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RESOLUTION APPROVING ZONING PETITION PDD96-71
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF HOLIDAY ORGANIZATION, INC.
BY LEE STARKEY, AGENT
(THE COLONY PUD)

12/7

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 PDD96-71 was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 PDD96-71, ~~the~~ petition of Holiday Organization, Inc. by Lee Starkey, agent, for an Official Zoning Map Amendment from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) Zoning 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 30, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

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

LEGAL DESCRIPTION

The east **100 feet** of **the N 1/2** of that part of Tract **6**, in the **SE 114** of Section **12**, Township **45 South**, Range **42 East**, lying south of **the** right-of-way line for Lake **Worth** Drainage District Canal **Number 19**, **Palm Beach** County, Florida, **AND:**

That part of the south half of Tract **6** in the Southeast Quarter (**SE 114**) of Section **12**, Township **45 South**, Range **42 East**, according to **the** amended plat thereof recorded in Plat **Book 9**, Page **74**, of the Public Records of Palm Beach County, Florida. described as follows:

Beginning at a point on the south line of said Tract **6**, a distance of **400 feet** easterly. measured along the south line of said Tract **6**. from the southwest corner of said Tract **6**, run north on a line parallel to the west line of said Tract **6**. to the north line of the south half of said Tract **6**; thence run easterly along the north line of the south half of said Tract **6** to the northeast corner of the south half of said Tract **6**; thence run southerly along the east line of the south half of said Tract **6** to the southeast corner of said Tract **6**; thence run westerly along the south line of said Tract **6** to the POINT OF BEGINNING, **AND:**

Tracts **5**, **7** and **14**, Southeast Quarter of amended Plat of Section **12**. Township **45 South**, Range **42 East**, Palm Beach County, Florida (less road right-of-way for Military Trail), **AND:**

Sub of **SE 1/4**. North **35 feet** of westerly **400 feet** of south **1/2** of Tract **6** (less road right-of-way Military Trail), **AND:**

The south one quarter of the northeast one quarter of the southwest one quarter of Section **12**, Township **45 South**, Range **42 East**, **LESS** the south **85 feet** of the east **300 feet** thereof. and **LESS** the easterly **60 feet** for the right-of-way of State Road **809**.

EXHIBIT B

VICINITY SKETCH

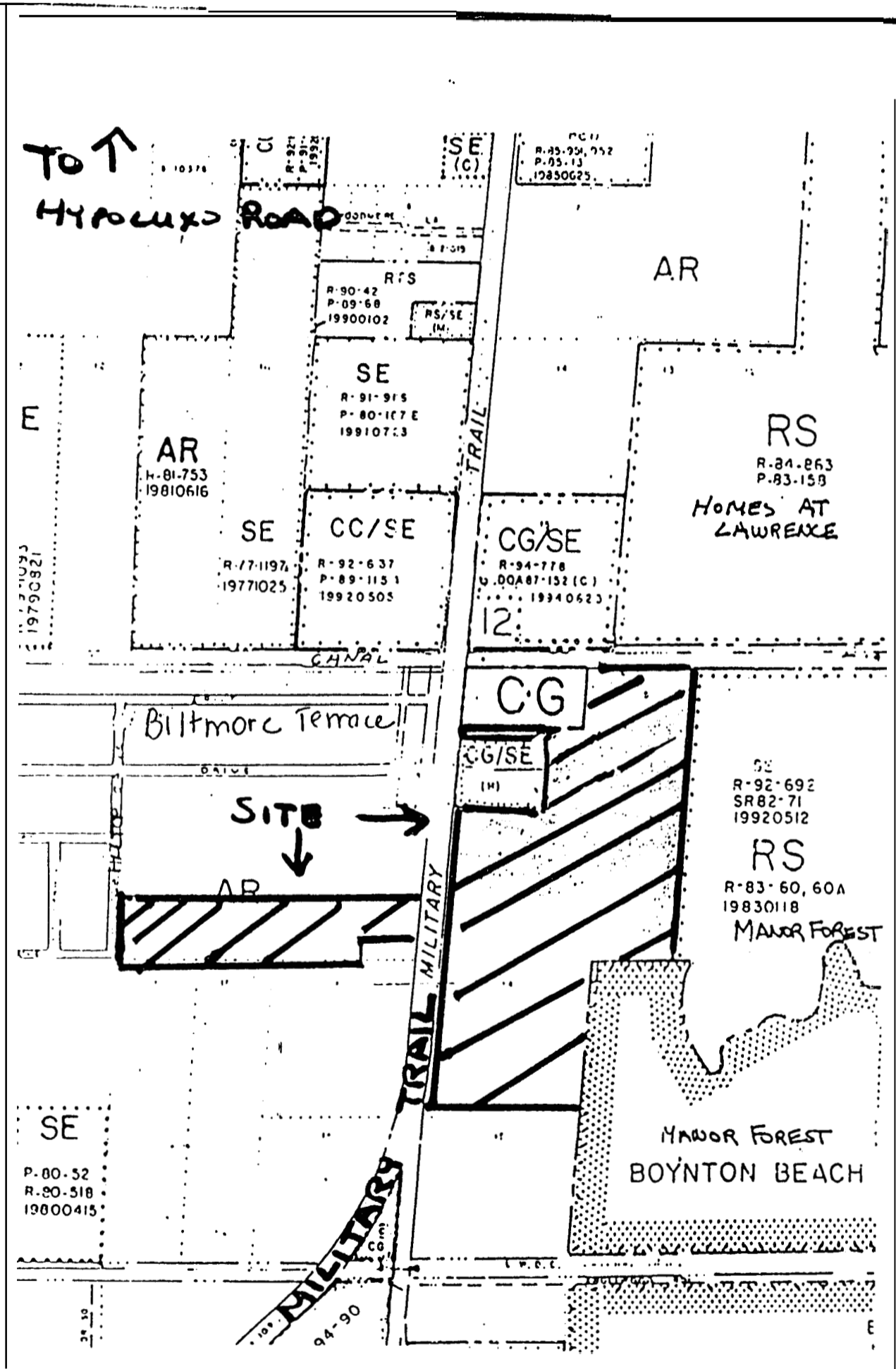


EXHIBIT C

PUD CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

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 August 30, 1996. 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)
2. Prior to DRC certification of the subdivision plan for Phase 3, the petitioner shall indicate a pool, with cabana and showers in the designated recreation tract of the Phase 3 parcel to the west. (DRC: ZONING - Building)
3. Prior to DRC certification of the subdivision plan for Phase 1, the petitioner shall indicate a pool, with cabana and showers and a minimum of five parking spaces, in the designated recreation tract of the Phase 1 parcel to the east. (DRC: ZONING - Building)
4. A vinyl coated chain link fence shall be placed in the the twenty (20) foot Type D along the west property line of Phase 3 (Hilltop Drive). (CO: LANDSCAPE - Zoning)

B. 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)
2. All palms planted on site in compliance with this approval, except on individual residential lots, shall meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet dear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning:!

C. LANDSCAPING ALONG NORTH AND SOUTH SIDES OF PARCEL ON 'NEST SIDE OF MILITARY TRAIL (PHASE 3)

1. A minimum twenty (20) foot Type B perimeter buffer shall be required along the north and south sides of Phase 3. No reductions shall be permitted. (DRC / CO: ZONING / LANDSCAPE)

D. LANDSCAPING ALONG WEST SIDE OF PHASE 1, PHASE 2 AND EAST SIDE OF PHASE 3 (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the property lines adjacent to Military Trail shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. An undulating berm having an average height of three (3) feet;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage, planted a maximum of sixty (60) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree; and
 - e. One (1) twenty four (24) inch high shrub, or equivalent ground cover approved by the Planning, Zoning and Building Department, for each four (4) linear feet, to be planted on top of the required berm and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. 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 consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards 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. (TC: ENG)
- 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. (ENG)

- 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. (PLAT: ENG)
2. Prior to DRC approval, the Master Plan shall be amended to reflect the entrance into Phase 3 relocated a minimum of 300 feet north of the centerline for the entrance to the east portion of the PUD. (DRC - ENG)
3. Prior to Technical Compliance, 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 Military Trail 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 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 (TC: ENG).
4. The property Owner shall install signalization (pedestrian and/or vehicles) if and when warranted as determined by the County Engineer at the intersection of Military Trail and the project's entrance road. (ONGOING: ENG)

F. MASS TRANSIT

1. A. 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 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 or Palm Tran. (DRC: ZONING)
- B. Mass transit access, shelters and/or bus stops, if required, shall be located and constructed by the petitioner within three (3) years (February 1, 2000) in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus shelters, if requested by the County Engineer. Mass transit access shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, and a bicycle rack. (DATE: MONITORING - Eng)

G. PARKS

1. A recreation site with facilities shall be provided within the phase west of Military Trail. Both **the** land area and facilities for this recreation site shall be increased fifty **(50%)** percent above minimum requirements which shall **be** based on **the** number of dwelling units proposed for this phase at the time of final DRC Certification. (DRC: PARKS)

H. 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)
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)
3. Street bike lanes shall be provided in or adjacent to all rights-of-way over **fifty (50)** feet in width, pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (PLAT: ENG - Zoning)
5. **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)

I. SCHOOL BOARD

1. 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. (ONGOING: SCHOOL BOARD)
2. Prior to **final** master plan approval by the DRC the petitioner shall provide a bus access on **the** east side of Military Trail, if warranted, in a manner and location acceptable to **the** Palm Beach County School Board. (DRC: School Board)
3. Prior to final master plan approval by the DRC the petitioner shall indicate a bus stop on the west side of Military Trail. (DRC: School Board)

J. COMPLIANCE

1. 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.

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)

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