

RESOLUTION NO. R-99-108

RESOLUTION APPROVING ZONING PETITION PDD98-53  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF BRIGHTON HOMES DEVELOPMENT, INC.  
BY JULIAN BRYAN OR MARILOU GONZOLEZ, AGENT  
(BRIGHTON SUMMIT)

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 PDD98-53 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; 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 PDD98-53, the petition of Brighton Homes Development, Inc. by Julian Bryan or Marilou Gonzolez, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Residential Medium Density (RM) 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 January 28, 1999, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dulma Altier*  
COUNTY ATTORNEY

BY: *Joan Hawley*  
DEPUTY CLERK

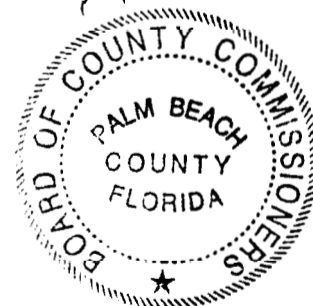


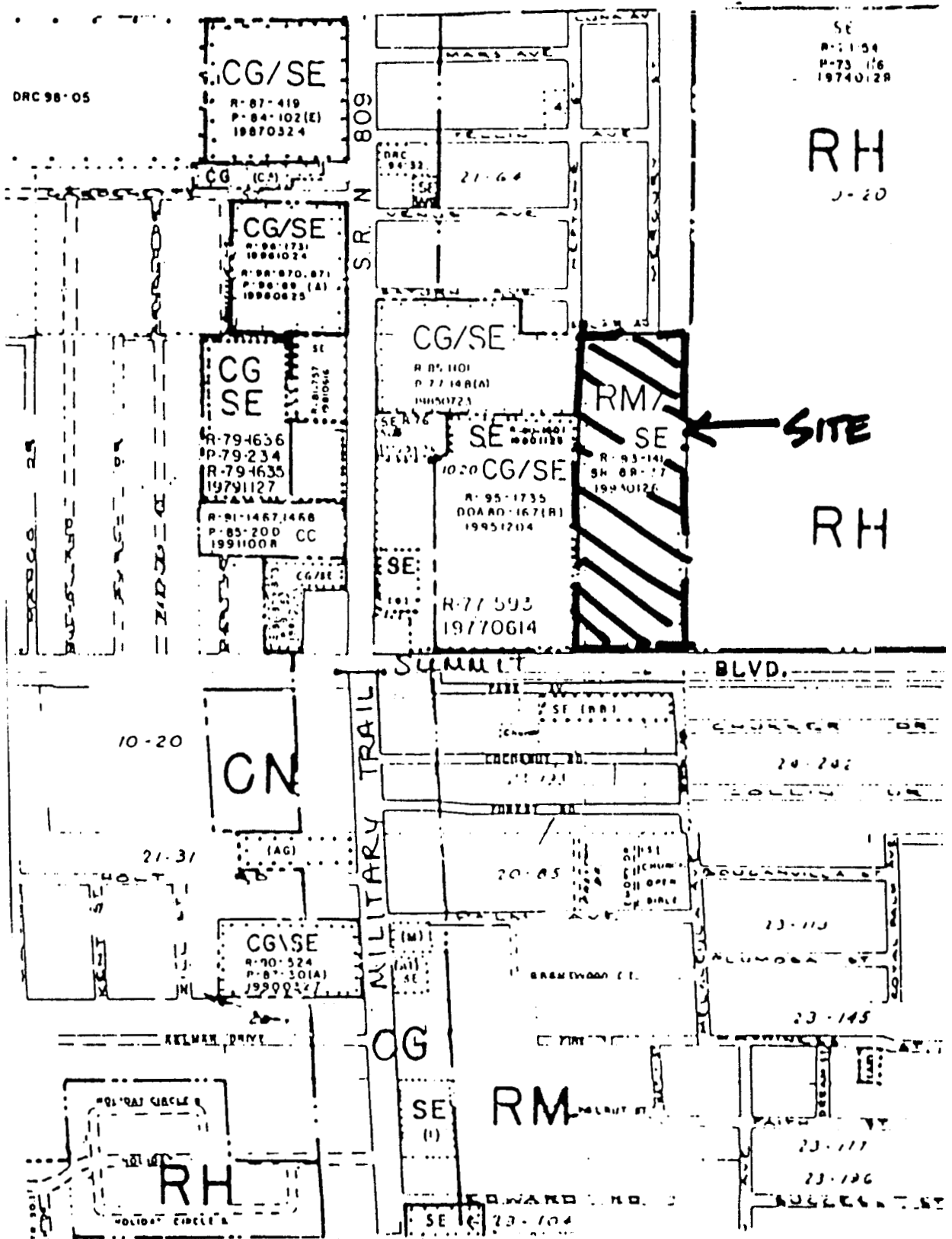
EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 88 DEGREES, 57 MINUTES, 53 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 1335.25 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 1; THENCE NORTH 01 DEGREE, 27 MINUTES, 19 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 1, A DISTANCE OF 80.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01 DEGREE, 27 MINUTES, 19 SECONDS EAST, ALONG SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 1283.18 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4); THENCE NORTH 88 DEGREE, 54 MINUTES, 38 SECONDS WEST, ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4), A DISTANCE OF 422.41 FEET TO A POINT 803.38 FEET EAST OF THE NORTH-SOUTH ONE-QUARTER SECTION LINE OF SAID SECTION 1, AS MEASURED ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4); THENCE SOUTH 01 DEGREE, 02 MINUTES, 07 SECONDS WEST, ALONG A LINE PERPENDICULAR TO SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 1283.58 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD; THENCE SOUTH 88 DEGREE, 57 MINUTES, 53 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE AND 80.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 423.22 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Resolution R-90-535 granting approval of Petition 89-77 is hereby revoked. (MONITORING)
2. 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 December 20, 1998. 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. ARCHITECTURAL CONTROL

1. The proposed townhouse buildings shall be designed and constructed to be consistent with the color rendering, facade elevations and floor plans prepared by E.S.A. Design Group dated November 5, 1998. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (DRC/BLDG PERMIT: ZONING/BLDG-Zoning)
2. All roof or ground mounted air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principal structure or equivalent landscape material. (BLDG PERMIT: BUILDING - Zoning)

#### C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
2. Access to the Civic Pod from Summit Boulevard shall be deleted from the preliminary development plan should the pod be converted or cashed out. (ONGOING/PLAT: ZONING)

#### D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of 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; and,
  - 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 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. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum of 25% of the canopy trees may be replaced within each perimeter buffer. (CO: LANDSCAPE - Zoning)

**E. ENGINEERING**

1. Prior to the DRC approval, the Master Plan or Site Plan shall be amended to identify any entry gate, or entry feature and shall receive approval from the County Engineer for minimum setbacks and design. (DRC APPROVAL: ENGINEERING)

**F. LANDSCAPING ALONG NORTH PROPERTY LINE**

1. Landscaping and buffering along the north property line shall include:
- a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A two (2) foot high continuous berm, measured from the top of the curb; and,
  - c. A six (6) foot high black or green vinyl coated chain link fence located on the plateau of the berm. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed along the required fence:
- 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 of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
  - c. Thirty (30) inch high shrub or hedge material located on the plateau of the berm along both sides of the fence. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy-two (72 ) inches. (CO: LANDSCAPE)

**G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO SUMMIT BOULEVARD)**

1. Landscaping and buffering along the south property line shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
  - d. A minimum two (2) to three (3) foot high undulating berm, with an average height of two and a half (2 1/2) feet, measured from the top of the curb; 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)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ADJACENT TO COTTON BAY CLUB APARTMENTS)

1. Landscaping along the east property line shall be upgraded to include:
  - a. A two (2) foot high continuous berm, measured from finished grade; and,
  - b. A six (6) foot high black or green vinyl coated chain link fence located on the interior side of the berm. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. One (1) canopy tree planted every thirty (30) feet on center ;
  - b. One (1) palm or pine tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
  - c. Thirty (30) inch high shrub or hedge material located on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO POI-0 GROUNDS SHOPPING CENTER)

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A two (2) foot high continuous berm, measured from finished grade; and,
  - c. A six (6) foot high black or green vinyl coated chain link fence located on the interior side of the berm. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed along the required fence:
  - 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 of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
  - c. Thirty (30) inch high shrub or hedge material located on the plateau of the berm along both sides of the fence. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy-two (72 ) inches. (CO: LANDSCAPE)

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 Palm Tran. (DRC: 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 the 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/BLDG PERMIT: Eng)

K. PLANNED UNIT DEVELOPMENT

1. 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, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

2. The development of the PUD shall be limited to fee simple townhomes. (DFC: ZONING)
3. The developer shall provide on-site manned security from 7:00 p.m. until 7:30 a.m. on weekdays and 24 hours security on weekends during the construction phase of the development. (ONGOING: CODE ENF - PBCSO)

L. 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)
2. 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 and models. (ONGOING: SCHOOL BOARD)

M. COMPLIANCE

1. 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)
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; 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 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)