

RESOLUTION NO. R-2001- 2071

RESOLUTION APPROVING ZONING PETITION DOA1988-051(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PAUL ADAMS, AS TRUSTEE
BY D. J. SNAPP, AGENT
(HERITAGE PARK 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1988-051(A) was presented to the Board of County Commissioners at a public hearing conducted on November 29, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 DOA1988-051(A), the petition of Paul Adams, as Trustee, by D. J. Snapp, agent, for a Development Order Amendment to amend master plan and add units on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 29, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on November 29, 2001.

Filed with the Clerk of the Board of County Commissioners on 29 day of November, 2001.

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

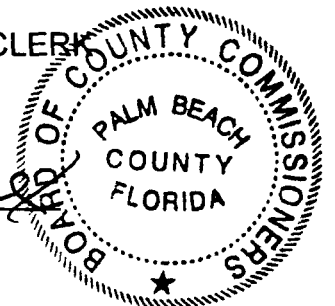


EXHIBIT A
LEGAL DESCRIPTION

BEING ALL OF TRACT "A" AND TRACT "B", **AMERICAN HERITAGE HOMES, PHASE I, P.U.D.**, AS RECORDED IN PLAT BOOK 62, PAGES 152 AND 153, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

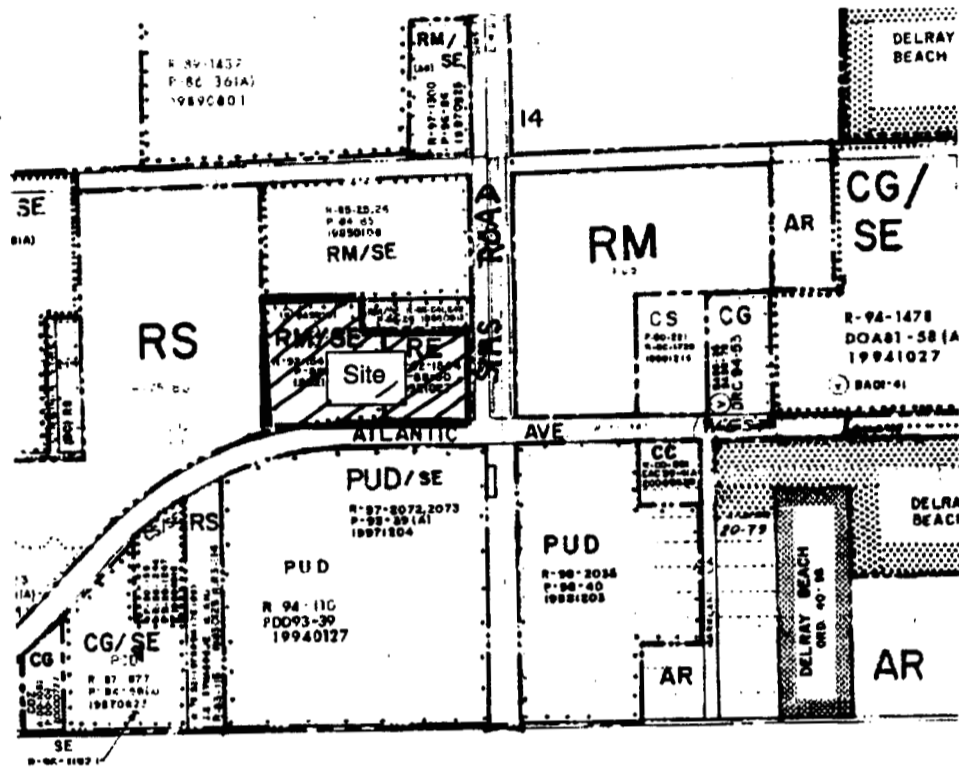


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-89-948 and R-89-949 (Petition 88-51) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master/site plan is dated July 26, 2001. 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)
3. Resolution R-89-933, granting approval of Petition 88- 50 is hereby revoked. (MONITORING)

B. BUILDING/SITE-DESIGN

1. Prior to certification, the master plan shall be amended to indicate the following:
 - a. Required twenty-five (25) foot perimeter buffer.
 - b. Detailed open space calculations pursuant to Section 500.21.J of the Zoning Code.
 - c. Minimum right-of-way and access tract widths and lengths meeting the requirements of the subdivision and platting regulations.
 - d. The language on the master plan which currently reads "Future development subject to Board approval" shall be amended to read "Future residential development shall be subject to the approval of the Board of County Commissioners". (DRC: ZONING) (Previously Condition 1 of Resolution R-89-948, Petition 88-51)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH) (Previously Condition 7 of Resolution R-89-948, Petition 88-51)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH) (Previously Condition 8 of Resolution R-89-948, Petition 88-51)

D. PLANNED DEVELOPMENT

1. All property included in the legal description of this 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 by any party holding title to any portion of the property included in the planned unit development. (ONGOING: Co Atty – Zoning) (Previously Condition 9 of Resolution R-89-948, Petition 88-51)

E. ENGINEERING

1. 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 first one inch of the stormwater runoff. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. (ONGOING: ENG) (Previously Condition 2 of Resolution R-89-948, Petition 88-51)
2. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed required for the construction of right-of-way of a right turn lane, north approach, on Sims Road at West Atlantic Avenue a minimum of 12 feet in width, **100** feet in length and a taper length of 180 feet free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the acquisition 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. (ONGOING: ENG) (Previously Condition 3 of Resolution R-89-948, Petition 88-51)
3. The property owner shall construct a left turn lane, south approach on Sims Road at the project's entrance road concurrent with improvements with the first plat, (no entrance shall be permitted onto West Atlantic Avenue). Construction shall be completed prior to the issuance of any Certificate of Occupancy and may be accomplished with the sue of striping. (CO: ENG) (Previously Condition 4 of Resolution R-89-948, Petition 88-51)
4. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of West Atlantic Avenue and Sims Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along West Atlantic Avenue and Sims Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (ONGOING: ENG) (Previously Condition 5 of Resolution R-89-948, Petition 88-51)

5. Condition 6 of Resolution R-89-948, Petition 88-51 which currently states:.

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. The Fair Share Fee for the project presently is \$804.00 per single family home under 2,000 square feet and \$1,045.00 per single family home over 2,000 square feet.)

Is hereby deleted. [REASON: Impact Fees are Code Requirements.]

F. 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. Condition 10 of Resolution R-89-948, Petition 88-51 which currently states:

Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Is hereby amended to read:

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 Code Enforcement Special Master 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)