

RESOLUTION NO. R-99- 5

RESOLUTION APPROVING ZONING PETITION PDD97-84(A)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF SIESTA KEY OF BOYNTON, LTD
BY ROBERT BENTZ, AGENT
(SIESTA KEY 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 PDD97-84(A) was presented to the Board of County Commissioners at a public hearing conducted on January 7, 1999; 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 PDD97-84(A), the petition of Siesta Key of Boynton, LTD by Robert Bentz, agent, Rezoning from Agricultural Residential (AR) to Residential 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 January 7, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 7, 1999.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

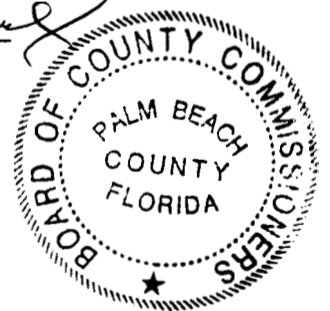
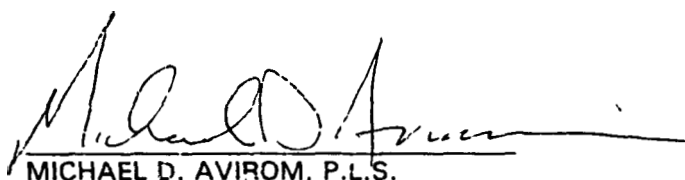


EXHIBIT A
LEGAL DESCRIPTION

Tracts **2, 3, 14** and **15**, Block 56, **PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through **54** of the Public Records of Palm Beach County, Florida, **LESS** the South 15.00 feet.

Said lands lying and situate in the City of Boynton Beach, Palm Beach County Florida and containing 976,161 square feet (22.41 acres) more or less.



MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

EXHIBIT B
VICINITY SKETCH

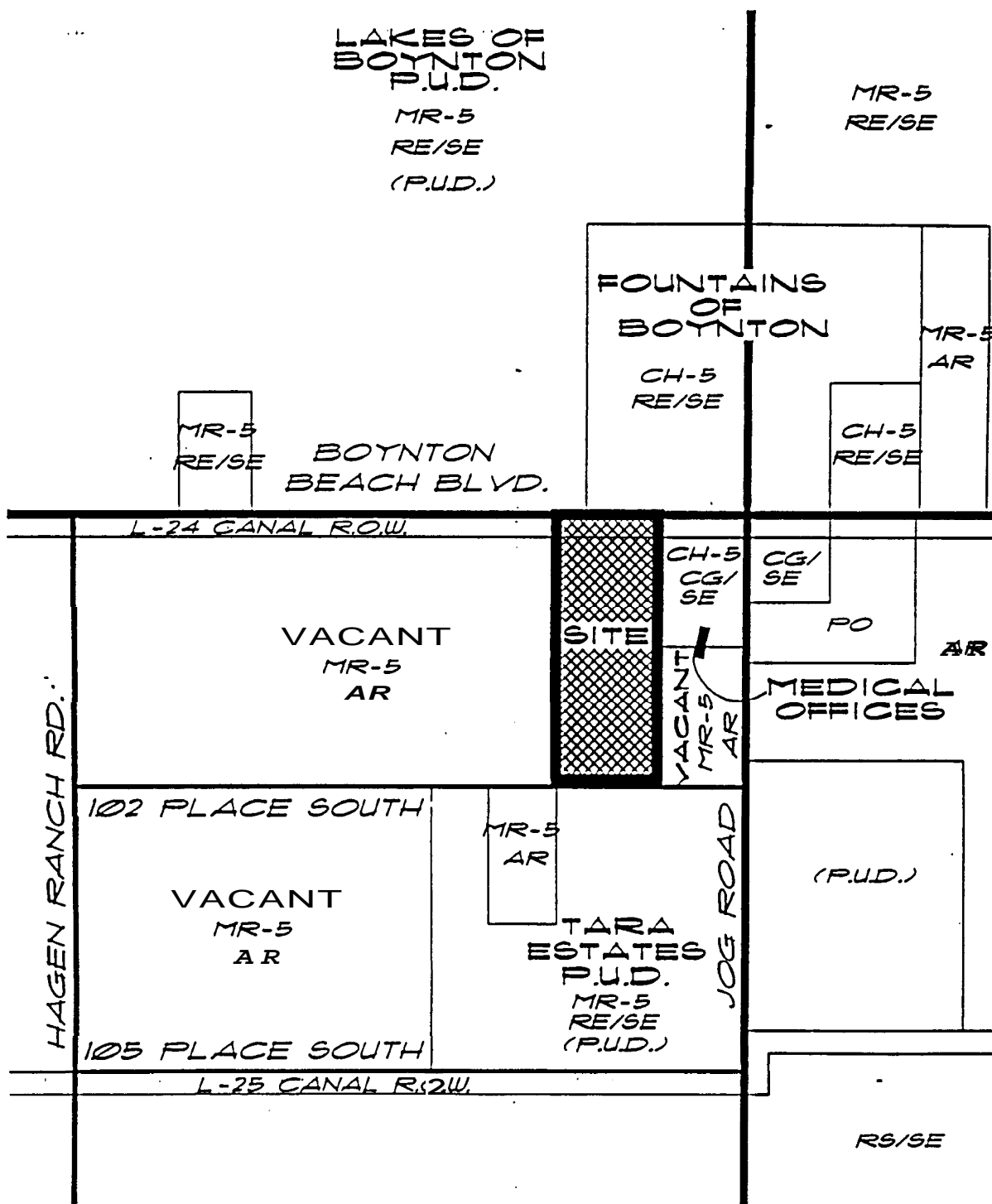
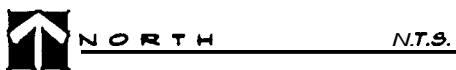


EXHIBIT C

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 October 29, 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. ARCHITECTURAL CONTROL

1. Prior to DRC approval of the Preliminary Development Plan, exterior elevations shall be submitted. The project architect shall certify to Palm Beach County that the elevations comply with the design criteria listed below. 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 150' without offsetting or jogging the roof plane. 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.);
 - e. Varied architectural details (i.e. columns, pilasters, vents, decorative trims and moldings, stucco or horizontal banding, decorative railings, decorative accent tiles, etc.);
 - f. All ground or roof mounted air condition and mechanical equipment shall be screened from view. The roof mounted equipment shall be screened by the parapet or a full pitched roof. The ground mounted equipment shall be screened by similar architectural treatment as the buildings or equivalent landscaping. (DRC: ZONING - Bldg)

C. 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 forty (40) feet provided all setback requirements are met. (BLDG PERMIT: BLDG - Zoning)
2. The residential building of the PUD shall not exceed three (3) stories. (BLDG PERMIT: BLDG - Zoning)

D. 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)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Boynton Beach Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. Prior to master plan approval by the DRC committee, the property owner shall obtain a turnout permit from the Florida Department of Transportation for access onto Boynton Beach Boulevard and shall comply with all requirements of the subject permit.
 - A) If the median opening is required to be closed by the Florida DOT then the site plan shall be amended to reflect this requirement. Also, the developer shall be required to lengthen the existing left turn lane east approach at the adjacent median opening to the west to a minimum length of 335 feet.
 - B) If the median opening is required to be reconstructed as a directional median opening, then the project entrance shall be relocated or modified as required.
 - a) All required 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) Construction 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)
3. LANDSCAPE WITHIN MEDIAN OF BOYNTON BEACH BOULEVARD
 - 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 Boynton Beach Boulevard Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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 owners 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'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 prior to the issuance of a certificate of occupancy. (CO:MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG.PERMIT:MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)
- 2. A tree survey of existing specimen trees shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)

G. 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: 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, 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. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING - INTERIOR AND AROUND THE LAKE

1. One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet. (DRC: ZONING)
2. A minimum of five (5) foot wide pedestrian walkway (asphalt paved) to be provided around the entire perimeter of the 2.79 acre lake. (CO: LANDSCAPE - Zoning)
3. A minimum of five (5) foot landscape strip to be provided on both sides of the pedestrian walkway as per Condition H.2. The following landscaping shall be provided within the strip:
 - a. One (1) native, canopy tree shall be provided for each thirty (30) linear feet of the pedestrian walkway and to be planted on alternate sides of the walkway. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING BOYNTON BEACH BOULEVARD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty five (25) 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 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 shall not be substituted for a perimeter canopy tree; 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)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING 102nd PLACE SOUTH)

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum twenty (20) 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. A six (6) foot high opaque concrete wall. 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 for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - b. One (1) palm 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 shall not be substituted for a perimeter canopy tree;

- and
- c. 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)

K. LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum twenty (20) 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 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 shall not be substituted for a perimeter canopy tree; 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)

L. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs with the exception of the tennis court lights shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. Tennis court lighting shall be a maximum of twenty five (25) feet in height. (CO: BLDG - Zoning)

M. MASS TRANSIT

1. A. 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 Palm Tram. (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 Tram, and County Engineer prior to issuance of a building permit for more than 25% (55) of the units, or the 100th unit, whichever is less. 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)

N. PLANNED UNIT DEVELOPMENT

1. Streetlights 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. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - 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 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)

5. Twenty-four hour security shall be provided at the guardhouse located at the main PUD entrance following the issuance of a Certificate of Occupancy for the 100th unit. (CO: BLDG Permit - ONGOING: CODE ENFORCEMENT)

O. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated October 29, 1998 (Rec.# 36, 37, 40). In addition, the indication of a stub street/cross access shall remain on the site plan. (DRC: PLANNING)
2. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. For the internal sidewalks around the lake of the property, the shade trees shall be spaced an average distance of fifty (50) feet or less along both sides of the lake. (DRC: PLANNING)
3. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)

4. Per the requirements of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, the architectural style of the homes shall be of the Spanish Mission or Mediterranean type. (ONGOING: PLANNING)
5. Although this project is not of a commercial nature, signage proposed at the entrance to the project from Boynton Beach Boulevard shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)
6. Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application, landscaping details/specifications meeting the standards as set forth in Section 2B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: MONITORING - Planning)
7. Prior to Final Site Plan Certification by the Development Review Committee (DRC), the site plan shall reflect a twenty-five (25) foot wide northern landscape buffer (along Boynton Beach Boulevard). (DRC: PLANNING)
8. Trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five (25) feet on center. (CO: LANDSCAPE - Planning)
9. Prior to final site plan approval, the development shall include a landscaped pathway/sidewalk system along Boynton Beach Boulevard in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning)
10. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions:
 - a) Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median; and
 - b) Section 3: Landscaping Guidelines. (ONGOING: PLANNING)

P. SCHOOL BOARD

1. The School District staff will recommend that the subject development 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 ENFORCEMENT/SCHOOL BOARD)

Q. 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)