

RESOLUTION NO. R-2001- 1204

RESOLUTION APPROVING ZONING PETITION PDD2001-016  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF STERLING COMMUNITIES, INC.  
BY KILDAY & ASSOCIATES, AGENT  
(CEDAR CREEK 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 PDD2001-016 was presented to the Board of County Commissioners at a public hearing conducted on July 26, 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;
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 PDD2001-016, the petition of Sterling Communities, INC. by Kilday & Associates, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to 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 July 26, 2001, 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 Greene and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 26, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Matthew [Signature]*  
COUNTY ATTORNEY

BY: *Joan [Signature]*  
DEPUTY CLERK

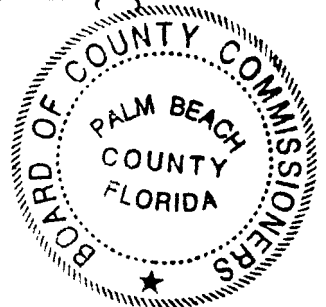


EXHIBIT A  
LEGAL DESCRIPTION

TRACTS 7, 8, 9 AND 10 OF BLOCK 28 OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

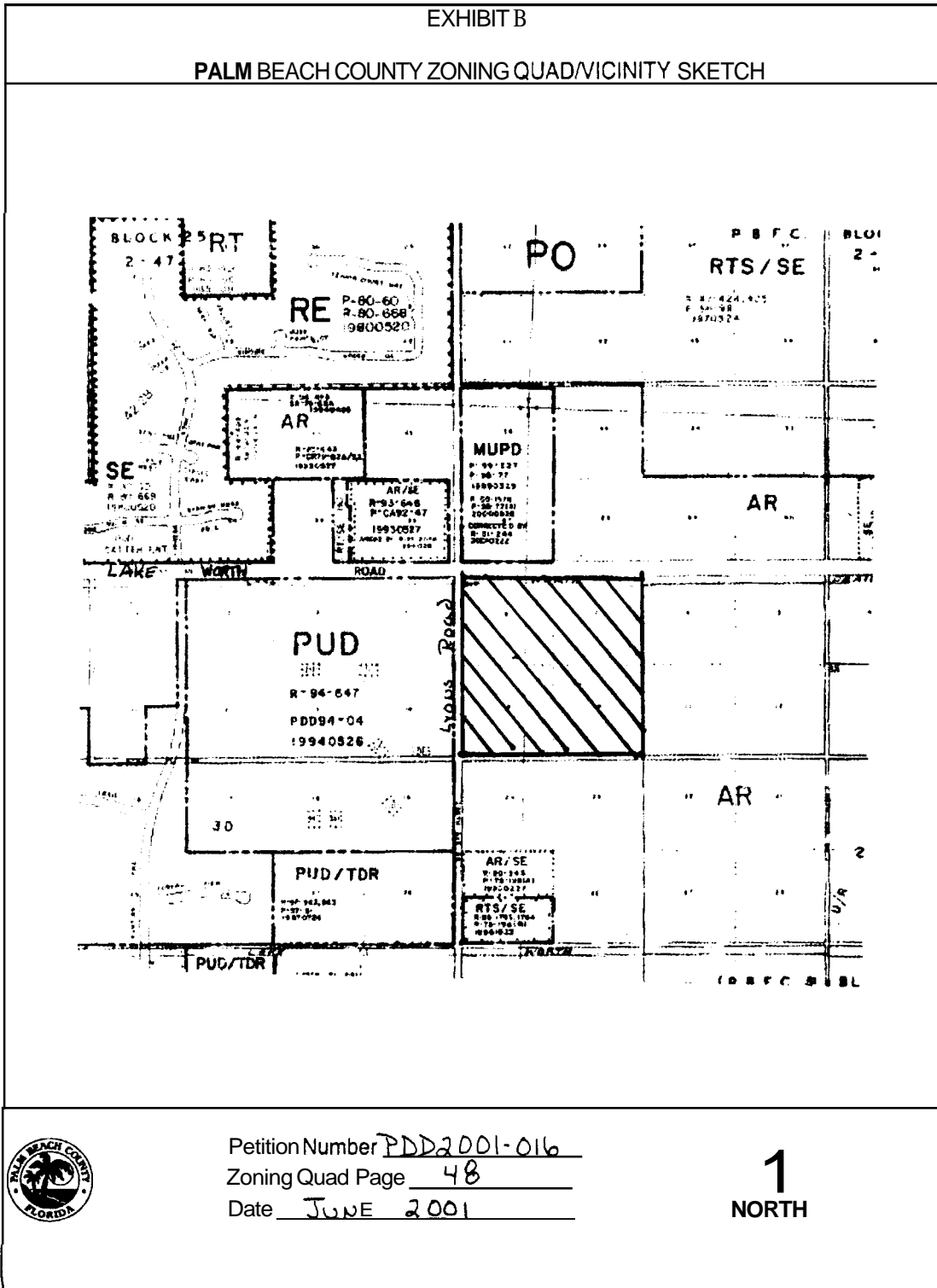
LESS AND EXCEPT THE RIGHTS OF WAY FOR LAKE WORTH ROAD IN FAVOR OF PALM BEACH COUNTY,  
LESS AND EXCEPT THE RIGHTS OF WAY FOR JUBILEE (LYONS) ROAD AS EVIDENCED BY THE PALM BEACH COUNTY MAINTENANCE MAP AS RECORDED ROAD PLAT BOOK 6, PAGE 123, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 9; THENCE NORTH 89°03'30" EAST ALONG THE SOUTH LINE OF SAID TRACT 9, A DISTANCE OF 19.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°13'55" WEST, A DISTANCE OF 165.32 FEET; THENCE NORTH 00°47'34" WEST, A DISTANCE OF 210.50 FEET; THENCE NORTH 00°42'42" WEST, A DISTANCE OF 211.00 FEET; THENCE NORTH 00°49'04" WEST, A DISTANCE OF 207.50 FEET; THENCE NORTH 00°32'00" WEST, A DISTANCE OF 216.51 FEET; THENCE NORTH 01°21'11" WEST, A DISTANCE OF 282.71 FEET, THE LAST SIX DESCRIBED COURSES BEING COINCIDENT WITH THE EASTERLY RIGHT-OF-WAY LINE OF JUBILEE ROAD (LYONS ROAD) ACCORDING TO SAID PALM BEACH COUNTY MAINTENANCE MAP; THENCE NORTH 84°32'10" EAST, A DISTANCE OF 30.10 FEET; THENCE NORTH 89°02'30" EAST, A DISTANCE OF 399.99 FEET; THENCE NORTH 87°53'46" EAST, A DISTANCE OF 250.06 FEET; THENCE NORTH 89°02'30" EAST, A DISTANCE OF 619.00 FEET, THE LAST FOUR DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH ROAD (STATE ROAD 802) AS RECORDED IN OFFICIAL RECORD BOOK 6324, PAGE 1887, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THAT UNRECORDED RIGHT-OF-WAY WARRANTY DEED EXECUTED BY HERBERT KAHLERT AND HEINZ KAHLERT AS CO-TRUSTEES OF TRUST UNDER THE WILL OF FRITZ KAHLERT AND HEINZ KAHLERT, INDIVIDUALLY, DATED OCTOBER 21, 1989; THENCE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACTS 7 AND 10, A DISTANCE OF 1304.26 FEET; THENCE SOUTH 89°03'30" WEST ALONG THE SOUTH LINE OF SAID TRACTS 10 AND 9, A DISTANCE OF 1299.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 38.82 ACRES MORE OR LESS.

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 preliminary development plan, regulatory plan and conceptual site plan are dated April 26, 2001. 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. Fifty percent (50%) of 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 planted on site 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 (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. A maximum thirty (30) percent of the required canopy trees within the right-of-way buffer may be replaced by the palm or pine tree clusters. (CO: LANDSCAPE - Zoning)
5. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
6. Modification to spacing of plant material in the landscape buffer strips may be permitted to accommodate transversing utility or drainage easement crossings. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ADJACENT TO LAKE WORTH ROAD AND LYONS ROAD FRONTAGES)

1. The following landscaping requirements shall be installed along the north and west property lines:
  - a. a minimum twenty (**20**) foot wide landscape buffer strip with a maximum 5 foot overlap within utility easement.
  - b. one (1) canopy tree planted every thirty (30) feet on center; on exterior side of wall.
  - c. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters planted on interior side of wall.
  - d. 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 thirty-six (36) inches planted on exterior side of wall.
  - e. a six (6) foot high pre-cast opaque wall. The exterior side of the wall shall be given a finished architectural treatment, and
  - f. a minimum two (2) foot high continuous berm measured from top of curb. (CO: LANDSCAPE)
2. 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)

D. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES

1. The following landscaping requirements shall be installed on the south and east property lines.
  - a. a minimum ten (10) foot wide landscape buffer strip with a maximum five (5) foot overlap within utility easement.
  - b. a six (6) foot high black vinyl coated chain link fence. (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. 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 of thirty-six (36) inches. (CO: LANDSCAPE)
3. Along the interior side of the required fence, 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, one (1) palm or pine tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. Prior to July 1, 2002 or prior to the issuance of a building permit whichever shall first occur the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for: a) an expanded intersection along Lyons Road at Lake Worth Road. This right of way shall be 76 feet from centerline in accordance with Palm Beach County's Typical Expanded Intersection Detail. b) Lyons Road 60 feet from Centerline for that portion of right of way not included in the expanded intersection. Right of way conveyance 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)
3. On or before July 2, 2002, 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 shall 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 closed 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)
4. **LANDSCAPE WITHIN THE MEDIAN OF LAKE WORTH 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:
    - landscape the adjacent median (and)
    - construct median cutoutsAll within the median of Lake Worth Road Right-of-way.

This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the 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 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. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system for the required median Cut Outs, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall all be funded 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 Homeowner'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 a certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the 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)

F. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)



3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

#### G. 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 the County Engineer. (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 issuance of the first Certificate of Occupancy (CO) for more than 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. (CO: BLDG PERMIT: MONITORING - Eng)

#### H. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. A minimum fourteen (14) foot street trees shall be planted within or adjacent to streets fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Street bike lanes/or sidewalk shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
5. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the intersection of the project's entrance, and cul-de-sacs. Decorative street pavers shall be provided at each t-intersection. The focal points shall be in the form of a plaza, fountain, arcade, landscaping with uplighting, pavers or similar construction material acceptable to the Zoning Division. (DRC: ZONING)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

<b>Property Development Regulations</b>	<b>Administrative Deviation or Flexible Regulations</b>
<b>Building Coverage Allowed: 40%</b> maximum	<b>Building Coverage Requested: 44%</b> maximum

7. No setback reductions shall be permitted unless adjacent to an open space tract greater than fifty (50) feet. (DRC: ZONING)
8. Drainage easements shall not be permitted along the rear yards of back-to-back units. (DRC: ZONING)
9. All lots (units) where side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING/BLDG)
10. 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. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - CoAtt)
11. Development of the project shall be consistent with the conceptual site plan dated April 26, 2001. No single-family units/pods shall be permitted to convert to zero lot line units without BCC approval. (DRC: ZONING)

**I. SCHOOL BOARD**

1. The property owner shall post the following notice of annual boundary school assignments for students from this development on an I 1" X 17" sign in a clear and visible location in all sales offices and models:

**"NOTICE TO HOME BUYERS/TENANTS"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO), a school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING- Bldg)