

RESOLUTION NO. R-2000- 1583

RESOLUTION APPROVING ZONING PETITION TDR97-084(B)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF SIESTA KEY AT BOYNTON BEACH, LTD.
BY LAND DESIGN SOUTH, AGENT
STONYBROOK PUD (AKA SIESTA KEY PUD)

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 the Unified Land Development Code; 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 92-10, as amended), have been satisfied; and

WHEREAS, Zoning Petition TDR97-084(B) was presented as a development order to the Board of County Commissioners at a public hearing conducted on September 28, 2000; 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. Pursuant to Section 6.1 O.H. of the ULDC, the Planning Division has established a County TDR Bank with TDR Units accumulated through the purchase of property under the Environmentally Sensitive Lands Program; and
2. Revenue from the TDR Bank are earmarked for the acquisition and management of environmentally sensitive lands and wetlands; and
3. Pursuant to Section 6.10.H.4.b. of the ULDC, the Planning Division and the Land Use Advisory Board (LUAB) have recommended that the sale price for a County TDR units for FY99-00 be \$9,833 per unit; and; and
4. Pursuant to Section 6.10.1. of the ULDC, the PDD/DOA/TDR97-084(B) qualifies as a TDR Receiving Area; and
5. Pursuant to Section 6.10.K.3.e. of the ULDC, there are five standards which must be complied with in order to use the TDR Program and each of the five standards has been complied with; and

WHEREAS, Section 5 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 TDR97-084(B) the petition of Siesta Key at Boynton Beach, Ltd. by Land Design South, agent, for a Transfer of Development Rights (TDR) for 28 units and designate PDD97-084(B) as the receiving area on a parcel of land legally described in EXHIBITA, 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, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Absent
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Absent
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Otter*
COUNTY ATTORNEY

BY: *Joan Davery*
DEPUTY CLERK

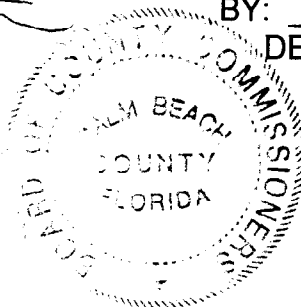


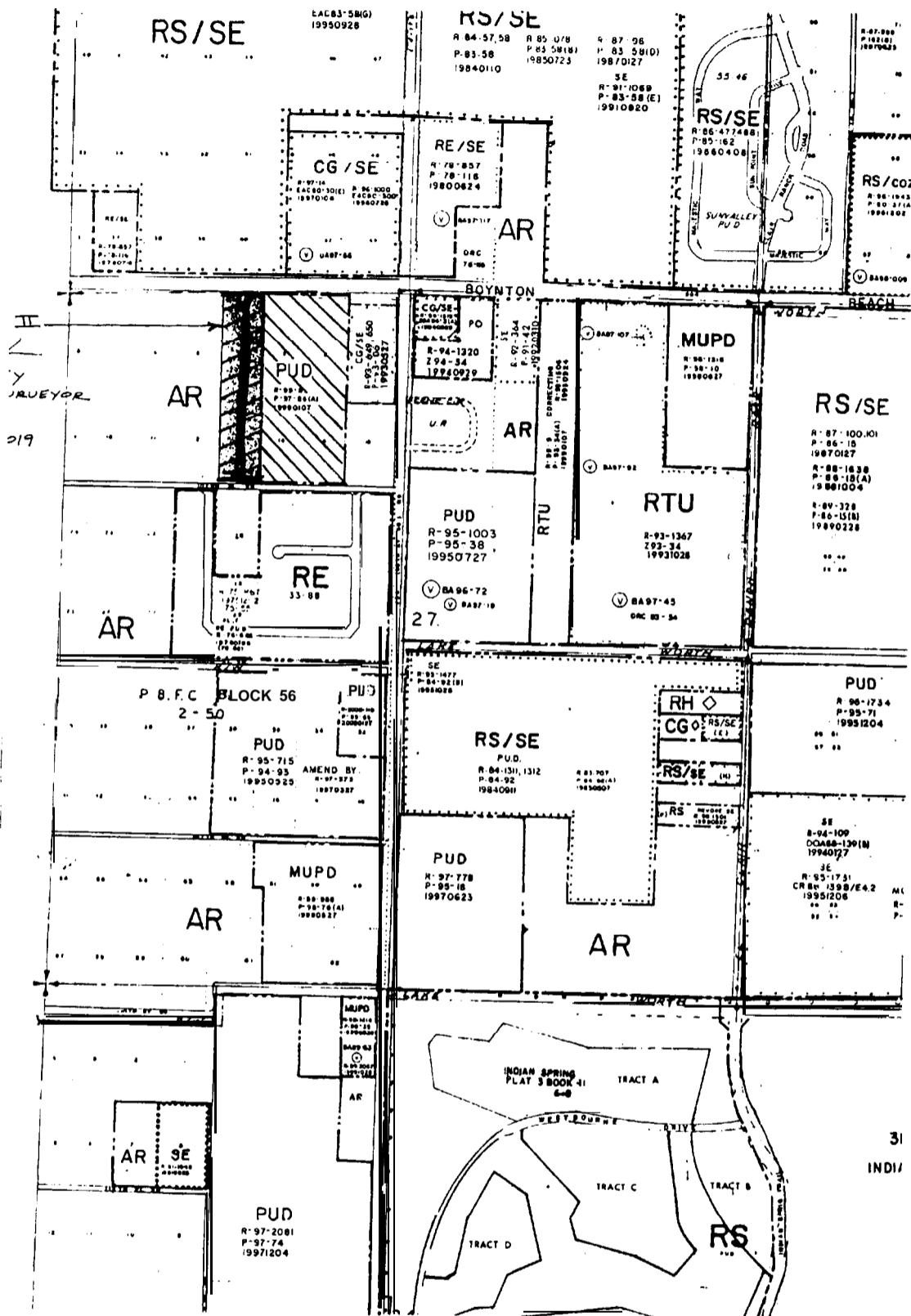
EXHIBIT A
LEGAL DESCRIPTION

ALL OF TRACTS 13 AND 4, BLOCK 56, PALM BEACH FARMS COMPANY PLAT NO. 3,
ACCRDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE
CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54.

LESS THE SOUTH 15.00 FEET THEREOF.

EXHIBIT B
VICINITY SKETCH



97-031B

EXHIBIT C

TDR CONDITIONS OF APPROVAL

1. The preliminary development plan dated August 29, 2000 and perimeter/ internal buffers shown thereon shall not be modified unless approved by the BCC. (ONGOING: ZONING)
2. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, a "Contract for Sale and Purchase of TDR's" shall be executed by the applicant, in a manner and form approved by the Office of the County Attorney, and formally executed by the Chairman of the Board of County Commissioners. The **Contract shall** accommodate a maximum of 28 TDR units at a selling price of \$9,833.00 per unit. (DRC: COUNTY ATTORNEY-Zoning)
3. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, two (2) recorded copies of the "Contract for Sale and Purchase of TDR's" shall be provided to the Palm Beach County Zoning Division. (DRC: ZONING)
4. Prior to certification of the Preliminary Development Plan (PDP) by the DRC, monies representing 28 TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County. (DRC: ZONING)
5. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. Building permits issued for sales models and/or a temporary real estate sales and management office permitted pursuant to the Unified Land Development Code standards shall not be the trigger for the release of the escrow funds. (BLDG PERMIT: MONITORING - ZONING)
6. Prior to the issuance of the first building permit, a deed conveying the applicable TDR units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. This condition does not apply to building permits issued for sales models and/or a temporary real estate sales and management office permitted pursuant to the Unified Land Development Code standards. (BLDG PERMIT: MONITORING - ZONING)
7. Any additional increase in density must be requested through the TDR program. (ONGOING: ZONING)