

RESOLUTION NO. R-2005- 0607

RESOLUTION APPROVING ZONING APPLICATION Z2003-086  
(CONTROL NO. 200386)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF ZHK LLC  
BY URBAN DESIGN STUDIO, AGENT  
(BOYNTON GOLF ESTATES)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application Z2003-086 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2005; 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 has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application Z-2003-086 the application of ZHK LLC by Urban Design Studio, agent, for an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Transitional Zoning District with a CONDITIONAL OVERLAY ZONE 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 March 24, 2005, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Absent
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on March 24, 2005.


Filed with the Clerk of the Board of County Commissioners on 20 day of April, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

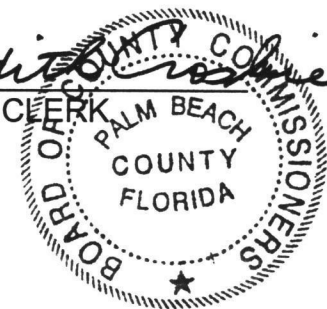
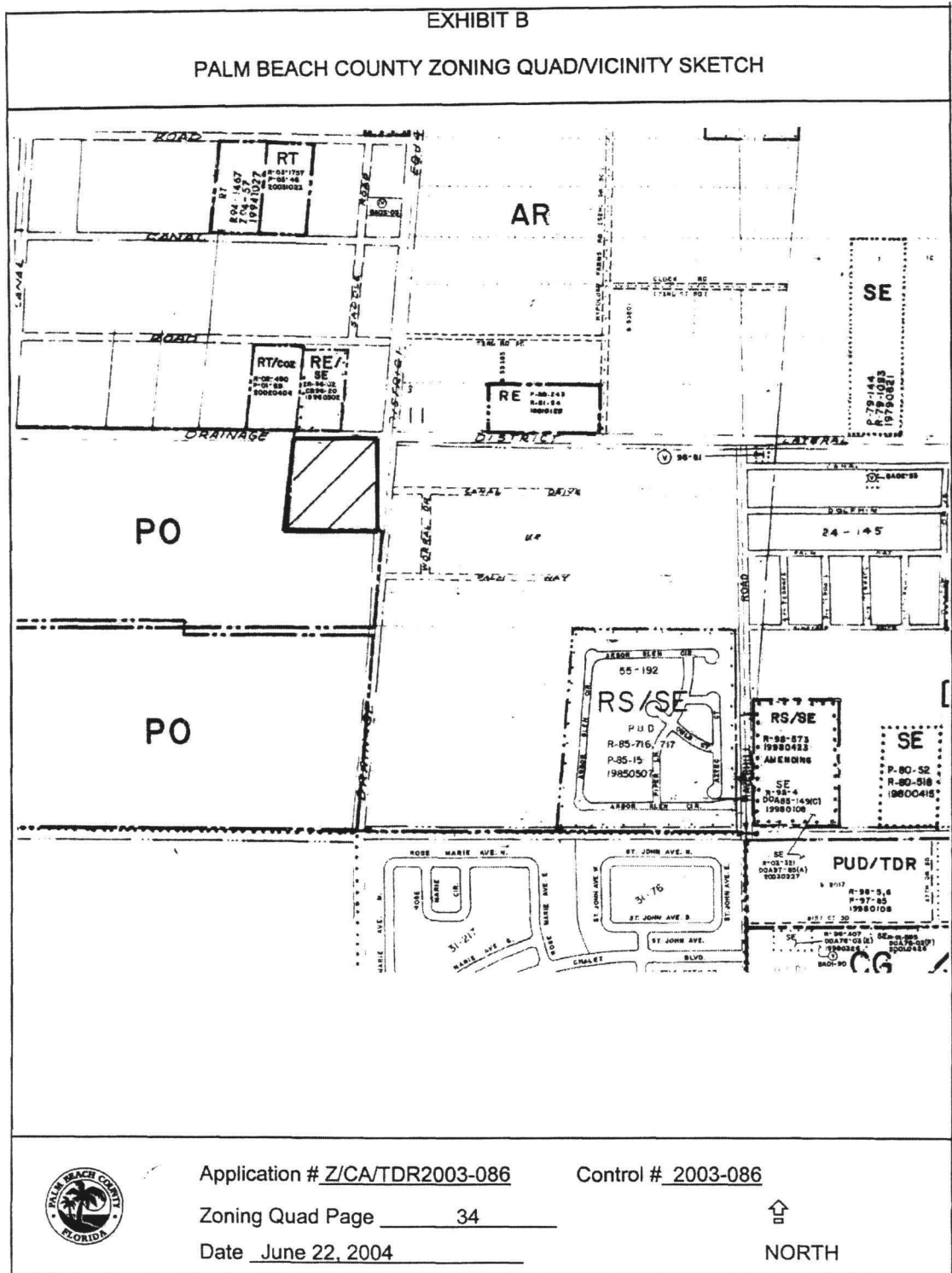


EXHIBIT A  
LEGAL DESCRIPTION

The northeast quarter of the northeast quarter of the southwest quarter of section 11, township 45 south, Range 42 east, Palm Beach County, Florida. Less and excepting, the east 42.24 feet and the north 63.36 feet thereof.

Containing 8.785 acres more or less.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the single-family residential uses as approved by the Board of County Commissioners. 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 – Zoning)

#### B. BUILDING AND SITE DESIGN

1. Decorative street lights shall be provided pursuant to the ULDC, subject to approval by the County Engineer. (BLDG PERMIT: BLDG – Eng/Zoning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to show an architectural focal point at the roundabout median located to the south of lots 12 and 13. Details of this architectural focal point shall be submitted to the Architectural Review Section for review and approval. (DRO: ARCH REVIEW – Zoning)
3. Decorative pavers (stamped concrete or paving blocks) shall be provided along the internal driveway with the proposed minimum dimensions and layout as indicated on the site plan dated February 10, 2005. (DRO/BLDG PERMIT: DRO/ZONING – Zoning)
4. No gates shall be permitted at the entrance to the subject property from Canal Drive. (DRO: CODE ENFORCEMENT – Zoning)
5. Prior to final site plan approval by the Development Review Officer (DRO), the petitioner/property owner shall revise the site plan to provide a minimum of 0.48 acres of on site recreation exclusive of landscape buffers and meeting the required minimum dimensions. (DRO: DRO – Parks)

#### C. LANDSCAPE STANDARDS

1. Berm height shall be measured from the nearest top of the curb, the crown of the road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE – Zoning)
2. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation. (BLDG PERMIT: LANDSCAPE – Zoning)
3. Prior to final approval of the site plan by the Development Review Officer (DRO), the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE – Zoning)

#### D. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING LWDD CANALS AND NEIGHBORING RESIDENTIAL)

1. In addition to the ULDC requirements, landscaping along the north and east property lines shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
- b. a continuous three (3) foot high berm measured from top of curb. (BLDG PERMIT: LANDSCAPE – Zoning)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after February 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING – Eng)

2. The Property owner shall construct Canal Drive from its present paved terminus west of Haverhill Road through this project's site. Construction of this road shall include a canal crossing over the LWDD E3 Canal. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

- a. 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)

- b. Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG – Eng)

4. The Property owner shall construct a six-foot wide meandering pedestrian asphalt pathway on Canal Drive from Haverhill Road to this site. This pedestrian pathway shall connect to the proposed internal sidewalk of the development. This construction shall be concurrent with the paving and drainage improvements for this site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations.

- 1) Permits required by Palm Beach County for the construction of this pedestrian pathway shall be obtained prior to Technical Compliance for the first plat. (PLAT: ENG – Eng)

- 2) Construction for the pedestrian pathway shall be completed prior to the issuance of a Land Development Permit or any Land Development clearing of the site. (LAND DEVELOPMENT PERMIT: ENG – Eng)

5. Prior to issuance of the first building permit the property owner shall post surety to the office of the County Engineer to guarantee the repair or required pavement overlay of Canal Drive damaged during the construction of this site. Amount of the surety shall be approved by the County Engineer and shall be released upon completion of the paving and drainage improvements for the site and issuance of all certificates of occupancy for the single family dwelling units. (BLDG PERMIT: MONITORING – Eng)



F. ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – Erm)

G. PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to contain:
  - a. street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks within this project (Rec. 35 of the WBACP); and,
  - b. indicate a curbed sidewalk on the proposed bridge across the Lake Worth Drainage District E-3 canal for bicycle and pedestrian access to the Biltmore Terrace subdivision (DRO: PLANNING – Planning).

H. SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD – School Board)

I. USE LIMITATIONS

1. Construction access shall be provided on Canal Drive, subject to the following:
  - a. Hours of operation for construction shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday;
  - b. construction shall be prohibited on Saturday, Sunday and statutory holidays;
  - c. the construction route shall be appropriately signed during construction of the subject site; and,
  - d. security personal shall provide traffic control along Canal Drive from Haverhill Road to the subject site at all times during construction hours for the site. (ONGOING: CODE ENF – Zoning)
2. Construction traffic shall be prohibited from utilizing the following to gain access to the subject site:
  - a. the sections of Canal Drive and Dolphin Drive between Military Trail and Haverhill Road; and,
  - b. the entire length of Palm Way and Worrall Road. (ONGOING: CODE ENF – Zoning)

3. The property owner shall include in all homeowners documents as well as written sales brochures, sales contracts, master plans and related site plans a disclosure statement identifying and notifying that the existing Boynton Municipal Golf Course to the south and to the west of this development is not part of this residential project, and no reliance or promotion of lots with golf course views shall be made.

The property owner shall submit documentation of compliance with this condition on an annual basis to the monitoring section of Planning, Zoning and Building beginning on January 1, 2006, and shall continue on an annual basis until all units have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING – Zoning)

#### 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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING – Zoning)