

RESOLUTION NO. R-2002-0841

RESOLUTION APPROVING ZONING PETITION DOAI997-031(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CENTURY CITRUS ISLES CORP.
BY PRESS TOMPKINS, JR., P.E., AGENT
(LAKE WORTH/LYONS 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, and the Palm Beach County Unified Land Development Code, 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 Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOAI997-031(A) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; 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 Unified 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 the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the standards imposed on it by applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 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 DOA1997-031(A), the petition of Century Citrus Isles Corp., by Press Tompkins, P.E., agent, for a Development Order Amendment to delete land area and modify site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 23, 2002, subject to the conditions of approval 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 2002.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 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

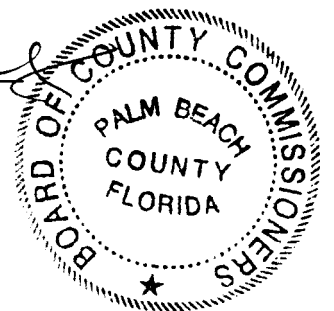


EXHIBIT A
LEGAL DESCRIPTION

All of CITRUS ISLES, A P.U.D., according to the plat thereof as recorded in Plat Book 91, Pages 136 through 138 of the Public Records of Palm Beach County, Florida, less the East 5.00 feet of Tract LBT-2 of said plat.

Said lands lying in Palm Beach County, Florida, containing 28.87 acres, more or less.

EXHIBIT B
VICINITY SKETCH

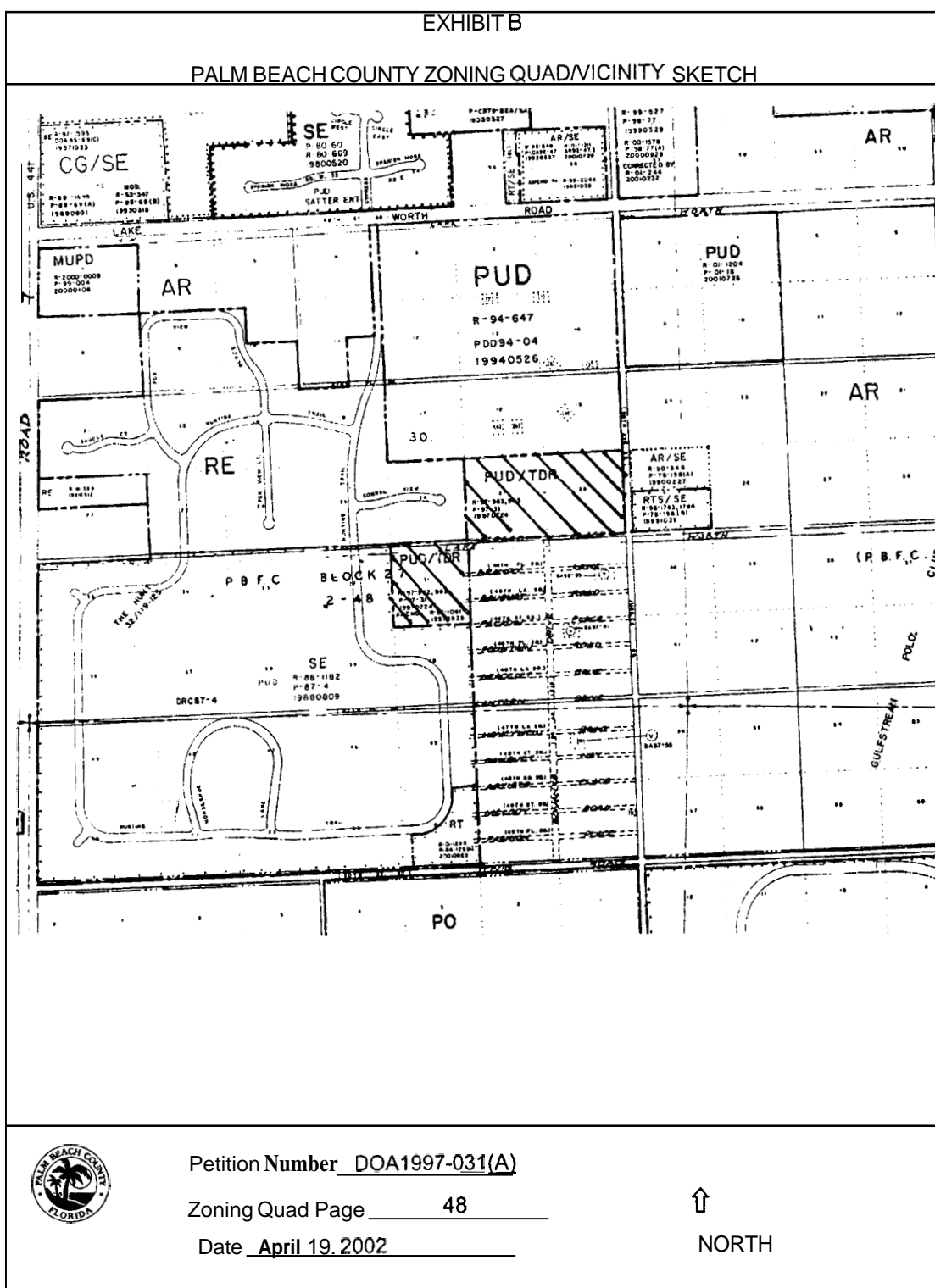


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-0962 (Petition 97-031), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Condition A.I of Resolution R-97-0962, Petition PDD97-31, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master/site plan is dated April **24, 1997**. 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.

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated February 6, 2002. 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. (DRC: ZONING – Zoning)

B. LAKE WORTH DRAINAGE DISTRICT

1. Prior to final certification of the master plan or the site plan by the Development Review Committee (DRC), the petitioner shall obtain a culvert-crossing permit for the proposed internal road subject to the approval by the Lake Worth Drainage District. (DRC: LWDD – Zoning) (Previous Condition B.I of Resolution R-97-0962, Petition PDD97-31)

C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous Condition C.1 of Resolution R-97-0962, Petition PDD97-31)
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 or grey wood, whichever is greater;
 - 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) (Previous Condition C.2 of Resolution R-97-0962, Petition PDD97-31)

D. LANDSCAPING ALONG NORTH, SOUTH, WEST PROPERTY LINES OF TRACTS 27, 28, AND 31 (ACROSS FROM RESIDENTIAL)

- 1. Landscaping and buffering along the above property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
 - e. 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) (Previous Condition D.1 of Resolution R-97-0962, Petition PDD97-31)

E. ENGINEERING

- 1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lyons Road, 60 feet from centerline on or before May 15, 1999, or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and 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) (Previous Condition E.1 of Resolution R-97-0962, Petition PDD97-31)
- 2. On or before May 15, 1999, 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 will 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 wing wall 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) (Previous Condition E.2 of Resolution R-97-0962, Petition PDD97-31)

3. a. Prior to May 15, 1999 or prior to the issuance of a building permit, whichever shall first occur, the property owner shall convey a ten (10) foot wide roadway construction easement along the projects entire frontage of Lyons Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. (DATE / BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3.a of Resolution R-97-0962, Petition PDD97-31)
- b. Prior to May 15, 1999 or prior to the issuance of a building permit, whichever shall first occur, the property owner shall convey a roadway construction easement to Palm beach County at the project's Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (DATE/ BLDG PERMIT: MONITORING- Eng) (Previous Condition E.3.b of Resolution R-97-0962, Petition PDD97-31)
4. The proposed entrance sign for this site shall be constructed a minimum of 10 feet from the ultimate right of way of Lyons Road. (DRC APPROVAL: ENG) (Previous Condition E.4 of Resolution R-97-0962, Petition PDD97-31)
5. Prior to August 1, 2002, or prior to the issuance of a building permit, whichever shall occur first, the property owner shall replace the Type II Barrier along the southern most 624 fee of the subject sites eastern property line. (DATE/BLDG PERMIT: MONITORING-- Eng)
6. Prior to December 1, 2002, or prior to the issuance of a building permit, whichever shall occur first, the property owner shall re-plat the landscape buffer strip along the southern most 624 feet of the subject site's east property line. (DATE/BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG EAST PROPERTY LINE OF TRACTS 27, 28 (ABUTTING R.O.W.)

1. Landscaping and buffering along the east property line of Tracts 27, 28 shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous minimum three (3) foot high berm measured from top of curb;
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
 - e. 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) (Previous Condition F.1 of Resolution R-97-0962, Petition PDD97-31)

G. LANDSCAPING ALONG EAST PROPERTY LINE OF TRACT 31 (ACROSS FROM RESIDENTIAL)

1. Condition G.1 of Resolution R-97-0962, Petition PDD97-031, which currently states:

Landscaping and buffering along the above property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A six **(6)** foot high (black or green colored) vinyl-coated chain linked fence. The following landscaping requirements shall be installed on the exterior side of the required fence:
- c. One **(1)** canopy tree spaced no more than thirty **(30)** feet on center;
- d. One **(1)** palm for each twenty-five (25) linear feet of property line with a maximum spacing ~~of~~ sixty **(60)** feet on center between clusters. A group of three **(3)** palms shall not be substituted for a perimeter canopy tree and;
- e. Thirty-six **(36)** 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 seventy two (72) inches.

Is hereby amended to read:

Landscaping and buffering along the above property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A six (6) foot high (black or green colored) vinyl coated chain link fence;
 - c. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner on both sides of the fence; and
 - d. One (1) palm or pine for each twenty-five (25) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted in a staggered manner on both sides of the fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along the interior side of the required fence:
- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches;
 - c. Shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) varying heights; and
 - d. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub; and
 - ii. twenty-four (24) to thirty-six (36) inches – medium shrub. (CO: LANDSCAPE – Zoning)
3. Along the exterior side of the required fence, the property owner shall install thirty-six (36) inch high shrub or hedge material space no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE – Zoning)

H. MASS TRANSIT

1. Prior to final certification of the master 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.

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% (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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition H.1 of Resolution R-97-0962, Petition PDD97-31)

2. Condition H.2 of Resolution R-97-0962, Petition PDD97-31, which currently states:

The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until June 23,2000.

Is hereby deleted. [REASON: Condition expired.]

I. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous Condition I.1 of Resolution R-97-0962, Petition PDD97-31)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng) (Previous Condition 12 of Resolution R-97-0962, Petition PDD97-31)
3. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (PLAT: ENG - Zoning) (Previous Condition 13 of Resolution R-97-0962, Petition PDD97-31)
4. 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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG – Co Att) (Previous Condition 14 of Resolution R-97-0962, Petition PDD97-031)

5. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (MONITORING: ZONING/ATTY – Zoning)
6. The subject site shall be limited to a maximum of ninety-nine (99) single-family dwellings units. Any increase in density would require the purchase of additional TDR units and the modification of Condition #6 of Resolution R-97-963. (DRC: PLANNING – Planning)

J. PLANNING

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 Lyons Road. (DRC: PLANNING – Planning)

K. SCHOOL BOARD

1. Condition J.I of Resolution R-97-0962, Petition PDD97-31), which currently states:

The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies.

Is hereby amended to read:

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 – School Board)

L. SIGNS

1. Entrance wall signs fronting on Jubilee Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - sixty (60) square feet;
 - c. Style - monument style only. (CO: BLDG) (Previous Condition K.I of Resolution R-97-0962, Petition PDD97-31)

M. UNITY OF CONTROL

1. Prior to final certification of the master plan or the site plan by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previous Condition L.1 of Resolution R-97-0962, Petition PDD97-31)

N. 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. Condition M.I of Resolution R-97-0962, Petition PDD97-31, which currently states:

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.

Is hereby amended to read:

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 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. (ONGOING: MONITORING - Monitoring)