

RESOLUTION NO. R-93-1

RESOLUTION APPROVING ZONING PETITION 292-40  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF JOSEPH J. AND VALERIE ZAMMIT

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 Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition 292-40 was presented to the Board of County Commissioners at a public hearing conducted on January 4, 1993; 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 Land Development Code.
3. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.
4. This official zoning map amendment (rezoning) is consistent with all requirements of Article 5, Section 5.3 (Official Zoning Map Amendments) of the Palm Beach County Land Development Code, Ordinance 92-20.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County 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 292-40, the petition of Joseph J. and Valerie Zammit, by David L. Carpenter, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT to the LIGHT INDUSTRIAL (IL) ZONING DISTRICT 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 4, 1993, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	AYE
Burt Aaronson	--	AYE
Ken Foster	--	ABSENT
Maude Ford Lee	--	AYE
Karen T. Marcus	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared that the resolution was duly passed and adopted this 4th day of January, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



FILE:H:\WPDATA\PROD\RESOS\Z92-40.RZ

EXHIBIT A

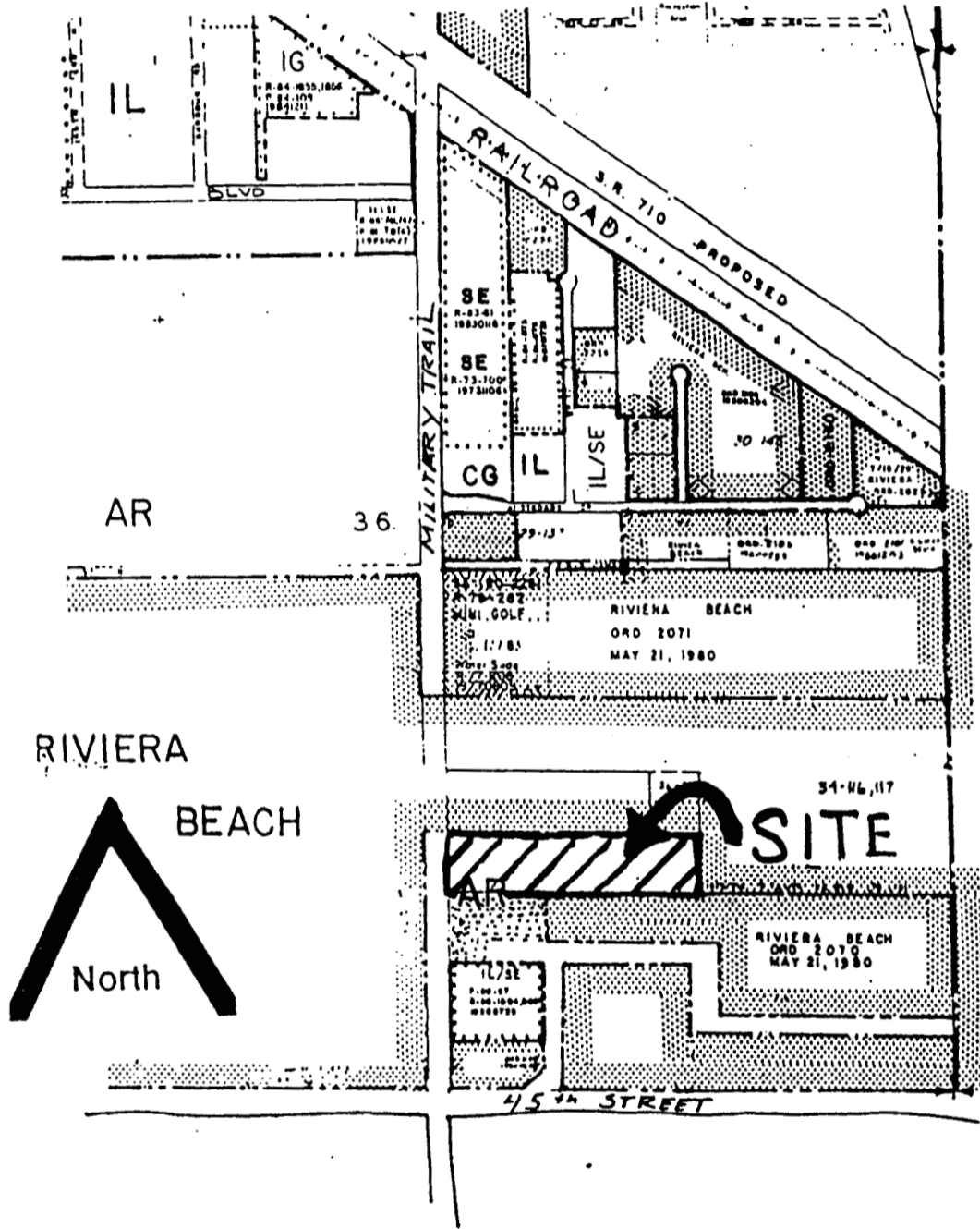
LEGAL DESCRIPTION FOR PETITION Z92-40

The north one quarter (N 1/4) of the south one half (S 1/2) of the southeast one quarter (SE 1/4) of Section 36, Township 42, Range 42, Palm Beach County, Florida; Less however the east 1304.29 feet thereof.

Containing 9.978 acres more or less

Sec. 27 Twp. 43 Rng. 42  
Quadrant Sheet: 31  
Aerial Page: 63-27

Vicinity  
Sketch



Request: The petitioner has applied for an Official Zoning Map Amendment from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District.

EXHIBIT C

VOLUNTARY COMMITMENTS

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification is required by ERM prior to the issuance of the first building permit or Final Site Plan certification, which ever occurs first. (BUILDING/ERM)
2. Secondary containment for stored Regulated Substances (fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (BUILDING/ERM)
3. Any proposed excavation is subject to Palm Beach County Land Development Code, Sec. 7.6. An approved littoral zone planting plan is required prior to the issuance of the first building permit or Final Site Plan certification, which ever occurs first. (BUILDING/ERM)

B. HEALTH

1. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. (HEALTH)
2. The application and engineering plans to construct an on-site sewage disposal system must be submitted and a permit issued by the Health Unit prior to issuance of building permit. (HEALTH)
3. Prior to receiving a permit to construct an on-site sewage disposal system, the applicant shall provide a recorded deed restriction limiting the use of the property to a non-industrial, non-manufacturing use until such time as the property is connected to a public sewer system. (HEALTH)

C. IRRIGATION

1. When irrigation quality (IQ) water is available within five hundred (500) feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulation and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

D. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department,

All landscape material shall be selected for the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Ground cover:

Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEERING-Zoning)
3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING-County Attorney)

E. ENGINEERING

1. Prior to March 1, 1993 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 warrant] deed for **Military Trail, sixty (60) feet from centerline** free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (MONITORING/BUILDING-Engineering)
2. Subject to approval of the Florida Department of Transportation, the property owner shall construct a left turn lane, north approach, on Military Trail at the project's entrance road. The construction shall be concurrent with the paving and drainage improvements for the site. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING-Engineering).