

RESOLUTION NO. R-95-2

RESOLUTION APPROVING ZONING PETITION PDD94-69
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF **PORTEN** COMPANIES, INC.

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 **PDD94-69** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1995; 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 PDD94-69, the petition of Porten Companies, Inc., for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Commercial High Office (CHO) 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 January 6, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Ken Foster, Chair	- -	Aye
Burt Aaronson	- -	Aye
Maude Ford Lee	- -	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 this 6th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Benjamin Altier*
COUNTY ATTORNEY

BY: *Jane M. B...*
DEPUTY CLERK

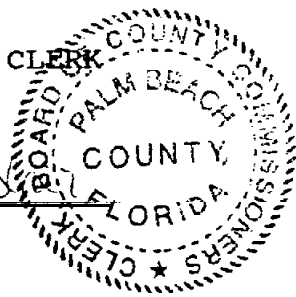


EXHIBIT A

LEGAL DESCRIPTION

West half (W 1/2) of the Northwest quarter (N.W. 1/4) of the Southwest quarter (S.W. 1/4) South of Boynton Rock Road and the West half (W 1/2) of the Southwest quarter (SW. 1/4) of the Southwest quarter (S.W. 1/4) all in Section 19, Township 45 South, Range 43 East, Palm Beach, Florida, LESS the South 25 feet and LESS the West 40 feet thereof.

also LESS a parcel of land described in Official Records book 6778, Page 1137 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

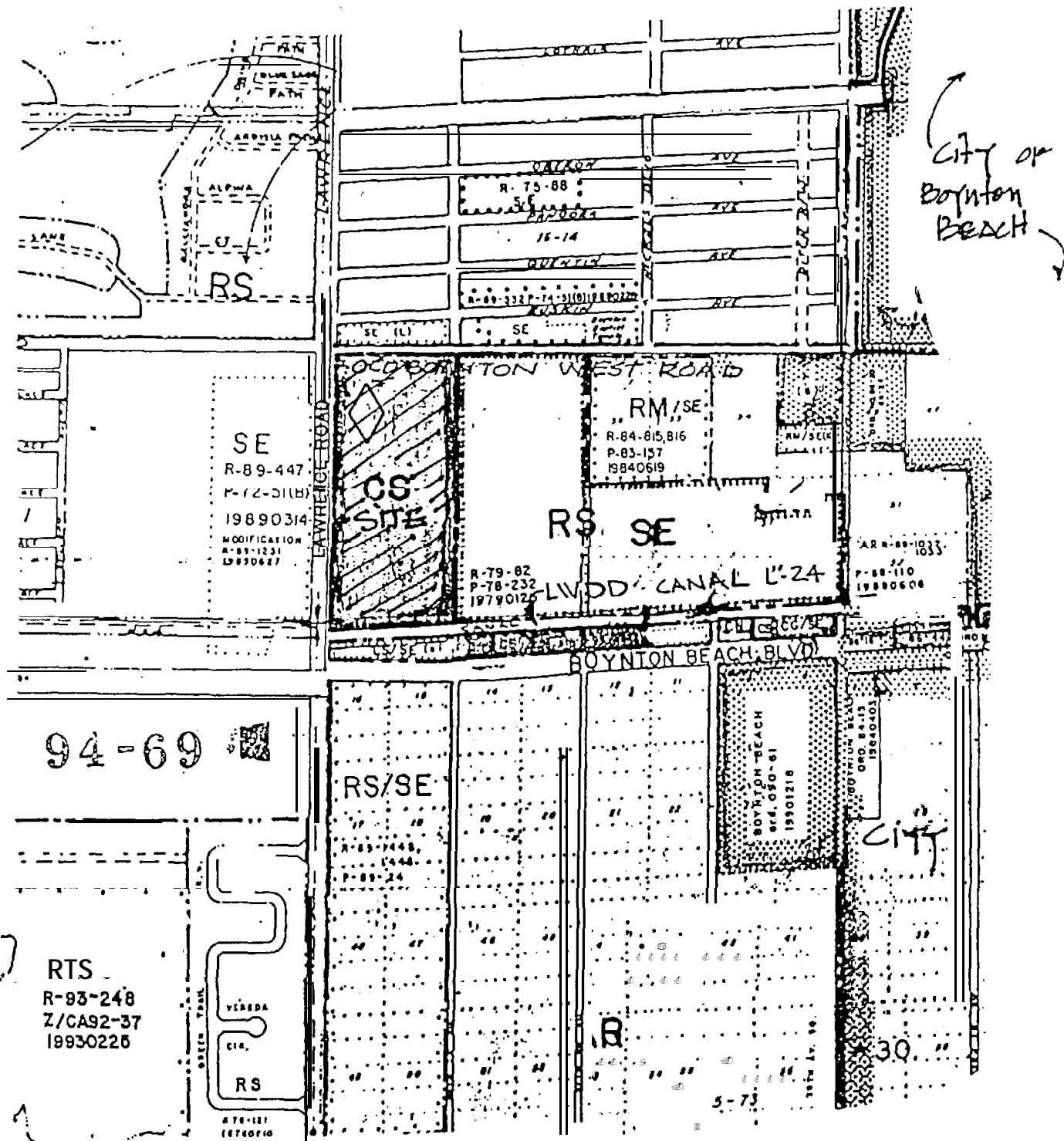


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PUD'S

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the Unified Land Development Code (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 ULDC. (ZONING/ENGINEERING)

B. ANNEXATION

1. The property owner shall voluntarily annex into the City of Boynton Beach at such time the subject property becomes contiguous to the city or is the subject of an annexation proposal by the City of Boynton Beach. (PLANNING)

C. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval, except within 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)

D. LANDSCAPING ALONG ALL PROPERTY LINES

1. A six (6) foot high opaque buffer consisting of a fence, hedge, berm or combination thereof. (ZONING)
2. Landscaping within the required buffer along all property lines shall be upgraded to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees **may** supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

E. ENGINEERING

1. The property owner shall convey an additional 11 feet of right-of-way for Lawrence Road. Right-of-way dedication shall be 11 feet in width, 300 feet in length, and a taper length of 180 feet to Palm Beach County Land Development Division by road right-of-way warranty deed prior to the issuance of the first Building Permit, or the recordation of the first plat, whichever shall first occur. This right of way shall be along the project's entire frontage, free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight **Corners**" where appropriate as determined by the County Engineer. (BUILDING/ENGINEERING - Engineering)
2. The Property owner shall construct a left turn lane, north approach on Lawrence Road at the project's entrance road. 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:
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).
3. 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 Zoning Petition **PDD94-69** to be paid at the time of issuance of the Building Permit presently is \$175.560.00 [**1,064** trips (152 M.F. Units) X \$165.00 per trip] (IMPACT FEE COORDINATOR).

F. 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)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

H. 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)

I. SIGNS

1. Entrance wall signs fronting on Lawrence Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - two (2);
 - d. Monument style. (BUILDING)
2. No signs shall be permitted on Old **Boynton** West Road. (BUILDING)

J. HOUSING TYPES

1. To ensure that the proposal will comply with the requirements of the ULDC the petitioner shall, prior to issuance of a Certificate of **Occupance** for the one hundredth (100) unit, the petitioner shall amend the Preliminary Development Plan (PDP) to include a minimum of two (2) unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is amended to delete the requirement for **PUD's** to provide a minimum of two (2) housing types the petitioner shall be relieved of this requirement. (ZONING)

K. 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)