

RESOLUTION NO. R-89-1564

RESOLUTION AMENDING RESOLUTION NO. R-89-1382
RESOLUTION APPROVING ZONING PETITION NO. 86-106(B)
PETITION OF AMERIFIRST DEVELOPMENT CORPORATION

WHEREAS, John C. Toshner petitioned the Palm Beach County Planning Commission and the Board of County Commissioners sitting as the final zoning authority on March 2, 1989 and June 29, 1989, respectively, on behalf of AMERIFIRST DEVELOPMENT CORPORATION for a MODIFICATION OF COMMISSION REQUIREMENTS [SMITH DAIRY PLANNED UNIT DEVELOPMENT, PETITION NO. 86-106(A)] AND TO REVIEW SUBSTANTIAL DEVIATION FROM AN APPROVED DEVELOPMENT OF REGIONAL IMPACT, and

WHEREAS, the information contained in the Smith Dairy Substantial Deviation Application for Development Approval dated April 24, 1989 is incorporated into this Development Order by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes.

WHEREAS, for the purpose of this condition, the Substantial Deviation Application for Development Approval shall include the following supporting document:

1. Substantial Deviation Application for Development Approval dated April 24, 1989.

WHEREAS, Resolution No. R-89-1382 adopted July 25, 1989 confirming the action of the Board of County Commissioners sitting as the final zoning authority on June 29, 1989 inadvertently failed to include all conditions of approval: and

WHEREAS, all conditions of approval of Zoning Resolution No. R-89-1382 are to remain in full force and effect; and

WHEREAS, the condition section of Zoning Resolution No. R-89-1382 should have included:

6. The developer shall prepare the pond apple trees for relocation in a manner consistent with the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management tree relocation standards. Once relocated, success of the relocation efforts shall be monitored in consultation with the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management.

Should any planted or relocated trees not survive, the developer shall replace such trees within three months to the satisfaction of the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management. If after a two year period following planting, the littoral areas are not vegetated with an eighty percent cover of native herbaceous wetland vegetation, the developer shall undertake additional measures to provide such coverage to the satisfaction of the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recital is hereby affirmed and ratified.
2. Conditions within Resolution No. R-89-1382 are amended as stated herein.

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 5th day of September, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

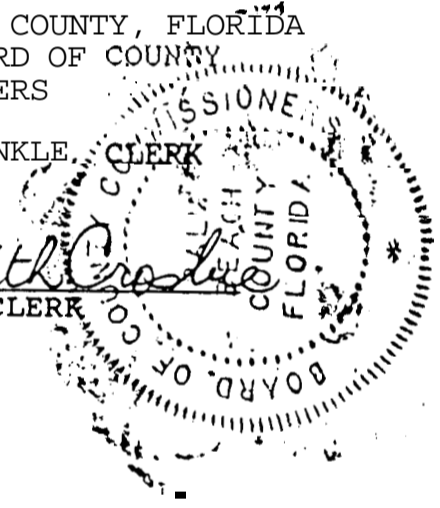
JOHN B. DUNKLE, CLERK

BY:

[Signature]
COUNTY ATTORNEY

BY:

[Signature]
DEPUTY CLERK



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on September 5, 1989
DATED at West Palm Beach, FL on 9/6/89.
JOHN B. DUNKLE, Clerk
By: *[Signature]* D.C.