

RESOLUTION NO. R-95- 1472

RESOLUTION APPROVING ZONING PETITION Z/COZ95-45  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF HARALD DUDE  
BY MICHAEL REDD, AGENT

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/COZ95-45 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 1995; 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) 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) 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) 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) 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/COZ95-45, the petition of Harald Dude by Michael Redd, agent, for an Official Zoning Map Amendment (Z) from the Agricultural Residential (AR) to the Residential Transitional Urban (RTU) Zoning District 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 October 26, 1995, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of October, 1995.

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

**SOUTHFIELD FARMS  
LEGAL DESCRIPTION**

THE NORTH 2½ ACRES AND THE SOUTH 5 ACRES OF TRACT 48, BLOCK 13, PALM BEACH FARMS COMPANY, PLAT NO. 3 ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE COURT IN AND FOR PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 2, PAGE 45, ALSO KNOWN AND DESCRIBED AS ALL OF SAID TRACT 48. TOGETHER WITH THAT PARCEL OF LAND LYING EAST OF SAID TRACT 48 AND WEST OF THE RIGHT-OF-WAY FOR JOG ROAD, AS ABANDONED BY THAT RESOLUTION RECORDED IN OFFICIAL RECORD BOOK 4608, PAGE 1476. LESS AND EXCEPTING THEREFROM THAT PARCEL CONVEYED TO THE COUNTY OF PALM BEACH IN THAT RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 6714, PAGE 1151.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL RUN ALONG THE WESTERLY LINE OF TRACT 48, BLOCK 13 OF THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3 N00° 59'23"W A DISTANCE OF 330.02 FEET TO THE **POINT OF BEGINNING**.

THENCE S89° 00'48"W ALONG THE NORTH LINE OF THE SOUTH HALF OF TRACT 47, BLOCK 13 OF SAID PLAT AND ITS WESTERLY EXTENSION THEREOF A DISTANCE OF 690.00 FEET TO A POINT ON THE EASTERLY LINE OF TRACT 46, BLOCK 13, PALM BEACH FARMS COMPANY PLAT NO. 3 (PLAT BOOK 2, PAGES 45-54); THENCE, LEAVING SAID EASTERLY LINE, N36° 52'32"E A DISTANCE OF 171.06 FEET; THENCE N89° 01'00"E A DISTANCE OF 255.00 FEET; THENCE N00° 59'23"E A DISTANCE OF 195.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID TRACT 47, BLOCK 13, PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE ALONG SAID NORTHERLY LINE N89° 01'00"E A DISTANCE OF 330.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 47, AND ALSO BEING THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE, ALONG THE WESTERLY LINE OF THE ABOVE DESCRIBED PARCEL S00° 59'23"E A DISTANCE OF 330.02 FEET TO THE **POINT OF BEGINNING**.

TOGETHER CONTAINING 11.628 ACRES.

SOUTHFIELD FARMS  
SFRN PROJECT #92089  
JUNE 7, 1995



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EXHIBIT B  
VICINITY SKETCH

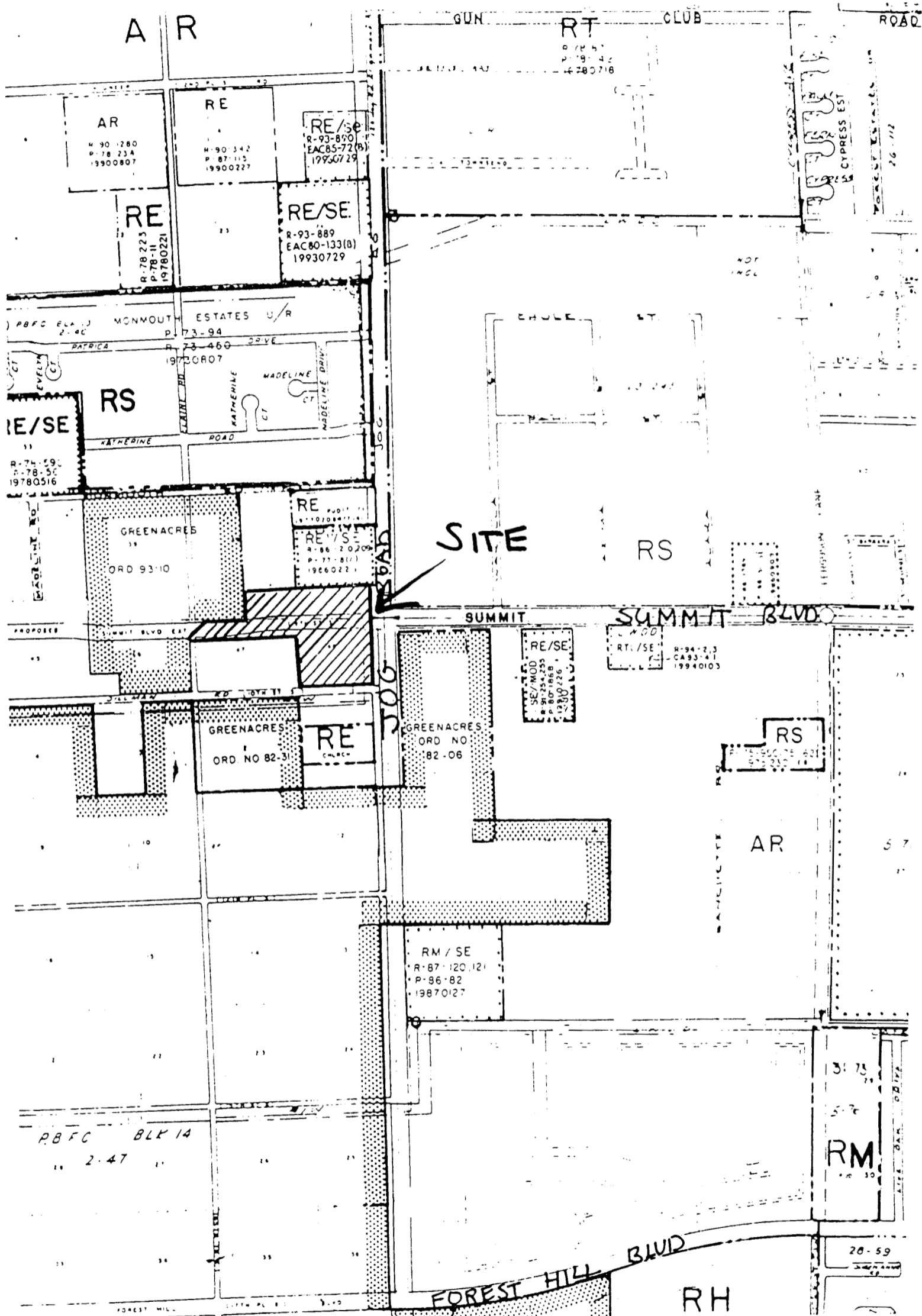


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. TRI-PARTY AGREEMENT

1. Prior to site plan certification, the petitioner shall record in the public record a tri-party agreement between the property owner, the City of Greenacres and the Palm Beach County Board of County Commissioners, subject to approval by the County Attorney. (COUNTY ATTORNEY)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, west approach on the project's entrance road (Summit Bl. Extension) at Jog Road. This construction shall be concurrent with the paving and drainage improvements with the first plat. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (ENGINEERING - Engineering).
2. 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, Zoning Petition 95-45, to be paid at the time of issuance of the Building Permit presently is \$1,650.00 per approved single family dwelling unit (10 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).
3. The Property Owner shall fund the cost of signal modifications and the restriping for west bound intersection travel lanes as determined by the County Engineer at Jog Road and Summit Boulevard. Funding for this intersection work shall be completed within 60 days after receiving notice from Palm Beach County. (ENGINEERING - Engineering).

LANDSCAPE WITHIN MEDIAN

- A. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be compatible with the existing landscape treatment by the City of Greenacres. All landscaping installation and maintenance requirements shall be subject to the standard; as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (ENGINEERING - Engineering)

- B. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed concurrent with the improvements with the first plat. (ENGINEERING - Engineering)
  
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, **prior** to recordation of the first plat to reflect this obligation. (ENGINEERING - County Attorney)