

RESOLUTION NO. R-2012-0610

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/R/TDR-2011-02634
(CONTROL NO. 1981-00013)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
APPLICATION OF The Cottages of the Palm Beaches
BY Urban Design Kilday Studios, AGENT
(Lake Worth Road CLF)

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 applications relating to the Unified Land Development Code; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application ZV/PDD/R/TDR-2011-02634 was presented as a development order to the Board of County Commissioners at a public hearing conducted on April 26, 2012; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for Transfer of Development Rights and Article 5.G.2.K:

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/PDD/R/TDR-2011-02634 the application of The Cottages of the Palm Beaches by Urban Design Kilday Studios, agent, for Transfer of Development Rights to allow a Transfer Development Rights (TDRs) for 18 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 26, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

| | | |
|--|---|--------|
| Commissioner Shelley Vana, Chair | - | Aye |
| Commissioner Steven L. Abrams, Vice Chairman | - | Aye |
| Commissioner Karen T. Marcus | - | Aye |
| Commissioner Paulette Burdick | - | Aye |
| Commissioner Burt Aaronson | - | |
| Commissioner Jess R. Santamaria | - | Absent |
| Commissioner Priscilla A. Taylor | - | Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 26, 2012.

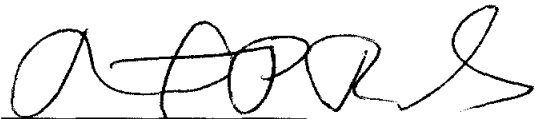
Filed with the Clerk of the Board of County Commissioners on May 4th, 2012.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS


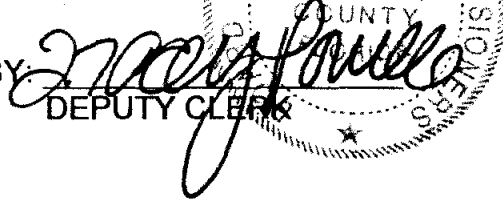
BY:



COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:



DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

Lake Worth Road CLF

LEGAL DESCRIPTION

(Official Record Book 23842, Page 1919)

Commencing at the intersection of the North Right OF Way line of State Road no. S-802 (Lake Worth Road) and the East line of Tract 115, Block 23, PALM BEACH FARMS COMPANY, Plat No. 3, as recorded in Plat Book 2, Pages 45 thru 54, Palm Beach County, Florida; said point being 56.70 feet North of the South East corner of Tract 115, Block 23, the Point of Beginning; thence N 00°38'23" E (assumed bearing) 603.30 feet to the North East corner of Tract 115, thence N 89°23'46" W (assumed bearing), a distance of 330.0 feet to the North West corner of Tract 115 and the North East corner of Tract 114, Block 23, continue West along the same line a distance of 160.57 feet to a point which is 490.57 feet west of the North East corner of Tract 115, Block 23; thence S 00°36'16" W a distance of 553.09 feet to a point 100 feet North of the center line of Lake Worth Road; thence S 89°19'34" E a distance of 160.35 feet to a point; thence S 00°44'46" W a distance of 49.85 feet to a point which is a point on the East line of Tract 114, Block 23, and 50 feet North of the center line of State Road S-802; thence S 89°22'07" E a distance of 329.97 feet to the point of beginning.

Less and Except the East 40 Feet as dedicated to Palm Beach County in Plat No.1 Meed Racquet Club P.U.D., as recorded in Plat Book 31, Pages 15-19, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

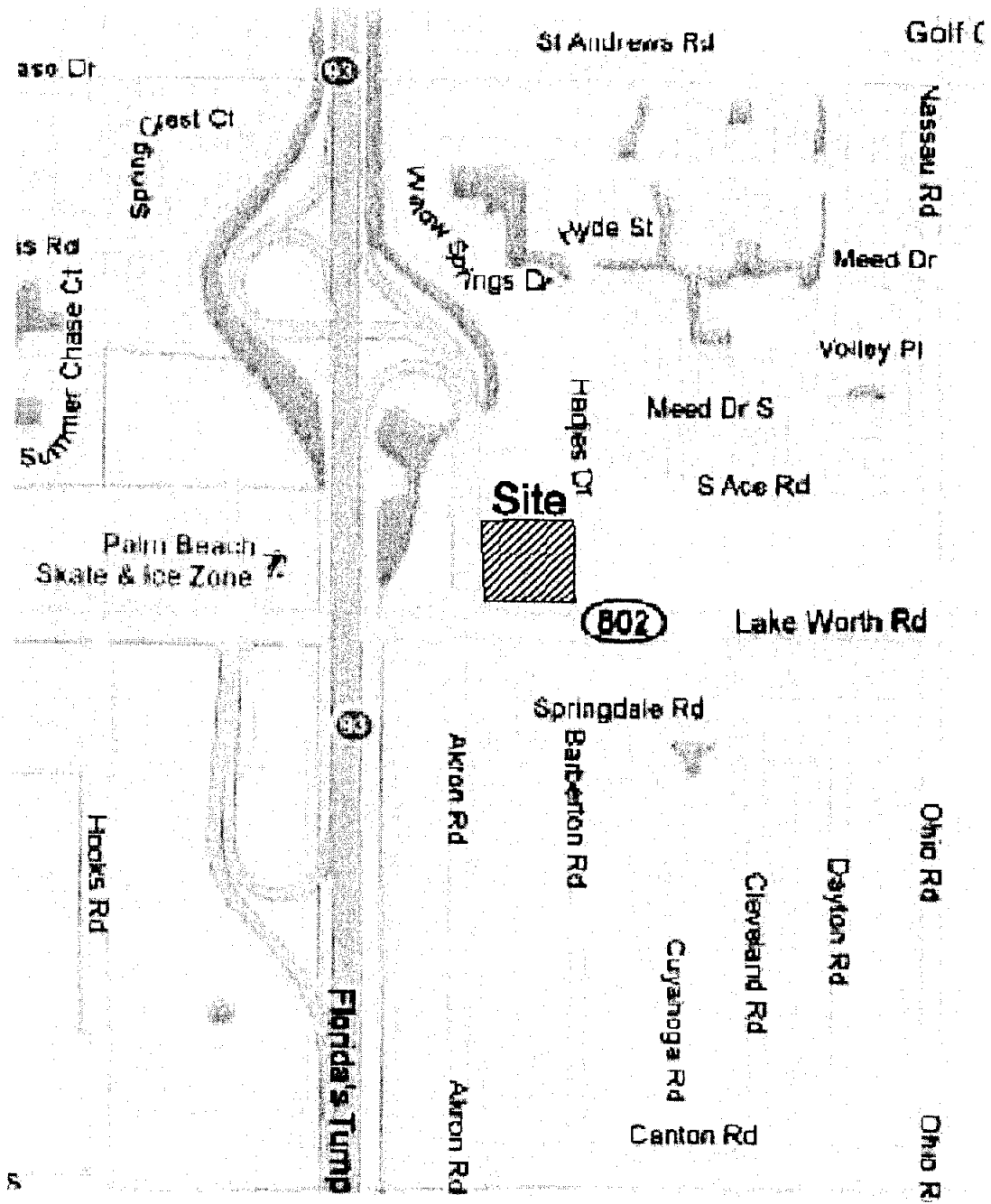


EXHIBIT C

CONDITIONS OF APPROVAL

TRANSFER OF DEVELOPMENT RIGHTS

1. At time of submittal for final approval by the Development Review Officer (DRO), an official Contract for Sale and Purchase of Transfer of Development Rights (TDR) Units and TDR Deed shall be submitted by the Property Owner to the Zoning Division for final review and execution. (DRO: ZONING - Cty Atty)

2. Prior to final approval by the Development Review Officer (DRO), one (1) recorded copy of the Contract for Sale and Purchase of Transfer of Development Rights (TDRs) shall be provided to the Zoning Division. (DRO: ZONING - Zoning)

3. Prior to July 2, 2012 or at time of issuance of a Building Permit related to occupancy as a Congregate Living Facility, whichever comes first, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Right Funds to the Zoning Division. Upon payment of the funds, the Transfer of Development Rights (TDR) Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (DATE/BUILDING: MONITORING - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. 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 (CO); 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; revocation of any concurrency; 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 Unified Land Development Code (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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)