

RESOLUTION NO. R-97-962

RESOLUTION APPROVING ZONING PETITION PDD97-31
OFFICIAL ZONING MAP AMENDMENT
TO A PUWNED DEVELOPMENT DISTRICT (PDD)
PETITION OF FRANCES TAHERI
BY KILDAY & ASSOCIATES, AGENT
(LAKE WORTH AND LYONS 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 PDD97-31 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1997; 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 PDD97-31, the petition of Frances Taheri by Kerian Kilday, agent, for an Official Zoning Map Amendment from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) 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 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
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 July 24, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

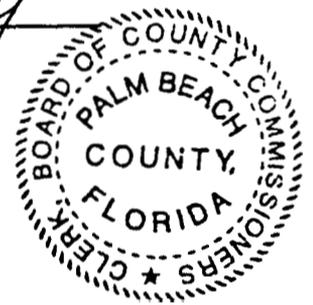


EXHIBIT A
LEGAL DESCRIPTION

TRACTS 27, 28, AND 31, BLOCK 27, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLACT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

LESS THE NORTH 35.64 FEET OF SAID TRACT 31, AS DEEDED TO LAKE WORTH DRAINAGE DISTRICT IN CHANCERY CASE NO. 403.

CONTAINING 29.46 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

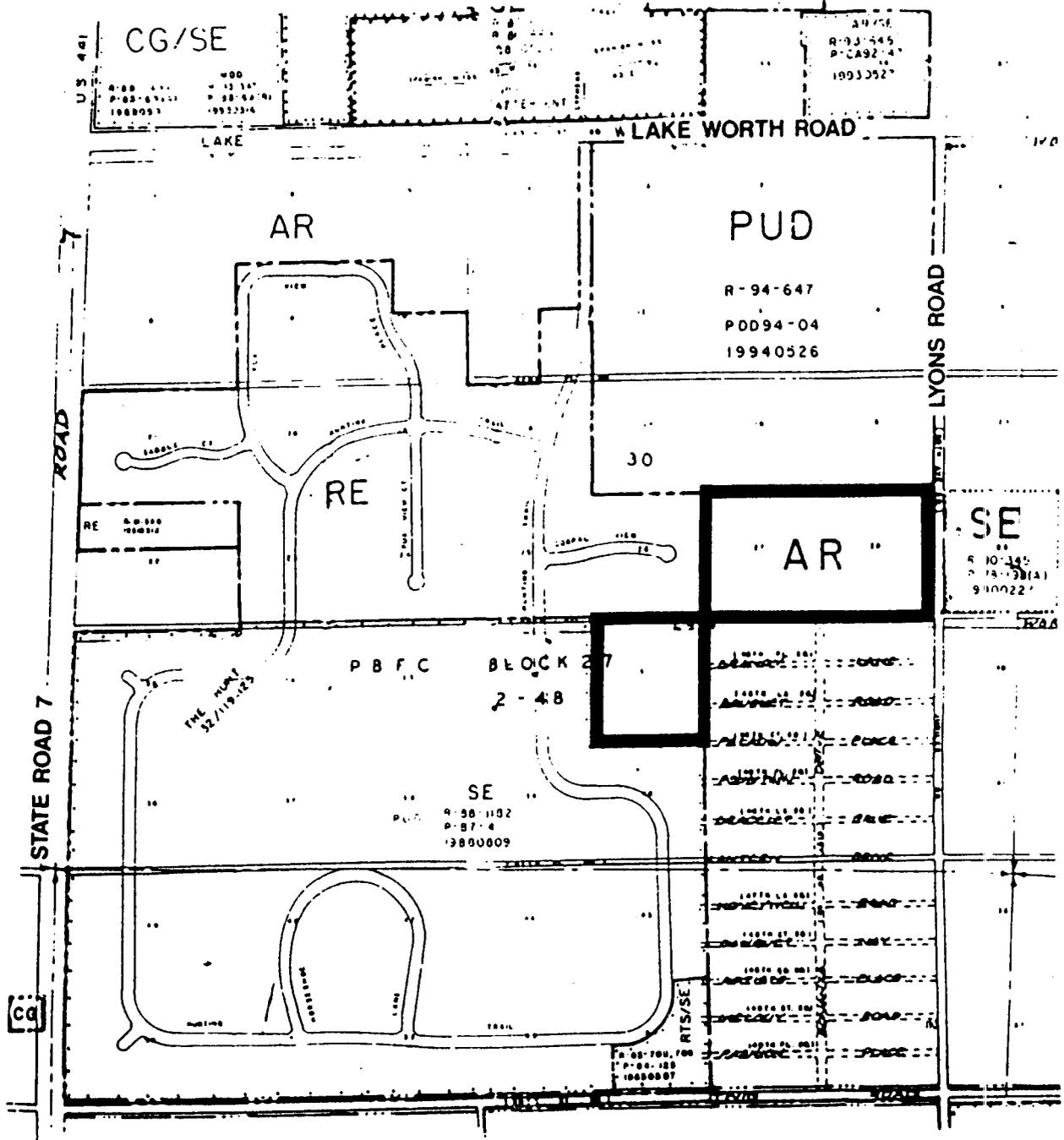


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated April 24, 1997. 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. (DRC: ZONING)

B. LAKE WORTH DRAINAGE DISTRICT

1. Prior to final certification of the master plan or the site plan by the Development Review Committee (DRC), the petitioner shall obtain a culvert-crossing permit for the proposed internal road subject to the approval by the Lake Worth Drainage District. (DRC: LWDD - Zoning)

C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at 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 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 or grey wood, whichever is greater;
 - 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)

D. LANDSCAPING ALONG NORTH, SOUTH, WEST PROPERTY LINES OF TRACTS 27.28. 31 (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;

- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lyons Road, 60 feet from centerline on or before **May 15, 1999**, or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 "Corner Clips" where appropriate as determined by the County Engineer. (DATE / BLDG PERMIT: MONITORING - Eng)
2. On or before **May 15, 1999**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property Owner shall construct within the proposed drainage easements a minimum of 24 inch doped piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)
3.
 - a. Prior to May 15, 1999 or prior to the issuance of a building permit, whichever shall first occur, the property owner shall convey a ten (10) foot wide roadway construction easement along the projects entire frontage of Lyons Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. (DATE / BLDG PERMIT: MONITORING - Eng)
 - b. Prior to May 15, 1999 or prior to the issuance of a building permit, whichever shall first occur, the property owner shall convey a roadway construction easement to Palm beach County at the project's Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (DATE / BLDG PERMIT: MONITORING - Eng)

4. The proposed entrance sign for this site shall be constructed a minimum of 10 feet from the ultimate right of way of Lyons Road. (DRC APPROVAL: ENG)

F. LANDSCAPING ALONG EAST PROPERTY LINE OF TRACTS 27,28 (ABUTTING R.O.W.)

1. Landscaping and buffering along the east property line of Tracts 27,28 shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous minimum ~~three~~ (3) foot high berm measured from top of curb;
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
 - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG EAST PROPERTY LINE OF TRACT 31 (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the above property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A six (6) foot high (black or green colored) vinyl-coated chain linked fence. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
 - e. Thirty-six (36) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)

H. 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 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.

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 a building permit for more than 25% (25) of the units, or the 100th unit, whichever is less. 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. (BLDG PERMIT: MONITORING - Eng)

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 23, 2000. (DATE: MONITORING - Eng)

1. 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. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG -Zoning)
4. 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)

J. 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)

K. SIGNS

1. Entrance wall signs fronting on Jubilee Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - sixty (60) square feet;
- c. Style - monument style only. (CO: BLDG)

L. UNITY OF CONTROL

- 1. Prior to final certification of ~~the~~ master plan or the site plan by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control for the entire subject property. The unity shall **be recorded** in a form and manner acceptable to ~~the~~ County Attorney. The unity shall not be removed, altered, changed **or** amended without written approval from the Zoning **Director**. (DRC: **ZONING - Co Att**)

M. 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 noncompliance, 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 a majority vote of ~~the~~ Code Enforcement Board 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. (MONITORING)