

RESOLUTION NO. R-2003- 0099

RESOLUTION APPROVING ZONING PETITION PDD2002-026
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF CELEBRATION CHURCH
BY JENNIFER MORTON, AGENT
(CELEBRATION LAKE 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 PDD2002-026 was presented to the Board of County Commissioners at a public hearing conducted on January 9, 2003; 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 PDD2002-026, the petition of Celebration Church by Jennifer Morton, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Residential Transitional Suburban Zoning District to the Residential Planned Unit Development District 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 9, 2003, subject to the conditions of approval described in EXHIBIT C - 1, attached hereto and made a part hereof.

Commissioner Masilotti 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 9, 2003.

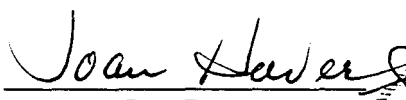
Filed with the Clerk of the Board of County Commissioners on 30 day of January, 2003

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

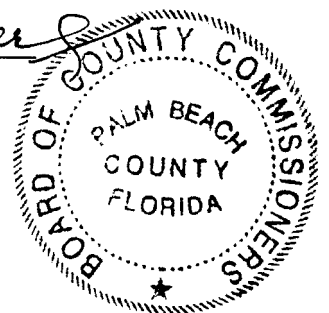


EXHIBIT A
LEGAL DESCRIPTION

THE EASTERLY ONE-HALF (1/2) OF TRACT 9 AND THE WESTERLY ONE-HALF (1/2) OF TRACT 10, BLOCK 1, THE PALM BEACH FARMS CO. PLAT NO. 9, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT ~~BOOK~~ 5, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 70 FEET THEREOF

EXHIBIT B
VICINITY SKETCH

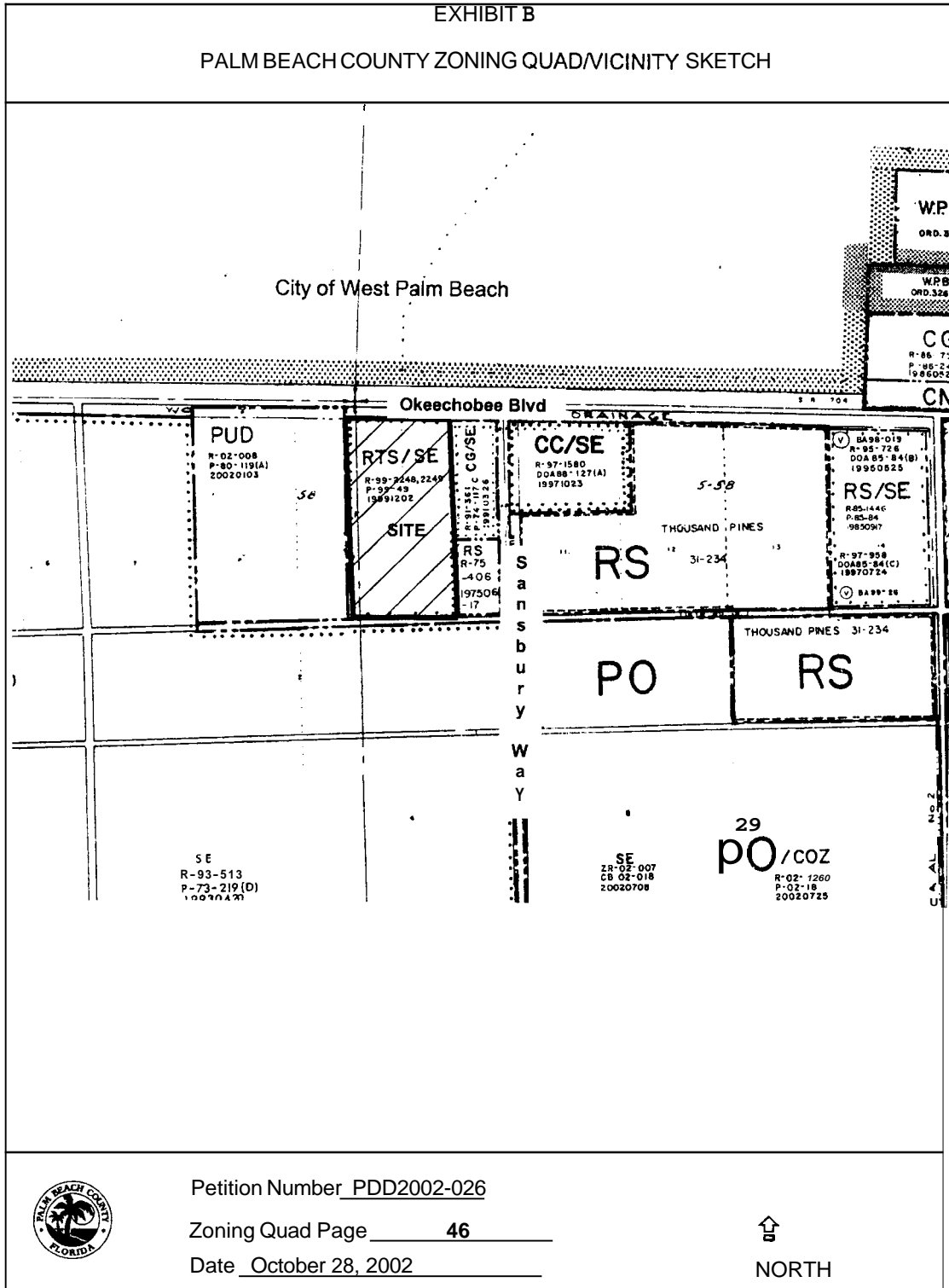


EXHIBIT C - 1

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 September 16, 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. (ONGOING: ZONING – Zoning)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)
2. A 25% set-aside equal to or greater than 1.33 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM – ERM)

C. LANDSCAPING – STANDARD

1. Canopy trees required in the perimeter buffer shall be native species and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 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 a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet 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;
 - 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. All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub;
 - d. This condition shall not apply where a single-row of shrubs or hedge material is required along one side of a fence or wall. (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 canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
6. 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)

D. 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 easement encroachment shall be permitted. Width reduction may be permitted pursuant to ULDC requirements or approval of a landscape betterment plan;
 - b. One (1) native canopy tree for each thirty (30) linear feet of frontage, to be planted in a staggered manner;
 - c. 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;
 - d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. The Property owner shall construct a right turn lane on Okeechobee Boulevard at the projects entrance road if approved by the Florida DOT:
 - a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b) Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. On or before July 15, 2003, 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 Okeechobee Boulevard along the property frontage; and a maximum 800 feet of these adjacent roadway(s). At the option of Palm Beach County, funding from this property owner may be requested to satisfy this requirement. Amount of this funding was determined to be \$104,000 by the County Engineer. This

funding shall then be used toward the purchase of an offsite drainage tract for the Okeechobee Boulevard road widening by Palm Beach County. 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, Compensating storage within this projects retention system as required by all permitting agencies, 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)

3. LANDSCAPE WITHIN THE MEDIAN OF OKEECHOBEE BOULEVARD

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Okeechobee Boulevard This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to January 15, 2004. (BLDG PERMIT: MONITORING – Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to July 30, 2004. (CO: MONITORING – Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner,

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Okeechobee

Boulevard. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

F. LANDSCAPING ALONG THE SOUTH 525 FEET OF THE EAST PROPERTY LINE AND THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south 525 feet of the east property line and the south property line shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip along the south five-hundred and twenty-five (525) feet of the east property line. No width reduction shall be permitted;
 - b. A minimum twenty-five (25) foot wide landscape buffer strip along the south property line. No width reduction shall be permitted;
 - c. A two (2) to three (3) foot high undulating berm, with an average height of two-and one-half (2.5) feet, measured from top of curb. Berms may be field adjusted to allow for preservation of existing native vegetation;
 - d. One (1) native canopy tree for each twenty (20) linear feet of the property line, to be planted in a staggered manner;
 - e. 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;
 - f. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - g. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - h. One (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping and buffering along the east property line abutting commercial shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the colors and structures within the development;
 - d. One (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - e. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation, (CO: LANDSCAPE – Zoning)

3. The following landscaping requirements shall be installed on the interior side of the required wall:
 - a. One (1) small shrub for each two (2) linear feet of the property line, Shrub shall be a minimum height of eighteen (18) inches at installation;
 - b. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
 - c. One (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

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 – Zoning)
2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets, forty (40) feet in width or greater;
 - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC: ZONING/ENG – Zoning)
3. Prior to issuance of the first Certificate of Occupancy, additional recreation amenities shall be provided in the private civic tract, subject to approval by the Department of Property and Real Estate Management (PREM). The private civic tract shall have a direct connection to the pedestrian system within the project and include a gazebo with benches and appropriate trash receptacles, or similar recreation amenity subject to approval by the Zoning Division. These recreation amenities shall not be used towards meeting the Parks and Recreation Department's minimum recreation requirement. (DRC/: ZONING/PREM – Zoning)
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 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 – Zoning)
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. (ONGOING: MONITORING – Zoning)

6. Prior to final Development Review Committee certification, the site plan shall be amended to indicate a four (4) foot wide mulched or other material nature trail in the 1.05 acre upland preserve area to connect the private civic area to the 0.62 acre passive recreation walkway, subject to ERM approval. (DRC: ZONING/ERM – Zoning)
7. Landscaping in the corner cul-de-sac focal point and two (2) interior 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;
 - c. Appropriate ground cover; and
 - d. The landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO: LANDSCAPE/ENG – Zoning)
8. Structures on lots 12, 13 and 14 shall be limited to one-story. (BLDG PRMT: BLDG – Zoning)
9. Nighttime security shall be provided on-site during construction phases until twenty-five (25) percent of the lots (10 homes) have received their Certificate of Occupancy (CO) from the County. (ONGOING: CODE ENF – Zoning)

I. SCHOOL

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the 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, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: MONITORING/SCHOOL BOARD/ENG – School Board)
2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service 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)

J. SIGNS

1. Signage fronting on Okeechobee Boulevard shall be limited as follows:
 - a. Maximum sign height: six (6) feet, excluding architectural features;
 - b. Maximum sign face area per side: sixty (60) square feet;
 - c. Maximum number of signs: one (1) pair;
 - d. Location: Okeechobee Boulevard entrance; and
 - e. Style: wall sign only. (CO: BLDG – Zoning)

K. 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; 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 – Zoning)