

RESOLUTION NO. R-94-367

RESOLUTION APPROVING ZONING PETITION **DOA87-131(B)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF PULTE HOME CORPORATION

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 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA87-131(B)** was presented to the Board of County Commissioners at a public hearing conducted on March 24, 1994; and

WHEREAS, the Board of County Commissioners has **considered the** evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), **of** the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use **on** adjacent lands.
8. This Development Order Amendment has a concurrency reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 PAIN BEACH COUNTY, FLORIDA, that Zoning Petition **DOA87-131(B)**, the petition of Pulte Home Corporation, for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) 'Zoning District, to add acreage, increase density and amend conditions of Resolution R-89-935, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of March, 1994.

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

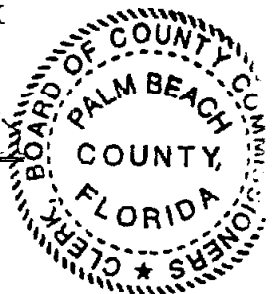


EXHIBIT A
LEGAL DESCRIPTION

Palmetto Park Woods, according to the plat thereof as recorded in Plat Book 62, Pages. 96 and 97 of the public records of Palm Beach County, Florida.

Containing 1 1.818 acres more or less

Together with the following described parcel of land:

Tract 97, Block 78, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida.

CONTAINING 5.000 ACRES

EXHIBIT B

VICINITY SKETCH

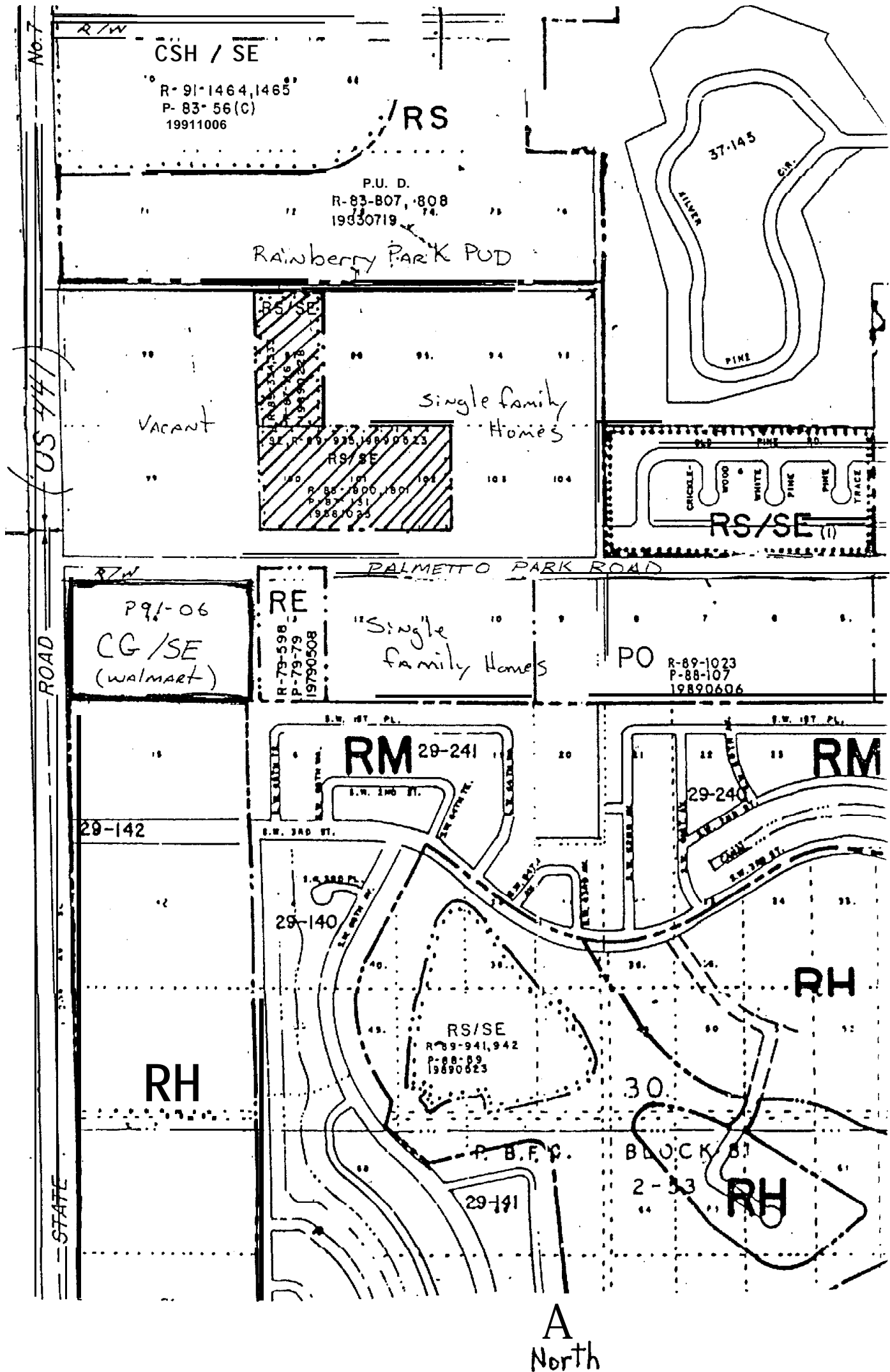


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among **other** things, for: Formation of a single "**master**" property owner's association, and automatic membership in the "**master**" association by any party holding title to any portion of the property included in the Planned Unit Development (Previously Condition No. 1. of Resolution R-08-1801, Petition No. 87-131). also Previously Condition No. 7 of Resolution R-89-935, Petition No. 87-131(A) (ZONING)
2. Resolution Number 89-335 is hereby revoked. (MONITORING)
3. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. Areas of existing vegetation to be preserved, specifically the Slash Pine, isolated Cypress and the large **20"** Live Oak. (Previously Condition No. 2 of Resolution R-88-1801, Petition No. 87-131). (ZONING)
4. The developer shall preserve existing native canopy and understory vegetation within the open space tract and adjacent buffers. In addition, the native canopy and understory vegetation located with the housing and recreation development tracts shall be preserved or relocated and incorporated into the project design as appropriate. (Previously Condition No. 3 of Resolution R-88-1801, Petition No. 87-131). (ZONING)
5. Prior to master plan certification, applicant shall amend the master plan to reflect appropriate road right-of-way extended into the parcel to eliminate the need for a variance, subject to approval of the Palm Beach **County** Engineering Department. (Previously Condition No. 4 of Resolution R-88-1801, Petition No. 87-131). (ZONING)
6. Previous Condition No. **10** of Resolution R-88-1801, Petition No. 87-131) which stated:

The 3.0 acre open space area as designated on the master **plan**, exhibit No. 18, shall be maintained as a passive recreation area for the homeowners of this petition. In addition, this open space shall provide a visual and physical buffer from surrounding Agricultural Residential and Residential Estate residential development. .

Is hereby deleted. [REASON: Code requirement and exhibit 18 superseded by current petition exhibit]
7. All native vegetation within the 25 foot buffer shall be preserved and supplemented as necessary with additional native vegetation to comprise a buffer with trees a minimum **of** 30 feet on center. (Previously Condition No. 12 of Resolution R-88-1801, Petition No. 87-131). (ZONING)
8. The petitioner shall install a six (6) foot chain link

fence along the eastern property line concurrent with the issuance of the first building permit. (Previously Condition No. 13 of Resolution R-88-1801, Petition No. 87-131). (ZONING)

9. The developer shall comply with all previous conditions of approval, unless expressly modified herein. (Previously Condition No. 1 of Resolution R-89-935, Petition No. 87-131(A) (ZONING)
10. Previous Condition No. 2 of Resolution R-89-935, Petition No. 87-131(A) which states:

Prior to certification, the master plan shall be amended to indicate the following:

- a. Open space calculations in accordance with section 500.21.J of the Zoning Code. The master plan shall clearly identify a minimum of 4.13 acres of bona fide open space.
- b. Scaled dimensions of the 1.6 acre open space tract.

Is hereby deleted.

11. Previous Condition No. 3 of Resolution R-89-935, Petition No. 87-131(A) which states:

The open space area as designated on the master plan, exhibit No. 25, shall be maintained as a passive recreation area for the homeowners within this development. This open space shall be a minimum of 1.6 acres. In addition, this open space shall provide a visual and physical buffer from surrounding Agricultural Residential and Residential Estate development.

Is hereby deleted.

12. Prior to certification of the Preliminary Development Plan by the DRC, the petitioner shall submit a revised landscape buffer supplemental planting plan for the entire PUD. This revised plan shall reflect planting specifications consistent with the Buffer Landscape Plan submitted by the petitioner dated February 1, 1994, contained within the petition file and all conditions of approval. All preserved vegetation within the required buffer may be credited towards the minimum planting requirements. (BUILDING/ZONING)
13. Prior to the issuance of the next Certificate of Occupancy (C.O.), the petitioner shall install the all required plant material pursuant to the required landscape buffer supplemental planting plan. (BUILDING/ZONING)
14. Prior to the issuance of the next building permit, the petitioner shall install a minimum six (6) foot high chain link fence along the north and east property lines of the 5 acre addition and remaining north property line of the existing PUD in addition to the tree and hedge requirements of the ULDC Type C design standards. All landscaping shall be installed on the interior side of the required fence.

B. HEALTH

1. Since **sewer** service is available to the property, septic tank shall not be approved for use on the property. (Previously Condition No. 7 of Resolution R-88-1801, Petition No. 87-131). (HEALTH)
2. Because water service is available to the property, a well shall not be approved for potable water use. (Previously Condition No. 8 of Resolution R-88-1801, Petition No. 87-131). (HEALTH)
3. Previous Condition No. 5 of Resolution R-89-935, Petition No. 87-131(A) which states:

Sewer service is available to the property. Therefore, no septic tank shall **be** permitted on the site.

Is hereby deleted. [Reason: Duplication]
4. Previous Condition No. 6 of Resolution R-89-935 of Resolution R-89-935, Petition No. 87-131(A) which states:

Water service is available to the property. Therefore, no well shall be permitted on the site **to provide potable** water.

Is hereby deleted. [Reason: Duplication]
5. Prior to issuance of a building permit for the site, the location of construction debris from demolition of previous development on site shall be identified **and** removed if found to violate County Code or Health Regulations. (Previously Condition No. 11 of Resolution R-88-1801, Petition No. 87-131). (HEALTH/CODE ENFORCEMENT)

C. ENVIRONMENTAL

1. The Property owner shall comply with all conditions and deadlines stipulated in the executed Settlement Agreement No. E 93-001. (ERM)
2. All lots that abut the preserve area with their rear property line shall be marked with concrete monuments at the property corners. All lots whose side lot lines abut the preserve shall be separated from the preserve with a fence. The monuments and fence shall be delineated on the site plan prior to site plan certification. (ERM)
3. The preserve areas shall be connected by pipe(s) or culvert(s) in order to maintain hydrologic sheet flow. The connection shall be shown on the site plan prior to DRC certification. (ERM)

D. COMPLIANCE

1. Failure to comply with the conditions herein may **result** in the denial or revocation of a building permit; the issuance of **a stop** work order; the denial of **a** Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from **such action may be** taken to the Palm Beach County Board of Adjustment or as otherwise provided in **the** Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach county **Zoning Code**. (Previously Condition No. 8 of Resolution R-89-935, Petition No. 87-131(A))

E. ENGINEERING

1. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **73-4**, as amended. The drainage system shall be maintained in an acceptable condition as approved by the county Engineer. (Previously Condition No. 5 of Resolution R-88-1801, Petition No. 87-131). (ENGINEERING)

2. Condition No. 6 of Resolution R-88-1801, Petition No. 87-131, which currently states:

The developer shall pay a Fair Share Fee in the amount and manner required by the "**Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$804.00 per single family home under 2,000 square feet and **\$1,045.00** per single family home over 2,000 square feet.

Is hereby deleted. [REASON: MODIFIED IN CONDITION BELOW]

3. The Developer shall pay a Fair Share Fee in the amount and manner required by the "**Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$1,650 per approved single family dwelling unit (10 trips per dwelling unit X \$165.00 per trip) (IMPACT FEE COORDINATOR).

4. LANDSCAPE WITHIN MEDIAN

A. Prior to the recordation of the next plat for Palmetto Park Woods, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Palmetto Park Road. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

<u>Trees :</u>	<u>Ground cover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to

be submitted and approved by the County Engineer. (ENGINEERING)

- B. **All** required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association, and shall be installed prior to the recordation of the next plat for Palmetto Park Woods. (ENGINEER - Zoning)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the recordation of the next plat for Palmetto Park Woods to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING - County Attorney)
5. The property owner shall realign the existing median opening subject to approval by the County Engineer concurrent with **onsite** paving and drainage improvements. Construction shall be completed prior to the issuance of any Building Permit. (Previously Condition No. 4 of Resolution R-89-935, Petition No. 87-131(A) (BUILDING/ENGINEERING)
6. No building permits **shall** be issued for the subject property until Palmetto Park Road has been opened to traffic from Lyons Road to State Road No. 7. (Previously Condition No. 9 of Resolution R-88-1801, Petition No. 87-131). (BUILDING/ENGINEERING)
7. To ensure that the existing road system within the PUD is protected from construction activities, the petitioner shall, prior to the certification of the Preliminary Development Plan (PDP) by the DRC, amend the PDP to reflect an alternative construction access or enter into an agreement acceptable to the Land Development Division to repave the existing roadway upon completion of the last home within the development if warranted by as determined by the County Engineer. The petitioner shall provide surety to guarantee the repaving. (**LAND DEVELOPMENT**)