

RESOLUTION NO. R-93-554

RESOLUTION APPROVING ZONING PETITION NO. 89-30  
SPECIAL EXCEPTION PETITION OF NORMA HERZLIN, TRUSTEE

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 89-30 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 29, 1993; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-30, the petition of NORMA HERZLIN, TRUSTEE BY: KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO approve a PLANNED UNIT DEVELOPMENT (PUD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on April 29, 1993, as advertised, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for approval of the Resolution.

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

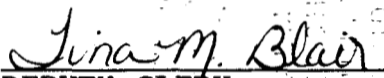
Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Nay
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

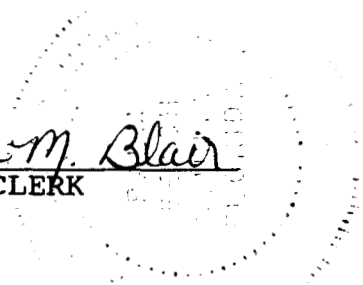
The Chair thereupon declared the resolution was duly passed and adopted this 29th day of April, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

*Being a tract of land lying and being in Section 29, Township 44 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows:*

PARCEL NO. 1, (EAST PORTION OF TRACT):

*Commencing at the northeast corner of said Section 29, thence North 89°28'02" West (for convenience, all bearings shown hereon are relative to an assumed meridian) along the north line of said Section 29, a distance of 1372.21 feet to the POINT OF BEGINNING of Parcel No. 1, thence South 00°51'27" West, a distance of 1348.29 feet, thence North 89°29'42" West, a distance of 2012.18 feet to the center line of an eighty (80') foot road easement, thence North 00°47'32" East, a distance of 1349.25 feet to a point on the north line of said Section 29, said point to be hereinafter referred to as Point "A", thence South 89°28'02" East along said north line of Section 29, a distance of 708.36 feet to the northwest corner of the northeast one-quarter (NE 1/4) of said Section 29, thence continue South 89°28'02" East along said north line of Section 29, a distance of 1305.34 feet to the POINT OF BEGINNING.*

EXHIBIT B  
VICINITY SKETCH

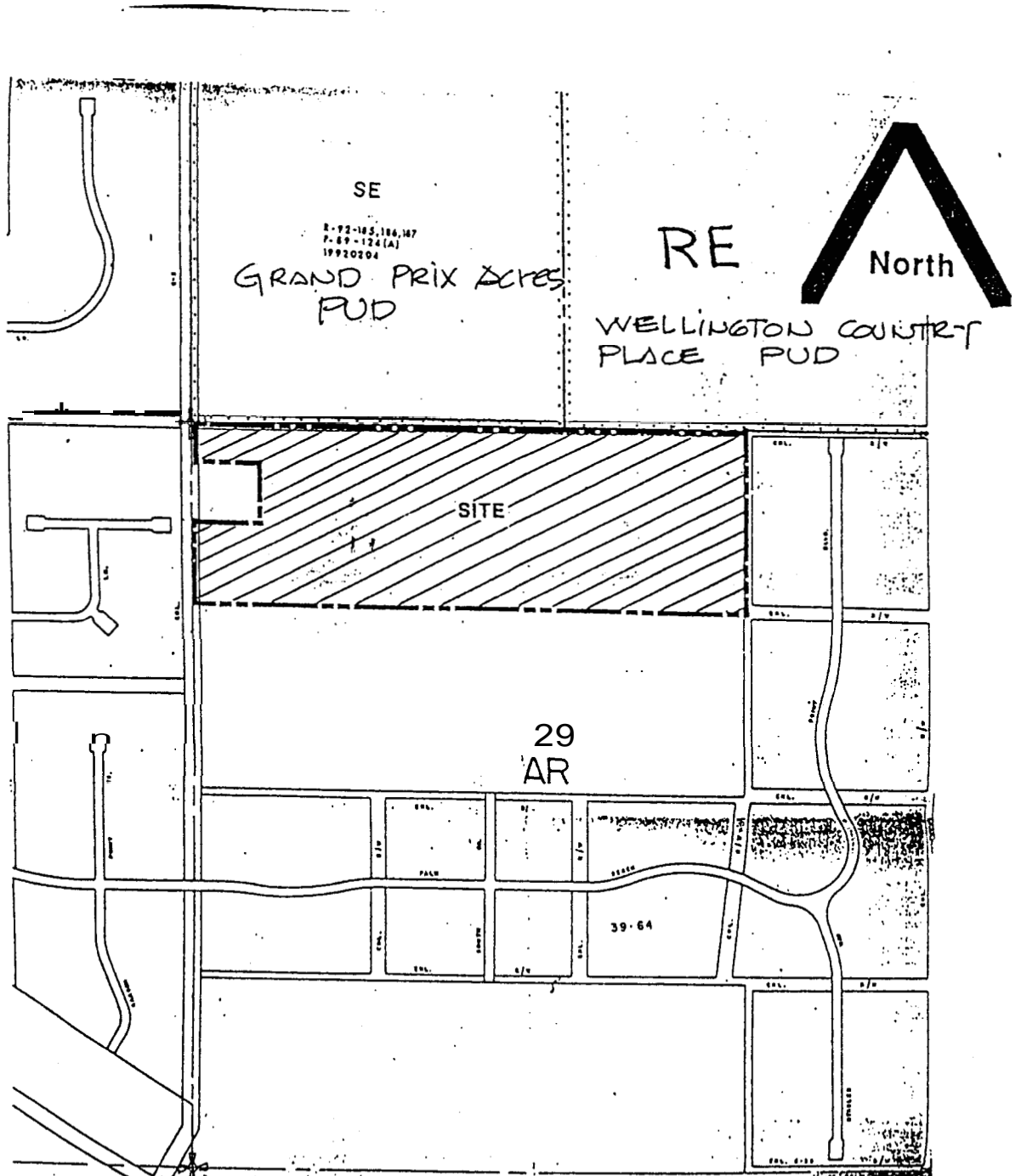


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. The petitioner shall submit an application to the Development Review Committee (DRC) on or before June 16, 1993 for the certification of the master plan approved by the Board of County Commissioners by Petition No. B9-30. The master plan shall be approved by the DRC on or before August 11, 1993. No administrative time extension to this condition shall be allowed. (MONITORING)

B. CIVIC SITE

1. The petitioner shall convey unencumbered fee simple title by statutory warranty deed to Palm Beach County 2% of the gross area of the Planned Unit Development and shall have satisfied the following condition prior to deed conveyance:
  - a. Developer shall provide Palm Beach County Board of County Commissioners with a warranty deed by January 1, 1994 for the Civic site, in a location and form acceptable to Facilities, Planning, Design & Construction Department (FPD&C) and the County Attorney's Office. FPD&C requests a site accessible to either South Road or the Future Lake Worth Road extension. The Petitioner shall provide a bridge crossing the C-24 Canal if Lake Worth Road is the only abutting thoroughfare. Developer to plat and dedicate the Civic site to Palm Beach County prior to conveying the deed; and
  - b. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a Civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H. (Ordinance 70-2, as amended). (MONITORING/PREM)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be, at a minimum, an area equivalent to eight (8) square feet per linear foot of shoreline. Any areas of planted littoral zone shall not be steeper than six (6) feet horizontal to one (1) foot vertical. The maximum depth of the planted area shall be minus three (-3) feet from OHW. The littoral zone shall be provided with a minimum of three (3) inches of topsoil to promote vegetative growth. The littoral zone shall be planted with appropriate native wetland vegetation, spaced not more than three (3) feet on center or as approved by ERM. (ERM)

2. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with DRC Final Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of **the** site plan application. (ERM)
3. Prior to the issuance of a Certificate of Occupancy and within three working days **of** the completion of littoral plantings ERM shall be notified. This planting shall not be credited as compensation required by wetland permits. (ZONING-ERM)

D. HEALTH

1. Prior to the site plan approval by the Development Review Committee, plans and applications for approval of the use of onsite sewage disposal systems for a subdivision shall be submitted to the Palm Beach County Public Health Unit. (HEALTH)

E. ENGINEERING

1. The Property owner shall construct paved access from this project to Lake Worth Road extension when required by the County Engineer. This paved access shall include a canal crossing over the Acme Improvement District C-24 Canal subject to approval by the County Engineer and ACME Improvement District. This condition shall be void after April 1, 2003 if Lake Worth Road is not constructed. (ENGINEERING)
2. Prior to Master Plan approval, the site plan shall be modified to align the project's proposed entrance onto Lake Worth Road with the entrance to Grand Prix Farms subject to approval by the County Engineer. (ENGINEERING)
3. Petitioner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans, a disclosure statement identifying all planned roadways adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program including the ultimate number of lanes of the Thoroughfare Plan Roads. Currently this includes Lake Worth Road along the project's north property line. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Building and Zoning beginning January 1, 1994 and shall continue on an annual basis until all units within the development have been sold or the **developer** relinquishes control to the homeowners association. The subject property shall be appropriately signed. Sign locations shall be shown on all approved master plans and site plans. (MONITORING - Engineering-County Attorney)
4. Enter into a Developer's Agreement with **the** Acme Improvement District for required improvements consisting of, but not limited to, paving, drainage, water and sewer to South Road prior to the issuance of technical compliance for the first plat. (ENGINEERING)

F. LANDSCAPING - GENERAL

1. Prior to master plan certification, the petitioner shall revise the landscape tabular data on the master plan to reflect conformance with the minimum requirements **of** the Landscape Code requirements and all landscape/vegetation

preservation conditions of approval. (ZONING)

2. Landscaping along the north property line and along the property lines contiguous to the existing communication tower shall include the following:
  - a. One (1) native canopy tree planted every twenty (20) feet on center;
  - b. One (1) native palm trees 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; and
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ZONING)
3. All trees required to be planted on site by this approval 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; and,
  - 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. (ZONING)

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 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. The property owner 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)
2. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products. (SWA)

I. PLANNED UNIT DEVELOPMENT

1. Each primary structure within the PUD shall clearly display a street address number on the facade of the building which is legible from the street. (CODE ENFORCEMENT)

J. PROPERTY OWNERS ASSOCIATION

1. All property included within the legal description of the petition shall be subjected 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 property included in the Planned Unit Development (PUD), and assessment of all members of the "master" association for the cost of maintaining the PUD's common areas. The property shall not be subjected to the Declaration of Restrictions in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the recordation of the first plat of any portion of the Planned Unit Development. (COUNTY ATTORNEY)

K. SCHOOL BOARD

1. Prior to site plan certification, the petitioner shall demonstrate that they have met with the School Board staff and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools.

L. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
  - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
  - b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
  - c. Rezoning of the property;
  - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
  - e. Citation of the property owner for violation of the Zoning Code. (MONITORING)
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)