

RESOLUTION NO. R-2001 - 0147

RESOLUTION APPROVING ZONING PETITION Z/COZ00-070  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF JOG CENTRE LLC  
BY BRADLEY MILLER, AGENT  
(BELLA VERDE)

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 Z/COZ00-070 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2001; 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, contingent upon the approval of Small Scale Development Amendment No. 00-SCA 90 RES 1;
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, as amended; 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 Z/COZ00-070, the petition of Jog Centre LLC by Bradley Miller, agent, for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential High Density (RH) with a CONDITIONAL OVERLAY ZONE (COZ) 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 25, 2001, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 2001 and shall be effective upon the effective date of Small Scale Development Amendment No. 00-SCA 90 RES 1.

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

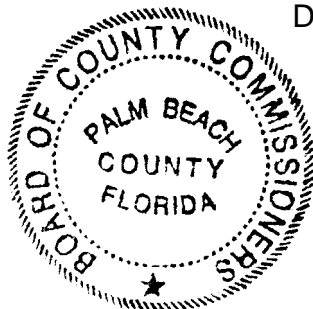
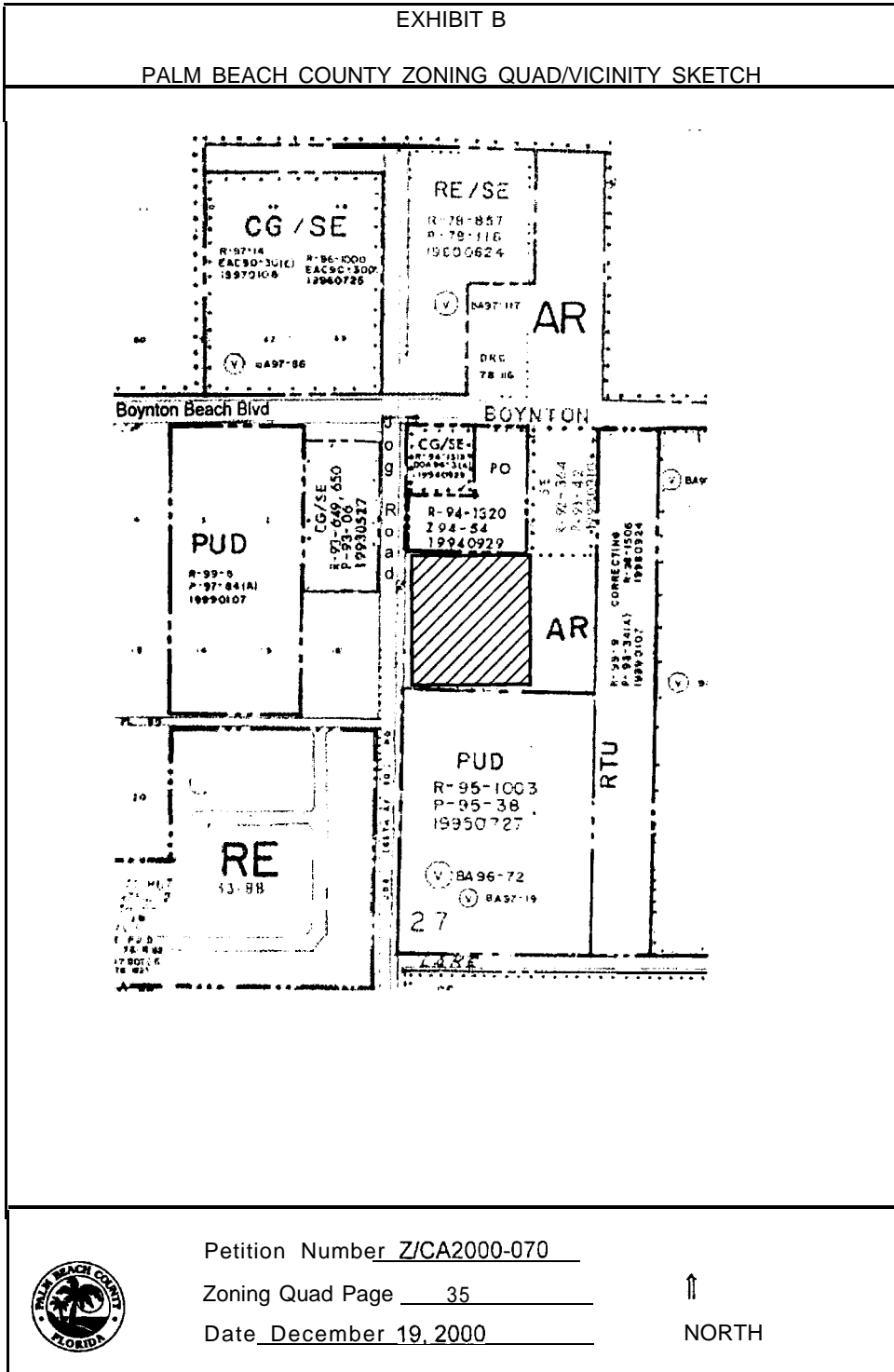


EXHIBIT A  
LEGAL DESCRIPTION

The southwest quarter (SW 1/4) of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of Section 27, Township45 South, Range42 East, said lands situate, lying and being in Palm Beach County, Florida, less the west 40.0 feet thereof.

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 November 22, 2000. 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. BUILDING AND SITE DESIGN

1. The maximum height for all residential buildings including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished floor to highest point. (BLDG PERMIT: BLDG - Zoning)
2. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
  - a. varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
  - b. varied window treatments (i.e transoms, glass block, window types, trims, etc.);
  - c. contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
  - d. focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
  - e. varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg)
3. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
4. Residential buildings along the south property line shall be limited to two story with one story at both end units of each building. (DRC: BLDG PERMIT - Zoning)

#### C. LANDSCAPING - STANDARD

1. Fifty percent (50%) of all canopy trees required to be planted 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 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)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRC: ERM)

E. ENGINEERING

1. LANDSCAPE WITHIN THE MEDIAN OF JOG 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 Jog Road Right-of-Ways. 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 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 prior to the issuance of the first certificate of occupancy. (CO: MONITORING- Eng)

- C. If the County does not assume maintenance responsibility, then appropriate property owners' 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 a Building Permit. (BLDG PERMIT: MONITORING-Eng)

2. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF JOG ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Jog Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)

- B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted the landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing 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. The 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 Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

- C. If the County does not assume maintenance responsibility, then appropriate property owners' 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 a Building Permit. (BLDG PERMIT: MONITORING-Eng)

3. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (JOG ROAD FRONTAGE)

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip;
  - b. a continuous two and half (2.5) foot high berm measured from top of curb; and,
  - c. a six (6) foot high opaque concrete wall to be placed on top of the berm. The exterior side of the wall shall be given a finished architectural treatment (CO: LANDSCAPE)
2. The following landscaping requirements shall 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 thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - c. twenty-four (24) 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. A minimum fifty percent (50%) of the shrubs or hedge materials shall be placed at the plateau of the berm. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH, SOUTH AND EAST PROPERTY LINES (ABUTTING POST OFFICE AND RESIDENTIAL)

1. Landscaping and buffering along the north, south and east property lines shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip;
  - b. a minimum two (2) foot high continuous berm measured from top of curb;
  - c. one (1) canopy tree planted every twenty (20) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. twenty-four (24) inch high shrub or hedge materials shall be spaced no more than twenty-four (24) inches on center at installation and to be maintained at a minimum height of thirty-six (36) inches. A minimum fifty percent (50%) of the shrubs or hedge materials shall be placed at the plateau of the berm. (CO: LANDSCAPE)

H. PLANNING

1. Prior to final master plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated November 22, 2000 (Rec.# 37 & 40). In addition, the master plan shall be revised to include cross section details depicting a shaded landscaped pathway/sidewalk system along all internal pathways/sidewalks, and along the sidewalk fronting Jog Road. (DRC: LANDSCAPE-Planning)



2. Prior to final master plan approval by the Development Review Committee, the site plan shall be amended to include a notation on the eastern property line which shall read "proposed cross access to be paved to the property line for future cross access to the adjacent parcel if and when the adjacent parcel is redeveloped residentially with a similar density". (DRC: PLANNING)
3. Prior to Technical Compliance of the first plat, the petitioner shall record an easement for cross access from the inside edge of the perimeter buffer to the edge of the eastern property line at the location shown on the site plan labeled "proposed cross access". (PLAT: ENG-PLANNING-Co Atty)

I. SIGNS

1. Freestanding residential identification signs fronting on Jog Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side - sixty (60) square feet;
  - c. maximum number of signs - one (1); and,
  - d. style - monument style only. (CO: BLDG)

J. 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)