

RESOLUTION APPROVING ZONING PETITION PDD74-81(D)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF FOX PROPERTY VENTURE
BY RUSSELL SCOTT, AGENT
(FOX PROPERTY DRI - RESIDENTIAL)

FILE COPY

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

WHEREAS, Zoning Petition PDD74-81(D) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) 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) 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 Unified 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 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 Z/PDD74-81(D), the ~~petition~~ of Fox Property Venture by Russell **Scott**, agent, for an Official Zoning Map Amendment (**Z**) from the Residential Single Family (RS) to the Residential 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, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 30, 1997.

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

FOX PROPERTIES
SOUTH RESIDENTIAL PARCEL

DESCRIPTION:

A PARCEL LYING IN THE EAST ONE-HALF (E. 1/2) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE NORTH 88°48'13" WEST, ALONG THE SOUTH LINE OF SAID SECTION 24 (BASIS OF BEARING), A DISTANCE OF 98.73 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE ROAD 7 (D.B. 992, PG. 123); THENCE NORTH 00°40'58" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1137.51 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF OKEECHOBEE BOULEVARD ORB 6320, PG 1274); THENCE NORTH 88°46'44" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 224.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE WESTERLY, ALONG SAID CURVE AND SAID RIGHT-OF WAY, HAVING A RADIUS OF 11358.95 FEET, THROUGH A CENTRAL ANGLE OF 03°01'28", A DISTANCE OF 599.60 FEET TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING WESTERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY, HAVING A RADIUS OF 11558.95 FEET, THROUGH A CENTRAL ANGLE OF 03°00'25", A DISTANCE OF 509.90 FEET; THENCE CONTINUE ALONG SAID CURVE AND SAID RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 00°28'46", A DISTANCE OF 96.73 FEET TO THE POINT OF TANGENCY; THENCE NORTH 88°47'47" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 203.31 FEET TO THE NORTHEAST CORNER OF THE PALM BEACH COUNTY SCHOOL BOARDS PROPERTY; THENCE SOUTH 02°00'29" WEST, ALONG THE EAST LINE OF SAID PROPERTY, A DISTANCE OF 1105.69 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, LYING ON THE SOUTH LINE OF SAID SECTION 24; THENCE SOUTH 88°48'13" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 873.65 FEET; THENCE NORTH 00°40'58" EAST, A DISTANCE OF 832.66 FEET; THENCE NORTH 88°48'13" WEST, A DISTANCE OF 554.80 FEET; THENCE NORTH 02°00'28" EAST, A DISTANCE OF 273.44 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.
SUBJECT TO ALL PERTINENT MATTERS OF PUBLIC RECORD.
CONTAINING 18.400 ACRES, MORE OR LESS.

EXHIBIT C
PUD REZONING
CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All conditions contained in Resolution R-74-699 are hereby repealed. (MONITORING)
2. The petitioner shall comply with all applicable previous conditions of approval contained in Resolution R-94-487 and the Final Order No. LW-93-037 for the State of Florida Land and Water Adjudicatory Commission Stipulated Settlement Agreement for FLWAC Case No. 74-18 and DCAH Case No. 77-0846, unless expressly modified. (MONITORING)
3. Development of the site is limited to the uses and general site design indicated on the master plan approved by the Board of County Commissioners. The approved master plan is Exhibit C of settlement Agreement No. 77-0846, Final Order No. LW-93-037. All modifications must be approved by the Board of County Commissioners unless the proposed changes are in accordance with the ULDC & Settlement Agreement No. 77-0846. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. The PUD shall be limited to a maximum of 232 units. (DRC: ZONING)

C. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING - Co Att)

D. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

E. ENGINEERING

No new conditions.

F. COMPLIANCE

1. 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; 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 noncompliance, 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.

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. (MONITORING)