

RESOLUTION NO. R-2004- 2018

RESOLUTION APPROVING ZONING PETITION DOA1985-089C
DEVELOPMENT ORDER AMENDMENT
PETITION OF BELVEDERE ISLES DEVELOPERS INC.
BY LAND DESIGN SOUTH, AGENT
(GOLDEN LAKES VILLAGE PUD SECTION 18)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1985-089C was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2004; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b 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 DOA1985-089C, the petition of Belvedere Isles Developers Inc., by Land Design South, agent, for a Development Order Amendment to delete land area from a Special Exception to allow a Residential Planned Unit Development on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 30, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner MASILOTTI moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	NAY
Tony Masilotti, Vice Chairman	-	AYE
Jeff Koons	-	AYE
Warren H. Newell	-	AYE
Mary McCarty	-	AYE
Burt Aaronson	-	AYE
Addie L. Greene	-	AYE

The Chair thereupon declared that the resolution was duly passed and adopted on September 30, 2004.

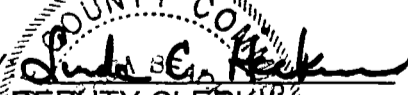
Filed with the Clerk of the Board of County Commissioners on 9th day of NOVEMBER, 2004.

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

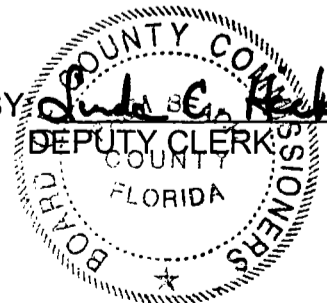


EXHIBIT A

LEGAL DESCRIPTION

TRACTS 16 through 20, inclusive, of Block 1, according to the Palm Beach Farms Co. Plat No. 9 as recorded in Plat Book 5, at page 58, Public Records of Palm Beach County, Florida, LESS the North 496 feet thereof.

Together with:

The West one half (W1/2) of Tract 1; all of Tracts 2, 3, 4, 5, 8, 9 and the East one half (E1/2) of Tract 10; the East 550 feet of Tract 11; Tract 12; the West one half (W1/2) of Tract 13; the East one half (E1/2) of Tract 17 and the East 550 feet of Tract 18; all in Block 3, according to the Palm Beach Farms Co. Plat 3, as recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida, and subject to the Right-of Way of Belvedere Road over the South 95 feet of Tract 17 and the South 33 feet of Tract 18.

And together with:

The South one half (S1/2) of Tract 6, less the South 8 feet; the West one half (W1/2) of Tract 10 less the East 230 feet; Tract 11, less the East 890 feet; and Tract 18, less the East 890 feet; all in Block 3, according to the Palm Beach Farms Co. , Plat No. 3, as recorded in Plat Book 2 at page 45, Public Records of Palm Beach County, Florida.

And together with:

The roadways and canals adjacent to Tracts 16-20 in Block 1 of Plat 9 and Tracts 1-5 & 8-10 & 12 in Block 3 of Plat 3 as referenced herein above.

Containing 443.2 Acres, more or less, as the original PUD.

Overall Acreage =	443.2 Acres
Canal R/W =	2.8 Acres
Roadways =	12.9 Acres

And less:

The East one half (E1/2) of Tract 17, herein referred to above, subject to the Right of Way of Belvedere Road over the South 95 feet thereof, together with the East one half (E1/2) of Tract 12 less the North 105 feet of the East 210 feet thereof, and together with the South one half (S1/2) of the West 450 feet of the East 660 feet of the abandoned 30 foot roadway lying North of and adjacent to Tract 12 of said Plat 3; Said areas being deleted from the PUD, and comprising 18.2 Acres, more or less(18.18 Acres).

The revised PUD area comprises 425 Acres, more or less, including roadways and canals or 409.3 Acres, more or less, without.

THIS DRAWING TAKEN FROM ZONING APPLICATION SKETCH BY HUTCHEON ENGINEERS, FILE NO. 72-3-012, DATED FEBRUARY 16, 1972 ON FILE WITH THE PALM BEACH COUNTY PLANNING BUILDING AND ZONING DEPARTMENT. THE PUD AREAS DO NOT INCLUDE THE ROADWAYS AND CANAL RIGHTS OF WAY. THE ANGLES AND SOME OF THE OFFSETS SHOWN DO NOT AGREE WITH THE PLATS OF RECORD AND WERE NOT USED IN THE REVISED DESCRIPTION.

EXHIBIT B
VICINITY SKETCH

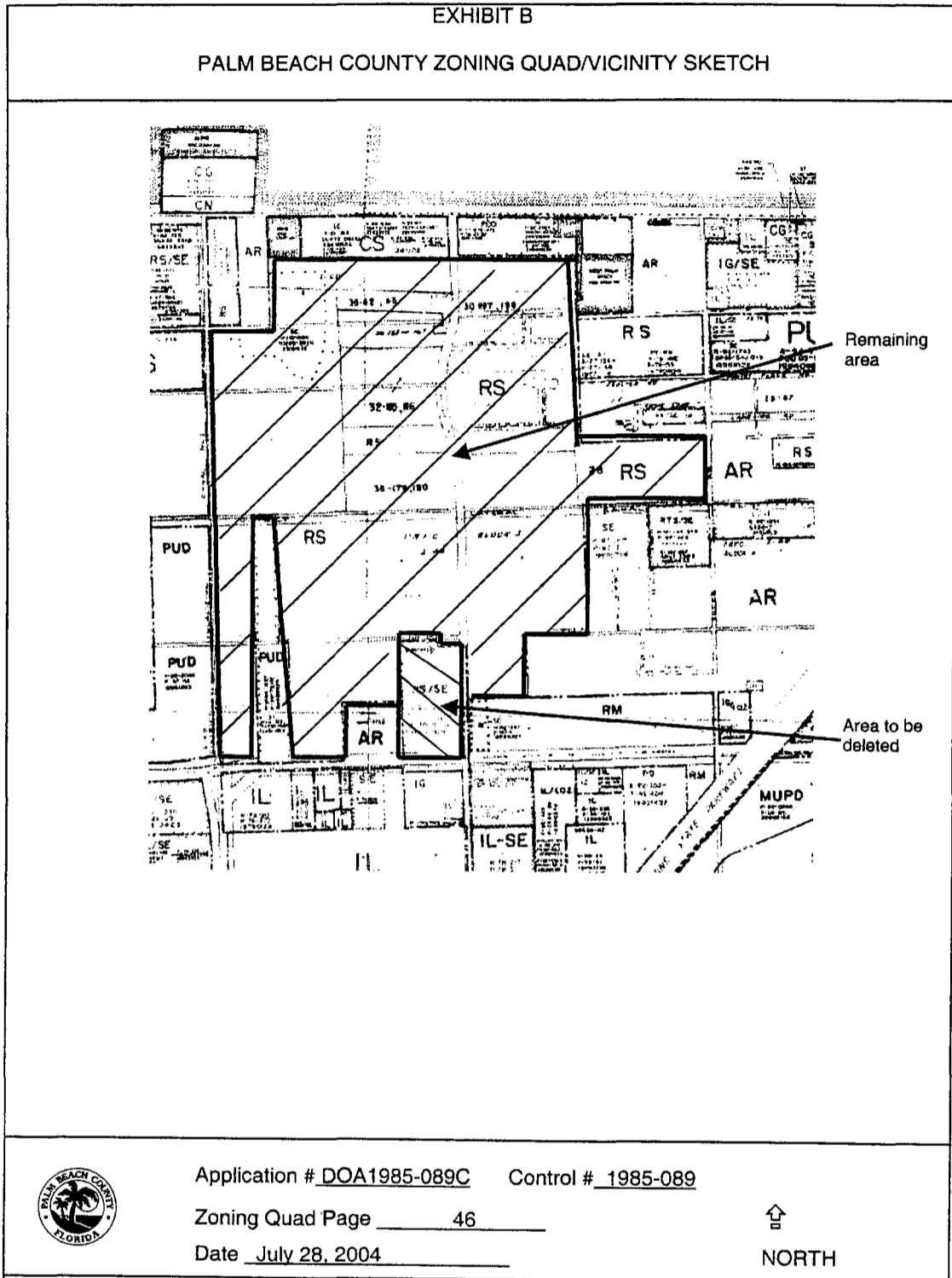


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All conditions of approval contained in Resolution R-90-1441, Petition 1985-089(A) Golden Lakes PUD Section 18, are hereby deleted. All conditions of approval contained in Resolution R-2000-1946, Petition-1985-089(A) Golden Lakes PUD Sub-Section 19B - Lake Crystal School_site, however, shall remain in full force and effect. (ONGOING: ZONING - Zoning)

B. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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 non-compliance, 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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)