

RESOLUTION NO. R-2002-1005

RESOLUTION APPROVING ZONING PETITION PDDI986-087B
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF CENTEX HOMES
BY ROBERT BENTZ, AGENT
(SIERRA PALMS PUD (AKA BOYSTOWN))

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition PDD1986-087B was presented to the Board of County Commissioners at a public hearing conducted on June 19, 2002; and,

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code. Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD1986-087B, the petition of Centex Homes by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Residential Transitional Urban to Residential Planned Unit Development on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 19, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burl Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 19, 2002.

Filed with the Clerk of the Board of County Commissioners on 27 day of June, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Robert Bentz*
COUNTY ATTORNEY

BY: *Joan Heverly*
DEPUTY CLERK

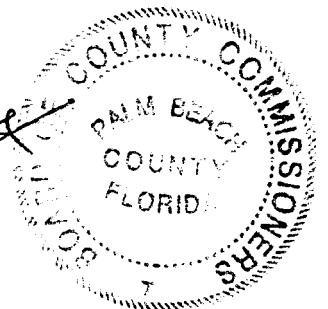


EXHIBIT A
LEGAL DESCRIPTION

ALL OF THAT CERTAIN PLAT KNOWN AS BOYSTOWN CLF, SHOWN IN PLAT BOOK 68, PAGE 92, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

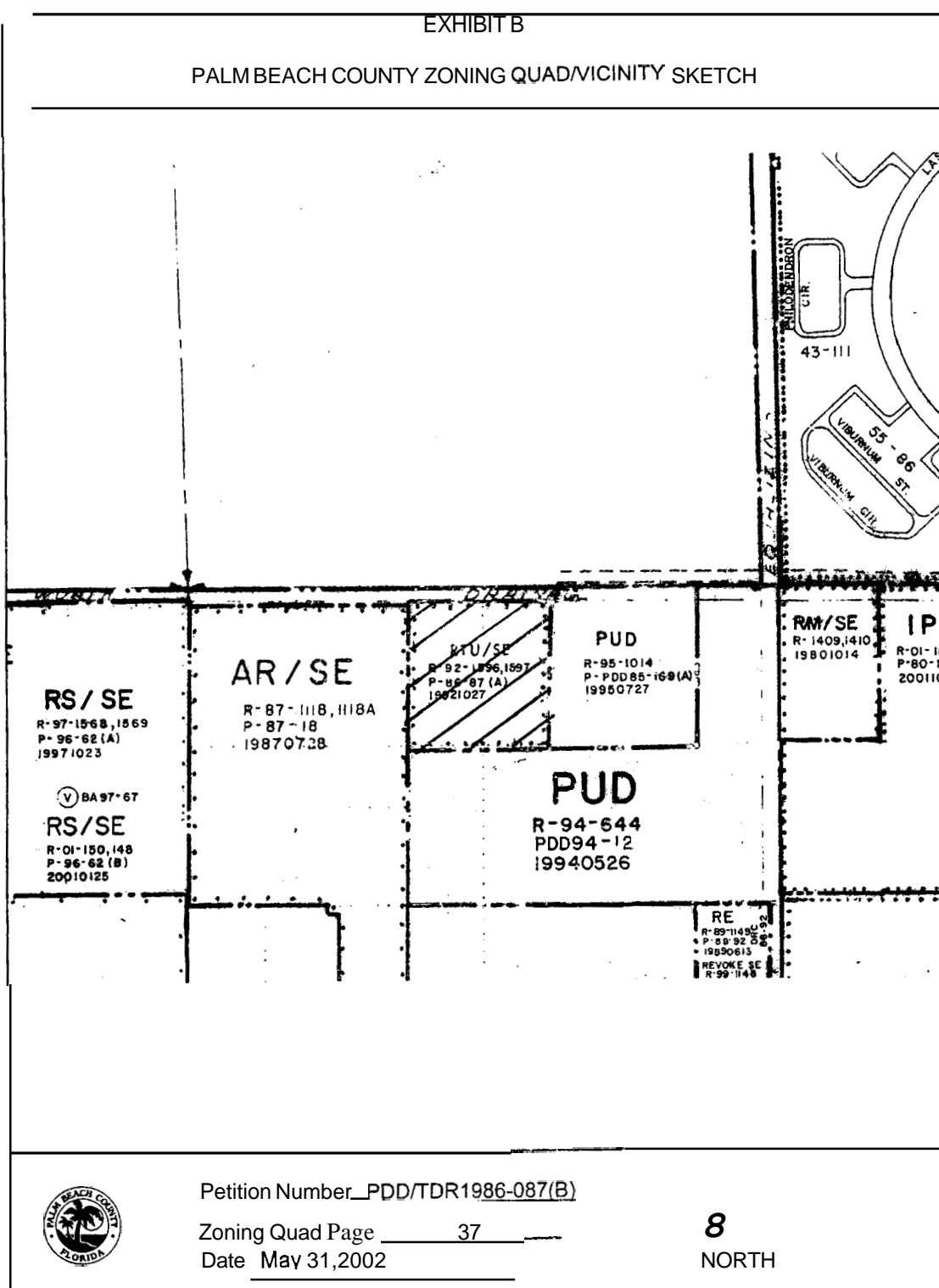


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 30, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)

B. LANDSCAPING – STANDARD

1. Canopy trees required in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
3. All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub; and
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub.
4. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
5. Native vegetation shall be required in all perimeter and recreation tract buffers. (CO: LANDSCAPE – Zoning)

C. LANDSCAPING – INTERIOR

1. Landscaping in the recreation tract right-of-way and incompatibility buffers shall be upgraded to include:
 - a. One (1) canopy tree for each twenty (20) linear feet of property line;
 - b. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;

- c. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. One (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (LINTON BOULEVARD FRONTAGE)

- 1. Landscaping along the north property line abutting Linton Boulevard shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. Width reduction may be permitted pursuant to, ULDC Section 7.3.F.2.c and subject to final Development Review Committee approval. No easement encroachment shall be permitted;
 - b. One (1) native canopy tree for each thirty (30) linear feet of property line;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

- I. Landscape within Median of County Road:
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Linton Boulevard-Road Right-of-Ways consisting of:
 - 1) Concrete median cut out for the two entire adjacent traffic separators
 - 2) Median Landscaping

This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in

period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING – Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)
 - c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the Technical Compliance. (TC: ENGINEERING – Eng)
2. Prior to December 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Linton Boulevard, an additional 50 feet of right-of-way, south of the existing south right-of-way line for Linton Boulevard. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE: ENGINEERING – Eng) [COMPLETED] Note: This was a previous condition of approval from the previously approved Boystown Petition and is being carried forward as a condition of approval for this project for Historical Purposes.
 3. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater, runoff for the road drainage of Linton Boulevard. The amount of runoff required to be stored on site shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering requirements, whichever requirement is greatest. Limits of the equivalent stormwater runoff shall be for the protects frontage onto Linton Boulevard. (ONGOING: ENGINEERING – Eng) Note: This was a previous condition of approval from the previously approved Boystown Petition and is being carried forward as a condition of approval for this project.

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Landscaping along the south property line shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous six (6) foot high berm, measured from top of curb;
 - c. A six (6) foot high vinyl coated (black or green) chain link fence to be installed at top of berm;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, alternating on both sides of the fence; and
 - e. One (1) flowering tree for each thirty (30) linear feet of property line, alternating on both sides of the fence (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required on the interior side of the required fence:
- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - c. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)
3. The following landscaping shall be required on the exterior side of the required fence.
- a. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - b. One (1) small shrub for each (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - c. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
 - d. One (1) large shrub for each six (6) linear feet of property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG EAST PROPERTY LINES

1. Landscaping along the east property lines shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. One (1) native canopy tree for each twenty (20) linear feet of property line;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping along the west property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. One (1) native canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG -- Zoning)

J. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING – Zoning)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first Certificate of Occupancy. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING – Eng)

K. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c.(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)

4. Landscaping in the cul-de-sac and entrance roundabout islands shall include the following:
 - a. One (1) mature canopy tree or cluster of three (3) palms or pines;
 - b. One (1) eighteen (18) inch high shrub for each ten (10) linear feet of curbing, to be maintained at under thirty (30) inches measured from the pavement surface;
 - c. Appropriate ground cover; and
 - d. The landscaping shall be consistent with County streetscape requirements and subject to approval by the County Engineer. (CO: LANDSCAPE – Zoning)

5. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations	Administrative/Setback Reduction
Front setback (garage only)	22.5' minimum
Rear setback (lots meeting 6.56.6)	18.75' minimum

6. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/CO ATT – Zoning)

7. Brick pavers shall be provided at the main entrance as indicated on the site plan dated May 30, 2002. (DRC: ZONING – Zoning)

L. SCHOOL BOARD

1. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices.

"NOTICE TO TENANTS"

"School age children may not be assigned to the public school closest to their residence. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s)." (ONGOING: SCHOOL BOARD – School Board)

M. SIGNS

1. Signage fronting on Linton Boulevard shall be limited as follows:
 - a. Maximum sign height: six (6) feet;

- b. Maximum sign face area: sixty (60) square feet:
- c. Maximum number of signs: one (1);
- d. Location: Linton Boulevard entrance; and
- e. Style: monument. (CO: BLDG – Zoning)

N. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; 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 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING – Zoning)

2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)