

RESOLUTION APPROVING ZONING PETITION PDD87-07(C3)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF PALM BEACH DOWNS HOA  
BY ROBERT BENTZ, AGENT  
(PALM BEACH DOWNS)

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 **PDD87-07(C3)** was presented to the Board of County Commissioners at a public hearing conducted on April **24, 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 PDD87-07(C3), the petition of Palm Beach Downs HOA by Robert Bentz, agent, for an Official Zoning Map Amendment from Agricultural Residential (AR) to 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 April 24, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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	--	Absent
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
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 May 22, 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

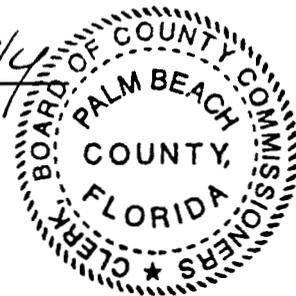


EXHIBIT A

LEGAL DESCRIPTION

**DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, RUN N 00°50'22" W ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 100.00 FEET; TO THE POINT OF BEGINNING.

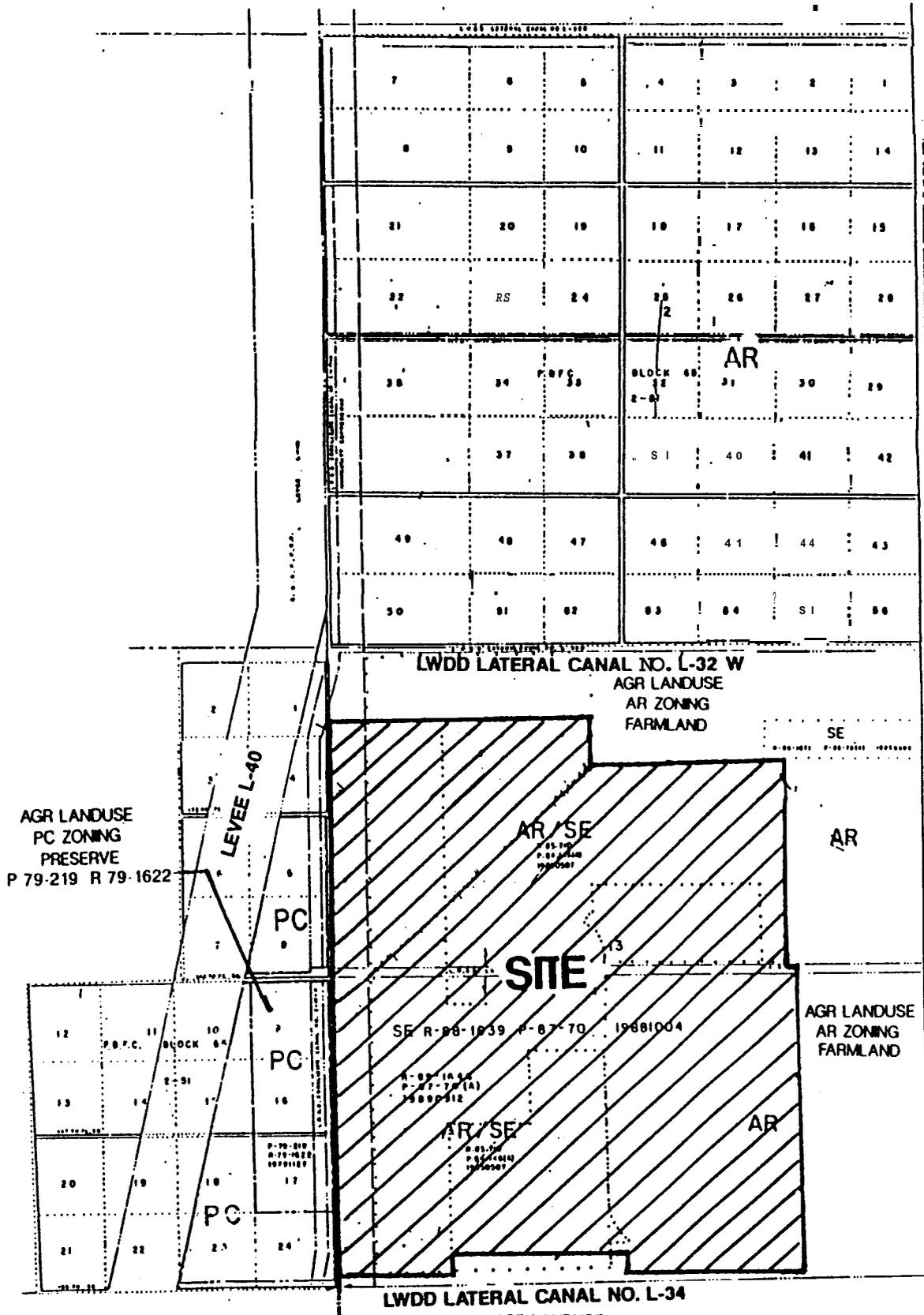
RUN THENCE N 00°50'22" W A DISTANCE OF 4725.52 FEET; TO THE SOUTH LINE OF THE NORTH HALF (N1/2) OF THE NORTH (N1/2) OF THE NORTH HALF (N 1/2) OF SAID SECTION 13; THENCE S 89°58'25" E, ALONG SAID SOUTH LINE A DISTANCE OF 2320.47 FEET; TO THE WEST LINE OF THE NORTH HALF (N 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), OF THE NORTHEAST QUARTER (NE 1/4) OF TITI'S NORTHWEST QUARTER (NW 1/4) SAID SECTION 13; THENCE S 00°38'18" E, ALONG SAID WEST LINE A DISTANCE OF 342.2 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 13, THENCE N 89°57'45" E, A DISTANCE OF 1696.82 FEET TO A LINE 1285.00 FEET WESTERLY OF, AND PARALLEL WITH THE EAST LINE OF SECTION 13; THENCE S 00°22'30" E ALONG SAID PARALLEL LINE A DISTANCE OF 4423.48 FEET TO THE SOUTH LINE OF SAID SECTION 13; THENCE S 89°08'33" W ALONG SAID SOUTH LINE A DISTANCE OF 1347.37 FEET TO THE SOUTH QUARTER CORNER OF SECTION 13, TOWNSHIP 46, SOUTH RANGE 41 EAST; THENCE N 00°36'33" W, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13, A DISTANCE OF 100.00 FEET TO A PARALLEL LINE LYING 100.00 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 13; THENCE S 89°08'33" W, ALONG SAID PARALLEL LINE A DISTANCE OF 203.34 FEET; THENCE N 00°22'30" W, A DISTANCE OF 295.23 FEET; THENCE S 89°37'36" W, A DISTANCE OF 1461.99 FEET; THENCE S 00°22'30" E, A DISTANCE OF 282.33 FEET; THENCE S 45°36'59" E, A DISTANCE OF 35.50 FEET TO A LINE LYING 100.00 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 13; THENCE S 89°08'33" W, ALONG SAID PARALLEL LINE A DISTANCE OF 992.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 410.737 ACRES.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHT-OF-WAY OF RECORD.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



AGR LANDUSE  
PC ZONING  
PRESERVE  
P 79-219 R 79-1622

LWDD LATERAL CANAL NO. L-32 W  
AGR LANDUSE  
AR ZONING  
FARMLAND

SE R-98-1839 P-87-70 19881004

AR/SE

LWDD LATERAL CANAL NO. L-34

AGR LANDUSE  
AR ZONING  
FARMLAND

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Date: 1/22/97



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. GENERAL

1. The existing development rights shall not be removed from this property until a conservation easement has been recorded in the public records of Palm Beach County in a form acceptable to the County Attorney. The conservation easement on the preservation areas shall be recorded prior to or concurrent with the first plat for the Delray Training Center PUD. At such time the easement is recorded, Resolutions R-85-316, R-85-710, R-88-1639 and R-89-1646, granting approval of Petitions 84-146, 84-146(A), 87-70 and 87-70(A) shall be revoked by the Board of County Commissioners. Should a conservation easement not be placed on this property in a form acceptable to the County Attorney prior to November 15, 1997, then the approval of the Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DRC / DATE: PLANNING / PLATTING / ZONING - Planning)
2. The petitioner shall obtain certification of a site plan for the existing equestrian facility on the site by the Development Review Committee prior to April 1, 1998. The existing equestrian uses shall be considered permitted general land uses in the preserve area of the Delray Training Center PUD (Petition 87-07(C1)). (DATE: MONITORING - Zoning)
3. A site plan shall be required to be certified by the Development Review Committee for all requested uses within the PUD. (DRC: ZONING)

#### B. PLANNING

1. Any infrastructure existing on the property shall not be used for future development and shall not be connected to water and sewer services, unless used only to support agricultural activities in accordance with the Comprehensive Plan. (ONGOING: PLANNING/UTILITIES/HEALTH)
2. Prior to or concurrent with recordation of the first plat for the buildable area, the applicant shall dedicate the land to Palm Beach County, record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel, or subject the parcel to a conservation easement, limiting it to an agricultural reserve preserve area, including an existing equestrian training facility and 1 existing dwelling unit in accordance with the provisions of the Comprehensive Plan. (DRC: PLANNING)
3. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as an agricultural reserve preserve area, and shall coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)
4. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD 87-07C1, the applicant shall record a boundary plat for the subject site, and include on said boundary plat, language limiting the site to agricultural reserve preservation uses as permitted by the Comprehensive Plan. (BLDG PERMIT: PLANNING/BLDG)

5. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD 87-07C1, existing plats for the Palm Beach Downs property or any adjacent development within the preservation area shall be abandoned and all remaining encumbrances and easements shall be vacated. (BLDG PERMIT: PLANNING/BLDG)
6. Prior to site plan certification by the Development Review Committee (DRC), the applicant shall provide a notation on the regulating plan for petition 87-07 indicating all dwellings allocated to the subject site, with the exception of the one existing dwelling, shall be located on *the* buildable area as identified in Petition No. PDD 87-07C1. (DRC: PLANNING)

**C. 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

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 Section 5.8 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. (MONITORING)

**E. ENGINEERING**

1. No Engineering conditions.