

RESOLUTION NO. R-94- 1321

RESOLUTION APPROVING ZONING PETITION **PDD94-48**  
OFFICIAL ZONING MAP **AMENDMENT** (REZONING)  
PETITION OF G.L. HOMES OF FLORIDA CORP.

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 Land Development Code (Ordinance **92-20**), have been satisfied; and

WHEREAS, Zoning Petition **PDD94-48** was presented to the Board of County Commissioners at a public hearing conducted on September 29, 1994; 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 Land Development Code;
3. This official zoning **map** amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County 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 Land Development Code, Ordinance 92-20; 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 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 **PDD94-48**, the petition of G.L. Homes of Florida Corp., for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Planned Unit Development (PUD) ZONING DISTRICT, **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 September **29**, 1994, subject to the conditions of approval 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:

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

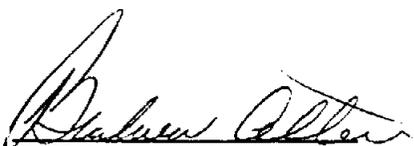
The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of September, 1994.

APPROVED AS TO **FORM**  
AND LEGAL SUFFICIENCY

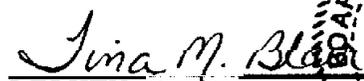
**PALM BEACH COUNTY**, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

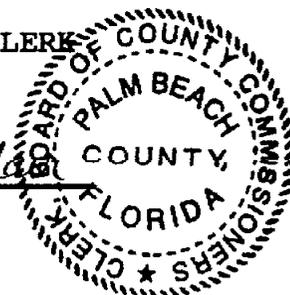


EXHIBIT A

LEGAL DESCRIPTION

THE WEST 283 FEET OF TRACT 5, AND ALL OF TRACTS 6 THROUGH 12, INCLUSIVE, BLOCK 73, THE PALM BEACH FARMS COMPANY PLAT NO.2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE NORTH 110 FEET AS RIGHT-OF-WAY FOR CLINT MOORE ROAD.

TOGETHER WITH THAT PORTION OF THE ROAD RIGHT-OF-WAY BEING 30 FEET IN WIDTH AND LYING BETWEEN SAID TRACTS 8 AND 9 LESS AND EXCEPTING THEREFROM THE NORTH 110 FEET AS RIGHT-OF-WAY FOR CLINT MOORE ROAD.

CONTAINING 33.08 ACRES MORE OR LESS.

CERTIFICATION:

I HEREBY CERTIFY THAT THE DESCRIPTION HEREON DESCRIBES THOSE LANDS AS DEPICTED ON THAT SURVEY PREPARED BY LAWSON, NOBLE AND ASSOC., INC., DATED MARCH 21, 1994 AND SIGNED BY PERRY C. WHITE, REGISTERED LAND SURVEYOR NO.4213, JOB NO. 94-147.

DATE: JUNE 14, 1994

  
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PERRY C. WHITE  
STATE OF FLORIDA  
REGISTERED LAND SURVEYOR  
NO. 4213



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. SITE DESIGN

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC. (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to Section 6.8.A.23.d(3) of the ULDC. (ENGINEERING - Building)
3. All utilities shall be underground pursuant to Section 6.8.23.d(5) of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)

#### B. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval, except on individual residential lots, 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. (BUILDING-Zoning)

#### C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

#### D. RECREATION AREA

1. All outdoor lighting in the recreation/civic area shall be extinguished no later than 9:00 p.m. daily, excluding lighting for security purposes only. (CODE ENF.-Zoning)
2. Landscaping and buffering adjacent to the recreation/civic area along the south property line shall be upgraded to include the following additional requirements:
  - a. minimum fifteen (15) foot wide landscape buffer strip;
  - b. one canopy tree every fifteen (15) feet on center;
  - c. one palm tree for each thirty (30) linear feet;

- d. a six (6) foot reinforced concrete wall along the southern length of the recreation area with a 20-foot return to the North at each end of the wall. The Petitioner will be responsible to maintain the wall.
  - e. all required landscaping shall be installed on the interior side of the required fence. (BLDG-Zoning)
3. All outdoor lighting in the recreation/civic area shall not exceed twelve (12) feet in height, measured from finished grade to highest point. There shall be no light glare over the required wall. (BUILDING-Zoning)
  4. No exterior doors, lights except security lights, or windows other than fixed glass, shall be permitted on the portions of the clubhouse facility oriented or facing towards the south, except for fire rescue purposes only. (BUILDING-Zoning)
  5. The tennis courts in the recreation/civic area shall not be lit for play by exterior or outdoor lighting. (BUILDING-Zoning)
  6. The minimum rear setback for all structures in the recreation/civic area shall be fifteen (15) feet. (BUILDING-Zoning)
  7. No outdoor loudspeaker systems shall be permitted within the recreation/civic area. (BUILDING/CODE ENF.-Zoning)
  8. Dumpsters shall be located along the north portion of the recreation area. (ZONING-Engineering)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, east approach on Clint Moore Road at the project's entrance road. This construction shall be concurrent with the paving and drainage improvements with the first plat. 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.
  - a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BUILDING-Engineering)
  - b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING-Engineering)
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 01: as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$1,650 per approved dwelling unit (10 trips X \$165.00 per trip). (IMPACT FEE COORDINATOR)

F. RECYCLE SOLID WASTE

1. All property owners shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

G. SIGNS

1. Point of purchase signs fronting on Clint Moore Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - two (2); and
  - d. Style - monument or wall style only. (BUILDING-Zoning)

H. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
  - 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;
  - 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 Conditional Use, 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. (MONITORING)