

RESOLUTION NO. R-go-370

RESOLUTION APPROVING ZONING PETITION NO. 89-101  
SPECIAL EXCEPTION PETITION OF  
JOSEPH A. PALERMO AND MAURICE EPSTEIN

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 89-101 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 4, 1989; and

WHEREAS, the Board of County Commissioners, *sitting* as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of **fact**:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-101, the petition of JOSEPH A. PALERMO AND MAURICE EPSTEIN, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A MOBILE HOME CONDOMINIUM PARE (IF APPROVED, THIS WILL EXTINGUISH A PORTION **OF** THE SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT PETITION NUMBERS 83-149 AND 78-226), on a parcel of land being a portion of the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 45 South, Range 42 East; Said Parcel of Land being more particularly described as follows: From the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 13, run thence South 89 Degrees 40' 29" West along the South line of the Northeast 1/4 of the Southeast 1/4 said Section 13, a distance of 672.03 feet; thence North 02 Degrees 03' 35" East parallel with the East line of said Northeast 1/4 of the Southeast 1/4 of said Section 13, a distance of 53.05 feet to the Point of Beginning; continue thence North 02 Degrees 03' 35" East along said parallel line a distance of 412.95 feet; thence North 89 Degrees 40' 29" East a distance of 117.88 feet; thence North 00 Degrees 35' 47" East a distance of 811.01 feet to a point on the Southerly right-of-way line of Lake Worth Drainage District Canal L-21; thence South 89 Degrees 38' 05" East along said Southerly right-of-way line a distance of 816.11 feet; thence South 00 Degrees 35' 47" West

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along the West line of the Northeast 1/4 of the Southwest 1/4 of said Section 13 a distance of 1223.09 feet; thence North 89 Degrees 40'. 29" East along the Northerly right-of-way line of 22nd Avenue a distance of 687.67 feet to the Point of Beginning; and, being located on the north side of N.W. 22nd Avenue, approximately .13 mile west of Lawrence Road in the RM-Multiple Family Residential (Medium Density) Zoning District, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. Zoning Resolution R-84-773 and R-84-774, Petition No. 83-149 and Resolution R-89-1157, Petition No. 83-149(A) are hereby repealed *in* their entirety.
2. Prior to Site Plan Review Committee Submittal the site development plan shall be amended to indicate:
  - a. Compliance with all minimum property development regulations and land development requirements;
  - b. A twenty-five (25) foot wide perimeter buffer around the entire site. This perimeter buffer shall meet the landscape requirements of Alternative Perimeter Landscape Strip No. 3.
3. 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 provide, among other things, for: Formation of a single "**master**" property owner's association and automatic membership in the "**master**" association by any party holding title to any portion of the property included in the PUD.
4. **No off-premise** signs shall be permitted on site. a
5. Parking of vehicles shall take place in designated parking areas only.
6. Use of the site shall be limited to one-hundred and forty three (143) lots for a Mobile Home Condominium Park.
7. Simultaneously, with submittal to Site Plan Review Committee, the petitioner shall submit a Unity of Control Document for this parcel, including the land, Petition No. 89-101, to the west. The Unity of Control shall contain provisions of shared water retention tracts and drainage easements between the two parcels of land. The Unity of Control shall be subject to approval by the County Attorney and County Engineer.
8. Sewer service is available to the property. Therefore, no **septic tank** shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted **on the** site to provide potable water.
10. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at

the time of the permit application. However, at a minimum, this development shall retain **onsite** the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

11. Prior to February 1, **1990** or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for N.W. **22nd** Avenue, **55** feet from centerline free of all encumbrances and encroachments. Property owner 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. Right-of-way conveyances shall also include **"Safe Sight Corners"** where appropriate at intersections as determined by the County Engineer.
12. The Property owner shall construct a left turn lane, west approach on N.W. 22nd Avenue at the project's entrance road concurrent with **onsite** paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
13. The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of N.W. 22nd Avenue along the property frontage and for a maximum 400 ft. **distance** each side of the property boundary lines along N.W. 22nd Avenue. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from **the** project and District the ultimate Thoroughfare Plan Road Section(s) the included segment.
14. The property owner 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.
15. The Developer shall plat this property plus the property **contained** in Zoning Petition 89-102 as one plat in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.

16. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, **commercial-owner**, lessee, or user of the subject property. Appeals from such action **may** be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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


Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

