

RESOLUTION NO. R-2023-0233

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2022-00844  
(CONTROL NO. 2013-00360)  
an Official Zoning Map Amendment  
APPLICATION OF DiVosta Homes L.P., Charles Hendrix, Charlotte Hendrix  
BY Urban Design Studio, AGENT  
(Hunter's Crossing)

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 zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application Z/CA-2022-00844, submitted on behalf of DiVosta Homes L.P., Charles Hendrix, and Charlotte Hendrix, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District; a Class A Conditional Use to allow Zero Lot Line (ZLL); and a Class A Conditional Use to allow Townhouse dwelling units, was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2023;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

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

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Application Z/CA-2022-00844, the Application of DiVosta Homes L.P., Charles Hendrix, and Charlotte Hendrix, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single

Family Residential (RS) Zoning District, with a Conditional Overlay Zone (COZ), on 36.90 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2023, subject to the Conditions of Approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Absent
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 23, 2023.

Filed with the Clerk of the Board of County Commissioners on February 27th, 2023

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2023-008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACTS 5 AND 6, BLOCK 27, THE PALM BEACH FARMS CO. PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS PORTIONS TAKEN IN STIPULATED FINAL JUDGMENTS RECORDED IN OFFICIAL RECORD BOOK 6672, PAGE 610 AND OFFICIAL RECORD BOOK 6680, PAGE 1310, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 5.63 FEET; THENCE RUN SOUTH 89°31'54" WEST, A DISTANCE OF 660.02 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 00°56'59" WEST ALONG THE WEST LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 0.08 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 5, BLOCK 27; THENCE RUN NORTH 89°03'01" EAST ALONG THE NORTH LINE OF SAID TRACT 5, BLOCK 27, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING; AND

BEGIN AT THE NORTHEASTERLY CORNER OF SAID TRACT 6, BLOCK 27; THENCE RUN SOUTH 00°56'59" EAST, ALONG THE EAST LINE OF SAID TRACT 6, BLOCK 27. A DISTANCE OF 0.08 FEET; THENCE SOUTH 89°31'54" WEST, A DISTANCE OF 9.83 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 6; THENCE NORTH 89°03'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 9.83 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

TRACT 4 (LESS THE EAST 60 FEET) AND TRACT 11 (LESS THE EAST 60 FEET) AND (LESS THE WEST 270 FEET OF THE EAST 330 FEET OF THE SOUTH 372.16 FEET) AND THE NORTH 287.82 FEET OF THE EAST 426.70 FEET OF TRACT 10, ALL BEING IN BLOCK 27 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, PALM BEACH COUNTY RECORDS.

TOGETHER WITH:

THAT PORTION OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5 AND THE NORTH 287.82 FEET OF TRACTS 10 AND 11, LESS LAKE WORTH ROAD RIGHT-OF-WAY;

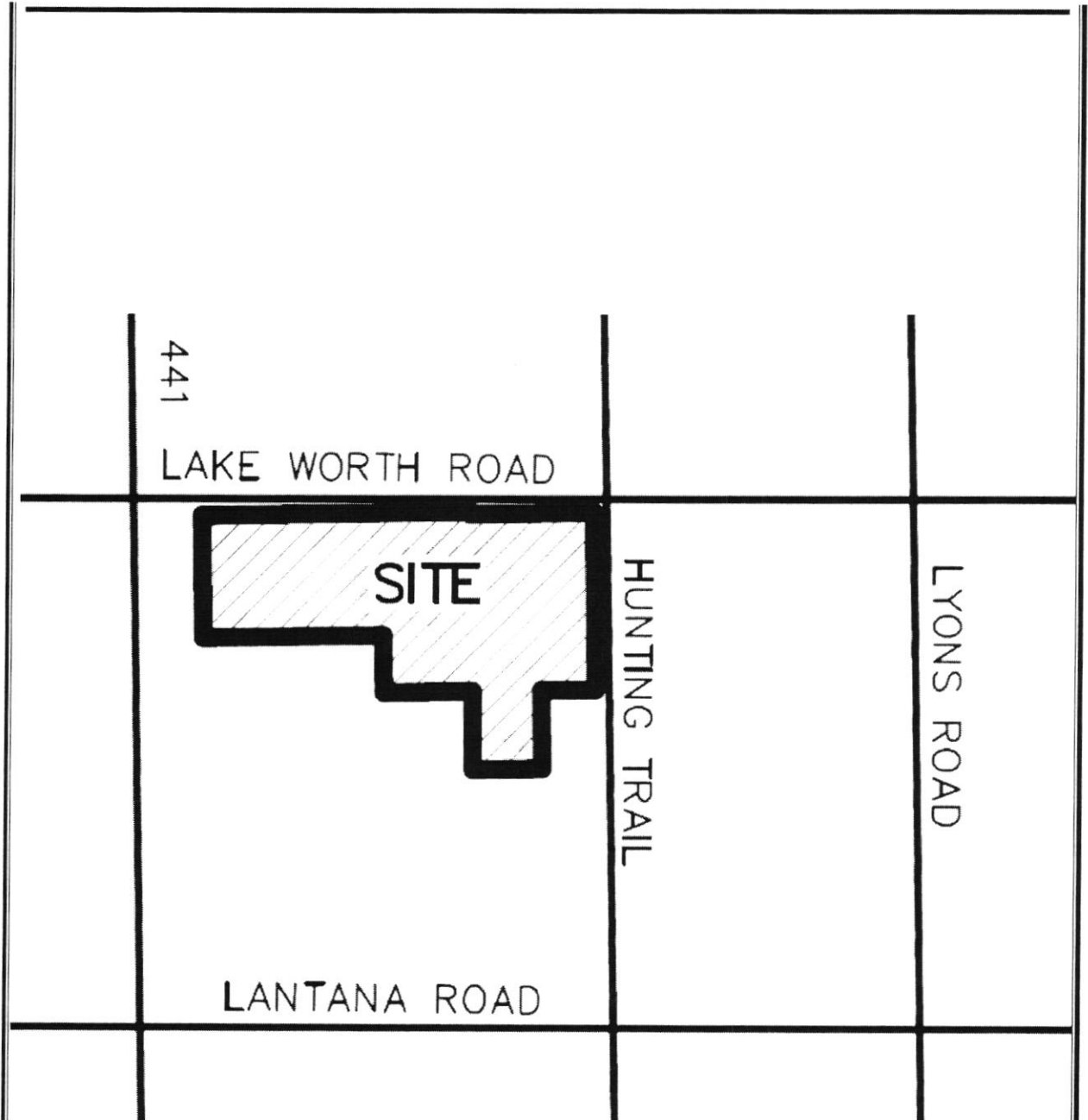
THE EAST HALF OF THE 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 10 AND 11, LESS THE NORTH 287.82 FEET THEREOF;

THE NORTH HALF OF THE 30 FOOT RIGHT-OF-WAY LYING, BETWEEN TRACTS 11 AND 18, LESS THE EAST 330 FEET THEREOF;

ALL IN BLOCK 27, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL BEING 1607446.656± SQUARE FEET OR 36.902± ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



**EXHIBIT C-1**

**CONDITIONS OF APPROVAL**

**Official Zoning Map Amendment**

**LANDSCAPE – PERIMETER- SOUTH PROPERTY LINE, THE NORTH 345.37 FEET OF THE SFWMD WETLAND PRESERVE**

1. Prior to approval of the Final Subdivision Plan by the Development Review Officer (DRO), the Applicant shall revise the plan to provide the required Compatibility Buffer (8 feet width) along the north perimeter (345.37 feet) of the property that indicates the South Florida Water Management District (SFWMD) Wetland Preserve area, and said portion of the property that abuts the Drainage Easement (10 feet wide) to the South of Lots 51 through 58. (DRO: ZONING - Zoning)

**LANDSCAPE – PERIMETER- SOUTHWEST PROPERTY LINE ADJACENT TO FOX VIEW PLACE**

2. Prior to approval of the Final Subdivision Plan by the Development Review Officer (DRO), the Applicant shall revise the Plan to indicate a Right of Way Buffer (20 feet width) that includes a six feet high wall along the southwest property line, adjacent to Fox View Place. The buffer shall be in compliance with Code requirements. (DRO: ZONING - Zoning)

**PLANNING**

1. Per LGA-2023-08 Condition 1: Residential dwelling units shall be limited to a maximum of 117 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)

2. Per LGA-2023-08 Condition 2: The Zoning Development Order shall require a minimum of 12% of the total dwelling units to be built as workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of the ULDC. (ONGOING: PLANNING - Planning)

3. Per LGA-2023-08 Condition 3: A minimum of 18% of the total units shall be purchased as Transfer of Developments Rights (TDR) units. The 34% workforce housing obligation of the TDR units, pursuant to the ULDC, shall apply to the minimum number of workforce housing units required by this ordinance. TDRs may be purchased at the WHP rate for the WHP units provided onsite. (ONGOING: PLANNING - Planning)

**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: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.