

RESOLUTION NO. R-91-1174

RESOLUTION APPROVING ZONING PETITION NO. 72-51(D)  
SPECIAL EXCEPTION PETITION OF MINTO BUILDERS, INC.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 72-51(D) was presented to the Board of County commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on June 27, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 72-51(D), the petition of MINTO BUILDERS, INC., BY CRAIG S. UNGER, AGENT, for a SPECIAL EXCEPTION TO AMEND MASTER PLAN FOR COUNTRY CLUB TRAILS PUD TO CHANGE THE UNIT TYPE IN VILLAGE II on a parcel of land in PLATINA PLAT NO. 1, Plat Book 63, Pages 83-85, inclusive, Section 23, Township 45 South, Range 42 East, and being located on the N SIDE OF BOYNTON BEACH BLVD., APPROX. .1 MILE W OF S MILITARY TR. , IN THE AR ZONING DISTRICT, was approved on June 27, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. Prior to site plan certification, the master plan and site plans for Village II (exclusive of Phase I) and Village III shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 90). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or the conditions of approval.
4. The petitioner shall submit the Master Plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee prior to September 1, 1991.

B. CONCURRENCY

1. Prior to application to Site Plan Review Committee, the petitioner shall amend Concurrency Case NO. 90-02-01-001 E to reduce capacity to the approved number and type of dwelling units.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall include the following:
  - a. Concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.
  - b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center.

D. EXCAVATION

1. Prior to site plan certification, the petitioner shall submit a report to the County Engineer and the Zoning Division which demonstrates that all new excavation within Village II (exclusive of Phase I) and Village III of the Minto Boynton II parcel shall comply with the Palm Beach County Subdivision Regulations and the standards of Section 500.3(E) (3) of the Zoning Code. All on site excavation shall be limited to implementation of the site development plan only. At a minimum, ninety (90) percent of all material to be excavated shall be used on site.

E. ENGINEERING

Applicable to the Minto Boynton site:

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the

event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

2. 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.

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within **500** feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING

1. prior to site plan certification, the petitioner shall revise the landscape tabular data on the Master Plan to reflect conformance to all applicable Landscape Code requirements.
2. Prior to site plan certification, the petitioner shall revise the landscape tabular data on all site plans for Village II (exclusive **of** Phase **I**) and Village III **of** the Minto Boynton II parcel to reflect conformance to minimum Landscape Code requirements (Section **500.35**, amended by Ordinance **No. 91-15**).

I. RECYCLE SOLID WASTE

1. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products by indicating areas on the site plans for Village II (exclusive of Phase **I**) and Village III of the Minto Boynton II parcel for the placement of receptacles for recyclable materials prior to site plan approval. The receptacles shall be located in the parking areas in or adjacent to the dumpster locations.

J. SITE DESIGN

1. Prior to site plan certification, the petitioner shall revise the Minto Boynton II site plans to include all phase lines for Village 11.

K. USE LIMITATIONS

1. The dwelling units along the north and west boundaries of Village II **of** the Minto Boynton II parcel shall **be** limited to two stories in height.

2. No more than two adjacent, three-story buildings shall be allowed within Village II (exclusive of Phase I) of the Minto Boynton II parcel.

L. COMPLIANCE

1. As provided in Zoning code Sections' **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment **or** as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of September, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *Richard Altman*  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK  
BY: *Judith Croshaw*  
DEPUTY CLERK

Petition No. 72-51(D)

