

RESOLUTION NO. R-96- 819

RESOLUTION APPROVING ZONING PETITION PDD96-30
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF ARTHUR VOGEL REALTY, INC.
BY ROBERT BENTZ, AGENT
NORTH OAKS PUD

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 PDD96-30 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 1996; and,

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD96-30, the petition of Arthur Vogel Realty, Inc., by Robert Bentz, agent, for an Official Zoning Map Amendment (Z) to a Planned Development District (PDD) from the Agricultural Residential (AR) and Residential Transitional Suburban (RTS) Zoning Districts to Residential Planned Unit Development (PUD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 24, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

commissioner Roberts moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara P. [Signature]*
COUNTY ATTORNEY

BY: *Joan Hawelly*
DEPUTY CLERK

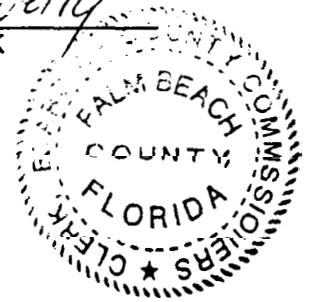


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land lying in the Southwest One-Quarter of Section 27, Township 46 South, Range 43 East in Palm Beach County, Florida and being more particularly described as follows:

The West half of the Southeast One-Quarter of the Northwest One-Quarter of the Southwest One-Quarter of said Section 27; less the South 30 feet for road right-of-way;

Together With: The East Quarter of the Northwest One-Quarter of the Southwest One-Quarter of said Section 27; less the South 30 feet for road right-of-way and less the North 55 feet for Canal L-37

Together With: The West quarter of the Northeast One-Quarter of the Southwest One-Quarter of said Section 27 less the South 30 feet for road right-of-way; and less the North 55 feet for Canal L-37;

Together With: The East half of the Northeast One-Quarter of the Northeast One-Quarter of the Southwest One-Quarter of said Section 27 less the East 60 feet for road right-of-way; and less the North 55 feet for Canal L-37;

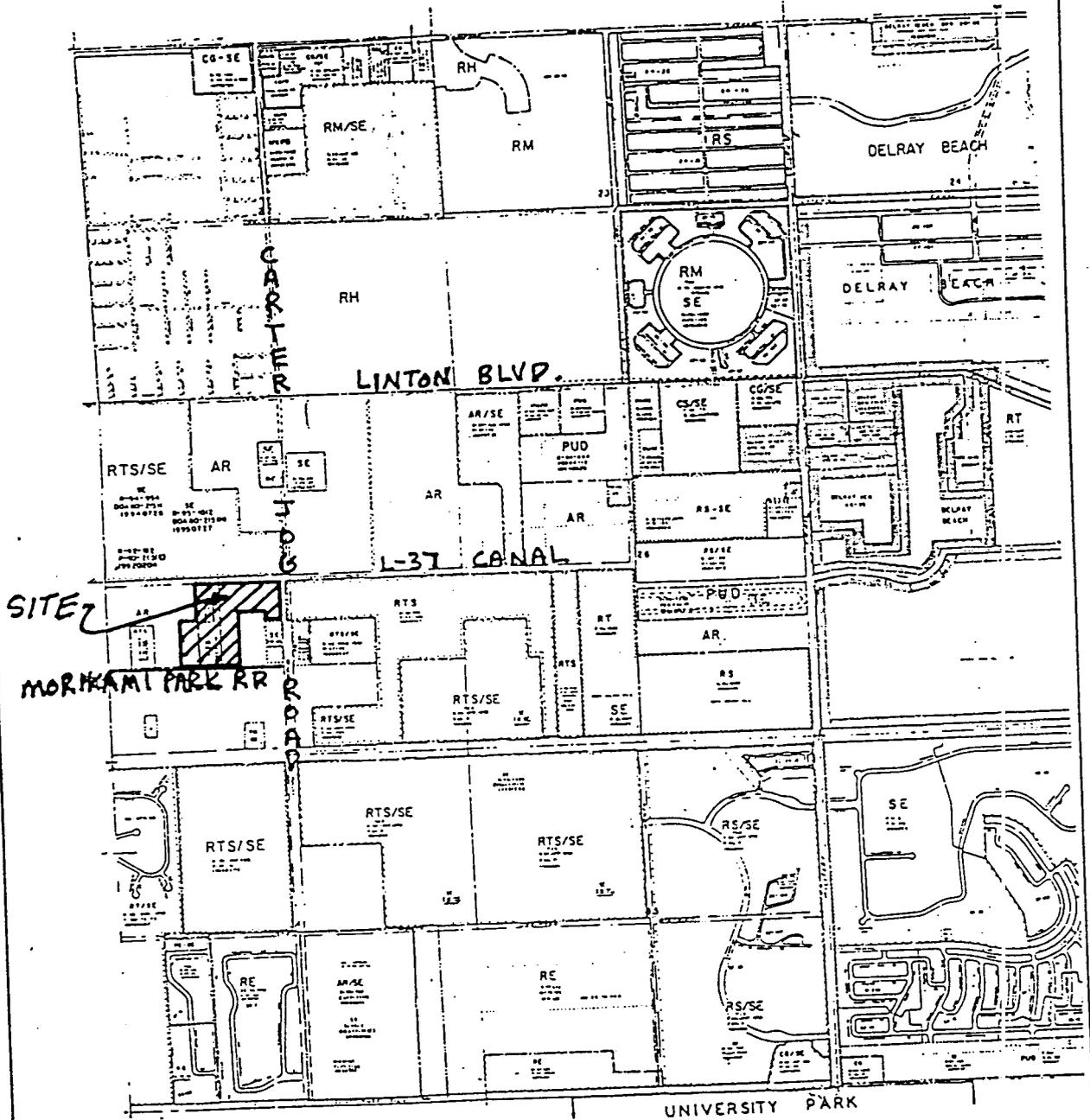
Together With: The Northeast 525.56 feet of the East One-half of the Northwest One-Quarter of the Northeast One-Quarter of the Southwest One-Quarter of said Section 27 and less the North 55 feet for Canal L-37.

Together With: The North 525.56 feet of the West One-half of the East One-Half of the Northeast One-Quarter of the Southwest One-Quarter of said Section 27 and less the North 55 feet for Canal L-37.

Together With: The East 20 feet of the West One-Half of the East One-Half of the Northeast One-Quarter of the Southwest One-Quarter of said Section 27 less the North 525.56 feet thereof and also less the South 680.41 feet thereof.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 96-30
Zoning Quad Page _____
Date: 5-8-96



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-95-713 (Petition 95-11) is hereby revoked. (MONITORING-Zoning)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated April 26, 1996). 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)
3. Prior to final Development Review Committee certification, petitioner shall submit revised justification statement and supportive graphics for requested Administrative Deviations and Flexible Development Regulations. (DRC:ZONING)

B. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/CODE ENF)

C. PARKS

1. Prior to the issuance of the first building permit, the developer shall erect a six foot high vinyl coated chainlink fence along the property line abutting Morikami Park. (BLDG. PERMIT: MONITORING-Parks)

D. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until (June 24, 1997). (DATE: MONITORING - Eng)

E. ENGINEERING

1. 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 Jog Road along the projects frontage plus maximum distance of 800 feet. The amount of runoff required to be stored

onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (TC: ENG)

2. Prior to final master plan certification by the Development Review Committee, the developer shall:
 - a) Submit a revised drainage report for this project showing the accommodation of the Jog Road drainage as referenced above. This drainage report shall be approved by the County Engineer prior to the approval of this Master Plan.
 - b) Submit a revised Master Plan as required by the revised drainage report. (DRC: ENGINEERING)

3. LANDSCAPE WITHIN MEDIAN

- A. Prior to November 1, 1997, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards 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. (DATE: MONITORING - Eng)
- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 Homeowners'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 on or before March 1, 1998. (DATE: MONITORING - Eng.)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to March 1, 1998 to reflect this obligation. (DATE: MONITORING - Eng)

F. LANDSCAPING

1. All trees required to be planted shall be native evergreen species and meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
- a. Palm heights: twelve (12) feet grey wood..
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG JOG AND MORIKAMI ROAD FRONTAGES

1. Landscaping and buffering along the Jog and Morikami Road frontages shall include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous three (3) foot high berm with the height of the berm measured from finished grade;
 - c. One (1) tree for each fifteen (15) feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of eighty (80) feet on center between clusters;and
 - e. Thirty (30) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center maintained at a minimum height of thirty-six (36)inches. (DRC / CO: ZONING / LANDSCAPE)

H. PLANNED UNIT DEVELOPMENT

- 1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
- 3. Street bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
- 5. 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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

I. SCHOOL BOARD

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

J. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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