

RESOLUTION NO. R-97- 1288

RESOLUTION APPROVING ZONING PETITION Z97-14
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MILORD DEVELOPMENT CORPORATION
BY ROBERT E. BASEHART, AGENT
(BOCA LANE)

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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z97-14 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. **This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;**
2. **This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;**
3. **This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;**
4. **This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;**
5. **This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;**
6. **This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,**
7. **This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.**

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified 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 Z97-14, the petition of Milord Development Corporation, by Robert E. Basehart, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District 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 voluntary commitments 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 Foster 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	--	Absent
Warren Newell	--	Aye
Carol A Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 25, 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

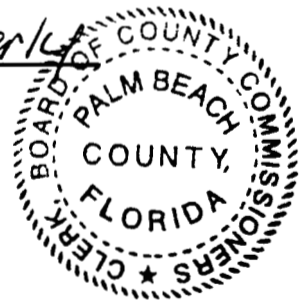


EXHIBIT A
LEGAL DESCRIPTION

LOT 37 LESS THE EASTERLY 10 FEET THEREOF, BLOCK 23 FLORIDA FRUITLAND COMPANY'S SUBDIVISION NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

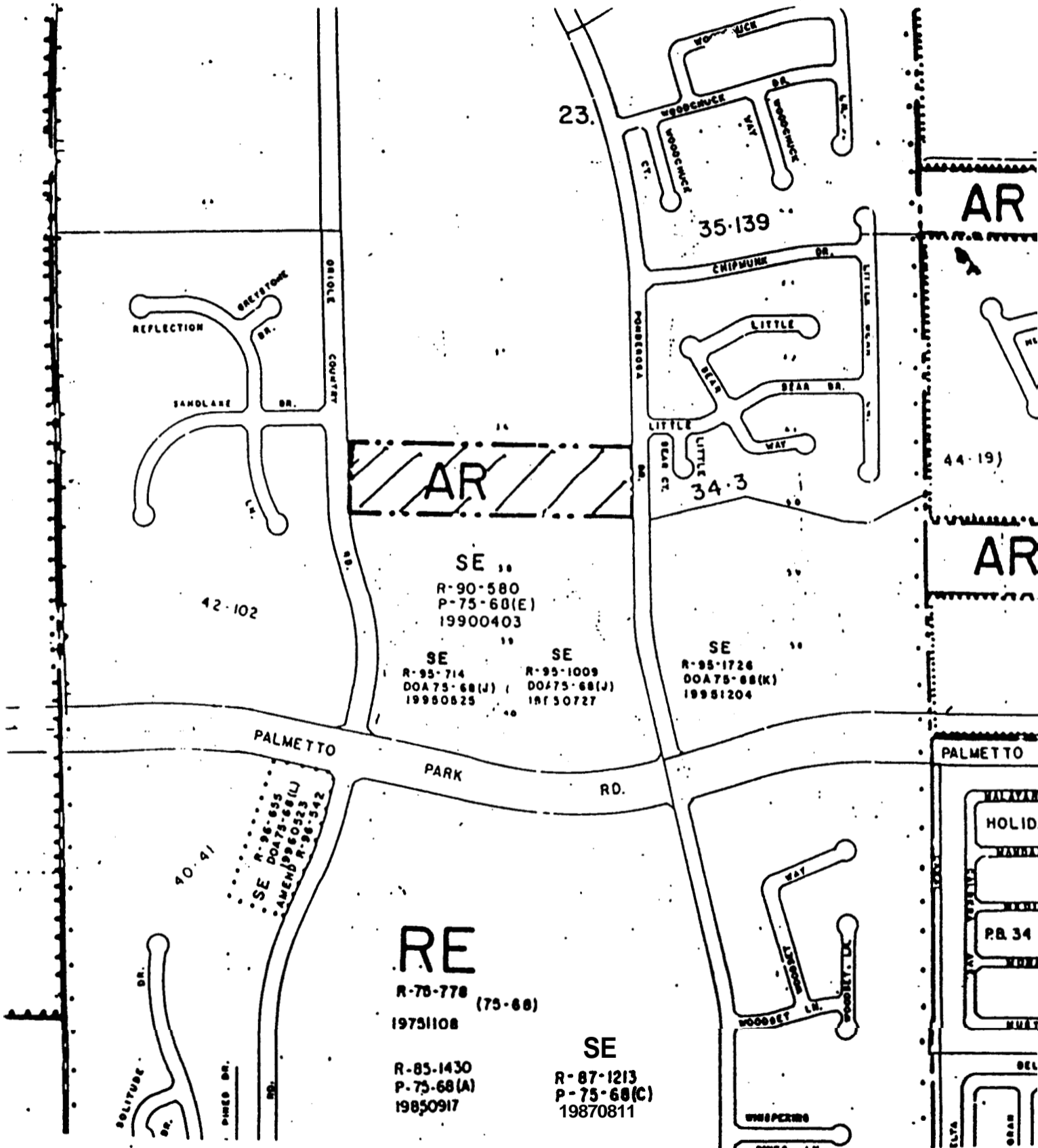


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this **approval**, except on individual residential lots, 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.
 - 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

B. LANDSCAPING ALONG NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the North property line shall include:
 - a. a minimum five (5) foot wide landscape buffer strip;
 - b. one (1) canopy tree spaced no more than thirty (30) feet on center. (CO: LANDSCAPE)

C. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping and buffering along the South property line shall include:
 - a. A minimum five (5) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the interior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center.

D. LANDSCAPING ALONG EAST AND WEST PROPERTY LINE (ABUTTING R-O-W)

1. Landscaping and buffering along the East and West property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. **The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:**

- a) Oriole Country Club Road , **40** feet from centerline
- b) Ponderosa Drive, **40** feet from centerline

This additional right of way shall be dedicated on or before **November 1, 1997**. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE: MONITORING/Eng)

2. **Prior to issuance of a building permit the property owner shall convey a 10 foot 'Temporary Construction Easement' to Palm Beach County for Oriole Country Road and for Ponderosa Drive along the entire projects frontage.** This roadway construction easement shall also contain an isosceles trapezoid connecting the required corner clips across this property owners roadright of way. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING- Eng)
3. **Prior to Final Subdivision approval by the DRC, the property owner shall obtain a recorded drainage easement from the Loggers Run Homeowners Association. This drainage easement into the Loggers Run Water Management System shall be approved by the County Engineer prior to the recordation of this easement.** (DRC APPROVAL: ENG)

F. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

F G. 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)