

RESOLUTION R-97-1091

RESOLUTION AMENDING RESOLUTION R-97-963
RESOLUTION APPROVING ZONING PETITION OF FRANCES TAHERI
PETITION TDR 97-31

WHEREAS, **Frances Taheri**, petitioned the Palm Beach County Board of County Commissioners on **June 23, 1997** 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; and

WHEREAS, Resolution R-97-963, adopted on July 24, 1997 confirming the action of the Board of County Commissioners inadvertently contained an error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-97-963 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF **PALM BEACH COUNTY, FLORIDA**, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-97-963 is hereby amended.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon **declared** the resolution was duly passed and adopted on August **28**, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: Burt Aaronson
COUNTY ATTORNEY

BY: Joan Hewer
DEPUTY CLERK

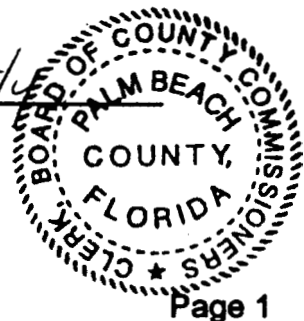


EXHIBIT C

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 ~~acdeptable~~ 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 PDP 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 ULOC 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)