

RESOLUTION NO. R-98- 2042

RESOLUTION APPROVING ZONING PETITION PDD97-112  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF JASSEY REAL ESTATE  
BY ROBERT BENTZ, AGENT  
(SADDLEBROOK VILLAGE 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 PDD97-112 was presented to the Board of County Commissioners at a public hearing conducted on December 3, 1998; 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) 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.

ORIGINAL

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 PDD97-112, the petition of Jassey Real Estate by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Agricultural Residential (AR) to Planned Unit Development (PUD) 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 December 3, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 3, 1998.

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

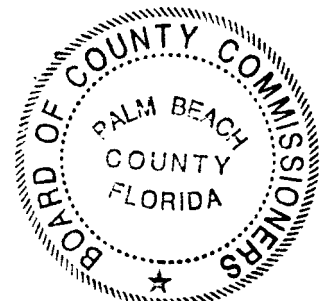


EXHIBIT A  
LEGAL DESCRIPTION

THE EAST ONE-HALF (1/2) OF TRACT 7 AND THE EAST ONE HALF OF TRACT 14 AND ALL OF TRACT 15, ALL IN BLOCK 2, PALM BEACH FARMS COMPANY PLAT No.3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY FOR BELVEDERE ROAD.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD .

**GROSS AREA:** 2,165,191.309 SQUARE FEET OR 49.706 ACRES +/-

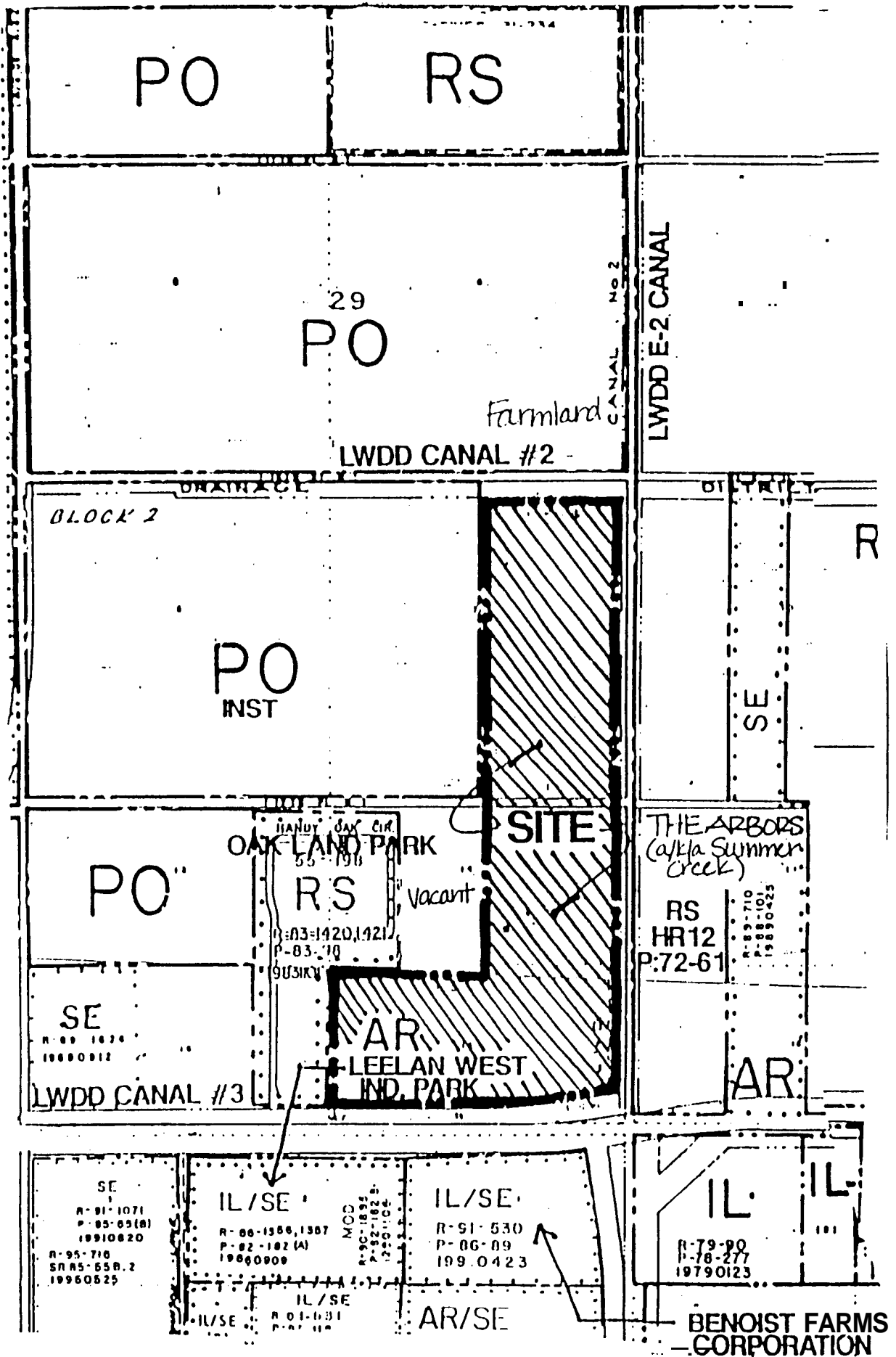
**CANAL R/W:** 231,222.893 SQUARE FEET OR 5.308 ACRES +/-

**NET AREA:** 1,933,968.416 SQUARE FEET OR 44.398 ACRES +/-

**AREA OF 30' PLATTED ROAD R/W:**

19,783.495 SQUARE FEET OR 0.454 ACRES +/-

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### 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 master plan is dated November 9, 1998. 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. BUILDING AND SITE DESIGN

1. The maximum height including all air conditioning and mechanical equipment, measured from finished grade to highest point, for all structures on site shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
2. The minimum setback for all structures shall be sixty (60) feet from all property lines. (DRC: ZONING)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. The site plan shall be amended to include a car wash area for the residents. (CO: BLDG - Zoning)
5. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
  - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
  - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
  - c. Contrasting shapes and forms within the building mass including offsetting of vertical or horizontal planes;
  - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
  - e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg)

#### C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of any property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A 25% upland set-aside preserve shall be depicted on the site plan and approved by Environmental Resources Management prior to DRC Master plan certification. (DRC: ERM)
2. A tree survey depicting all native trees with a 4 inch diameter breast height (dbh) shall be submitted to ERM for review and approval prior to the submittal of any site plan locating the proposed preserve. The survey shall depict the location of any native trees of specimen size and the location of any listed species found on the site. (DRC: ERM)
3. Significant vegetation indicated by the required tree survey shall be incorporated to the greatest extent possible, into the residential site plan design. (DRC: ERM)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed to provide for an expanded intersection along Belvedere Road north of the Lake Worth Drainage District's Canal Right of Way. This additional right of way shall be conveyed prior to the issuance of the first building permit. Right of way conveyance shall be as shown on Palm Beach County's Expanded Intersection Right of Way detail. 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. (BLDG PERMIT: MONITORING-Eng)
2. The Property owner shall construct a left turn lane west approach and a right turn lane east approach on Belvedere Road at the projects entrance road.
  - 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 Palm Beach County 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)
3. Prior to site plan approval by the Development Review Committee the developer shall receive approval from the Land Development Division for a revised drainage study demonstrating that the project will be in accordance with South Florida Water Management District, Lake Worth Drainage District and the South Florida Water Management District's C-51 Drainage Basin requirements.
4. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
  - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Belvedere Road right-of-way and shall comply with all permit requirements, including but not

limited to indemnifying Palm Beach County. 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.

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards 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. (BLDG PERMIT: MONITORING - Eng.)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng.)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this Obligation, prior to issuance of a building permit to reflect this obligation. (BLDG: PERMIT: MONITORING - Eng.)

#### F. 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: twelve (12) 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; and,
  - 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 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. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
4. Landscape conditions outlined below are not required if the petitioner provides viable upland preserves or wetlands as approved by the Department of Environmental Resource Management. The above requirements may be amended subject to a landscape betterment plan to include areas indicated as an upland preserve. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
  - c. Landscape areas shall be planted with a minimum one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
  - a. A minimum thirty (30) foot wide landscape buffer strip;
  - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
  - d. One (1) palm or pine tree or 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 may be substituted for 25% of the perimeter canopy trees; and,
  - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. The above requirements may be amended subject to a landscape betterment plan to include areas indicated as an upland preserve. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING BELVEDERE ROAD AND LWDD E-2 CANAL)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A minimum two to three foot high undulating berm with an average height of two and one half (2 ½) feet measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;



- d. One (1) palm or pine tree 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 may be substituted for 25% of the perimeter canopy trees; and,
  - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. The above requirements may be amended subject to a landscape betterment plan to include areas indicated as an upland preserve or wetlands adjacent to right-of-way for the LWDD E-2 Canal. (CO: LANDSCAPE)

J. MASS TRANSIT

- 1. Prior to final certification of the preliminary development 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. (DRC: ZONING)
- 2. 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 the 100th unit. 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)
- 3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. (ONGOING: PALM TRAN)

K. PLANNING

- 1. Prior to final certification by the Development Review Committee (DRC), the Master Plan shall be amended to indicate potential future vehicular/pedestrian access to the 8.0 acre residual parcel (parcel 14.2) located to the west, outside of the PUD boundary. The area within the PUD, to be used as access, shall be reserved as open space. Future connection/access to the site would not be required unless and until this 8.0 acre parcel is included within the boundaries of this PUD. (DRC: ENG/PLANNING)

L. PLANNED UNIT DEVELOPMENT

- 1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULCC, 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 ULCC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)

3. 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 recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

M. SCHOOL BOARD

1. If this is to be a gated community prior to final site plan approval by the DRC, the petitioner shall provide a bus stop pull off completely out of the right-of-way or bus stop turn around in front of any access control points or gated communities. The bus stops shall be sufficient enough in size to accommodate a school bus. The size and location of all such school bus stops shall be coordinated with the Palm Beach County Zoning and Planning Divisions and Engineering Department, along with the School District Planning Department. (DRC: SCHOOL BOARD)
2. 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 with the following:

NOTICE TO HOMEBUYERS/TENANTS

School age children may not be assigned to the public school closest to their residence. School district policies regarding overcrowding, racial balancing or other boundary policy decision affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 to verify the most current school assignment(s) for the house addresses in this development. (ONGOING: CODE ENF/SCHOOL BOARD)

N. SECURITY MEASURES

1. Security lighting shall be provided for all stairwells and shall not be extinguished during evening hours. (ONGOING: CODE ENF)
2. The manager and caretaker/maintenance person shall reside on site to assure the availability of convenient and continuous maintenance and residential management services. (ONGOING: CODE ENF)

O. SIGNS

1. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

P. 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 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)

Planning, Zoning and  
Building Department  
100 Australian Avenue  
West Palm Beach, FL 33406  
(561) 233-5000  
www.co.palm-beach.fl.us



Palm Beach County  
Board of County  
Commissioners

Maude Ford Lee, Chair

Warren H. Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Burt Aaronson


Tony Masilotti

County Administrator

Robert Weisman

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractor's Certification 233-5525

INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk  
FROM: Bill Whiteford, Acting Zoning Director   
DATE: December 7, 1998  
RE: Amended Conditions from the December 3, 1998  
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on December 3, 1998.

The following petitions were amended:

DOA82-174(D)  
DOA76-007(B)  
PDD98-55  
PDD97-112

West Boca Estates PUD  
Okeechobee Blvd MUPD  
Lester PUD  
Saddlebrook Village PUD

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