

RESOLUTION R-97- 1300

RESOLUTION AMENDING RESOLUTION R-97-533
RESOLUTION APPROVING ZONING PETITION OF MICHAEL AND SARI WINSTON
PETITION Z96-86

WHEREAS, Michael and Sari Winston, petitioned the Palm Beach County Board of County Commissioners on April 24, 1997 for a rezoning from AR to RM; and

WHEREAS, Resolution R-97-533, was adopted on April 24, 1997 confirming the action of the Board of County Commissioners; and

WHEREAS, Exhibit C of Resolution R-97-533 is hereby amended to read as shown on attached Exhibit C based on the 'administrative review of the revised site plan'.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-97-533 is hereby amended.

Commissioner Marcus moved for the approval of the Resolution.

The motion was **seconded** by Commissioner Foster, 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	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted on September 25, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

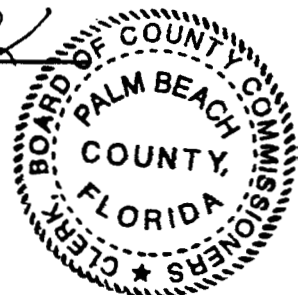


EXHIBIT C I

VOLUNTARY COMMITMENTS

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 with the parking lot located along **the southern** property line is dated September 17, 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. (ONGOING: ZONING)

B. LANDSCAPING - STANDARD

1. **All canopy trees** required to be planted **on** site by this approval, **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)

C. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line, shall be upgraded to include:
 - a. A minimum ten (10) **foot** wide landscape buffer strip; and
 - b. A continuous two (2) foot high berm measured from finished grade;
 - c. **One (1)** canopy **tree** planted every twenty **(20)** feet **on** center **on** the plateau of the **berm**;
 - d. **Two (2) native evergreen shrubs** minimum **six (6)** foot high planted **on** the **plateau of the berm** and **evenly spaced between the canopy tree locations**;
 - e. **One (1) palm or pine tree** for each **twenty (20) linear feet**, with a maximum spacing of **sixty (60)** feet **on** center; and
 - f. **Twenty-four (24) inch high shrub or hedge** material, **set back** minimum **three (3)** feet **from property line**, **spaced no more** than twenty four **(24) inches** **on** center at installation, to **be maintained** at a minimum height of **forty-eight (48)** inches. (CO: LANDSCAPE)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING ASPEN RIDGE CIRCLE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A ~~six (6)~~ foot high opaque concrete ~~wal~~ located minimum five (5) feet setback from property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements ~~shal~~ be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each ~~twenty (20)~~ linear feet, with a maximum spacing of sixty (60) feet ~~on~~ center; and
 - c. 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 forty-eight (48) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. Property owner shall accommodate any historical drainage inflow from the adjacent Aspen Ridge PUD. (DRAINAGE PERMIT: ENG)

F. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING SIMS ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches ~~on~~ center at installation in areas where the existing wall does not exist, and to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LWDD L-33 CANAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet ~~on~~ center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches ~~on~~ center at installation in areas where the existing ~~wal~~ does not exist, and to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

H. 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)

I. SIGNS

1. Freestanding signs fronting ~~on~~ Sims 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 - 60 square feet;
 - c. Maximum number of signs - one ~~(1)~~; and
 - d. Style - monument style only. (CO: BLDG)
2. No signs shall ~~be~~ permitted ~~on~~ Aspen Ridge Circle. (CO: BLDG)

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 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)