

RESOLUTION NO. R-97-963

RESOLUTION APPROVING ZONING PETITION TDR97-31
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
PETITION OF FRANCES TAHERI
BY KILDAY & ASSOCIATES, AGENT
(LAKE WORTH AND LYONS 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 zoning; 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 92-20), have been satisfied; and

WHEREAS, Zoning Petition TDR97-31 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1997; 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 6.10.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 TDR Unit associated with the Lake Worth/Lyons PUD (PDD97-31) be in the amount of \$5,575.00; and
4. Pursuant to Section 6.10.I. of the ULDC, the PDD97-31 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, Article 5, Section 5.3.0.9. (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that 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 TDR97-31, the petition of Francis Taheri, by Kieran Kilday, agent, for the purchase of fifty-one (51) Transfer of Development Rights (TDR) units from the Palm Beach County TDR Bank at \$5,575.00 each and designation of PDD97-31 as a receiving area for the 51 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 June 23, 1997, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

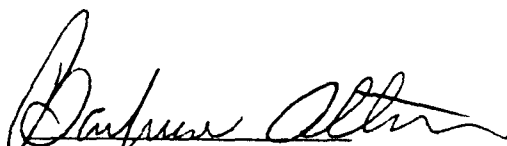
The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 1997.

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

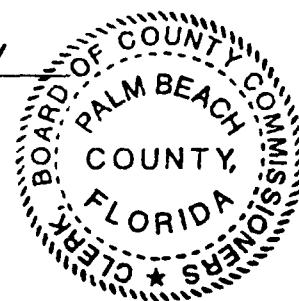


EXHIBIT A
LEGAL DESCRIPTION

TRACTS **27, 28**, AND 31, BLOCK **27**, PALM BEACH **FARMS**
COMPANY PLAT NO. 3 ACCORDING TO THE PLAT
THEREOF AS RECORDED **IN** PLACT BOOK 2, PAGE **45**,
PUBUC RECORDS, PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 35.64 **FEET OF SAID** TRACT 31, AS
DEEDED TO LAKE WORTH DRAINAGE DISTRICT IN
CHANCERY CASE **NO. 403**.

CONTAINING **29.46** ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS,
RESERVATIONS AND **RIGHTS-OF-WAY** OF RECORD.

EXHIBIT B
VICINITY SKETCH

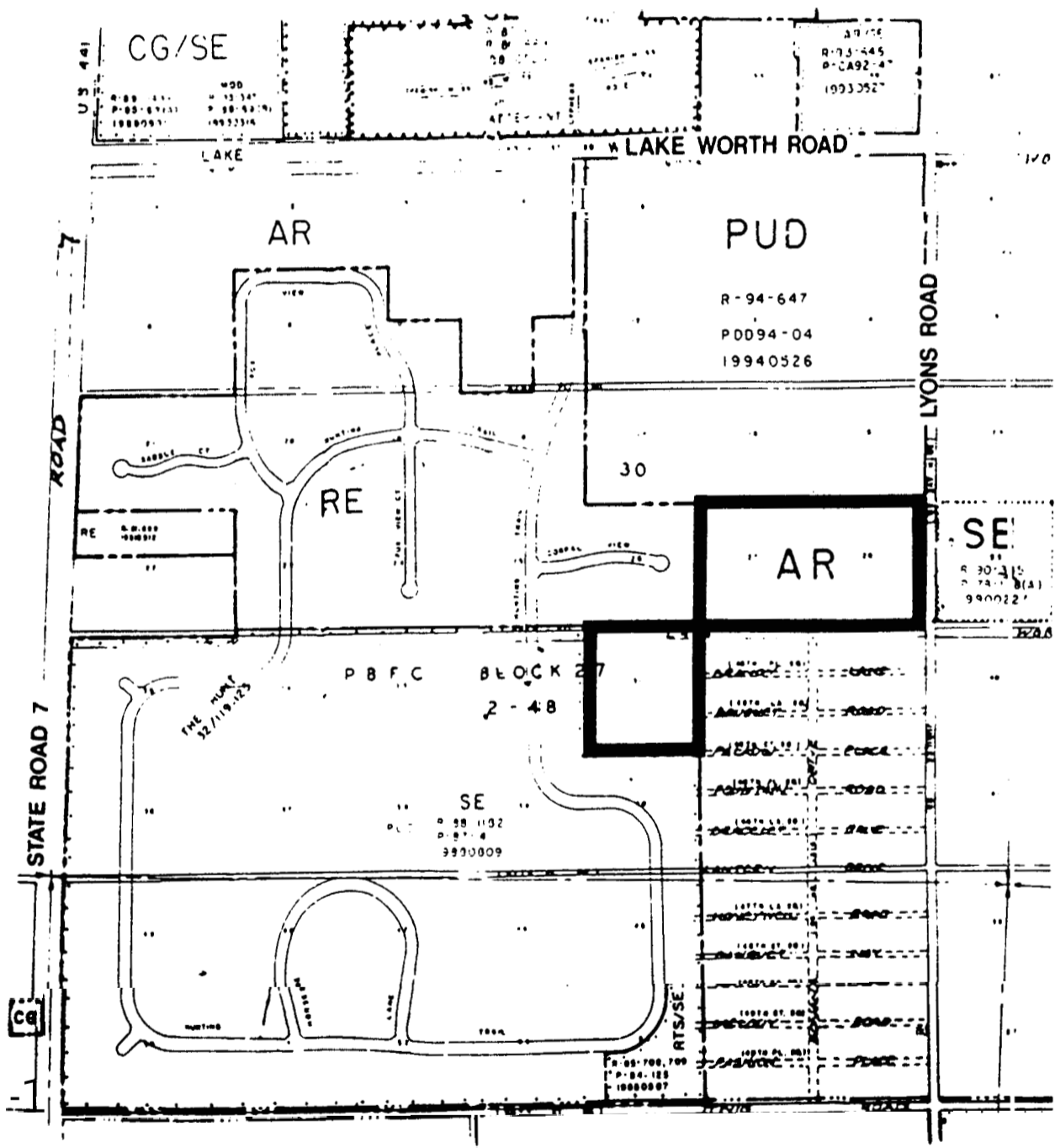


EXHIBIT C

TDR CONDITIONS OF APPROVAL

A. PLANNING

1. Prior to certification of **the** PDP by **the** DRC, a "Contract for Sale and Purchase of TDR's" shall **be** executed **and** recorded 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 51** TDR units at a **selling price of \$5,575.00** per unit. (DRC: PLANNING)
2. Prior to certification of the PDP by **the** DRC, monies representing **51** TDR units shall **be** placed in an escrow account in a form **acceptable** to Palm Beach County. (DRC: PLANNING)
3. Prior to issuance of the first building permit, **the** escrow monies shall **be** released to Palm Beach County. Building permits issued for sales models and/or 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 - Planning)
4. 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 **conditions** does not apply to building permits issued for sales models **and/or** a temporary real estates sales **and** management office permitted pursuant to the Unified Land Development Code standards. (BLDG PERMIT: MONITORING - Planning)
5. Prior to certification of **the** PDP by **the** DRC, the petitioner shall provide PUD buffers on the west and north property lines. (DRC: PLANNING)
6. Although Parcel A/POD B will receive an **MR-5** designation during **the** corrective staff initiated land use amendment process, the project shall be **restricted** to the requested gross density of **3.4 du/acre** on the parcel. **Any** additional increase in density must be requested through the TDR program. (ONGOING: 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 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 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)**