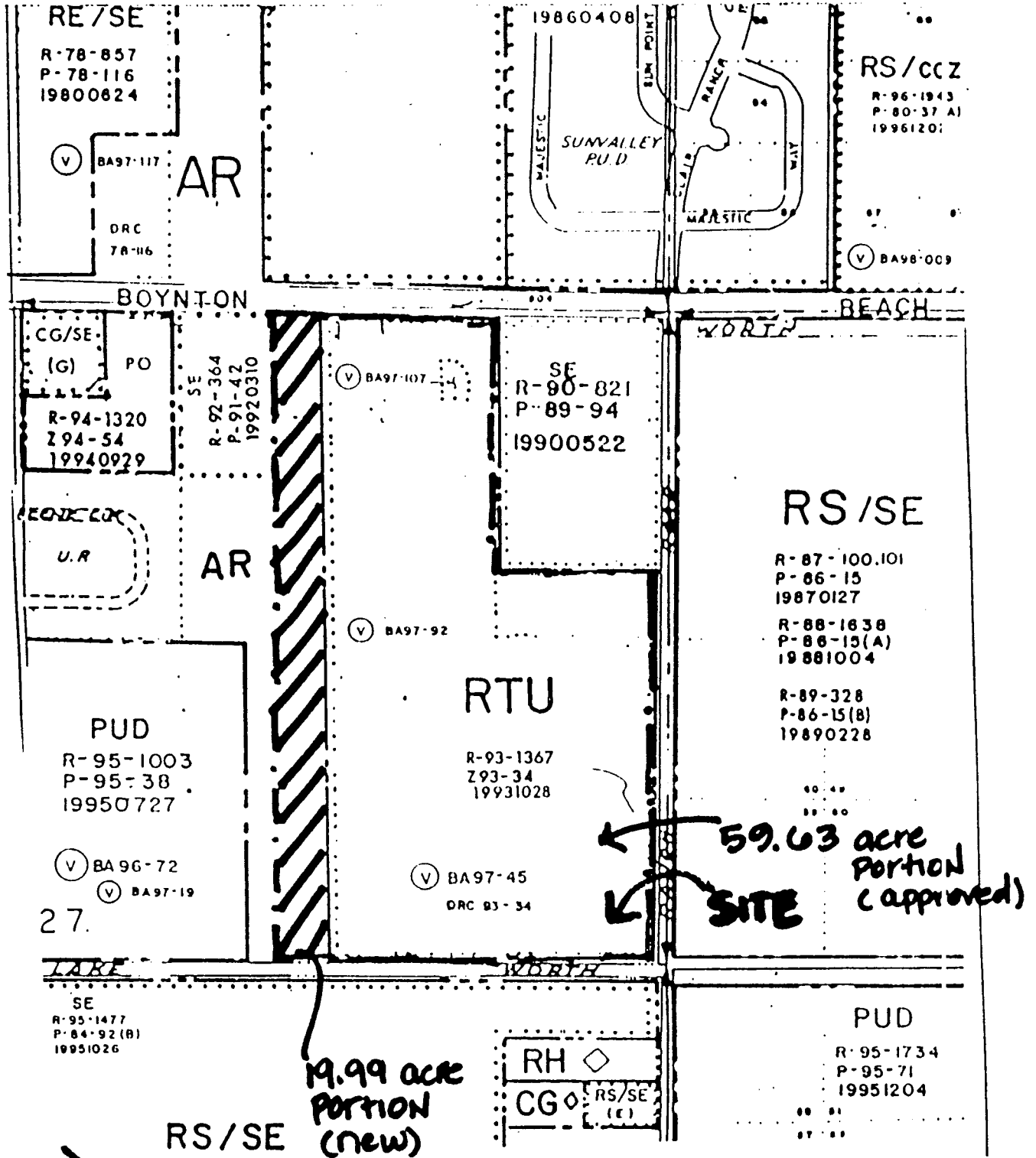


EXHIBIT C

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. All previous voluntary commitments applicable to the subject property, as contained in Resolution R-93-1367 (Petition 93-34) 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 July 8, 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. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: E:RM)

C. 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. (DRC/CO: ZONING/LANDSCAPE - Zoning) (Previously Condition B.1 of Resolution R-93-1367, Petition 93-34)
2. Condition B.2 of Resolution R-93-1367, Petition 93-34, which currently states:

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.

Is hereby amended to read:

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; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (DRC/CO: ZONING/LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may supersede the requirement for a perimeter canopy tree in that location. A maximum of fifty (50) percent of the required canopy trees within each buffer may be replaced by the clustered palm or pine trees. (DRC/CO: ZONING/LANDSCAPE - Zoning)
4. If a wall or non-living barrier is used within the affected portion (approximately 650' feet from the west property line) of the right-of-way buffer along Boynton Beach Boulevard, the wall shall be setback a minimum of ten (10) feet from the north property line. All required landscaping materials shall be installed on the exterior side of the wall. (DRC/CO: ZONING/BLDG/LANDSCAPE)

D. LWDD

1. Prior to plat recordation, the owner shall convey to the District either by Quit Claim or Easement Deed the 80 feet South of and adjacent to the South Right-of-way line of State Road 804 less lands owned by the District, or the required Right-of-way for the L-24 Canal. (PLAT: ENG - LWDD)

E. ENGINEERING

1. Condition E.1 of Resolution R-93-1367, Petition 93-34, which currently states:

**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.)**

Is hereby deleted. [Reason: Code Requirement]

F. LANDSCAPE WITHIN MEDIAN

Conditions F.1, F.2 and F.3 of Resolution R-93-1367, Petition 93-34, which currently states:

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 materials 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.
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 Homeowner'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.
  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.

Are hereby amended to read:

1. LANDSCAPE WITHIN MEDIAN OF STATE ROAD
  - A. Prior to issuance of the first Certificate of Occupancy for the next phase (Control Number (0626-OM) the property owner shall apply to Palm Beach County Engineering & Public Works Department for a permit to construct irrigation improvements to the medians within the Boynton Beach Boulevard Right of Way adjacent to Rossmore Lakes. This permit, to be completed by the property owner shall name Palm Beach County as the applicant. As part of this process the property owner shall enter into a Right of Way, Landscape Maintenance, Removal and Indemnification Agreement. (CO:MONITORING Eng.)

- B. The Petition shall install 6' PVC sleeves beneath the roadway pavement from the southern edge of the Boynton Beach Boulevard Right of Way to each individual median adjacent to the project. Sleeves shall be installed by means of jack and bore or as otherwise permitted by the Department of Transportation. Within the sleeves, the developer shall install a 2 1/2 inch PVC mainline to each median connected to the project's master irrigation system or an alternative water source. The mainline shall be designed to deliver a minimum of 40 gallons per minute at 5 PSI. Within the Medians the petitioner shall install an underground irrigation system designed to provide a minimum of 100% coverage to all landscape (green) areas of the median. All irrigation heads shall be spray heads of the pop-up variety. The above improvements shall be installed at the petitioner's expense prior to the issuance of the first certificate of occupancy. (CO:MONITORING-Eng.)
- C. In the event it is determined that the subject link of Boynton Beach Boulevard is to be widened prior to October 1, 2001 the petitioner shall extend the mainline to the median to accommodate the future configuration of the roadway. The mainline shall then be capped and equipped with electronic location devices. In addition the petitioner shall escrow with Palm Beach County funds to install an underground irrigation system in the medians after it has been widened. The amount to be escrowed shall be based on a cost estimate certified by the project Landscape Architect and agreed to by the Engineering Department. After the six lane widening of Boynton Beach Boulevard is completed the irrigation mainline shall be made operable by the petitioner or the Homeowners/Property Association. (ENGINEERING)
- D. All existing and future landscape and irrigation improvements shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owners Association and/or Homeowners Association. Perpetual maintenance includes, but is not limited to, pruning, mowing, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plan material. (Control Number 0626-004). (ONGOING:ENGINEERING)
- E. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit for the next phase. (Control Number 0626-004). (ELDG PERMIT:MONITORING-Eng.)

G. MASS TRANSIT

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 the certificate of occupancy for the 221<sup>st</sup> unit of the development or the issuance of the certificate of occupancy for the next phase (Control Number 0626-004). 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, at 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)

**H. SCHOOL BOARD**

1. Condition A.1 of Resolution R-93-1367, Petition 93-34, which currently states:

**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)**

Is hereby deleted. [Reason: Current development is restricted to an adult only community]

2. Condition A.2 of Resolution R-93-1367, Petition 93-34, which currently states:

**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)**

Is hereby deleted. [Reason: Current development is restricted to an adult only community]

**I. USE LIMITATION**

1. The development shall be limited to an adult only community. Copies of the restrictive covenant shall be approved by the County Attorney's office, Zoning Division, Engineering Department, and the School Board and recorded prior to final site plan certification. (DRC: ZONING/CO ATT/ENG/SCHOOL BOARD)
2. Starting on January 1, 1999, the petitioner shall submit an annual report to the Monitoring Section demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng/School Board)

3. The petitioner shall construct a 2,000 square foot multi-purpose recreational building on lots 64A and 65A prior to the issuance of the certificate of occupancy for the 250<sup>th</sup> unit, located within the next phase of the development (Control Number **0626-004**). (CO: MONITORING - Zoning/ Bldg)

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 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 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. Appeal 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)



Department of Planning,  
Zoning & Building

150 Australian Avenue  
West Palm Beach, FL 33411  
Phone: 233-5000

http://www.palmbeachfl.gov



Palm Beach County  
Board of County  
Commissioners

John A. ... Chairman

Marilyn ...

...

...

Warren H. Newell

Mary McCarty

Ken L. Foster

County Administrator

...

INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING

TO: Willa Oswald, Minutes Clerk  
FROM: L. Martin Hodgkins, Zoning Director *LMH*  
DATE: September 30, 1998  
RE: Amended Conditions from the September 24 1998  
BCC

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on September 24, 1998. The following petitions were amended

- |               |                              |
|---------------|------------------------------|
| DOA84-95(N)   | MISSION BAY - TENNIS ACADEMY |
| Z/DOA93-34(A) | ROSSMOOR LAKES SUBDIVISION   |
| Z/CA98-12     | PLANET KIDS III              |

Please contact me at 233-5234 if you have any questions.

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