

RESOLUTION NO. R-93-1364

RESOLUTION APPROVING ZONING PETITION PDD93-33  
VOLUNTARY DENSITY BONUS AWARD  
PETITION OF TCT SOUTH FLORIDA APARTMENTS, INC.

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163, Florida Statutes, 9J-5, Florida Administrative Code, and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to the goals, objectives and policies of the Palm Beach County Comprehensive Plan; and

WHEREAS, the Palm Beach County Comprehensive Plan, Housing Element, has as Objective 2, Affordable Housing, and Policy 2-i.5, the provision for expanding the housing stock through the creation and implementation the Voluntary Density Bonus Program; and

WHEREAS, the Voluntary Density Bonus Program provides for a voluntary density bonus award for planned development districts and other large developments that set aside a certain percentage of dwelling units for affordable housing; and

WHEREAS, the Unified Land Development Code, Article 6.9, provides for the implementation of the Voluntary Density Bonus Program, allowing a development to exceed the existing future land use permitted density up to one hundred percent to a maximum of eighteen dwelling units per acre, or seventy-five percent of the standard density for congregate living facilities, to a maximum of forth-five beds per acre, without an accompanying site-specific land use amendment to the Palm Beach County Comprehensive Plan Future Land Use Atlas; and

WHEREAS, the Palm Beach County Planning Director recommended approval and the Palm Beach County Land Use Advisory Board, on April 28, 1993, reviewed and recommended a Voluntary Density Bonus award of 152 additional dwelling units, a one hundred percent increase in permitted density, for this multiple-family, rental development; and

WHEREAS, Zoning Petition PDD93-33, including a proposed Voluntary Density Bonus of 136 additional dwelling units, which is an award of eight-nine percent, has been presented to the Board of County Commissioners at a public hearing conducted on October 28, 1993; and,

WHEREAS, the award of the voluntary density bonus has been considered, has been approved as part of the planned development district petition authorized in Resolution 93-1363, and shall be amended only through reconsideration of the development order; and

WHEREAS, the Voluntary Density Bonus award **is** in compliance with the standards of the Palm Beach County Comprehensive Plan and the Unified Land Development Code: and

WHEREAS, the notice and hearing requirements for a rezoning, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied, to include the proposed award of a Voluntary Density Bonus for this development; 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 Land Use Advisory Board and the Zoning Commission: and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The permitted density of the 19.5-acre property is eight units per acre **as a** planned development district;
2. The Voluntary Density Bonus of 136 additional multi-family rental units does not exceed the maximum allowable density bonus **of** 304 units for the site;
3. In exchange for the additional density, the property owner shall provide for the construction of ten percent very-low-income, eighty percent low-income, and ten percent moderate-income rental units;
4. The very-low and low-income units shall remain as affordable units, guaranteed through a recorded covenant as a deed restriction on the use of the land for a fifteen-year period;
5. The very-low and low-income units will not be concentrated within one area of the development or within the surrounding neighborhood;
6. The development will provide varied bedroom and square footage options for the affordable units that are similar to the remaining units;
7. The density is compatible with the surrounding land uses and is consistent with the Palm Beach County Comprehensive Plan;
8. The planned development district development is located within the urban service area;
9. The development is within a three-quarter mile distance of a mass transit stop;
9. The applicant has provided written justification that has been found to promote the Housing Element Policy 2-g in the comprehensive plan that encourages the equitable geographic distribution of affordable housing to disperse lower income households.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County 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 PDD93-33, the petition of TCT SOUTH FLORIDA APARTMENTS, INC., for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the MULTI-FAMILY RESIDENTIAL (RM) ZONING DISTRICT to the RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, to include a VOLUNTARY DENSITY BONUS AWARD OF 136 AFFORDABLE HOUSING UNITS 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 October **28**, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made **a** part hereof.

Commissioner Marcus moved for the 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	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

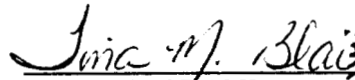
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

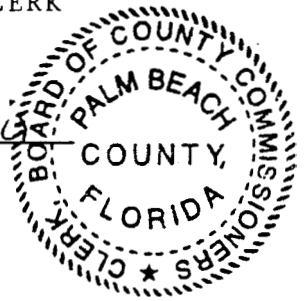
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**See Resolution 93-1363, approved on October 28, 1993.**

EXHIBIT B

VICINITY SKETCH

See Resolution 93-1363, approved on October 28, 1993.

EXHIBIT C

The following condition is found in Resolution 93-1363, approved on October 28, 1993.

CONDITIONS OF APPROVAL

PLANNING

1. Prior to the Development Review Committee certification of the final site plan, the petitioner shall have executed and recorded a covenant acceptable to the county that guarantees that minimum **of** twenty (20) percent of the total units of this proposed development shall be reserved for tenants who qualify for affordable housing as provided for in the Palm Beach County Comprehensive Plan and the Section 6.9 of the Unified Land Development Code. (PLANNING/COUNTY ATTORNEY)