

RESOLUTION NO. R-99- 760

RESOLUTION APPROVING ZONING PETITION Z/COZ98-092
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF ITWCD
BY KILDAY & ASSOCIATES, INC, AGENT
(ITWCD NEIGHBORHOOD PARKS (P5-SYCAMORE DRIVE/P6-CITRUS GROVE))

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/COZ98-092 was presented to the Board of County Commissioners at a public hearing conducted on May 4, 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, 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/COZ98-092, the petition of ITWCD by Kilday & Associates, Inc, agent, for an Official Zoning Map Amendment (Z) to rezone from Agricultural Residential (AR) to Public Ownership (PO) 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 May 4, 1999, subject to the conditions of the Conditional Overlay Zone (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 4, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Altman*
COUNTY ATTORNEY

BY: *Dorothy H. Wilken*
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

CITRUS GROVE NEIGHBORHOOD PARK

LEGAL DESCRIPTION

TRACT NO. 241

THE NORTH 239' OF THE SOUTH 2958' OF THE WEST 249' OF THE EAST 2838' OF SECTION 21, T42S, R41E, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE EAST 40' AND THE NORTH 30'.

TOGETHER WITH

TRACT NO. 242

THE NORTH 249' OF THE SOUTH 2719' OF THE WEST 249' OF THE EAST 2838' OF SECTION 21, T42S, R41E, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE EAST 40' AND THE SOUTH 40'.

TOGETHER WITH

TRACT NO. 263

THE NORTH 249' OF THE SOUTH 2719' OF THE WEST 209' OF THE EAST 3047' OF SECTION 21, T42S, R41E, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE SOUTH 40'.

TOGETHER WITH

TRACT NO. 264

THE NORTH 239' OF THE SOUTH 2958' OF THE WEST 209' OF THE EAST 3047' OF SECTION 21, T42S, R41E, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30'.

ALL TOGETHER CONTAINING 4.007 ACRES.

DISTANCES MEASURED PARALLEL WITH THE SOUTH SECTION LINE AND THE EAST SECTION LINE.

GMR/DLH

SFRN PROJECT #91084P.07

NOVEMBER 11, 1998

EXHIBIT A
LEGAL DESCRIPTION

SYCAMORE DRIVE NEIGHBORHOOD PARK

LEGAL DESCRIPTION

TRACT NO. 1

THE SOUTH 207.9' OF THE WEST 244.6' OF SECTION 11,
TOWNSHIP 43S, RANGE 40E, PALM BEACH COUNTY, FLORIDA;
SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO
INDIAN TRAIL WATER CONTROL DISTRICT OVER THE WEST 35'.

TOGETHER WITH:

TRACT NO. 2

THE NORTH 237.9' OF THE SOUTH 445.8' OF THE WEST 244.6'
OF SECTION 11, T43S, R40E, PALM BEACH COUNTY, FLORIDA;
SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO
INDIAN TRAIL WATER CONTROL DISTRICT OVER THE WEST 35' AND
THE NORTH 30'.

TOGETHER WITH:

TRACT NO. 43

THE NORTH 237.9' OF THE SOUTH 445.8' OF THE EAST 209.6' OF
THE WEST 454.2' OF SECTION 11, T43S, R40E, PALM BEACH
COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND
DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT
OVER THE NORTH 30'.

TOGETHER WITH:

TRACT NO. 44

THE EAST 209.6' OF THE WEST 454.2' OF THE SOUTH 207.9' OF
SECTION 11, T43S, R40E, PALM BEACH COUNTY, FLORIDA.

ALL TOGETHER CONTAINING 4.001 ACRES.

ALL DIMENSIONS MEASURED PARALLEL WITH THE WEST AND SOUTH
SECTION LINES.

GMR/DLH
SFRN PROJECT #91084P.08
NOVEMBER 11, 1998

EXHIBIT B
VICINITY SKETCH

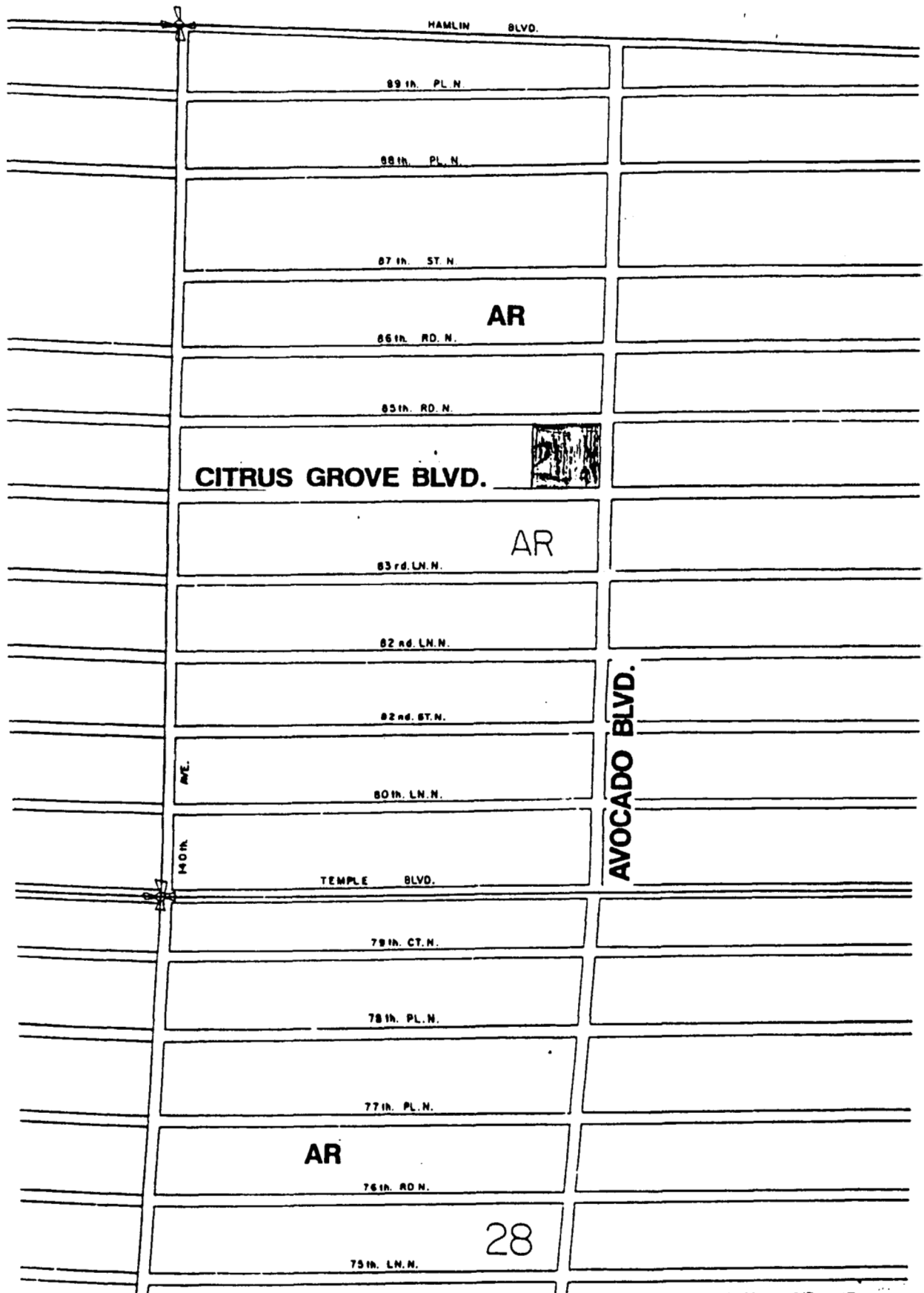


EXHIBIT B
VICINITY SKETCH

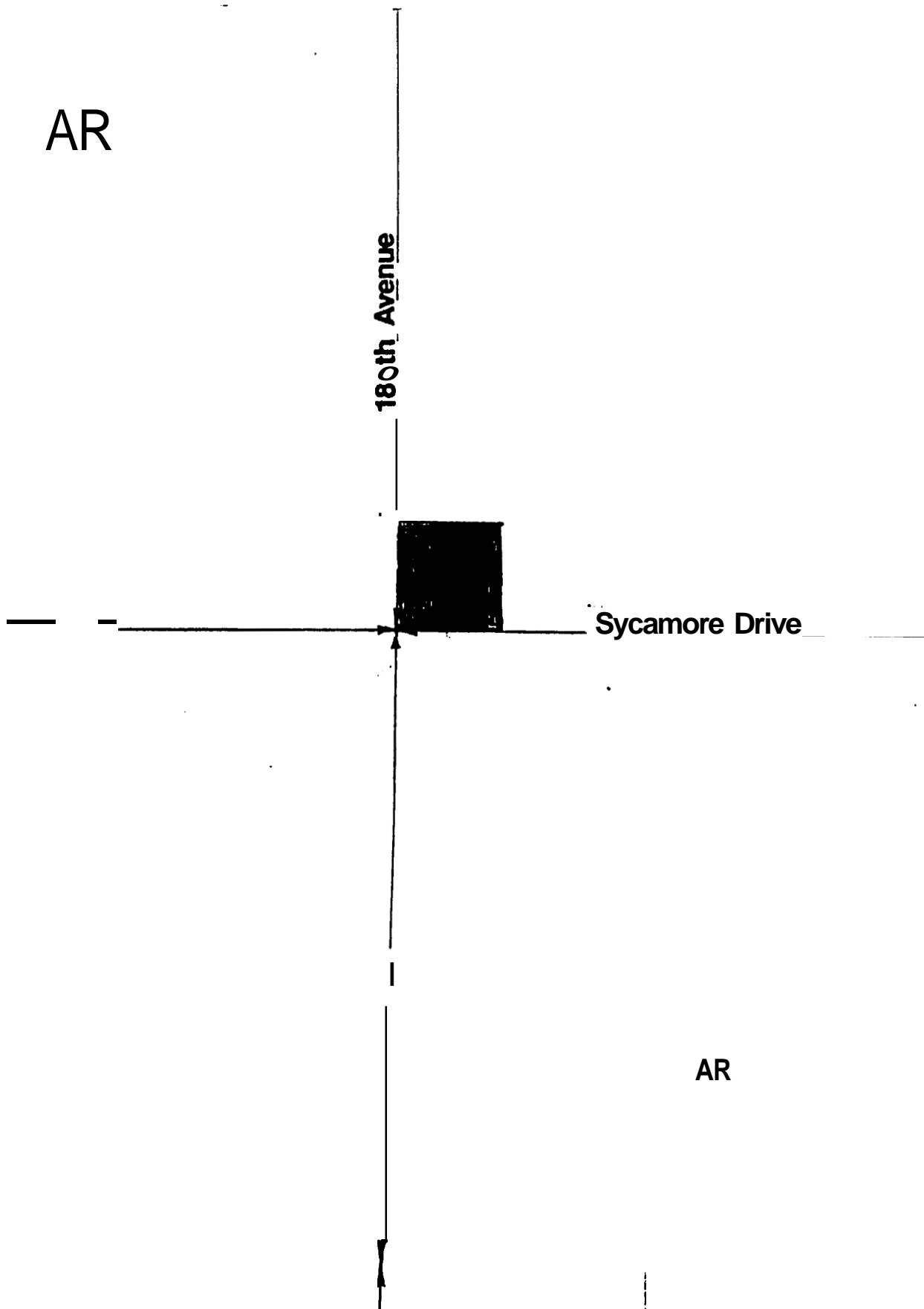


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the sites are limited to the uses and site design as approved by the Board of County Commissioners. The approved site plans are dated December 16, 1999. 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. (ONGO NG: ZONING)

B. BUILDING AND SITE DESIGN

1. The minimum setback for all roofed structures shall be fifty (50) feet. (LRC: ZONING)

C. HEALTH

1. Application and engineering plans to construct for each park an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to issuance of a building permit. (BLDG: HEALTH/BLDG)
2. Application and engineering plans to construct at each park a registered limited use commercial well in accordance with Rule 64D-8FAC must be submitted to the Palm Beach County Health Department prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

D. LANDSCAPING ADJACENT TO RESIDENTIAL PROPERTY LINES

1. Landscaping and buffering along all property lines along residential shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center; and
 - c. A minimum thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation. (CO: LANDSCAPE)

E. ENGINEERING

No Engineering Conditions.

F. LANDSCAPING ABUTTING RIGHT-OF-WAYS

1. Landscaping and buffering along the property lines abutting right-of-ways shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center; and,
 - c. 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)

G. LANDSCAPE PHASING

1. Landscape buffers adjacent to developed residential lots shall be installed prior to the issuance of the first certificate of occupancy. The remaining landscape shall be installed before December 22, 2000. (CO/DATE: MONITORING - LANDSCAPE)

H. USE LIMITATION

1. The two (2) sites shall be limited to use as a public park only providing passive or active recreational activities for the general public. (DRC: ZONING)
2. Storage or placement of any mobile homes or heavy equipment shall not be permitted on the facilities except for temporary construction activities in accordance with the Building Division permitting. (ONGOING: CODE ENF - Building - Zoning)
3. Following approval by the Palm Beach County Board of County Commissioners, the Indian Trail Improvement District (ITID) Board of Supervisors shall notify adjacent property owners, the District Commissioner and the Zoning Division of any proposed changes to the layout, program or other elements within the neighborhood parks. The proposed changes shall be reviewed and adopted at a publicly advertised ITID Board of Supervisors meeting. Results of the ITID Board of Supervisors meeting and revised plans shall be forwarded to the Palm Beach County Zoning Division, Zoning Review Section for incorporation into the petition file. (ONGOING)

I. 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; 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)