

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.: ZV/Z/CA-2010-01433
Control No.: 2009-02385
Applicant: Delray Dunes Golf & Country Club
Owners: Delray Dunes Golf & Country Club Inc
Delray Dunes Golf & Country Club Inc
Agent: Anna S. Cottrell & Associates - Anna Cottrell
Telephone No.: (561) 963-5578
Project Manager: Carol Glasser, Site Planner II
Wendy Hernandez, Zoning Manager

Location: Southeast corner of Golf Road and Military Trail (Delray Dunes Golf and Country Club)

TITLE: a Type II Zoning Variance **REQUEST:** to eliminate landscape buffer requirements (right-of-way, compatibility, and incompatibility) and allow existing landscaping to remain; and, to allow a golf cart parking reduction in a non-Planned Development District **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Multi-family Residential (RM) Zoning District and the Public Ownership (PO) Zoning District to the Residential Transitional (RT) Zoning District **TITLE:** a Class A Conditional Use **REQUEST:** to allow a Golf Course

APPLICATION SUMMARY: Proposed is a rezoning of 145.9-acres of land from the Residential Multifamily (RM) Zoning District (145.88 acres) and the Public Ownership (PO) Zoning District (0.09 acres) to the Residential Transitional (RT) Zoning District to allow for the redevelopment of the accessory clubhouse for the Delray Dunes Golf & Country Club pursuant to a request for a Class A conditional use for the golf course. The existing 18-hole golf course is platted as Delray Dunes parcels G, M, N, and P (BK28, PG222-224 and BK29, PG91-93). The applicant is also requesting Type II Variances from right-of-way (ROW), compatibility, and incompatibility buffers to allow the existing mature landscaping to remain and to utilize the golf cart parking reduction for Planned Development Districts in a Standard District. The 19,738 square foot clubhouse and 335 square foot pool building are proposed to be demolished to construct a new 20,927 square foot clubhouse and 2,750 square foot pool building. The site plan indicates 98 parking spaces and 41 golf cart parking spaces. Two access points from Golf Road will remain (to maintenance facility and via Dunes Road).

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Planning Division has reviewed the rezoning and conditional use requests and found the requests to be consistent with the site's Low Residential, 2 units per acre (LR-2) Future Land Use (FLU) designation. See the Staff Review and Analysis section for additional Planning comments.

- o Project History

The Delray Dunes residential community and the golf course were developed as an overall planned development with a Homeowners Association (HOA) maintaining the private roads, guardhouse, and lakes and with the Delray Dunes Golf & Country Club, Inc. maintaining the golf course, golf

maintenance facility, and recreation facility/clubhouse. However, this development was constructed prior to formal implementation of Planned Unit Development (PUD) regulations for a Planned Development District.

The Zoning Commission approved the rezoning of the Delray Dunes first section (northern portion of the subject site) from the A-1 Agricultural District to the R-1 Single Family Dwelling District via Zoning Resolution #3-S-69 adopted on July 3, 1969. The Board of County Commissioners (BCC) approved the rezoning of the second section (southern portion of the subject site) from the A-1 Agricultural District to the R-1 Single Family Dwelling District via Resolution R-71-232. Both resolutions indicate that the Zoning Commission conditionally approved certain zoning changes on October 3, 1968. However, this conditional approval by the Zoning Commission was subject to the 1957 Zoning Code and predates zoning records, which have been kept since the 1973 Code adoption.

The Delray Dunes Golf & Country Club is an existing 18-hole golf course. The golf course was recorded in Plat Book 28 Pages 222 – 224 for Delray Dunes first section (northern portion); Plat Book 29 Pages 91 – 93 for Delray Dunes second section (southern portion); and Plat Book 44 Pages 125 - 126 Delray Dunes Parcel 8 (remainder portion of replat of residential parcel 8) as parcels G, M, N, and P. The golf course includes an accessory 19,738-square foot clubhouse, 335-square foot pool building, and 7,223-square foot golf maintenance facility on parcel P.

On July 21, 1981, the BCC approved resolution R-81-874 to rezone a 20-foot wide strip of land located at the northwest corner of the site adjacent to the golf course maintenance facility from the Residential Multifamily (RM) Zoning District to the Public Ownership (PO) Zoning District pursuant to an application by the Del Trail Fire District. This land was subsequently quit-claimed back to the Delray Dunes Golf & Country Club, Inc. on May 7, 1984 (ORB 4240 PG 0544).

The current RM and PO Zoning Districts are not consistent with the site's LR-2 FLU designation and recreation uses are not allowed by right in the standard RM Zoning District. The golf course and clubhouse are therefore considered non-conforming uses without an approved site plan. The applicant must request to rezone to the RT Zoning District, which is the only standard zoning district consistent with the LR-2 FLU designation, and request a Class A conditional use for the golf course to allow the existing clubhouse and pool building to be demolished and rebuilt as an expanded accessory use to the golf course.

This application does not include any of the residential parcels or the any of the land (such as the private roads, lakes, and guardhouse) owned by Delray Dunes HOA.

o Compatibility with Surrounding Land Uses

NORTH: Village of Golf
Supporting: Agriculture

SOUTH:
FLU Designation: Commercial High with an underlying Medium Residential, 5 units per acres (CH/5)
Zoning District: Multiple Use Planned Development (MUPD)
Supporting: Retail and Self Service Storage
Control 87-103 Military 6 MUPD

SOUTH:
FLU Designation: Medium Residential, 5 units per acre (MR-5)
Zoning District: Residential Single Family (RS)
Supporting: Single Family
Control 98-30 Hunter's Court

SOUTH:
FLU Designation: Low Residential (LR-1)
Zoning District: Residential Transitional (RT)
Supporting: Single Family
Control 73-131 Preswick Estates

SOUTH:

FLU Designation: LR-1
Zoning District: Residential Estate (RE)
Supporting: Single Family

EAST:

Supporting: Village of Golf
Residential golf course community

EAST:

Supporting: City of Boynton Beach
Residential golf course community (Hunters Run)

WEST:

FLU Designation: MR-5
Zoning District: PUD
Supporting: Single Family and Zero Lot Line Residential
Control No 1998-055 Lester PUD

WEST:

FLU Designation: MR-5
Zoning District: PUD
Supporting: Townhouse and Zero Lot Line Residential
Control No 99-061 Leider PUD

WEST:

FLU Designation: Commercial High with an underlying High Residential, 8 units per acre
(CH/8)
Zoning District: Community Commercial (CC)
Supporting: Vacant Commercial Approved for Professional Office
Control 84-163 Delray Commons

This is an existing golf course with an existing accessory recreation/clubhouse and pool facility. The applicant proposes to reconstruct the existing clubhouse and pool buildings, which are internal to the site, and to expand the buildings by 3,964 square feet. Per the applicant, the proposed expansion of the facility was approved by the Delray Dunes community by a majority vote of approximately 80 percent of the members. The applicant is requesting variances from Art. 7 Landscaping to allow the existing perimeter landscape buffers to remain and to not require new incompatibility buffers, which would block the existing open views of the golf course from the Delray Dunes residences.

As proposed and subject to the recommended conditions of approval, staff does not anticipate any significant incompatibility issues as a result of this application.

o Traffic

There is no additional traffic expected from this project because the proposed facility serves the residents of the Delray Dunes community exclusively. Please see Engineering Staff Review and Analysis for additional information.

o Landscape/Buffering

The applicant is requesting 3 Type II Variances, to eliminate perimeter landscaping around the golf course. As stated earlier under the project history this development was approved prior to any zoning regulations for Planned Unit Developments (which includes accessory recreation areas). The applicant intends to reconstruct the club house and pool buildings. At time of approval for this development landscaping was not required. Over time however plant material has been installed around the perimeter of the site to provide for some landscape screening. Because of the extent of renovations to the clubhouse, the applicant would be required to bring landscaping up to code to the greatest extent possible in accordance with Article 1.F. The applicant is seeking variances in order to

maintain the existing plant material on site to maintain the views for the homeowners who live on the golf course.

In the area of the recreation/clubhouse facilities, the Dunes Road ROW buffer includes existing mature Black Olive trees, which have grown to an approximately 40 to 50-foot spread. An evergreen hedge is maintained at approximately 6 feet in height. The applicant proposes additional plantings layered to incorporate the existing trees and hedges. The applicant will comply with foundation planting requirements and parking area landscaping requirements for the affected area of the recreation/clubhouse and pool facility. A Landscape Plan or Alternative Landscape Plan is required for the affected area prior to the issuance of a building permit for the clubhouse. (See Figure 9 for the Conceptual Landscape Plan)

Other plant material, invasive and prohibited species have also grown around the site. The granting of the 3 variances from Article 7 will not relieve the applicant of the requirement to comply with Article. 14 Environmental Standards requiring removal of all prohibited plant species. Prior to final approval by the DRO, the applicant must have an Exotic Vegetation Removal Plan, which may allow the phased removal of exotic plants, as approved by ERM. Most of the exotics are along the west property line abutting Military Trail.

o Parking

With the proposed reconstruction of these buildings, the applicant submitted a shared parking study to reduce the required number of parking spaces by 27, due to the nature of the use and the sharing of amenities (i.e. clubhouse, golf, pool, etc.) Additionally, the applicant is seeking a variance in order to allow for a reduction in the size of parking spaces to accommodate the use of golf carts. The golf course and amenities are strictly used by the residents of Delray Dunes. The ULDC allows for a reduction in parking stall dimensions for recreation uses in Planned Development Districts (PDD), however does not identify this for standard districts. The applicant wishes to have this same standard apply for their non- PDD development.

o Signs

The Delray Dunes residential community has 2 project identification signs as depicted on the Preliminary Regulating Plan (See Figure 6). No new signs are proposed for the golf course use.

o Architectural Review

Recreational buildings and accessory structures within a standard zoning district are exempt from Article 5.C Architectural Guidelines per Article 5.C.1.C.3. The applicant did submit elevations of the proposed buildings for conceptual review. The recreational buildings are internal to the Delray Dunes community its private golf course. The buildings are not open to the public. (See Figures 7 and 8).

o Variance

A summary of the variances being requested are more particularly described and discussed in the Standards section below as follows:

	ULDC	Required	Proposed	Variance
V1	7.F.1.A Right-of-Way (ROW) Buffer	ROW buffers shall be provided along all streets.	Existing landscaping adjacent to Military Trail, Golf Road, and Dunes Road of varying widths and various plantings to remain. No ROW buffers abutting internal private streets	To eliminate ROW buffer requirements and allow the existing landscaping to remain.
V2	7.F.1.B Compatibility Buffer	Compatibility buffers shall be provided between all compatible uses.	Existing landscaping abutting the commercial parcels to the south and west shall remain.	Eliminate compatibility buffers and allow existing landscaping to remain.

V3	7.F.1.C Incompatibility Buffer	Incompatibility buffers shall be provided between all incompatible use types.	Existing landscaping abutting residential uses to the south and east shall remain. No new incompatibility buffers between the golf course and the Delray Dunes residential uses.	Eliminate incompatibility buffers and allow the existing landscaping to remain.
V4	6.A.1.D.7 Golf Cart Parking	Up to 25 percent of the required parking in a recreation pod of a Planned Development District (PDD) may be reduced in size and redesigned to accommodate golf carts.	To allow the PDD golf cart parking space size reduction in a non-PDD.	To allow 41 of the required parking spaces to be reduced in size and redesigned to accommodate golf carts.

Because the requested variances from landscape buffer requirements are inextricably tied together, V1, V2, and V3 and are analyzed together for each of the 7-variance standards.

- V1. Art. 7.F.1.A Right-of-Way (ROW) Buffer
- V2. Art. 7.F.1.B Compatibility Buffer
- V3. Art. 7.F.1.C Incompatibility Buffer

ROW buffers are required along all streets. Compatibility buffers are required between all compatible such as recreation and commercial uses. Incompatibility buffers are required between all incompatible use types (recreation to residential). The Code further defines the minimum widths of the buffers; the minimum tree spacing; minimum shrub height; minimum number of shrubs per linear foot of buffer length; maximum spacing of shrubs at installation; minimum layers of shrubs and planting patterns within the buffers; and, maximum easement overlap allowed. The applicant is requesting to not be required to replant the perimeter buffers along the north, south, east and west property line boundaries (golf course only) in accordance with the literal provision of Art. 7. for buffers. The applicant is requesting to allow existing plantings to remain. The applicant is requesting to not provide new ROW buffers where the golf course abuts other internal private roads. The applicant is also requesting to not be required to plant new internal incompatibility buffers where the golf course abuts residential uses within the Delray Dunes community as the community was previously designed to provide open views of the golf course from the residences.

Grant of the 3 variances from Art. 7 will not relieve the applicant of the requirement to comply with Art. 14 Environmental Standards requiring removal of all prohibited plant species. Prior to final approval by the DRO, the applicant must have an Exotic Vegetation Removal Plan, which may allow the phased removal of exotic plants, as approved by ERM.

V.4 Art. 6.A.1.D.7 Golf Cart Parking

Up to 25 percent of the required parking in a recreation pod of a Planned Development District (PDD) may be reduced in size and redesigned to accommodate golf carts. The Delray Dunes community was constructed under a prior Code before PDD regulations were adopted. The applicant is requesting to allow 41 of the required parking spaces to be reduced in size and redesigned to accommodate golf carts in a standard zoning district pursuant to a Shared Parking Statement dated September 27, 2010.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-45-36-02-000-0063 00-42-45-36-02-000-0080 00-42-45-36-02-000-0100 00-42-45-36-02-000-0061 00-42-45-36-02-000-0064 00-42-45-36-02-000-0081 00-42-45-36-02-000-0090 00-42-46-01-01-000-0040	To be determined upon compliance with Art. 11.
Land Use Designation:	Low Residential, 2 units per acre (LR-2)	Same
Zoning District:	Residential Multi-family (RM) and Public Ownership (PO)	Residential Transitional (RT)
Tier:	Urban Suburban (U/S)	Same
Use:	Golf Course with accessory Clubhouse and recreation facilities (pool tennis court), and golf maintenance facility	Same
Acreage:	145.97 acres	Same
Parking:	90 spaces	139 (98 standard and 41 golf cart spaces)
Access:	2 access points from Golf Road (at maintenance facility and via Dunes Road)	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 4 contacts from the public in opposition to this project citing concerns with approving a new golf course and new housing and 8 contacts in support of this project.

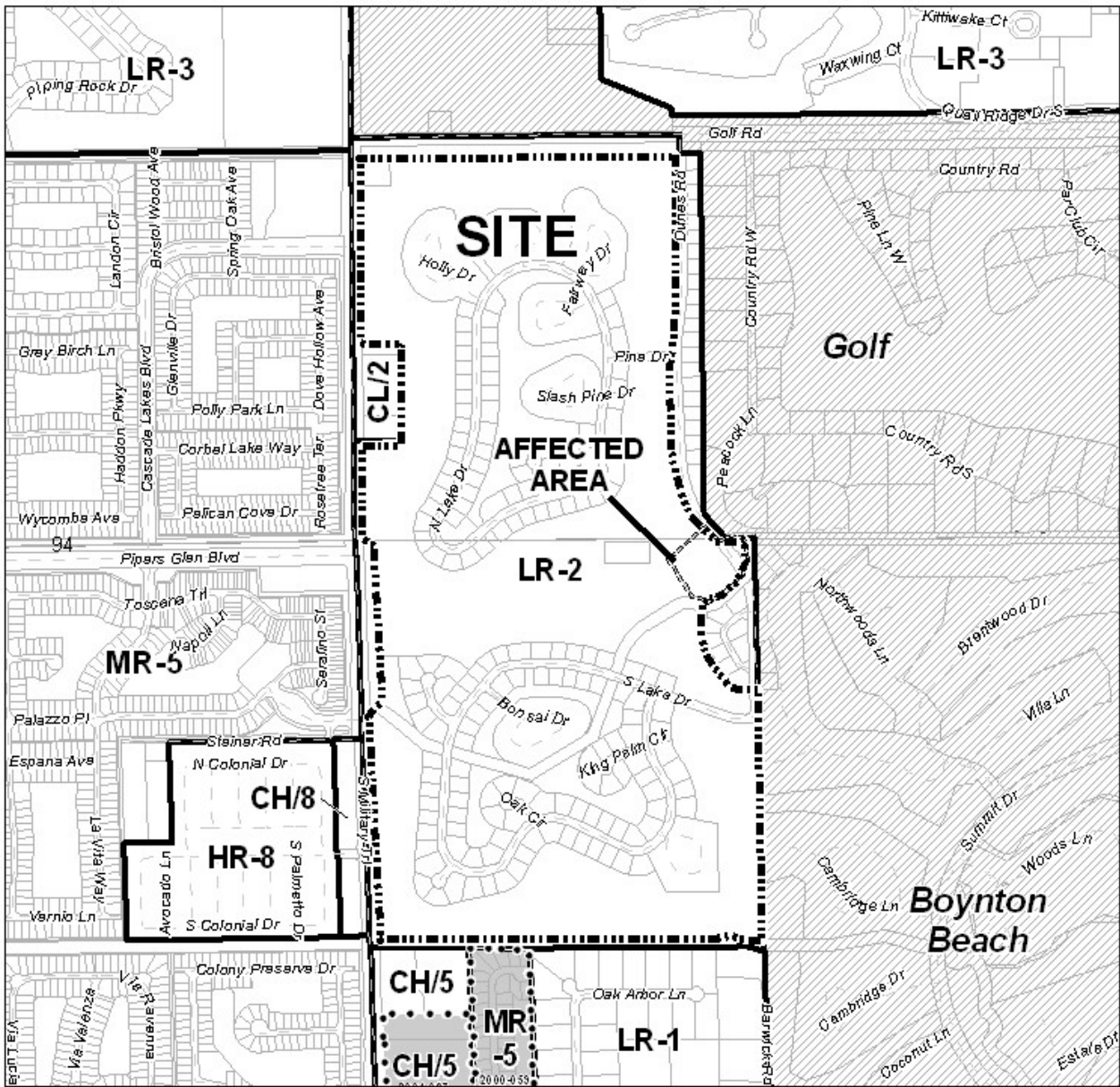
RECOMMENDATION: Staff recommends approval of the requests subject to 6 Conditions of Approval for the Type II Variances; subject to a Conditional Overlay Zone (COZ) and 4 Conditions of Approval for the rezoning; and, subject to 4 Conditions of Approval for the Class A Conditional Use.

MOTION: To adopt a resolution approving a Type II Variance to eliminate landscape buffer requirements (right-of-way, compatibility, and incompatibility) and allow existing landscaping to remain; and, to allow a golf cart parking reduction in a non-Planned Development District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend approval of an Official Zoning Map to allow rezoning from the Multi-family Residential (RM) Zoning District and the Public Ownership (PO) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ) and subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional use to allow a Golf Course subject to the Conditions of Approval as indicated in Exhibit C-3.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>ZVIZ/CA-2010-1433</u>
Control Number:	<u>2009-2385</u>
Land Use Atlas Page:	<u>94</u>
Date:	<u>12/20/2010</u>



Figure 1 Land Use Atlas Map



Figure 2 Zoning Quad Map

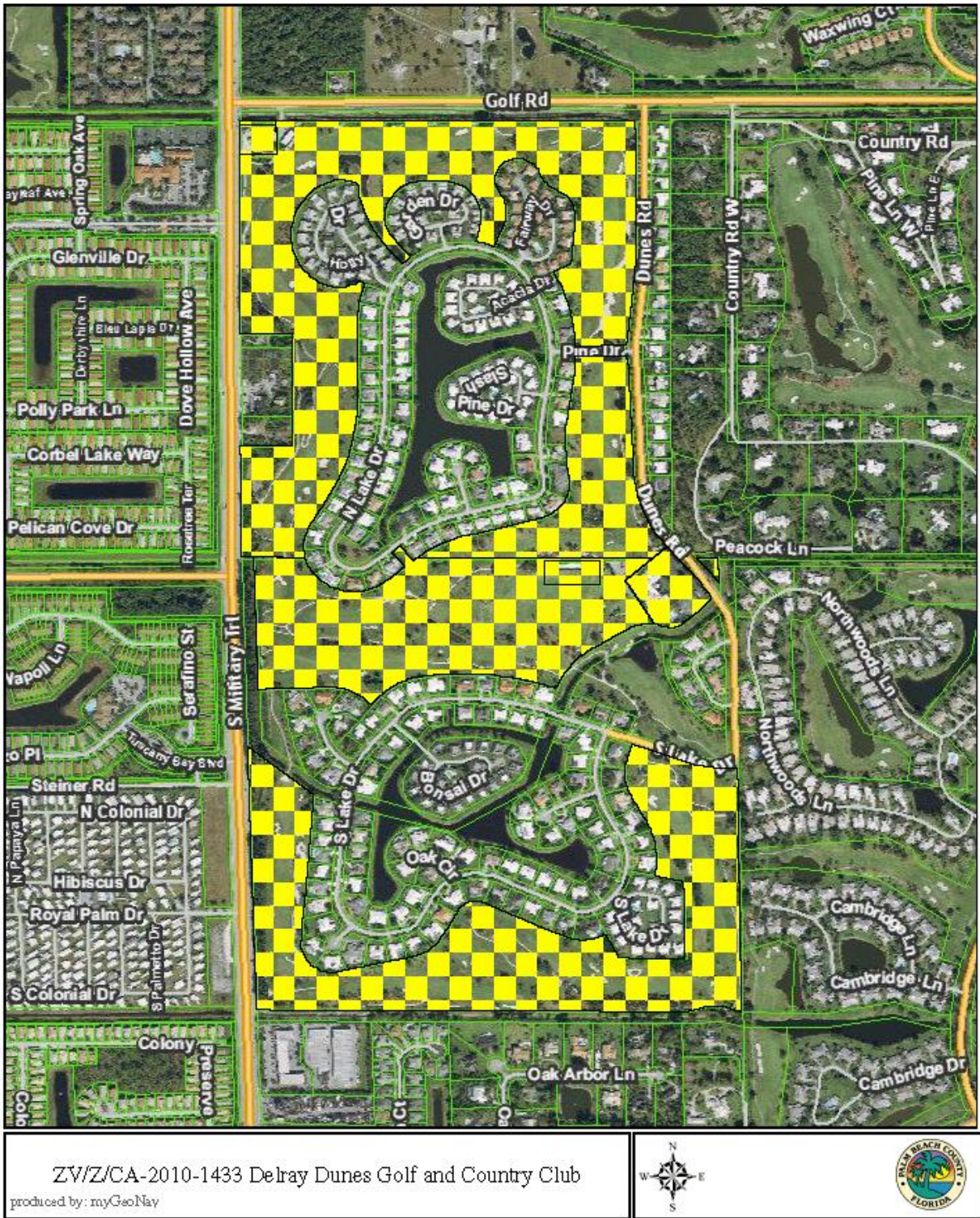
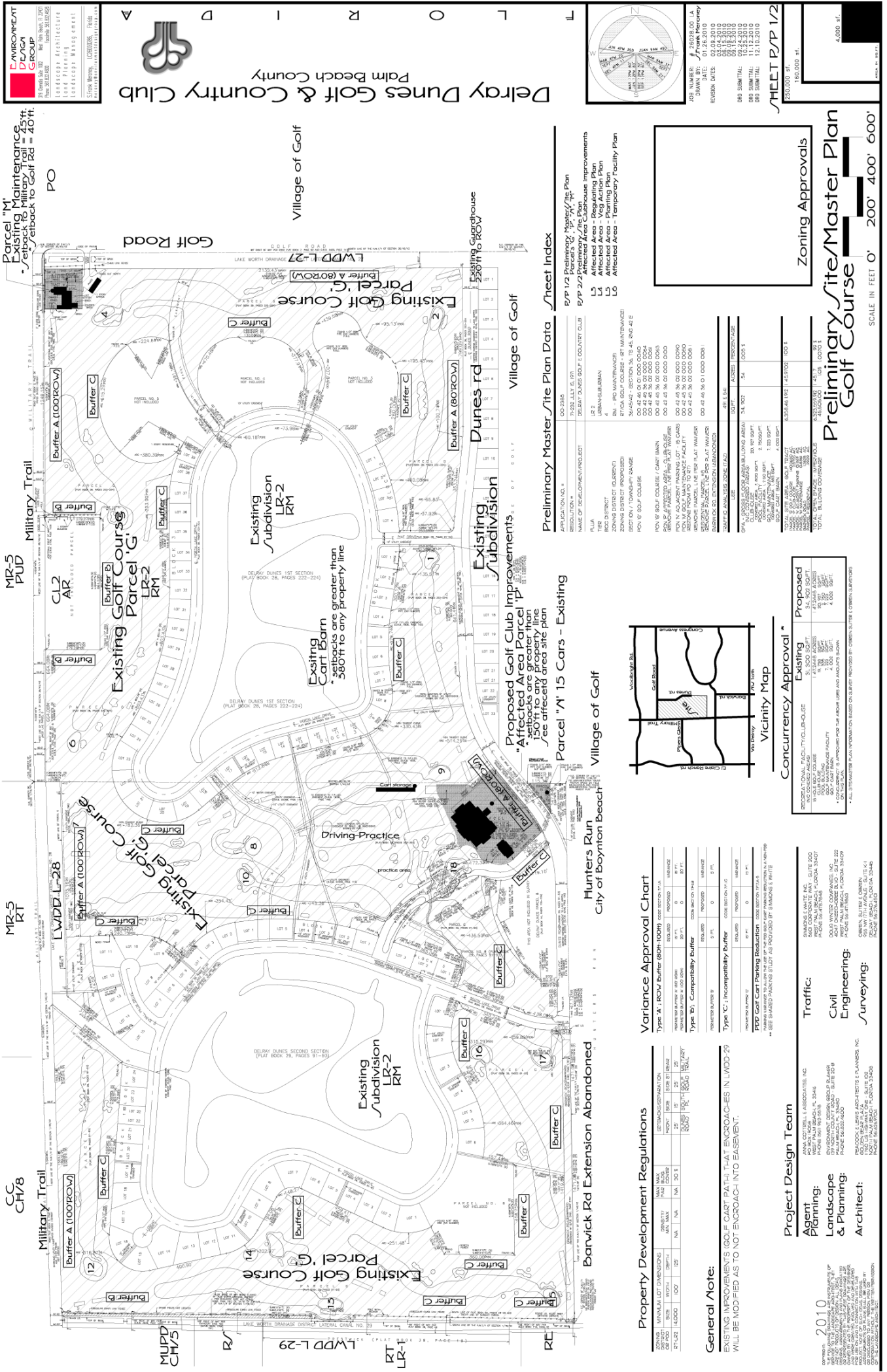


Figure 3 Zoning Aerial

Figure 2 Preliminary Site Plan dated December 13, 2010 - Golf Course

ZC
 Application No. ZV/Z/CA-2010-01433
 Control No. 2009-02385
 Project No. 00424-000

February 3, 2011
 BCC District - 4



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Property Development Regulations

Zone	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Max. Building Coverage	Max. Height	Max. Floor Area Ratio
CC/8	14,000	60	75	25	10	10	30%	35'	0.4
MR-5 RT	14,000	60	75	25	10	10	30%	35'	0.4
MR-5 PUD	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-28	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-29	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-27	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-25	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-24	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-23	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-22	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-21	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-20	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-19	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-18	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-17	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-16	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-15	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-14	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-13	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-12	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-11	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-10	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-9	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-8	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-7	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-6	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-5	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-4	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-3	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-2	14,000	60	75	25	10	10	30%	35'	0.4
LWD L-1	14,000	60	75	25	10	10	30%	35'	0.4

Variance Approval Chart

Requester Name	Address	Request	Approved	Denied	Withdrawn
Delray Dunes Golf & Country Club	4734 AS Avenue	15 Car Variance	Yes	No	No

Concurrence Approval

Requester Name	Address	Request	Approved	Denied	Withdrawn
Delray Dunes Golf & Country Club	4734 AS Avenue	15 Car Variance	Yes	No	No

Project Design Team

Agent Planning: ANNA COTTRELL & ASSOCIATES, INC.
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 1000 WEST PALM BEACH, FL 3344
 PHONE: 561.835.5178

Architect: PEACOCK LEWIS ARCHITECTS & PLANNERS, INC.
 1000 WEST PALM BEACH, FL 3344
 PHONE: 561.835.5178

General Note:
 EXISTING IMPROVEMENTS (GOLF CART PATH) THAT ENDOURAGES INTO EASEMENT WILL BE MODIFIED AS TO NOT ENDOURAGE INTO EASEMENT.

Proposed Zoning Approvals

Requester Name	Address	Request	Approved	Denied	Withdrawn
Delray Dunes Golf & Country Club	4734 AS Avenue	15 Car Variance	Yes	No	No

Village of Golf

Parcel 'M' 15 Cars - Existing

Parcel 'C' 15 Cars - Existing

Parcel 'G' 15 Cars - Existing

Parcel 'A' 15 Cars - Existing

Parcel 'B' 15 Cars - Existing

Parcel 'D' 15 Cars - Existing

Parcel 'E' 15 Cars - Existing

Parcel 'F' 15 Cars - Existing

Parcel 'H' 15 Cars - Existing

Parcel 'I' 15 Cars - Existing

Parcel 'J' 15 Cars - Existing

Parcel 'K' 15 Cars - Existing

Parcel 'L' 15 Cars - Existing

Parcel 'N' 15 Cars - Existing

Parcel 'O' 15 Cars - Existing

Parcel 'P' 15 Cars - Existing

Parcel 'Q' 15 Cars - Existing

Parcel 'R' 15 Cars - Existing

Parcel 'S' 15 Cars - Existing

Parcel 'T' 15 Cars - Existing

Parcel 'U' 15 Cars - Existing

Parcel 'V' 15 Cars - Existing

Parcel 'W' 15 Cars - Existing

Parcel 'X' 15 Cars - Existing

Parcel 'Y' 15 Cars - Existing

Parcel 'Z' 15 Cars - Existing

Scale: 1" = 200'

North Arrow: [North Arrow]

Sheet: P12

Project: Preliminary Site/Master Plan Golf Course

Date: 01/25/2010

Author: Frank Marozzo

Check: Frank Marozzo

Scale: 1" = 200'

Sheet: P12

Project: Preliminary Site/Master Plan Golf Course

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Author: Frank Marozzo

Check: Frank Marozzo

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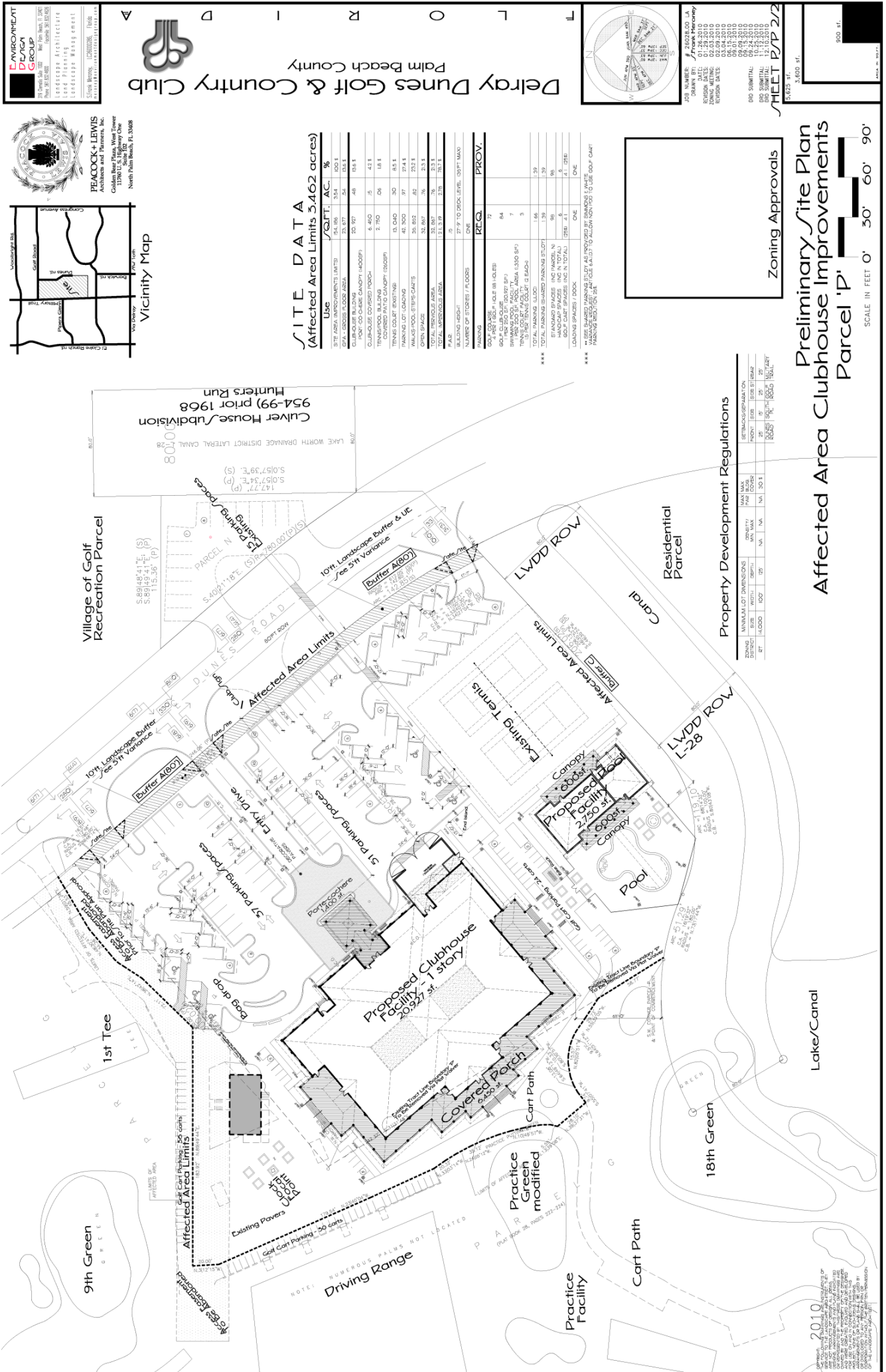
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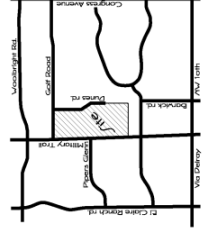
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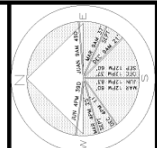
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Delray Dunes Golf & Country Club
 Palm Beach County

SITE DATA
 (Affected Area Limits 3.462 acres)

Use	SQ. FT.	AC.	%
SITE AREA IMPROVEMENTS LIMITS	154,195	3.54	100.0
GRA - CREEK FLOOR AREA	25,977	.59	15.5
CLUBHOUSE COVERED PORCH	20,927	.48	13.5
TENNISPOD BUILDING	2,750	.06	1.8
COVERED PATIO CANOPY (WOODEN)	13,745	.30	8.5
PARKING LOT (ASPH)	42,900	.97	25.4
WALKWAY/POOD STEPS/CANYS	36,863	.82	23.1
OPEN SPACE	32,857	.76	23.5
TOTAL IMPROVEMENT AREA	121,139	2.75	79.1
PAVING	95	.00	
TOTAL IMPROVEMENTS	121,139	2.75	79.1
NUMBERS OF STORIES	1		
NUMBERS OF STORIES	1		
REQ.	PROV.		
USE OF OPEN SPACE (SEE 10th VARIANCE)	72		
USE OF OPEN SPACE (SEE 10th VARIANCE)	84		
USE OF OPEN SPACE (SEE 10th VARIANCE)	96		
USE OF OPEN SPACE (SEE 10th VARIANCE)	108		
USE OF OPEN SPACE (SEE 10th VARIANCE)	120		
USE OF OPEN SPACE (SEE 10th VARIANCE)	132		
USE OF OPEN SPACE (SEE 10th VARIANCE)	144		
USE OF OPEN SPACE (SEE 10th VARIANCE)	156		
USE OF OPEN SPACE (SEE 10th VARIANCE)	168		
USE OF OPEN SPACE (SEE 10th VARIANCE)	180		
USE OF OPEN SPACE (SEE 10th VARIANCE)	192		
USE OF OPEN SPACE (SEE 10th VARIANCE)	204		
USE OF OPEN SPACE (SEE 10th VARIANCE)	216		
USE OF OPEN SPACE (SEE 10th VARIANCE)	228		
USE OF OPEN SPACE (SEE 10th VARIANCE)	240		
USE OF OPEN SPACE (SEE 10th VARIANCE)	252		
USE OF OPEN SPACE (SEE 10th VARIANCE)	264		
USE OF OPEN SPACE (SEE 10th VARIANCE)	276		
USE OF OPEN SPACE (SEE 10th VARIANCE)	288		
USE OF OPEN SPACE (SEE 10th VARIANCE)	300		
USE OF OPEN SPACE (SEE 10th VARIANCE)	312		
USE OF OPEN SPACE (SEE 10th VARIANCE)	324		
USE OF OPEN SPACE (SEE 10th VARIANCE)	336		
USE OF OPEN SPACE (SEE 10th VARIANCE)	348		
USE OF OPEN SPACE (SEE 10th VARIANCE)	360		
USE OF OPEN SPACE (SEE 10th VARIANCE)	372		
USE OF OPEN SPACE (SEE 10th VARIANCE)	384		
USE OF OPEN SPACE (SEE 10th VARIANCE)	396		
USE OF OPEN SPACE (SEE 10th VARIANCE)	408		
USE OF OPEN SPACE (SEE 10th VARIANCE)	420		
USE OF OPEN SPACE (SEE 10th VARIANCE)	432		
USE OF OPEN SPACE (SEE 10th VARIANCE)	444		
USE OF OPEN SPACE (SEE 10th VARIANCE)	456		
USE OF OPEN SPACE (SEE 10th VARIANCE)	468		
USE OF OPEN SPACE (SEE 10th VARIANCE)	480		
USE OF OPEN SPACE (SEE 10th VARIANCE)	492		
USE OF OPEN SPACE (SEE 10th VARIANCE)	504		
USE OF OPEN SPACE (SEE 10th VARIANCE)	516		
USE OF OPEN SPACE (SEE 10th VARIANCE)	528		
USE OF OPEN SPACE (SEE 10th VARIANCE)	540		
USE OF OPEN SPACE (SEE 10th VARIANCE)	552		
USE OF OPEN SPACE (SEE 10th VARIANCE)	564		
USE OF OPEN SPACE (SEE 10th VARIANCE)	576		
USE OF OPEN SPACE (SEE 10th VARIANCE)	588		
USE OF OPEN SPACE (SEE 10th VARIANCE)	600		
USE OF OPEN SPACE (SEE 10th VARIANCE)	612		
USE OF OPEN SPACE (SEE 10th VARIANCE)	624		
USE OF OPEN SPACE (SEE 10th VARIANCE)	636		
USE OF OPEN SPACE (SEE 10th VARIANCE)	648		
USE OF OPEN SPACE (SEE 10th VARIANCE)	660		
USE OF OPEN SPACE (SEE 10th VARIANCE)	672		
USE OF OPEN SPACE (SEE 10th VARIANCE)	684		
USE OF OPEN SPACE (SEE 10th VARIANCE)	696		
USE OF OPEN SPACE (SEE 10th VARIANCE)	708		
USE OF OPEN SPACE (SEE 10th VARIANCE)	720		
USE OF OPEN SPACE (SEE 10th VARIANCE)	732		
USE OF OPEN SPACE (SEE 10th VARIANCE)	744		
USE OF OPEN SPACE (SEE 10th VARIANCE)	756		
USE OF OPEN SPACE (SEE 10th VARIANCE)	768		
USE OF OPEN SPACE (SEE 10th VARIANCE)	780		
USE OF OPEN SPACE (SEE 10th VARIANCE)	792		
USE OF OPEN SPACE (SEE 10th VARIANCE)	804		
USE OF OPEN SPACE (SEE 10th VARIANCE)	816		
USE OF OPEN SPACE (SEE 10th VARIANCE)	828		
USE OF OPEN SPACE (SEE 10th VARIANCE)	840		
USE OF OPEN SPACE (SEE 10th VARIANCE)	852		
USE OF OPEN SPACE (SEE 10th VARIANCE)	864		
USE OF OPEN SPACE (SEE 10th VARIANCE)	876		
USE OF OPEN SPACE (SEE 10th VARIANCE)	888		
USE OF OPEN SPACE (SEE 10th VARIANCE)	900		



PROPERTY DEVELOPMENT REGULATIONS

MINIMUM LOT DIMENSIONS	MIN. MAX. FRONT YARD SETBACK	MIN. MAX. SIDE YARD SETBACK	MIN. MAX. REAR YARD SETBACK	MIN. MAX. HEIGHT	MIN. MAX. AREA	MIN. MAX. COVERAGE
25' x 35'	5'	5'	5'	35'	1,000 sq. ft.	30%
35' x 45'	5'	5'	5'	45'	1,500 sq. ft.	30%
45' x 55'	5'	5'	5'	55'	2,000 sq. ft.	30%
55' x 65'	5'	5'	5'	65'	2,500 sq. ft.	30%
65' x 75'	5'	5'	5'	75'	3,000 sq. ft.	30%
75' x 85'	5'	5'	5'	85'	3,500 sq. ft.	30%
85' x 95'	5'	5'	5'	95'	4,000 sq. ft.	30%
95' x 105'	5'	5'	5'	105'	4,500 sq. ft.	30%
105' x 115'	5'	5'	5'	115'	5,000 sq. ft.	30%
115' x 125'	5'	5'	5'	125'	5,500 sq. ft.	30%
125' x 135'	5'	5'	5'	135'	6,000 sq. ft.	30%
135' x 145'	5'	5'	5'	145'	6,500 sq. ft.	30%
145' x 155'	5'	5'	5'	155'	7,000 sq. ft.	30%
155' x 165'	5'	5'	5'	165'	7,500 sq. ft.	30%
165' x 175'	5'	5'	5'	175'	8,000 sq. ft.	30%
175' x 185'	5'	5'	5'	185'	8,500 sq. ft.	30%
185' x 195'	5'	5'	5'	195'	9,000 sq. ft.	30%
195' x 205'	5'	5'	5'	205'	9,500 sq. ft.	30%
205' x 215'	5'	5'	5'	215'	10,000 sq. ft.	30%
215' x 225'	5'	5'	5'	225'	10,500 sq. ft.	30%
225' x 235'	5'	5'	5'	235'	11,000 sq. ft.	30%
235' x 245'	5'	5'	5'	245'	11,500 sq. ft.	30%
245' x 255'	5'	5'	5'	255'	12,000 sq. ft.	30%
255' x 265'	5'	5'	5'	265'	12,500 sq. ft.	30%
265' x 275'	5'	5'	5'	275'	13,000 sq. ft.	30%
275' x 285'	5'	5'	5'	285'	13,500 sq. ft.	30%
285' x 295'	5'	5'	5'	295'	14,000 sq. ft.	30%
295' x 305'	5'	5'	5'	305'	14,500 sq. ft.	30%
305' x 315'	5'	5'	5'	315'	15,000 sq. ft.	30%
315' x 325'	5'	5'	5'	325'	15,500 sq. ft.	30%
325' x 335'	5'	5'	5'	335'	16,000 sq. ft.	30%
335' x 345'	5'	5'	5'	345'	16,500 sq. ft.	30%
345' x 355'	5'	5'	5'	355'	17,000 sq. ft.	30%
355' x 365'	5'	5'	5'	365'	17,500 sq. ft.	30%
365' x 375'	5'	5'	5'	375'	18,000 sq. ft.	30%
375' x 385'	5'	5'	5'	385'	18,500 sq. ft.	30%
385' x 395'	5'	5'	5'	395'	19,000 sq. ft.	30%
395' x 405'	5'	5'	5'	405'	19,500 sq. ft.	30%
405' x 415'	5'	5'	5'	415'	20,000 sq. ft.	30%
415' x 425'	5'	5'	5'	425'	20,500 sq. ft.	30%
425' x 435'	5'	5'	5'	435'	21,000 sq. ft.	30%
435' x 445'	5'	5'	5'	445'	21,500 sq. ft.	30%
445' x 455'	5'	5'	5'	455'	22,000 sq. ft.	30%
455' x 465'	5'	5'	5'	465'	22,500 sq. ft.	30%
465' x 475'	5'	5'	5'	475'	23,000 sq. ft.	30%
475' x 485'	5'	5'	5'	485'	23,500 sq. ft.	30%
485' x 495'	5'	5'	5'	495'	24,000 sq. ft.	30%
495' x 505'	5'	5'	5'	505'	24,500 sq. ft.	30%
505' x 515'	5'	5'	5'	515'	25,000 sq. ft.	30%
515' x 525'	5'	5'	5'	525'	25,500 sq. ft.	30%
525' x 535'	5'	5'	5'	535'	26,000 sq. ft.	30%
535' x 545'	5'	5'	5'	545'	26,500 sq. ft.	30%
545' x 555'	5'	5'	5'	555'	27,000 sq. ft.	30%
555' x 565'	5'	5'	5'	565'	27,500 sq. ft.	30%
565' x 575'	5'	5'	5'	575'	28,000 sq. ft.	30%
575' x 585'	5'	5'	5'	585'	28,500 sq. ft.	30%
585' x 595'	5'	5'	5'	595'	29,000 sq. ft.	30%
595' x 605'	5'	5'	5'	605'	29,500 sq. ft.	30%
605' x 615'	5'	5'	5'	615'	30,000 sq. ft.	30%
615' x 625'	5'	5'	5'	625'	30,500 sq. ft.	30%
625' x 635'	5'	5'	5'	635'	31,000 sq. ft.	30%
635' x 645'	5'	5'	5'	645'	31,500 sq. ft.	30%
645' x 655'	5'	5'	5'	655'	32,000 sq. ft.	30%
655' x 665'	5'	5'	5'	665'	32,500 sq. ft.	30%
665' x 675'	5'	5'	5'	675'	33,000 sq. ft.	30%
675' x 685'	5'	5'	5'	685'	33,500 sq. ft.	30%
685' x 695'	5'	5'	5'	695'	34,000 sq. ft.	30%
695' x 705'	5'	5'	5'	705'	34,500 sq. ft.	30%
705' x 715'	5'	5'	5'	715'	35,000 sq. ft.	30%
715' x 725'	5'	5'	5'	725'	35,500 sq. ft.	30%
725' x 735'	5'	5'	5'	735'	36,000 sq. ft.	30%
735' x 745'	5'	5'	5'	745'	36,500 sq. ft.	30%
745' x 755'	5'	5'	5'	755'	37,000 sq. ft.	30%
755' x 765'	5'	5'	5'	765'	37,500 sq. ft.	30%
765' x 775'	5'	5'	5'	775'	38,000 sq. ft.	30%
775' x 785'	5'	5'	5'	785'	38,500 sq. ft.	30%
785' x 795'	5'	5'	5'	795'	39,000 sq. ft.	30%
795' x 805'	5'	5'	5'	805'	39,500 sq. ft.	30%
805' x 815'	5'	5'	5'	815'	40,000 sq. ft.	30%
815' x 825'	5'	5'	5'	825'	40,500 sq. ft.	30%
825' x 835'	5'	5'	5'	835'	41,000 sq. ft.	30%
835' x 845'	5'	5'	5'	845'	41,500 sq. ft.	30%
845' x 855'	5'	5'	5'	855'	42,000 sq. ft.	30%
855' x 865'	5'	5'	5'	865'	42,500 sq. ft.	30%
865' x 875'	5'	5'	5'	875'	43,000 sq. ft.	30%
875' x 885'	5'	5'	5'	885'	43,500 sq. ft.	30%
885' x 895'	5'	5'	5'	895'	44,000 sq. ft.	30%
895' x 905'	5'	5'	5'	905'	44,500 sq. ft.	30%
905' x 915'	5'	5'	5'	915'	45,000 sq. ft.	30%
915' x 925'	5'	5'	5'	925'	45,500 sq. ft.	30%
925' x 935'	5'	5'	5'	935'	46,000 sq. ft.	30%
935' x 945'	5'	5'	5'	945'	46,500 sq. ft.	30%
945' x 955'	5'	5'	5'	955'	47,000 sq. ft.	30%
955' x 965'	5'	5'	5'	965'	47,500 sq. ft.	30%
965' x 975'	5'	5'	5'	975'	48,000 sq. ft.	30%
975' x 985'	5'	5'	5'	985'	48,500 sq. ft.	30%
985' x 995'	5'	5'	5'	995'	49,000 sq. ft.	30%
995' x 1005'	5'	5'	5'	1005'	49,500 sq. ft.	30%

Zoning Approvals

Preliminary Site Plan
Affected Area Clubhouse Improvements
Parcel 'P'

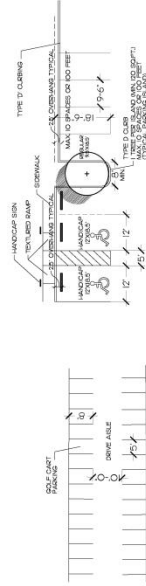
SCALE IN FEET 0' 30' 60' 90'



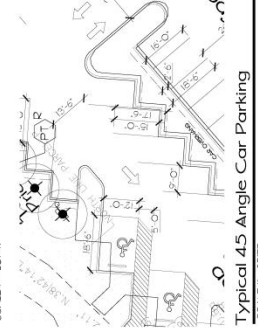
LWDD-Tennis/South Buffer Existing Planting
NOT TO SCALE
See Variance Request
Sheet P/P 2/2



Photograph- Dunes rd 80ft ROW Buffer-Looking/South
NOT TO SCALE
See Variance Request
Sheet P/P 2/2



Typical Golf Cart Parking
SCALE 1" = 20FT.

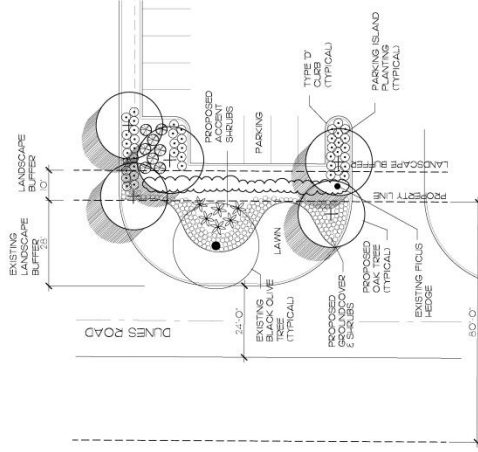


Typical 90 & Handicap Parking
SCALE 1" = 20FT.

2010
THE CITY OF PALM BEACH COUNTY
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
DESIGNED AND DRAWN BY: FRANK HERANIMY
DATE: 05.04.2010
REVISION DATES: 05.09.2010
08.24.2010
09.24.2010
10.25.2010
12.10.2010
DATE SUBMITTED: 12.10.2010
DRAWN BY: Frank Heranimy
DATE: 05.04.2010
REVISION DATES: 05.09.2010
08.24.2010
09.24.2010
10.25.2010
12.10.2010
DATE SUBMITTED: 12.10.2010



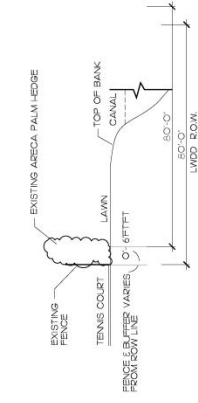
Plan - LWDD-Tennis/South Buffer Existing planting
SCALE 1" = 20FT.
See Variance Request



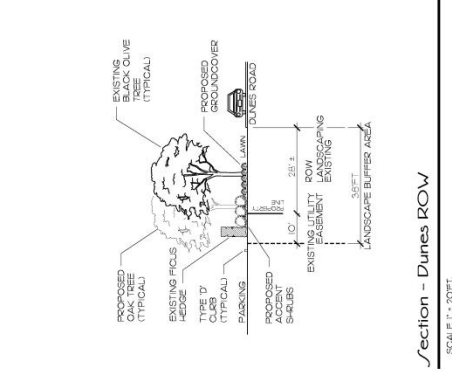
Plan - Dunes Rd. ROW Buffer Looking/South
SCALE 1" = 20FT.
See Variance Request



Typical Bench (Proposed)
NOT TO SCALE



Section - LWDD-Tennis/South Buffer
SCALE 1" = 10FT.



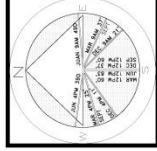
Section - Dunes ROW
SCALE 1" = 20FT.



Existing Adjacent (East) Parking lot Buffers
NOT TO SCALE

AVIACOMMUNIT
GROUP
LANDSCAPE ARCHITECTS
301 South Palm Beach Blvd., Suite 1100
Palm Beach, FL 33480
Phone: 561.837.6500
Fax: 561.837.6500
www.aviacommunit.com

Delray Dunes Golf & Country Club
Palm Beach County



SHEET L5

Regulating Plan
Affected Area Clubhouse Improvements
Parcel 'P'

Typical Regulatory/Directional/Signage
NOT TO SCALE



Golf Course Community ID signs (x2)
NOT TO SCALE



Clubhouse ID Sign
NOT TO SCALE



Focal Point
NOT TO SCALE

Existing Adjacent (East) Parking lot Buffers
NOT TO SCALE

Typical Regulatory/Directional/Signage
NOT TO SCALE

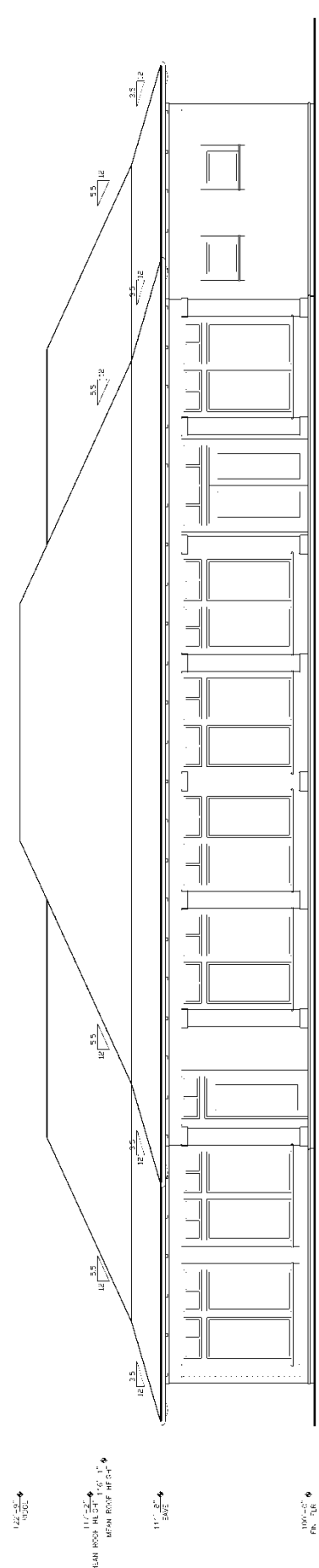
Regulating Plan
Affected Area Clubhouse Improvements
Parcel 'P'

Figure 6 Preliminary Regulating Plan dated December 13, 2010

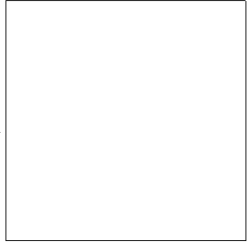


PEACOCK & LEWIS
 ARCHITECTS, INC.
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 Ft. Lauderdale, Florida 33304
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 Fax: 754.366.1101
 www.peacockandlewis.com

 Delray Dunes	New Clubhouse & Pool Bldg. PRC Zoning Submitted	Delray Beach, Florida	<p><small>By the use of this plan, the undersigned certifies that the same is a true and correct copy of the original on file in the office of the undersigned, and that the same has been approved by the Board of Planning and Zoning.</small></p> <p><small>CONSULTOR:</small></p> <p>POOL BUILDING ELEVATIONS</p> <p><small>SHEET TITLE:</small></p> <p><small>REVISIONS:</small></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><small>DATE</small></td> <td style="width: 30%;"><small>BY</small></td> <td style="width: 40%;"><small>DESCRIPTION</small></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	<small>DATE</small>	<small>BY</small>	<small>DESCRIPTION</small>												
<small>DATE</small>	<small>BY</small>	<small>DESCRIPTION</small>																



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



KEY PLAN

<small>OWNER</small>	<small>DATE</small>	<small>PROJECT</small>

Sheet No.

B-102
 2 of 5

Figure 8, Proposed Pool Building, South Elevation, dated June 16, 2010

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Low Residential, 2 units per acre (LR-2).

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is located within the future annexation area of the City of Boynton Beach.

INTERGOVERNMENTAL COORDINATION: The subject site is located within one mile of the City of Boynton Beach, the City of Delray Beach, and the Village of Golf.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to allow a rezoning from the Multi-family Residential (RM) Zoning District and the Public Ownership (PO) Zoning District to the Residential Transitional (RT) Zoning District and a Class A Conditional Use to allow the construction of a new clubhouse and pool building within the existing recreation tract, and has found the requests to be consistent with the site's LR-2 FLU designation.

The proposed request for 23,677 s.f. (.15 FAR) is consistent with the maximum Floor Area Ratio (FAR) of .35 allowed for a project with a LR-2 FLU designation (3.54 ac x 43,560 x .35 = 53,971 s.f. maximum).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP) and is administered by the Coalition of Boynton West Residential Associations (COBWRA). No conflicts have been identified relating to this request. The applicant has agreed to meet with and provide documentation from COBWRA addressing possible issues or concerns the residents may have regarding the request. COBWRA has indicated that the organization does not have concerns with a project that is internal to an existing residential development. Planning staff has not received any concerns/issues from COBWRA regarding this project, however Zoning staff received a call from a representative of COBWRA and they stated that did not have any issues with the proposed request.

FINDINGS: The request is consistent with the LR-2 land use designation of the Palm Beach County Comprehensive Plan and the recommendations of the WBACP.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

TRAFFIC IMPACTS

Petitioner has estimated the build-out of the project to be December 31, 2013. Because the proposed facility is exclusively for residents of the Delray Dunes community, there is no additional traffic expected from this project. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis is needed for the requests.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: This is an existing golf course facility originally approved prior to 1986. The rezoning of the golf course will require the removal of all prohibited vegetation. An Exotic Vegetation Removal Plan must be submitted to and approved by ERM prior to Final DRO Site Plan approval.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis is needed for the requests.

PARKS AND RECREATION: No Staff Review Analysis is needed for the requests.

CONCURRENCY: Concurrency has been approved for an 18-hole golf course with 34,902 square feet of accessory clubhouse and recreation facility (pool and tennis courts), pool building, golf maintenance facility, and golf cart barn.

WATER/SEWER PROVIDER: Town of Golf

FINDING: The proposed Zoning Map Amendment and Class A Conditional Use comply with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Type II Concurrent Variance Standards:

The Zoning Commission shall consider and find that all 7 criteria pursuant to Article 2.B.-3.E and listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning variance:

1. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way, Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

YES.

The Delray Dunes golf course was platted prior to the adoption of Ordinance 73-1, which required landscape plans, a minimum 5-foot ROW buffer, parking area landscaping, and prohibited Australian Pines (*Casuarina* spp.) for new development only. The golf course was constructed prior to the adoption of the first official Landscape Code via Ordinance 86-10 effective April 21, 1986 known as Section 500.35. The golf course was designed with open golf course views from the Delray Dunes residences and buffering, which includes a significant quantity of plantings prohibited by current Code, that serve to shield the golf course and residences from the view of the exterior boundaries.

The special circumstance is that complying with current buffer requirements within this long-established residential community would significantly change the character of the community.

V4 - Art. 6.A.1.D.7 Golf Cart Parking

YES.

The Code recognizes that in a PDD golf course community a portion of the residents drive their personal golf carts to the recreation facility instead of their personal cars. The special circumstance is that this community was platted pursuant to a prior Code before PDD regulations were implemented whereas current Code would require a residential community of this size to be approved as a PDD. The applicant is the golf course. The residents are not included in this application so the application for the golf course use cannot request a concurrent application to rezone to a PDD. The residents typically drive their private golf carts to the private recreation facility. Per the approved Shared Parking Statement dated September 27, 2010, most of the members travel to and from the clubhouse using their own personal golf cart and those that play golf will use their own cart and not actually park the cart at the clubhouse.

2. Special circumstances and conditions do not result from the actions of the applicant:

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way , Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

YES.

The Delray Dunes golf course was platted prior to the adoption of Ordinance 73-1, which required landscape plans, a minimum 5-foot ROW buffer, parking area landscaping, and prohibited Australian Pines (*Casuarina supp.*) for new development only. The golf course was constructed prior to the adoption of the first official Landscape Code via Ordinance 86-10 effective April 21, 1986 known as Section 500.35. The golf course was designed with open golf course views from the Delray Dunes residences and buffering, which includes a significant quantity of plantings prohibited by current Code, that serve to shield the golf course and residences from the view of the exterior boundaries. This design was acceptable with the prior Zoning Commission approval of the golf course. The circumstance that current Code requires BCC approval of the golf course did not result from the actions of the applicant.

V4 - ART. 6.A.1.D.7 GOLF CART PARKING

YES.

The applicant represents the golf course which serves as an accessory use for the residents of Delray Dunes Golf and Country Club residential community. The residents are not included in this application so the application for the golf course use cannot request a concurrent application to rezone to a PDD to utilize the golf cart reduction in a PDD. However, the Code recognizes that in a PDD golf course community a large portion of the residents drive their personal golf carts to the recreation facility instead of their personal cars. Per the approved Shared Parking Statement dated September 27, 2010, most of the members travel to and from the clubhouse using their own personal golf cart and those that play golf will use their own cart and not actually park the cart at the clubhouse. The special circumstance is not the result of the applicant's action.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way, Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

YES.

The applicant is not conferred a special privilege denied by the Plan or Code. The applicant simply wishes to reconstruct existing golf course recreation buildings and utilize existing permitted vegetation that exists. Variances from Article 7 may be granted upon demonstration that the request meets the 7 criteria to grant a Type II variance.

V4 - Art. 6.A.1.D.7 Golf Cart Parking

YES.

A Type II Variance from Article 6 may be granted upon demonstration that the request meets the 7 criteria to grant a Type II variance. The Code recognizes that in a PDD golf course community a portion of the residents drive their personal golf carts to the recreation facility instead of their personal cars. This community was platted pursuant to a prior Code before PDD regulations were implemented. No special privilege will result with the grant of the variance to use the golf cart parking reduction in a non-PDD.

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:**

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way, Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

YES.

The Delray Dunes golf course was platted prior to the adoption of Ordinance 73-1, which required landscape plans, a minimum 5-foot ROW buffer, parking area landscaping, and prohibited Australian Pines (*Casuarina* spp.) for new development only. The golf course was constructed prior to the adoption of the first official Landscape Code via Ordinance 86-10 effective April 21, 1986 known as Section 500.35. The golf course was designed with open golf course views from the Delray Dunes residences and buffering, which includes a significant quantity of plantings prohibited by current Code, that serve to shield the golf course and residences from the view of the exterior boundaries. This design was acceptable with the prior Zoning Commission approval of the golf course. Literal interpretation of Article 7 Landscaping for the golf course buffers would result in a significant change to the very character of the residential community by closing the open views of the golf course from the residences and opening the exterior boundaries of the golf course to the right-of-ways and adjacent developments.

V4 - Art. 6.A.1.D.7 Golf Cart Parking

YES.

Per the approved Shared Parking Statement dated September 27, 2010, most of the members travel to and from the clubhouse using their own personal golf cart and those that play golf will use their own cart and not actually park the cart at the clubhouse. The applicant is proposing a reasonable expansion of the long-established accessory recreation/clubhouse facility. Literal interpretation of the Code would require that all of the required parking spaces be designed for vehicles without recognizing that the actual parking demand requires a golf cart sized parking space. A significant increase in impervious parking space pavement is an unnecessary hardship.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way, Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

YES.

The applicant is proposing reasonable request to replace an existing, aging, and nearly obsolete recreation/clubhouse facility with a new modern efficient clubhouse building and pool building that meets the needs of the residents of Delray Dunes. The applicant is proposing to demolish and rebuild an expanded clubhouse building and pool building to meet the needs of the members. The existing buildings do not have a defined architectural style, exposed rooftop mechanical equipment, low ceilings, narrow covered walkways, and poor internal circulation. The new clubhouse and pool buildings are proposed in a traditional timeless old Florida style with wide covered terraces, a deep center well to conceal rooftop HVAC equipment, a central cupola to allow daylight at the center of the building and an intake for fresh air. The Delray Dunes golf course and accessory recreation/clubhouse facility is a private, member's only facility. Reasonably, the members need to renovate/expand/modernize the buildings to maintain the community's main amenity.

V4 - Art. 6.A.1.D.7 Golf Cart Parking

YES.

Per the approved Shared Parking Statement dated September 27, 2010, most of the members travel to and from the clubhouse using their own personal golf cart and those that play golf will use their own cart and not actually park the cart at the clubhouse. The applicant is proposing a reasonable

expansion of the long-established accessory recreation/clubhouse facility. The actual parking demand requires a golf cart sized parking space, not a standard parking space. Grant of this variance would allow the reasonable modernization and expansion of the recreation/clubhouse and pool facility.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way, Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

YES.

Grant of the variances will allow the proposed plan for the expansion and modernization of the existing recreation/clubhouse and pool facility, which is not inconsistent with the Plan. The proposed Preliminary Site Plan dated December 13, 2010 is consistent with the Code.

V4 - Art. 6.A.1.D.7 Golf Cart Parking

YES.

Grant of the variance will allow the proposed plan for the expansion and modernization of the existing recreation/clubhouse and pool facility, which is not inconsistent with the Plan. The proposed Preliminary Site Plan dated December 13, 2010 is consistent with the Code.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V1, V2, V3 - Art. 7.F.1.A-C Right-of-Way, Compatibility, Incompatibility Buffers and to allow existing landscaping to remain.

V4 - Art. 6.A.1.D.7 Golf Cart Parking

YES.

The proposed expansion of the recreation/clubhouse and pool facility was approved by the members of the Delray Dunes residential community by a majority vote. The applicant indicates approximately 80 percent of the members supported the proposed plan. The variances are necessary to implement the proposed plan. Granting the variances will not be injurious to the area involved.

FINDINGS:

Rezoning Standards:

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1-8 indicated below. In addition the standards indicated in section 2.B shall also be considered for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD with or without a requested use or waiver. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

1. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

The Planning Division has reviewed the request to allow a rezoning from the Multi-family Residential (RM) Zoning District and the Public Ownership (PO) Zoning District to the Residential Transitional (RT) Zoning District to allow the construction of a new clubhouse and pool building within the existing recreation tract of a subdivision, and has found the request to be consistent with the site's LR-2 FLU designation.

2. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The subject is in the Residential Multifamily (RM) Zoning District except for a 20-foot wide strip of land at northern portion of the golf course maintenance facility, which was rezoned to Public Ownership (PO) via resolution R-81-874 pursuant to a petition of Del Trail Fire District and subsequently quit

claimed back to the Delray Dunes Golf & Country Club, Inc. (ORB 4240 PG 0544) on May 7, 1984. Any application for a conditional use must rezone to a zoning district that corresponds to the site's FLU designation. The only zoning district consistent with the site's LR-2 FLU designation is the Residential Transitional (RT) Zoning District per Table 3.C.1.A. The request to rezone to the RT Zoning District will ensure that the development is consistent with the site's FLU designation in accordance with Art. 3.C.1.A Standard Districts, Purpose and Intent.

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The Delray Dunes golf course community has existed for many years and is surrounded by existing residential developments to the south, east and west; existing commercial development to the south and west; and agricultural to the north. The rezoning request will not create any incompatibilities between the existing golf course and the existing surrounding uses.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

This is an existing golf course facility originally platted prior to 1986. The rezoning of the golf course will require the removal of all prohibited vegetation pursuant to Art. 14 of the ULDC. An Exotic Vegetation Removal Plan must be submitted to and approved by ERM prior to Final DRO Site Plan approval. The property is not located with a Wellfield Protection Zone.

5. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The development pattern in this area has been established for many years. The plats for the Delray Dunes community were approved by the BCC on April 15, 1969, June 1, 1971, and July 27, 1988. Surrounding residential and commercial developments were approved in the 1970's, 1980's, and 1990's establishing the development pattern on the south side of Golf Road and on both sides of Military Trail. The Northeast corner of Golf Road and Military Trail remains an agricultural property within the Village of Golf.

6. **Consistency with Neighborhood Plan** – *The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy.*

The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP) and is administered by the Coalition of Boynton West Residential Associations (COBWRA). No conflicts have been identified relating to this request. Staff has not received any concerns/issues from COBWRA regarding this project.

7. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

Concurrency has been approved for an 18-hole golf course with 34,902 square feet of accessory clubhouse and recreation facility (pool and tennis courts), pool building, golf maintenance facility, and golf cart barn.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The changed condition for this request is the need to replace an existing, aging, and nearly obsolete recreation/clubhouse facility with a new modern efficient clubhouse building and pool building that meets the needs of the residents of Delray Dunes.

The applicant is proposing to demolish and rebuild an expanded clubhouse building and pool building to meet the needs of the members. The existing buildings do not have a defined architectural style, exposed rooftop mechanical equipment, low ceilings, narrow covered walkways, and poor internal

circulation. The new clubhouse and pool buildings are proposed in a traditional timeless old Florida style with wide covered terraces, a deep center well to conceal rooftop HVAC equipment, a central cupola to allow daylight at the center of the building and an intake for fresh air.

The golf course was built in the late 1960's and early 1970's as part of the initial phase of development of the Delray Dunes Golf and Country Club. The development of the golf course predated zoning regulations requiring BCC approval of a Class A Conditional Use for the golf course use. Zoning Resolution #3-S-69 states that the Zoning Commission, not the BCC, approved the modification of District Boundaries for the Plat of Delray Dunes, First Section, which includes the northern portion of the existing golf course. A rezoning to a zoning district consistent with the site's land use is required for a Class A Conditional Use request.

The applicant has submitted a related application to the Land Development Division for plat waivers involving Tracts P, M, and the "orphan parcel" adjacent to Parcel 8, which is a residential subdivision. The plat waiver will eliminate the tract boundaries for the noted tracts where adjacent to the golf course, thus making these tracts part of an expanded golf course tract "G." The plat waiver application to address these circumstances is pending.

Staff has evaluated the standards listed under Article 2.B.1.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the rezoning request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C-2.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has reviewed the request for a Class A Conditional Use to allow the construction of a new clubhouse and pool building within the existing recreation tract of a previously approved subdivision, and has found the request to be consistent with the site's LR-2 FLU designation.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The Delray Dunes Golf & Country Club exists pursuant to the plats approved by the BCC on April 15, 1969, June 1, 1971, and July 27, 1988. The use, layout, function, and general development characteristics were established with the approved plats. To redevelop the existing accessory clubhouse and pool building, the applicant must request a Class A Conditional Use for the golf course. The applicant has included a request to utilize the golf cart parking provision for a PDD to allow 41 of the required parking spaces at the clubhouse area to be reduced in size to accommodate golf carts in the Delray Dunes community, which is in a standard zoning district.

The applicant is also requesting variances from Article 7.F.1.A Right-of-way buffers, Article 7.F.1.B Compatibility buffers, and Article 7.F.1.C Incompatibility buffers and to allow the existing mature landscape plantings to remain. The existing plantings include Australian Pines, Melaleuca, and

Brazilian Pepper especially along the Military Trail frontage.

The golf course existed per the approved plats prior to Ordinance 73-1, which provided for landscaping requirements and was effective January 18, 1973. Section 500.35 Landscape Code was added by Ordinance 86-10 effective April 21, 1986. The removal of nuisance species such as Melaleuca and Brazilian pepper (Florida Holly) is required in the 1986 Code. The Australian Pine was only allowed as a hedge with the specific approval of the Department upon demonstration that screening requirements could not be met except by the use of the Australian Pine. Once installed, the hedge must be constantly cultivated and to not exceed 12 feet in height. With the 1986 Landscape Code, each landscape plan or alternative landscape betterment plan required or permitted to be submitted by Section 500.35 was required to include a program to eradicate and prevent the reestablishment of prohibited plant species.

The applicant's request to eliminate the perimeter buffers and to allow existing landscaping to remain refers to the Code provisions in Art. 7, regarding the removal of prohibited plant species. Thus, Art. 7.A.1.8 Removal of Prohibited Plant Species, Art. 7.D.6 Prohibited Plant Species would not be applicable to the buffers as the applicant is requesting to eliminate the buffers.

However, the applicant cannot request a variance from Article 14 Environmental Standards. Environmental Resources Management (ERM) has advised that prior to final approval by the DRO, an Exotic Vegetation Removal Plan must be submitted to and approved by ERM.

Thus, the applicant must agree to a plan to remove the prohibited species on the entire golf course property prior to final DRO approval. This plan would be administered by ERM, not the Landscaping Section. Any replacement plantings would have to meet Article 7 General Standard for tree quality and tree height. The applicant is encouraged to select any replacement plantings from the County's preferred species list. If the applicant chooses to install a new wall, the wall must be given an architectural treatment that is compatible and harmonious with the adjacent development. Shrubs must be planted along the outside of the wall per Article 7.F.3.B.

The applicant must submit a Landscape Plan or Alternative Landscape Plan for the clubhouse affected area only. This plan must be approved prior to the issuance of a building permit for the clubhouse and/or pool building.

Subject to the granting of the variances, the recommended conditions of approval, and the applicant's compliance with an ERM approved plan to remove the prohibited plant species, this request to allow the golf course to remain is in compliance with Code.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The Delray Dunes golf course community has existed for many years and is surrounded by existing residential developments to the south, east and west; existing commercial development to the south and west; and agricultural to the north. The Class A Conditional Use request will not create any incompatibilities between the existing golf course and the existing surrounding uses.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The Class A Conditional Use for the golf course will allow the Delray Dunes Golf & Country Club, Inc. to demolish the existing, aging clubhouse and small pool building to construct a new clubhouse and pool building within the existing recreation tract, which is internal to the Delray Dunes community and accessed only by the private Dunes Road. The affected area recreation/clubhouse facility parcel is the only location within the Delray Dunes community proposed for reconstruction. The redevelopment is separated by more than 150 feet to any other property line.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

This is an existing golf course facility originally platted prior to 1986. Approval of the Class A Conditional Use of the golf course will require the removal of all prohibited vegetation pursuant to Art. 14 of the ULDC. An Exotic Vegetation Removal Plan must be submitted to and approved by ERM prior to Final DRO Site Plan approval. The property is not located with a Wellfield Protection Zone.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The development pattern in this area has been established for many years. The plats for the Delray Dunes community were approved by the BCC on April 15, 1969, June 1, 1971, and July 27, 1988. Surrounding residential and commercial developments were approved in the 1970's, 1980's, and 1990's establishing the development pattern on the south side of Golf Road and on both sides of Military Trail. The Northeast corner of Golf Road and Military Trail remains an agricultural property within the Village of Golf.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP) and is administered by the Coalition of Boynton West Residential Associations (COBWRA). No conflicts have been identified relating to this request. Staff has not received any concerns/issues from COBWRA regarding this project.

8. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for an 18-hole golf course with 34,902 square feet of accessory clubhouse and recreation facility (pool and tennis courts), pool building, golf maintenance facility, and golf cart barn.

9. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The changed condition for this request is the need to replace an existing, aging, and nearly obsolete recreation/clubhouse facility with a new modern efficient clubhouse building and pool building that meets the needs of the residents of Delray Dunes.

The applicant is proposing to demolish and rebuild an expanded clubhouse building and pool building to meet the needs of the members. The existing buildings do not have a defined architectural style, exposed rooftop mechanical equipment, low ceilings, narrow covered walkways, and poor internal circulation. The new clubhouse and pool buildings are proposed in a traditional timeless old Florida style with wide covered terraces, a deep center well to conceal rooftop HVAC equipment, a central cupola to allow daylight at the center of the building and an intake for fresh air.

The golf course was built in the late 1960's and early 1970's as part of the initial phase of development of the Delray Dunes Golf and Country Club. The development of the golf course predated zoning regulations requiring BCC approval of a Class A Conditional Use for the golf course use. Zoning Resolution #3-S-69 states that the Zoning Commission, not the BCC, approved the modification of District Boundaries for the Plat of Delray Dunes, First Section, which includes the northern portion of the existing golf course. A rezoning to a zoning district consistent with the site's land use is required for a Class A Conditional Use request.

Staff has evaluated the standards listed under Article 2.B.2.B 1-9 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the rezoning request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C-3.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Type II Variance - Concurrent

VARIANCE

1. This variance was approved based on the Preliminary Site Plan dated December 13, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The Development Order for this variance shall be tied to the Time Limitations of the Development Order for the Conditional Use for the golf course.) (ONGOING: MONITORING - Zoning)

3. Prior to the submittal for final approval by the Development Review Officer (DRO), the approved variance(s) and any associated conditions of approval shall be reflected on the site plan. (DRO:ZONING-Zoning)

4. At time of application for a building permit, the property owner shall provide a copy of this variance approval along with copies of the approved site plan to the Building Division. (BUILDING PERMIT:ZONING-Landscape)

5. In granting this approval, the Zoning Commission 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)

6. 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)

EXHIBIT C-2
Official Zoning Map Amendment

ENGINEERING

1. Prior to issuance of the first building permit for the Clubhouse the property owner shall create the new Clubhouse parcel in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to final site plan approval LWDD will require that the lands owned per Chancery Case 407, as recorded in ORB 6495, PG 761, be resolved. LWDD owns the south 15.18 feet of the SW quarter of the NW quarter of Section 1-46-42. These lands will need to be removed from the boundary. DRO: ENG-LWDD

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)

EXHIBIT C-3
Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 13, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

PARKING

1. Simultaneously upon submittal for final approval by the Development Review Officer (DRO), the property owner shall submit a copy of the recorded Shared Parking Agreement for the private golf course and private clubhouse in accordance with the Shared Parking Statement dated September 27, 2010. (DRO: ZONING - 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)

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Stephen J. Arpante, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or President [position—e.g., president, partner, trustee] of Delray Dunes Golf & CC, Inc. [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 12005 Dunes Road,
Boynton Beach, FL 33436

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Stephen J. Arpante
STEPHEN J. ARPANTE, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10th day of June, 20 10, by Stephen J. Arpante, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Dana L. Schweitzer
Notary Public

Dana L. Schweitzer
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: March 26, 2012

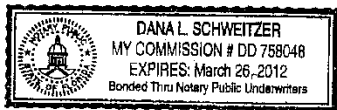


EXHIBIT "A"
PROPERTY

DESCRIPTION:

PARCEL G, LESS THE WEST 7.0 FEET THEREOF FOR ROAD RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 3752, PAGE 352 AND OFFICIAL RECORDS BOOK 4140, PAGE 455 AND PARCELS N AND P, DELRAY DUNES FIRST SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 222, 223 AND 224, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL G, DELRAY DUNES SECOND SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGES 91, 92 AND 93, PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA.

**DELRAY DUNES GOLF AND COUNTRY CLUB
APPLICATION FOR TYPE II VARIANCE
APPLICATION NO. 00-2385
Justification/ Seven Standards**

The applicant, Delray Dunes Golf and Country Club, is proposing the renovation of the community's recreation facility, which will involve the demolition of several existing structures, and the construction of new clubhouse, pool and pool building. The existing tennis courts will remain.

This application for variance relief is submitted simultaneously with an application for rezoning, from RM to RT in part, and PO to RT in part, along with a Conditional Use A for a golf course (and related ancillary facilities).

The affected area involves only the recreation parcel (Parcel P). However, the RM zoning district which applies to the overall community does not conform to the LR 2 Future Land Use designation. The application requests rezoning of the golf course, from RM, to RT, for consistency with the FLU. There is a 20' strip of land lying on the north side of Tract "M" (the golf course maintenance facility), where it is adjacent to the LWDD right of way for the L-27 Canal on the south side of Golf Road. This strip of land retains a PO zoning from the time in the 1970's that property was owned by the Village of Golf. The rezoning application also requests a rezoning from PO to RT for that strip of land. The Conditional Use A will apply to the overall golf course as well (145.9072 acres).

The variance application seeks recognition of the existing nonconforming landscape conditions, including the width of the perimeter, right of way and interior incompatibility buffers, as well as the type and amount of plant materials. The landscape variances are intended to allow the continuation of the existing landscaping.

Delray Dunes is a private residential community located on the south side of Golf Road, immediately west of the intersection of Military Trail. The community recreation facilities are for the use and enjoyment only of the residents and their guests; no public use is permitted.

Delray Dunes was initially planned and implemented in the late 1960s and early 1970s.

There have been two rezoning actions in the past for the community:

1. Rezoning from A-1 to R-1, approved 10/3/68 (Reso #3-S-69)
2. Rezoning from A-1 to R-1, approved 7/15/71 (Reso 71-232).

The community was platted in two phases:

1. The Plat of Delray Dunes Section 1 (the north portion) is recorded at Plat Book 28, Pg 222-224
2. The Plat of Delray Dunes Section 2 (the south portion) is recorded at Plat Book 129, Pg 91-93

After its original approval, development progressed in an orderly and timely way until the community was built out in the early 1980's. The existing recreation facility is now approximately 40 years old, and the residents are seeking to build a modern, efficient and beautiful new facility, with the new clubhouse as a principal attraction for the community.

There have been no major construction projects within the common facilities of the community within the past 30 years (clubhouse, tennis, pool building; cart barn and maintenance facility). Because it was approved prior to the current land development regulations, there are several elements of the existing development which are nonconforming, specifically the landscape buffers along the perimeters of the community, including where adjacent to Military Trail and Golf Road, and within the common areas of the community, such as along the golf course where adjacent to the residences. The nonconforming conditions relate to both buffer widths and landscape material.

The recreation parcel design and layout is nonconforming in several respects to the current regulations as well, specifically the parking lot, and circulation area. The rebuilding of the clubhouse and the construction of the new pool house will involve only a minor reconfiguration of the facility (the clubhouse footprint is substantially unchanged from the existing), and the addition of only 3,604 square feet of building area.

The rebuilding of the recreation facility will eliminate all of the nonconforming elements except for the landscape buffers.

The reconstructed parking area will meet the current parking regulations, as to the number of spaces, the design and layout, as well as the needs of the community.

There is an existing ten foot-wide landscape buffer along the entire Dunes Road frontage on the recreation parcel. It is planted with an existing focus hedge of medium height, and some ornamental materials. There is a utility easement along the entire frontage, limiting the amount and type of material which can be placed in this area.

A substantial portion of the existing landscaping in this area is actually in the right of way of Dunes Road. The right of way is an 80' wide platted road. Approximately 24 feet of the 80 feet is paved. The remainder of the right of way is available and is used throughout much of the community for landscaping, particularly where it abuts the golf course.

In the area of the recreation parcel the landscaping in the right of way includes existing mature Black Olive trees, which have grown to an approximately 40 feet to 50 feet spread. Since these canopy trees are spaced about 40 feet apart, the effect is a continuous, staggered row of upper canopy. This effect is reinforced with an evergreen hedge, which is successfully maintained at approximately 6 feet height. The landscape plan presented with this application proposes additional planting which will include 2 additional tiers of planting, layered to incorporate the existing trees and hedges. The additional planting will be provided within the first 28 feet of the Dunes Road right of way immediately adjacent to the recreational parcel.

As noted in the Variance Approval Chart included on the site plan submitted with this application (Plan Sheet PSP 1 of 2), the Required Buffer Types for which variance relief is sought relate to:

- a) the existing buffers along the perimeters of the property and between the golf course and homes within the community, and
- b) the existing right of way and perimeter buffers within the recreation parcel (Parcel "P") which is being redeveloped.

The specific buffer sections involved in the variance application are as follows:

- 1). Required Incompatibility Buffers Section 7.F.1.C.**
- 2). Required Compatibility Buffers Section 7.F.1.B**
- 3) Required Right Of Way Buffers Section 7.F.1 A.**

As noted above the applicant is not proposing any new or supplemental planting within the existing community perimeter buffers which lie along the east, west and south sides of the community (consisting of both incompatibility and compatibility), nor within the existing right of way buffers adjacent to Military Trail and Golf Road. There is also no plan to add landscaping between the golf course and adjacent homes within the community. The variance seeks to recognize the type, location, amount and design of all of the buffers and the materials within them.

The purpose of the identified development order applications is to allow the redevelopment/renovation of the recreation parcel. The layout, design and total size of the clubhouse and pool/pool house project is nearly identical to the existing conditions. While the parking areas are being constructed to meet all of the current code regulations, the applicant seeks a variance for the width and materials required for the landscape buffers along the front of the parcel, where adjacent to Dunes Road, and along the right of way for the LWDD L-28 Canal, to allow the continuation of existing conditions.

THE VARIANCE REQUEST MEETS THE STANDARDS AND CRITERIA FOR APPROVAL, AS FOLLOWS:

- **1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district.**
- *Response: The Delray Dunes Golf and Country Club is a project that was planned and established in the late 1960's and early 1970's. As such, the development orders which apply and some of the site elements are nonconforming to the current ULDC requirements.*
- *The property is currently zoned RM. The community was approved prior to the adoption of the ULDC regulations which require a golf course and ancillary recreational facility to be approved as a Conditional Use Class A. The applicant is submitting simultaneously*

with this variance application a request for approval of a Conditional Use A, to bring the existing uses into conformance with the code.

- *Also, the layout and design of the recreation facility is somewhat nonconforming, notably with respect to elements of the parking area, and the existing side setback on the tennis courts, where adjacent to the LWDD Canal on its south side. The facility is also nonconforming to the landscape requirements regarding the width and design of the right of way buffers.*
- *The applicant is submitting simultaneously with this variance application, a request for a plat waiver to eliminate the north and west property boundaries of the recreation pod. The plat waiver will eliminate the north and west "pod boundaries", thus making the recreational pod a part of the golf course ("Tract G"). The elimination of the two boundaries will allow for appropriate building siting without the constraints imposed by insufficient setbacks.*
- *On the east side of the pod is Dunes Road, an 80' wide internal collector street. On the south side is the LWDD Canal, also an 80' wide right of way.*
- *The recreational pod is irregular in shape and confined in its location by the right of way for Dunes Road and the LWDD Canal. The golf course is located on the north and west sides of the recreational pod. The area near the clubhouse is devoted to a practice green and a driving range. The boundaries of the site cannot be expanded.*
- **2. Special circumstances and conditions do not result from the actions of the applicant.**
- *Response: The special circumstances and conditions which apply involve the age and the nonconforming conditions of the existing development. The approval of the Conditional Use A which is simultaneously being requested, and this variance, will move the project a long way towards conformance with the current code.*
- **3. Granting the variance shall not confer upon the applicant any special privilege denied by the plan and ULDC to other parcels of land, buildings or structures in the same zoning district.**
- *Response: Granting the variance will allow the renovation and redevelopment of the recreation parcel, with the demolition of aging, and nearly functionally obsolete facilities, and the construction of the new, modern, efficient and pleasing clubhouse facility and pool and pool building.*
- *The Delray Dunes Golf and Country Club was planned and developed nearly 40 years ago. The variance request will allow the appropriate and desirable siting of the new clubhouse on the recreational parcel in a way that is visually and functionally integrated with the existing golf course.*

- **4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant with rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship.**
- *Response:* Delray Dunes Golf and Country Club has operated as a private community since its establishment in the last 1960s and early 1970s. The construction of the proposed clubhouse and pool and pool building would be hindered and the design potentially compromised were the literal enforcement of the terms of the ULDC imposed. The variance from landscape buffer requirements which will allow a large portion of the right of way buffers within Dunes Road right of way will provide for an efficient and pleasing layout for the facility.
- **5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land.**
- *Response:* The variance for the right of way buffer is the minimum variance that will make possible, reasonable and appropriate level of development for this facility. The site is constrained in its size and its irregular shape. The provision of parking and interior landscaping to meet current code provides little room to accomplish a right of way buffer fully within the recreation site. The installation of a portion of the landscape buffer within Dunes Road will allow the existing landscaping to remain and to be enhanced by planting which is appropriate and compliments the existing landscape throughout the community.
- **6. Grant of the variance will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and ULDC.**
- *Response:* The grant of the variance is consistent with the goals of the plan and the zoning code to allow the continued viability of a stable, attractive and financially viable golf and country club community. The Delray Dunes Golf and Country Club is essentially built out. The area surrounding the community is essentially built out. The grant of the variance will allow a modernization and improvement to the recreation facilities for the enjoyment of the residents and to meet their needs for the future.
- **7. Grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**
- *Response:* The grant of the variance will have no adverse effect on the community or the surrounding area. There is no adverse effect to the public welfare associated with this request.