

RESOLUTION NO. R-2002- 0008

RESOLUTION APPROVING ZONING PETITION PDD1980-119(A)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF PARKWOOD ESTATES, INC.
BY JOSEPH D. GILBERTI, PE, AGENT
(PARKWOOD ESTATES 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 PDD1980-119(A) was presented to the Board of County Commissioners at a public hearing conducted on January 3, 2002; 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 PDD1980-119(A), the petition of Parkwood Estates, Inc. by Joseph D. Gilberti, PE, agent, for an Official Zoning Map Amendment (PDD) from Residential Single Family (RS) 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 3, 2002, 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	-	Nay
Mary McCarty	-	Aye
Burt Aaronson	-	Absent
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 3, 2002.

Filed with the Clerk of the Board of County Commissioners on 3 day of January, 2002.

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

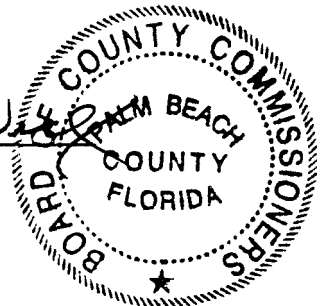


EXHIBIT A
LEGAL DESCRIPTION

LOT 8 AND THE WEST ½ OF LOT 9, BLOCK 1 OF THE PALM BEACH FARMS CO.

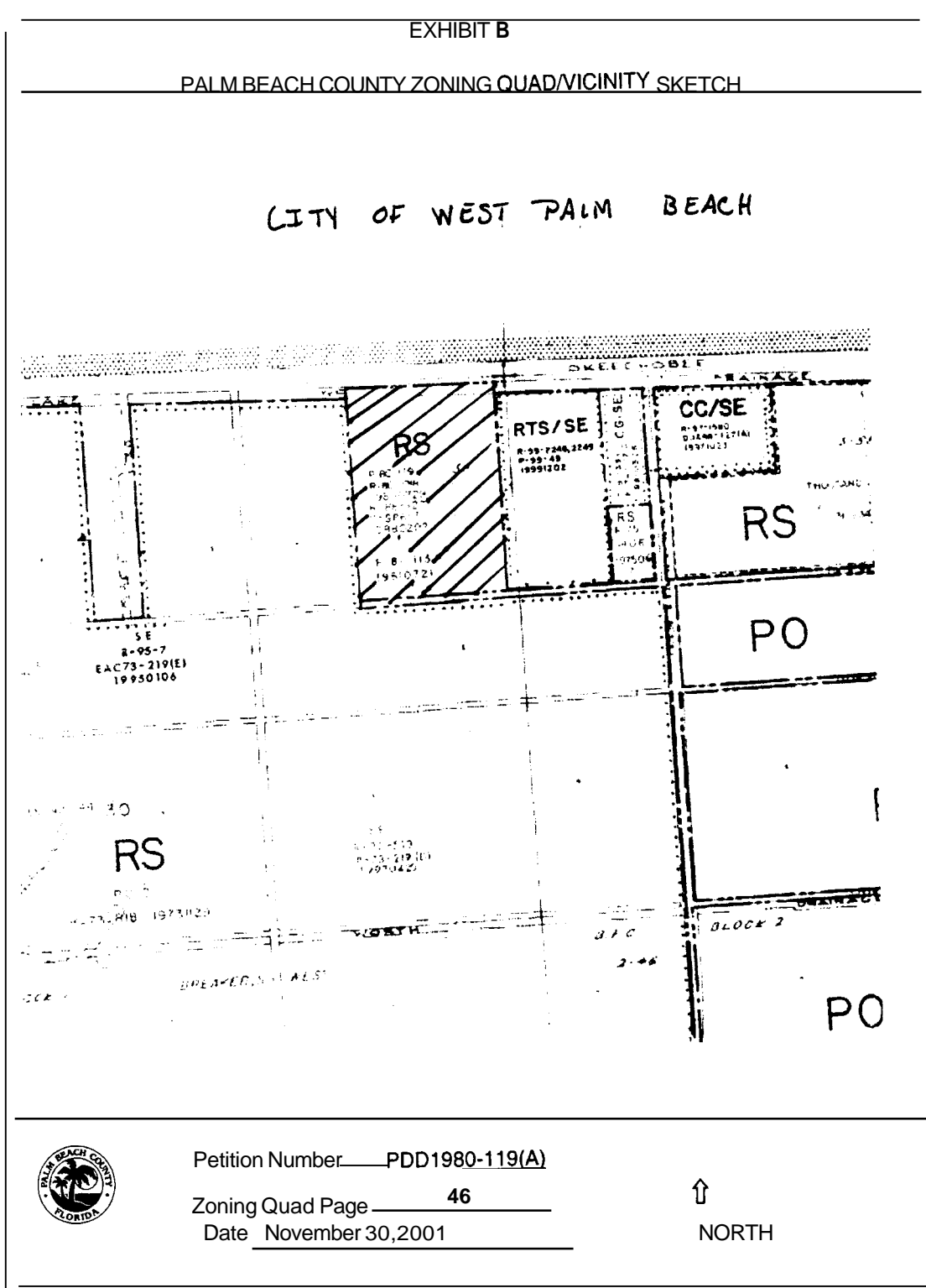
PLAT NO. 9 OF PARTS OF SECTIONS 27, 28, 29 AND 30, TOWNSHIP 43 SOUTH, RANGE 42 EAST, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL THAT PART OF A 30 FEET WIDE ROAD RIGHT-OF-WAY LYING IN THE PALM BEACH FARMS COMPANY PLAT NO. 9, AS RECORDED IN PLAT BOOK 5, PAGE 58, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF LOT 8 AND THE SOUTHERLY LINE OF THE WEST ½ OF LOT 9; BOUNDED ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF THE WEST ½ OF LOT 9; BOUNDED ON THE SOUTH BY THE SOUTHERLY RIGHT-OF-WAY OF SAID ROAD; BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF LOT 8.

LESS AND EXCEPTING THEREFROM THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1994, PAGE 1573, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



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Date November 30, 2001



NORTH

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 October 25, 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. ACCESS

1. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to indicate the existing or proposed/future location of the sidewalk along Okeechobee Boulevard. (DRC: PLANNING)

C. 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 measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and

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; and
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet.

Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub; and
 - c. thirty-six (36) to forty-eight (48) inches – large shrub.

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)

4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for all canopy trees in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

D. LANDSCAPE –ALTERNATIVE PLAN

1. Prior to final Development Review Committee certification, an Alternative Landscape Plan shall be submitted for landscaping within all perimeter buffers. The Plan shall address those portions of the site where the 4.23 acre preserve area abuts the west property line and/or any portion of the site where required landscaping might adversely impact existing native vegetation. (DRC: LANDSCAPE/ZONING)
2. Prior to final Development Review Committee site plan certification, the petitioner shall meet with Zoning Division Landscape staff to ensure that existing native vegetation is incorporated into the final site design, where feasible. (DRC: LANDSCAPE)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 34 dwelling units shall not be issued until construction commences Okeechobee Blvd. From SR 7 to Jog Road as an 8 lane median divided thoroughfare, plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
2. LANDSCAPING WITHIN OKEECHOBEE BOULEVARD
 - 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 both:
 - Concrete median cut out strips
 - Median Landscaping

All within the Median of Okeechobee Boulevard contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. 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. 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 Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property

owners expense. 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 Owners' Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to October 1, 2004. (DATE: 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)

F. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES {ABUTTING RESIDENTIAL AND FUTURE CHURCH}

- 1. Landscaping and buffering along the south, east and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A two (2) to three (3) foot high undulating berm, with an average height of two-and-a-half (2.5) feet, measured from top of curb. Berms may be field adjusted to allow for preservation of existing native vegetation;
 - c. One (1) native canopy tree for each twenty (20) linear feet of the property line, to be planted in a staggered manner;
 - d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. One small shrub for each two (2) linear feet of property line, spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of twenty-four (24) inches;
 - f. One medium shrub for each four (4) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and
 - g. One large shrub for each twenty (20) linear feet of property line, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO OKEECHOBEE BOULEVARD)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous two-and-one-half (2.5) foot high berm measured from top of curb;
 - c. One (1) native canopy tree for each thirty (30) linear feet of frontage, to be planted in a staggered manner;

- d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. One small shrub for each two (2) linear feet of property line, to be maintained at a minimum height of twenty-four (24) inches;
- f. One medium shrub for each four (4) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and
- g. One large shrub for each twenty (20) linear feet of property line, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

H. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity by the property owner and/or homeowners association. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC:ERM)
- 2. An upland preserve set-aside equal to or greater than 25% of the native upland vegetation shall be provided and depicted on the site plan. Final size and location to be approved by ERM. (DRC: ERM)

I. 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 a building permit for more than 25% (21 units) of the units. 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)

J. PARKS AND RECREATION

- 1. Prior to final Development Review Committee Certification, the site plan shall be amended to comply with minimum acreage requirements listed in Article 17 of the ULDC. (DRC: PARKS – Zoning)

K. 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. Street trees shall be planted within or adjacent to streets of 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. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG – Zoning)
4. Prior to final Development Review Committee certification, the site plan shall be amended to provide an open space area with lake access and a focal point, at the terminus of the entrance drive (lot 52). The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public area acceptable to the Zoning Division. The open space area shall not be co-located with drainage easements, lake management access easements or other similar utility easements. Lot 52 may be relocated to the southernmost cul-de-sac bordering the proposed preserve area subject to approval from Environmental Resources Management. (DRC: ZONING/ERM)
5. Prior to final Development Review Committee certification, the site plan shall be amended to provide a pedestrian walkway connecting the recreation area to the preserve area, via the lake tract and open space area at the terminus of the entrance drive. The portion of the walkway abutting the lake tract shall be subject to approval by the County Engineer. (DRC: ZONING - ENG)
6. Prior to final Development Review Committee certification, the site plan shall be amended to include a detailed plan of the nature trail to be located within the 4.23 acre preserve area. (DRC: ZONING/ERM - Planning)
7. The developer shall provide a minimum amount of recreation amenities in the recreation area such as playground equipment and a covered picnic pavilion (minimum of 400 square feet) with tables and trash receptacles. (DRC: ZONING)
8. Landscaping in the two (2) corner cul-de-sac focal points and all cul-de-sacs shall be xeriscaped to include the following:
 - a. One (1) native canopy tree or cluster of three (3) palms or pines;
 - b. One (1) twenty-four inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface; and
 - c. Appropriate ground cover.

The landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
9. 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 - Co Att)
10. Development of the project shall be consistent with the conceptual site plan dated October 25, 2001. The PUD shall be limited to a maximum number of 84 units. No single-family units shall be permitted to convert to zero lot line units without BCC approval. (DRC: ZONING)

11. 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:

Property Development Regulations	Administrative Deviation or Flexible Regulations
Lot Coverage	44%
Lot Width/Frontage	60'

(DRC: ZONING)

L. SCHOOL BOARD

1. 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.

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. 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)

M. SIGNS

- I. Signage fronting on Okeechobee Boulevard shall be limited as follows:
- Maximum sign height: six (6) feet;
 - Maximum sign face area per side: sixty (60) square feet;
 - Maximum number of signs: two (2);
 - Location: Okeechobee Boulevard entrance; and
 - Style: wall sign only. (CO: BLDG.)

N. COMPLIANCE

- 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)
- Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - 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 Code Enforcement Special Master 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)