

RESOLUTION APPROVING ZONING PETITION EAC88-54(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF NORMAN CONSTRUCTION, INC.

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 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC88-54(A) was presented to the Board of County Commissioners at a public hearing conducted on July 29, 1993; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 EAC88-54(A), the petition of NORMAN CONSTRUCTION, INC., by: MICHAEL B. SCHORA AGENT for a DEVELOPMENT ORDER AMENDMENT in the Single-Family Residential (RS) Zoning District, to amend Condition No. 16 of Resolution R-89-909 (Landscape Buffer), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on July 29, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of July, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:

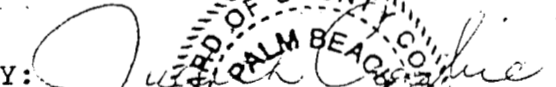
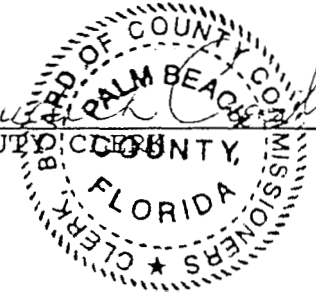

DEPUTY COUNTY CLERK


EXHIBIT A
LEGAL DESCRIPTION

LOTS 1-14 AND LOTS 19, 20, 37 AND 38 **OF** LEXINGTON ESTATES
ACCORDING TO THE PLAT THEREOF 'RECORDED IN PLAT BOOK 68,
PAGES 130 AND 131, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA.

EXHIBIT B
VICINITY SKETCH

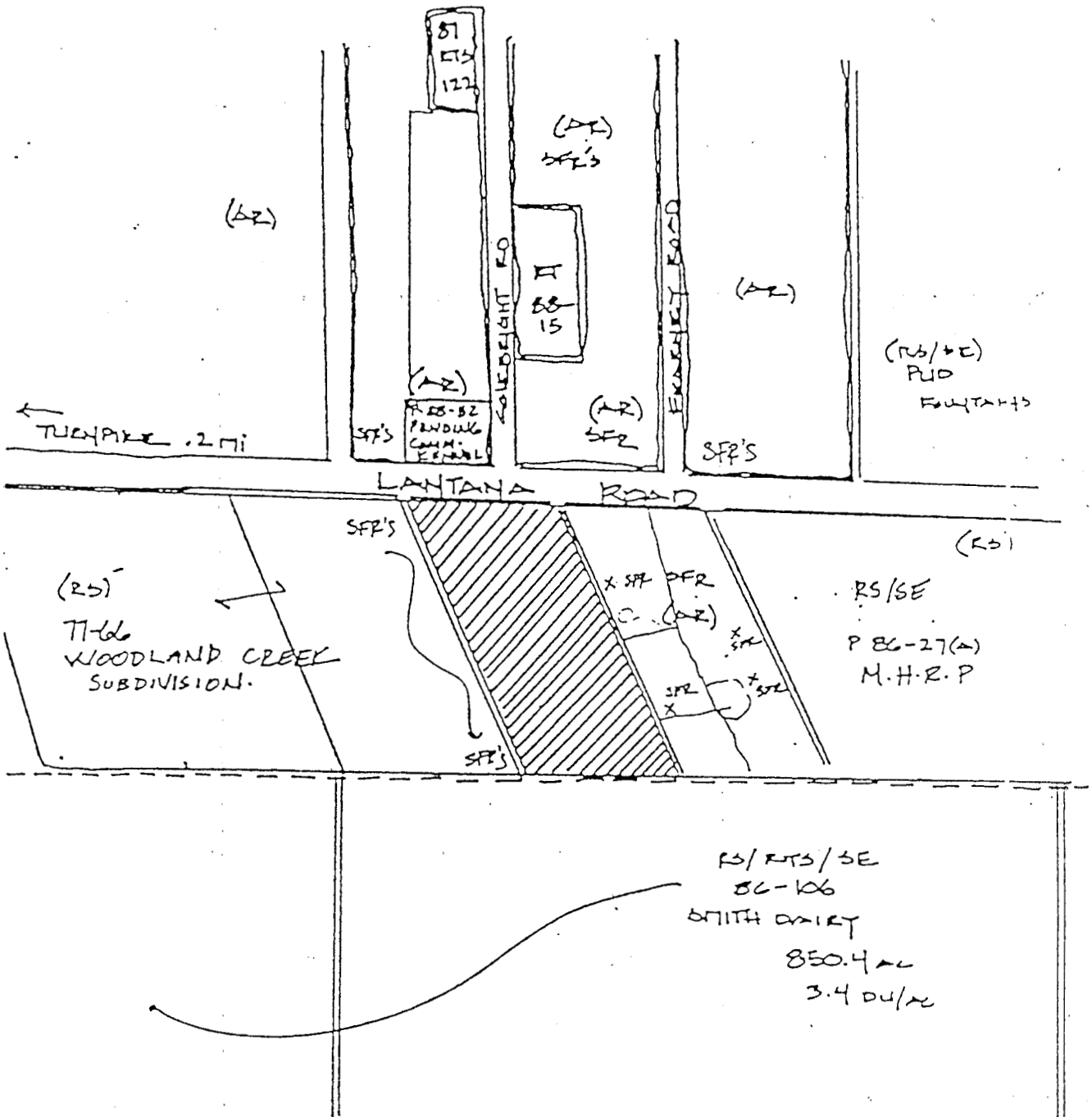


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 'All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Section 5.8 of the ULDC compliance, as amended, unless expressly modified. (MONITORING)
2. Condition No. 1, of Resolution No. R-89-909, which presently states:

Prior to Subdivision Review Committee, the master/site plan shall be amended to indicate the following:

- a. All preservation areas;
- b. A minimum of .59 acres of active or semi-active recreational area; and
- c. Required number of trees.

Is hereby deleted: [Reason: Site plan on file]

3. The developer shall preserve existing vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way, and building pods. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Subdivision Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase. (Previously Condition No. 2, of Resolution No. R-89-909) (ZONING)
4. The site shall be limited to a maximum density of 3.00 Dwelling units per acre (42 units total). (Previously Condition No. 3, of Resolution No. R-89-909) (ZONING)
5. All native vegetation within the common open space areas and buffers shall be preserved and incorporated into the project design. (Previously Condition No. 4, of Resolution No. R-89-909) (ZONING)
6. Condition No. 19, of Resolution No. R-89-909, which presently 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 deleted. [Reason: Code requirement]

B. HEALTH

1. Sewer service is available to the property. Therefore, no septic **tank** shall be permitted on the site. (Previously Condition No. 6, of Resolution No. R-89-909) (HEALTH)
2. Water service is available to the property. **Therefore, no well shall be permitted on the site to provide potable water.** (previously Condition No. 7, of Resolution No. R-89-909) (HEALTH)

C. LANDSCAPE-GENERAL

1. 'Condition No. 16, of Resolution No. R-89-909, which presently states:

The developer shall install a landscape buffer easement along the eastern and western perimeters of the property. The buffer shall consist of a berm and double **hedge** row combination, to reach a minimum height of **six (6)** feet within one **(1)** year, supplemented with ten **(10)** foot to twelve **(12)** foot high canopy trees planted **thirty (30)** feet **on** center. The buffer shall **be** continually maintained by the property owner's association.

Is hereby amended to state:

The developer shall install a landscape buffer easement along the eastern and western perimeters of the property. The buffer shall consist of a berm with ten (10) foot to twelve **(12)** foot high canopy trees planted **thirty (30)** feet on center. The buffer shall **be** the perpetual maintenance obligation of the owner of the individual lot which said easement encumbers. (ZONING/MONITORING)

2. **A** twenty-five **(25)** foot buffer shall be established along the east, west, and north property line, and a ten **(10)** foot buffer shall be established along the southern property line. (Previously Condition No. 17, of Resolution No. R-89-909) (ZONING)
3. The berm and wall combination may be deleted from the portion of the western property line along the boundary of the lake edge only. (Previously Condition No. 18, of Resolution No. R-89-909) (ZONING)

D. PARKS

1. Prior to issuance of any Certificate of Occupance, the petitioner shall, at a minimum, construct \$8,766.00 of recreational facilities on the 0.59 acre recreational area. A cost estimate (itemized) for the recreational facilities shall be submitted by the petitioner to the Parks and Recreation Department for verification. (BUILDING/PARKS AND RECREATION)

E. ENGINEERING

1. The property owner shall meet all provisions of Palm Beach County's Subdivision and Platting Ordinance **73-4** as amended. (Previously Condition No. 5, of Resolution No. R-89-909) (ENGINEERING)
2. 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. (Previously Condition No. 8, of Resolution No. R-89-909) (ENGINEERING)

3. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Lantana Road, 55 feet from centerline free of all encumbrances and encroachments. Petitioner 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. (Previously Condition No. 9, of Resolution No. R-89-909) (ENGINEERING)
4. The property owner shall construct a left turn lane, east approach on Lantana Road at the project's entrance road concurrent improvements with the first plat. This turn lane shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition No. 10, of Resolution No. R-89-909) (ENGINEERING)
5. If required by the County Engineer the Developer shall convey 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 Lantana Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lantana Road. 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 requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment. (Previously Condition No. 11, of Resolution No. R-89-909) (ENGINEERING)
6. 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 this project presently is \$804.03 pr approved single family dwelling until under 2,000 square feet and \$1,045.00 per approved single family dwelling unit over 2,000 square feet. (Previously Condition No. 12, of Resolution No. R-89-909) (ENGINEERING-Impact fee coordinator)
7. The petitioner shall convey to the 'Lake Worth Drainage District the South 30 feet of the subject property for the required right-of-way for Lateral Canal No. 16, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project. (Previously Condition No. 13, of Resolution No. R-89-909) (ENGINEERING)
8. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance and Lantana Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition No. 14, of Resolution No. R-89-909) (ENGINEERING)

9. This project's entrance shall align with Colbright Road onto the north side of Lantana Road. ~~Previously~~
Condition No. 15, of Resolution No. ~~R-89-909~~
(ENGINEERING)