

**FILE COPY**

**RESOLUTION NO. R-97- 534**

**RESOLUTION APPROVING VOLUNTARY DENSITY BONUS PETITION VDB96-86  
PETITION OF MICHAEL AND SARI WINSTON  
BY ALAN CIKLIN, AGENT  
(SYNERGY COHOUSING)**

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 Land Development Code (Ordinance 92-10), have been satisfied; and

WHEREAS, Voluntary Density Bonus Petition 96-86 is presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997, in conjunction with a development order for Petition 96-86 (Synergy Cohousing); 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, the recommendation of the Land Use Advisory Board, and the recommendation of the Zoning Commission; and

WHEREAS, the Voluntary Density Bonus Program pursuant to Section 6.9 C. 3. of the ULDC requires that the VDB be granted in conjunction with a development order approval; and

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

1. The petition is consistent with the VDB Ordinance Directive that the BCC desires to foster home ownership and provide incentives for home ownership as part of the VDB program;
2. The density of the development shall not exceed a fifty two (52) percent increase (11 units) above the existing permitted density up to a maximum of nine (9) dwelling units per acre;
3. The development is located within the Urban Service Area;
4. The resulting development is deemed compatible with surrounding land uses in accordance with Section 6.9.E. 2. (a), (b) and (c) of the ULDC;
5. The development satisfies all concurrency requirements at the level of impact calculated at the bonus density;
6. The resulting affordable housing units do not result in an inappropriate concentration of such housing within the proposed development, pursuant to Section 6.9.D.6 of the ULDC;
7. The resulting affordable housing units do not result in an inappropriate concentration of such housing within a given geographic area, pursuant to Section 6.9.D.7 of the ULDC;

8. The developer guarantees adequate assurances regarding the affordability, income qualifications and limiting any **restrictions** beyond income **qualifications**, for the 4 Group B (**low** income) units, as required in Sections 6.9.D. **3,4**, and **5** of the ULDC;
9. The resulting development is consistent with the goals, objectives, and **policies of the Comprehensive Plan** and the provisions of Section 6.9. of the ULDC.

**WHEREAS, Article 5 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 the petition VDB96-86 of Michael and Sari Winston by Alan Ciklin, agent, to allow a Voluntary Density Bonus for eleven (11) 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 April **24**, 1997, **subject** to 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 Foster and, upon being put to a vote was as follows:

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

The Chair thereupon declared that the Resolution ~~was~~ duly passed and adopted on April 24, 1997.

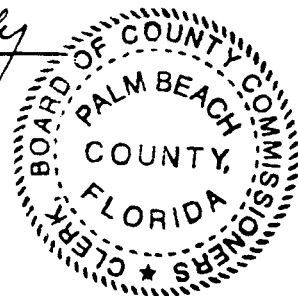
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

BOUNDARY SURVEY OF: That portion of the East One-half (1/2) of the Southeast one-quarter (SE 1/4) of the South east one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, lying West of the West maintenance line of Sims Road, according to the Plot thereof, recorded in road Plat Book 6, Pages 67, 68 and 69 of the Public Records of Palm Beach County, Florida; and the East 24.68 feet of the West one-half (W 1/2) of the South east one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14, less the North 60.00 feet thereof; less that portion of the North 60.00 feet of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, lying West of the West maintenance line of Sims Road, according to the Plot thereof recorded in road Plot Book 6, Pages 67, 68 and 69, of the Public Records of Palm Beach County, Florida, together with the following described lands, to-wit: Begin at the Southeast corner of above described land; thence run S. 00°05'46" W. (based on an assumed Meridian) 25.00 feet, along said West Maintenance line, to a point; thence run N 45°37'05" W 34.91 feet to a point on a line that is 60.00 feet South of and parallel to the North line of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14; thence run N 88°40'04" E 25.00 feet along a line that is 60.00 feet South of and parallel to the North line of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14 to the Point of Beginning.

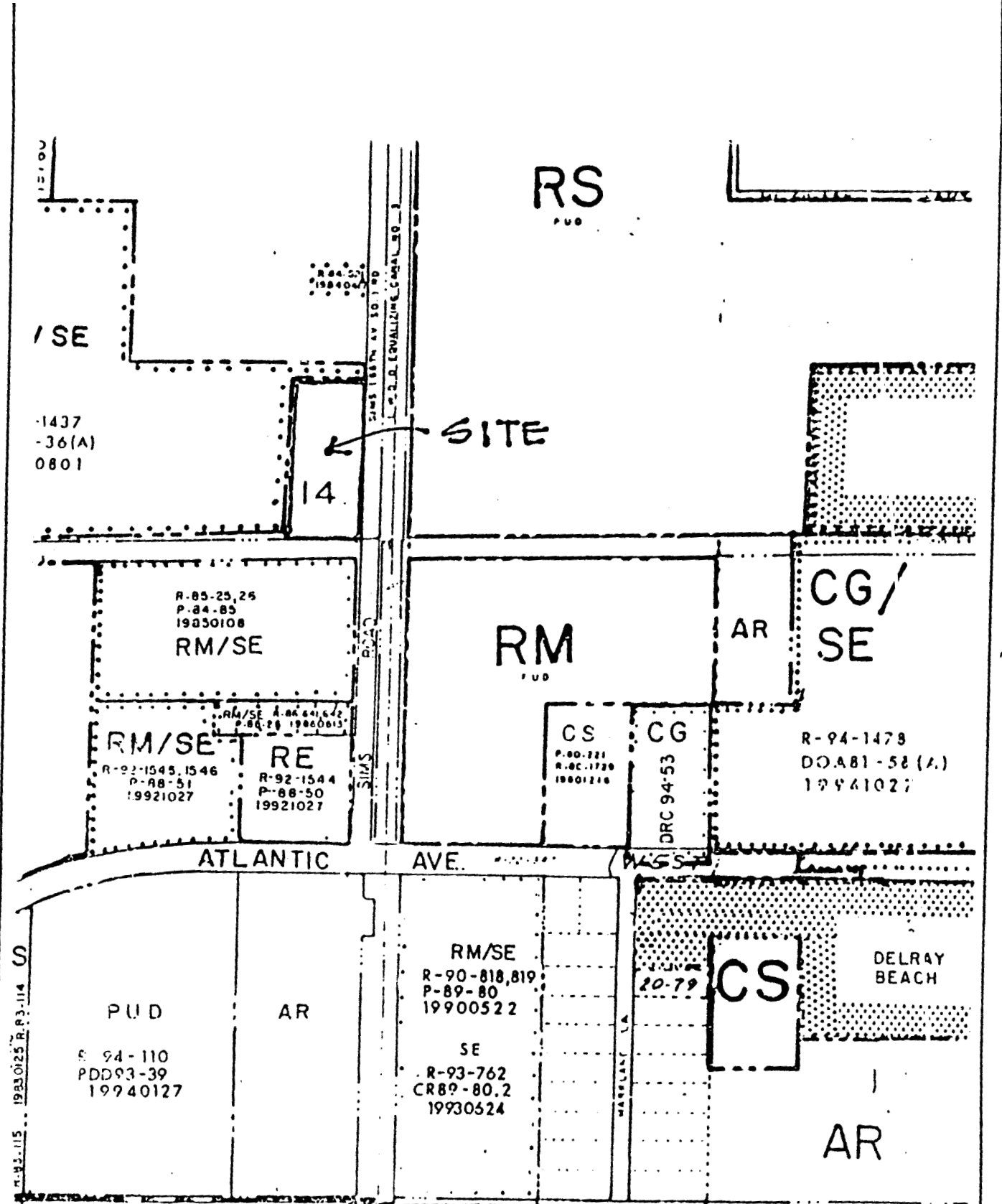
LESS the East 40.00 of the above described parcel and less the following:

COMMENCING at the center of said Section 14, thence S. 88°05'36" W along the South line of the Northwest Quarter of said Section, a distance of 80.03 feet to the West Right-of-Way line of Sims Road Maintenance Map, recorded in road Plat Book 6, Page 68 of the Public Records of Palm Beach County, Florida, thence S 88°05'36" W along the South line of said Northwest Quarter a distance of 40.02 feet, thence N 00°17'25" W along the West Right-of-Way line of Sims Road, a distance of 619.12 feet to the Point of Beginning.

From the Point of Beginning thence N 46°01'19" W a distance of 35.80 feet, thence N 88°14'39" E to the West Right-of-Way line of said Sims Road, a distance of 25.65 feet, thence S 00°17'28" E along the West Right-of-Way line, a distance of 25.65 feet to the Point of Beginning.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



JUL 19 1996 ZONING FILE CC



Petition Number: 96-86  
 Zoning Quad Page \_\_\_\_\_  
 Date: July 19, 1996

↑  
 NORTH  
 Page 4

Petition No. VDB96-86  
 Project No.

## EXHIBIT C

### VOLUNTARY DENSITY BONUS CONDITIONS

1. Prior to **final** site plan certification by the Development Review Committee (DRC), ~~the developer shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:~~
  - a) Guarantees the **affordability** of the designated Group B (**low** income) units for a period of ten years.
  - b) Guarantees ~~that~~ **one** of the four affordable units have ~~two~~ bedrooms, **and** a floor **area of** at least **900** square feet, while the three remaining units **be** one bedroom units, with a floor area of 655 square feet.
  - c) Guarantees ~~that~~ the VDB units shall not be further restricted **beyond** the requirement that the **occupants** qualify for the income limits. **(DRC: PLANNING)**
2. Prior to final site plan certification by the Development Review Committee (DRC), the developer shall show on the site plan the dispersal of ~~the~~ **4** minimum required **Group B (low income)** units within the proposed buildings ~~such that all of the 4 units shall not be located within one building.~~ **(DRC: PLANNING)**

#### **B. 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)**