

RESOLUTION NO. R-93- 1357

RESOLUTION APPROVING ZONING PETITION EAC92-16 (A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF INDIAN TRAILS WATER CONTROL DISTRICT

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;

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 EAC92-16(A) was presented to the Board of County Commissioners at a public hearing conducted on October 28, 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 **EAC92-16(A)**, the petition of INDIAN TRAILS WATER CONTROL DISTRICT for a DEVELOPMENT ORDER AMENDMENT WITH EXPEDITED APPLICATION CONSIDERATION (EAC) in the Agricultural Residential (AR) Zoning District, to amend Conditions A.1 and A.3, Resolution No. R-92-1817 (Building Square Footage & Building Height), 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 October 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

commissioner Marcus 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	--	Absent
Burt Aaronson	---	Aye
Ken Foster	--	Aye
Maude Ford Lee	---	Aye
Karen T. Marcus	---	Aye
Warren Newell	---	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, 1993.

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

THE NORTH 241.5' OF THE SOUTH 572' OF THE WEST
448' OF THE EAST 2788' OF SECTION 33, TOWNSHIP
42 SOUTH, RANGE 41 EAST, SUBJECT TO AN
EASEMENT TO INDIAN TRAIL WATER CONTROL
DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER
THE NORTH 32.5' AND THE WEST 30'.

AS MEASURED PARALLEL TO THE EAST AND SOUTH
SECTION LINES.

CONTAINING 2.475 ACRES, 107,802 SQ. FT.

EXHIBIT B
LOCATION SKETCH

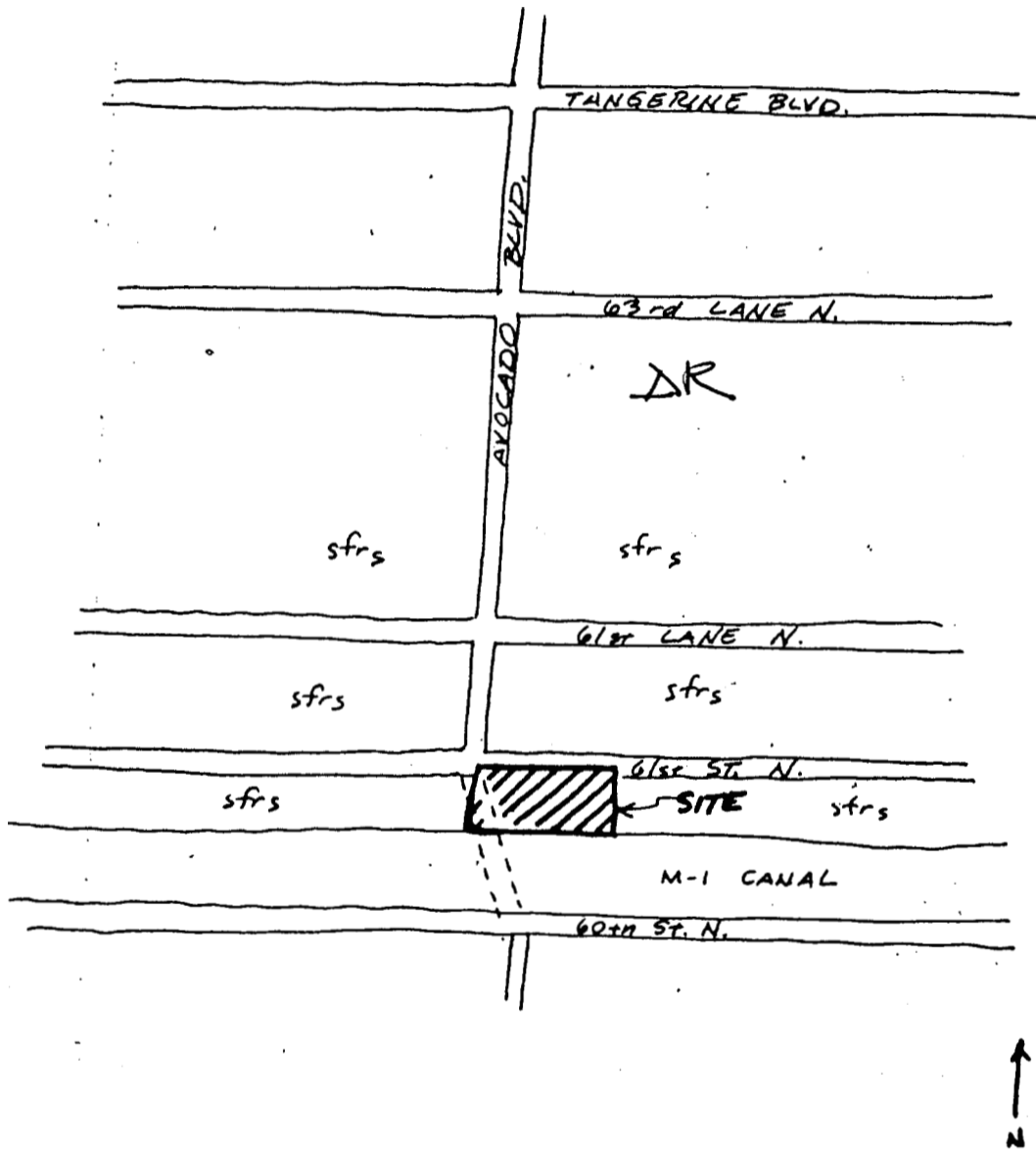


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. Condition A.1. of Resolution R-92-1817, which currently states:

Total gross floor area shall be limited to a maximum of 3374 square feet.

Is hereby deleted.

2. The minimum setback for all structures adjacent to the east property line shall be one hundred ten (110) feet. (BUILDING)

3. Condition A.3. of Resolution R-92-1817, which currently states:

The maximum height, from grade to roof line, for all structures shall not exceed twenty (20) feet. (BUILDING)

Is hereby deleted.

4. Architectural character and treatment, including a pitched roof, which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BUILDING)
5. All air conditioning and mechanical equipment shall be ground mounted adjacent to the building and screened from view on all sides in a manner consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred (100) feet of any property line; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BUILDING-ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Preserve areas located on-site shall be labeled on **the** site plan and identified on a certified metes and bounds survey by a registered land surveyor. The metes and bounds survey shall be submitted to ERM and approved prior to site plan certification. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses **the** maintenance **of** the preserve area including the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site **Plan** Review Committee and approved by the Department prior to site plan certification. Prior to issuance of the vegetation removal permit, appropriate barricades shall be erected around the preserve area that will prevent any encroachment of any kind into the preserve. (ERM)

D. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to applying for a building permit. (HEALTH)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the storm-water 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 on-site the storm-water 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. 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. (ENGINEERING)
2. Prior to the issuance of a building permit, the contract for the paving of Avocado Avenue from the project entrance to Orange Boulevard shall be let. Prior to the issuance of a certificate of occupancy, construction shall be completed. (BUILDING-ENGINEERING) Completed.
3. Prior to July 1, 1993, the property owner shall convey a 60 foot perpetual access easement to the public for Avocado Boulevard in a form acceptable to the County Attorney and County Engineering Department. (ENGINEERING) Completed.

F. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to all Landscape Code requirements and conditions of **approval**. (ZONING)

2. All required trees in landscape buffer strips shall meet the following minimum standards:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

G. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. All lighting fixtures shall not exceed twenty (20) feet in height. (BUILDING)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

H. SIGNS

1. Signs fronting on Avocado Blvd. shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - six (6) feet;
 - b. Maximum sign face area per side - 20 square feet;
 - c. Maximum number of signs - one (1). (BUILDING)
2. No signs shall be permitted on 61st Street North.
3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (ZONING)

I. UNITY OF TITLE

1. Simultaneously with submittal of the site plan to the Site Plan Review Committee, the petitioner shall submit a Unity of Title for the entire subject property in a form acceptable to the County Attorney's Office. Prior to site plan certification, petitioner shall record the Unity of Title shall in the public record in a form acceptable to the County Attorney's Office. (COUNTY ATTORNEY)

J. VEGETATION

1. The petitioner shall preserve and/or relocate the existing native vegetation approved by the Zoning Division and shall incorporate it into the project design. Clearing of native vegetation shall be limited to building pad, retention area and vehicular use area only. (ZONING)

2. The petitioner shall, submit concurrent with the building permit application for the first building a landscape plan that:
 - a. Demonstrates how significant native vegetation is incorporated into the site design.
 - b. Identify by number all healthy native plant material relocated to the preservation area, buffer area, and open areas. (ZONING)
3. Prior to removal of any vegetation on site, **the** petitioner shall:
 - a. Schedule a Preclearing Inspection with the Zoning Division and Environmental Resources Management.
 - b. Identify, tag and number for approval the vegetation to be relocated **or** preserved. (ZONING-ERM)
4. Vegetation to be preserved shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, inspected and approved. (ZONING)
5. No vegetation removal or development activity including, but not limited to trenching, grade changes **or** grubbing shall be permitted in required buffer areas or preservation areas. (ZONING)
6. All vegetation relocation shall be completed and approved prior to the issuance of the first building permit. (BUILDING-ZONING)

K. COMPLIANCE

1. **As** provided in the Palm Beach County Zoning Code, Sections 400.2 and **402.6**, failure to comply with **any** of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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. (MONITORING)
2. Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals **of** any revocation **of** Special Exception, Rezoning, 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)