

RESOLUTION APPROVING ZONING PETITION Z96-86
 OFFICIAL ZONING MAP AMENDMENT (REZONING)
 PETITION OF MICHAEL AND SARI WINSTON
 BY ALAN CIKLIN, AGENT
 (SYNERGY COHOUSING)

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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of ~~the~~ Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z96-86 was presented to the Board of County Commissioners at a public hearing conducted on April **24**, 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 Standards) of the Palm Beach County Unified Land Development Code; 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 Z96-86, the petition of Michael and Sari Winston, by Alan Ciklin, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Residential Medium Density (RM) 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 April 24, 1997 subject to the voluntary commitments described in EXHIBIT C1, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster 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	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara C. [Signature]*
COUNTY ATTORNEY

BY: *Joan Hawley [Signature]*
DEPUTY CLERK

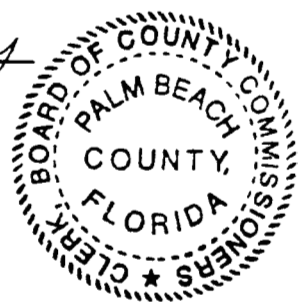


EXHIBIT A
LEGAL DESCRIPTION

BOUNDARY SURVEY OF: That portion of the East One-half (1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, lying West of the West maintenance line of Sims Road, according to the Plat thereof, recorded in road Plat Book 6, Pages 67, 68 and 69 of the Public Records of Palm Beach County, Florida; and the East 24.48 feet of the West one-half (W 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14, less the North 60.00 feet thereof; less that portion of the North 60.00 feet of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of the Northwest one-quarter (NW 1/4) of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, lying West of the West maintenance line of Sims Road, according to the Plat thereof recorded in road Plat Book 6, Pages 67, 68 and 69, of the Public Records of Palm Beach County, Florida, together with the following described lands, to-wit: **Begin** at the Southeast corner of above described land; thence run S. 00°05'46" W. (based on an assumed Meridian) 25.00 feet, along said West Maintenance line, to a point; thence run N 45°37'05" W 34.91 feet to a point on a line that is 60.00 feet South of and a parallel to the North line of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14; thence run N 88°40'04" E 25.00 feet along a line that is 60.00 feet South of and parallel to the North line of the East one-half (E 1/2) of the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 14 to the Point of Beginning.

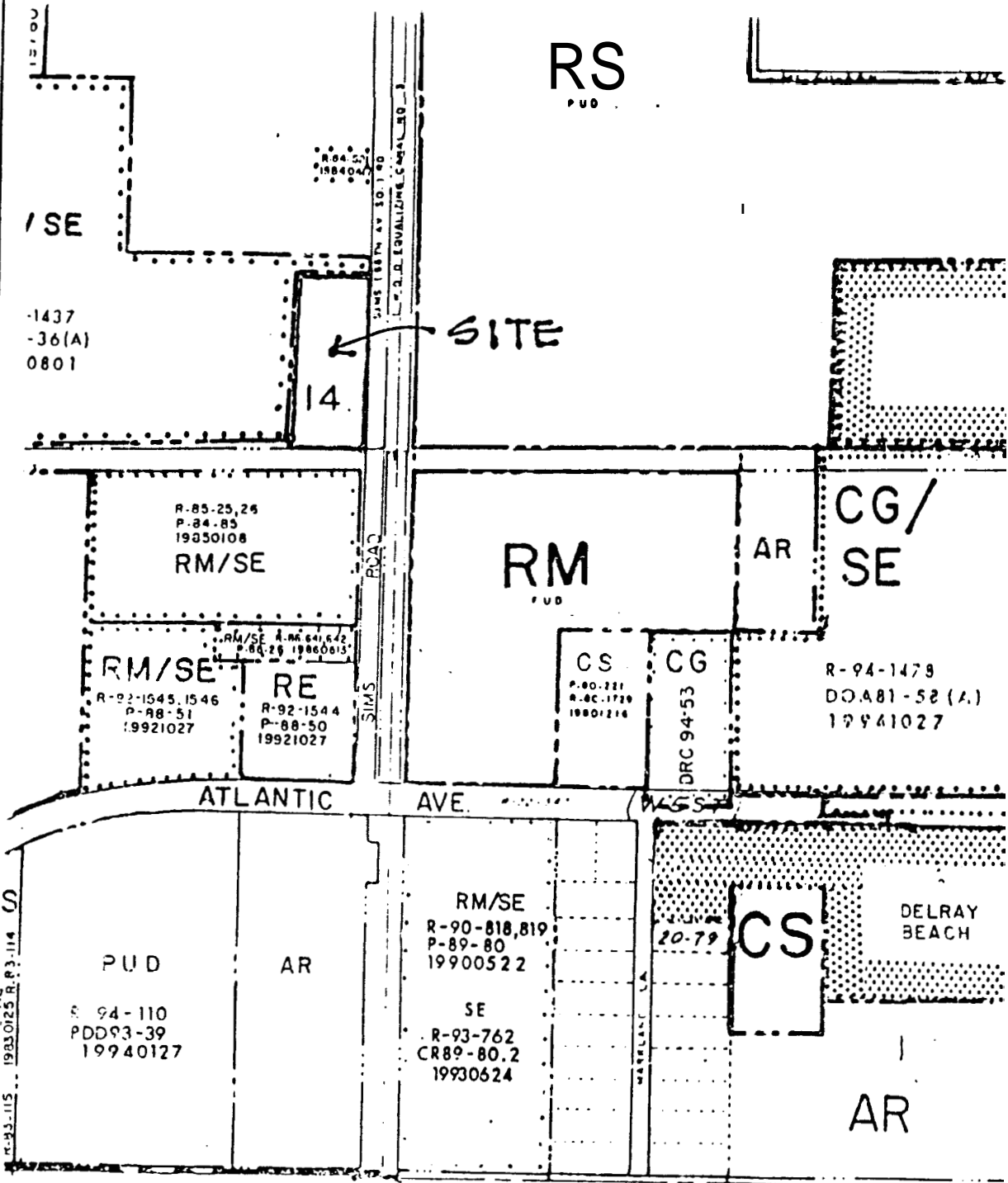
LESS the East 40.00 of the above described parcel and less the following:

COMMENCING at the center of said Section 14, thence S 88°05'36" W along the South line of the Northwest Quarter of said Section, a distance of 80.03 feet to the West Right-of-Way line of Sims Road Maintenance Map, recorded in road Plat Book 6, Page 68 of the Public Records of Palm Beach County, Florida, thence S 88°05'36" W along the South line of said Northwest Quarter a distance of 40.02 feet, thence N 00°17'25" W along the West Right-of-way line of Sims Road, a distance of 619.12 feet to the Point of Beginning.

From the Point of Beginning thence N 46°01'19" W a distance of 35.80 feet, thence N 88°14'39" E to the West Right-of-Way line of said Sims Road, a distance of 25.65 feet, thence S 00°17'28" E along the West Right-of-way line, a distance of 25.65 feet to the Point of Beginning.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



96-86 JUL 19 1996 ZONING FILE CC



Petition Number: 96-86
 Zoning Quad Page _____
 Date: July 19, 1996



EXHIBIT C1

VOLUNTARY COMMITMENTS

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 October **22, 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)

B. LANDSCAPING - STANDARD

1. **All canopy** trees required to be planted on site by this approval, 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** 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)

C. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line, shall be upgraded to include:
 - a. **A** minimum ten (10) foot wide landscape buffer strip; and
 - b. **A six (6)** foot high opaque concrete **wall** located approximately five (5) feet **setback** from **property** line. **The** exterior side of the wall shall be given a finished architectural treatment **which** is compatible and **harmonious** with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (**20**) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) 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 forty-eight (**48**) inches. (CO: LANDSCAPE)

3. Along the interior side of the required wall, the property owner shall install twenty-four **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center, to **be** maintained at a minimum height of thirty-six **(36)** inches. **(CO: LANDSCAPE)**

D. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUT-ING R.O.W. AND INTERNAL PARKING SPACES)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six **(6)** foot high opaque concrete wall located approximately five **(5)** feet setback from property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. **(CO: LANDSCAPE)**
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of ~~sixty~~ **(60)** 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 ~~forty-eight~~ **(48)** inches. **(CO: LANDSCAPE)**

E. ENGINEERING

No conditions.

F. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING SIMS ROAD AND NO INTERNAL PARKING SPACES)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty (60) feet on center; and
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation in areas where the existing wall does not exist, and to **be** maintained at a minimum height of forty-eight **(48)** inches. **(CO: LANDSCAPE)**

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty **(20)** feet on center;
 - c. One (1) palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty (60) feet on center; and

- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation in areas where the existing wall does not exist, and to be maintained at a minimum height of forty-eight **(48)** inches. (CO: LANDSCAPE)

H. 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)

I. SIGNS

1. Freestanding signs fronting on Sims 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 - 60 square feet;
 - c. Maximum number of signs - one **(1)**; and
 - d. Style - monument style only. (CO: BLDG)
2. No signs shall be permitted on Aspen Ridge Circle. (CO: BLDG)

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.

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)