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RESOLUTION NO. R-95- 715

RESOLUTION APPROVING ZONING PETITION PDD94-93
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF F.G.H. JOG PALMS, 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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD94-93 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD94-90, the petition of F.G.H. Jog Palms Inc. for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Residential Planned Unit Development (PUD) 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 May 25, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

RV:


DEPUTY CLERK

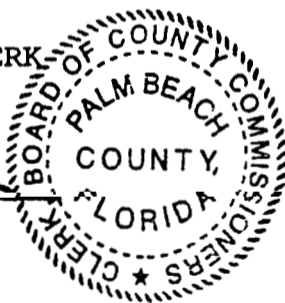


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION:

TRACTS 34,35,36,45,46,47 AND 48, BLOCK 56, THE
PALM BEACH FARMS COMPANY PLAT NO. 3,
ACCORDING TO THE PLAT THEREOF RECORDED IN
PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE
PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA

4

EXHIBIT B
VICINITY SKETCH

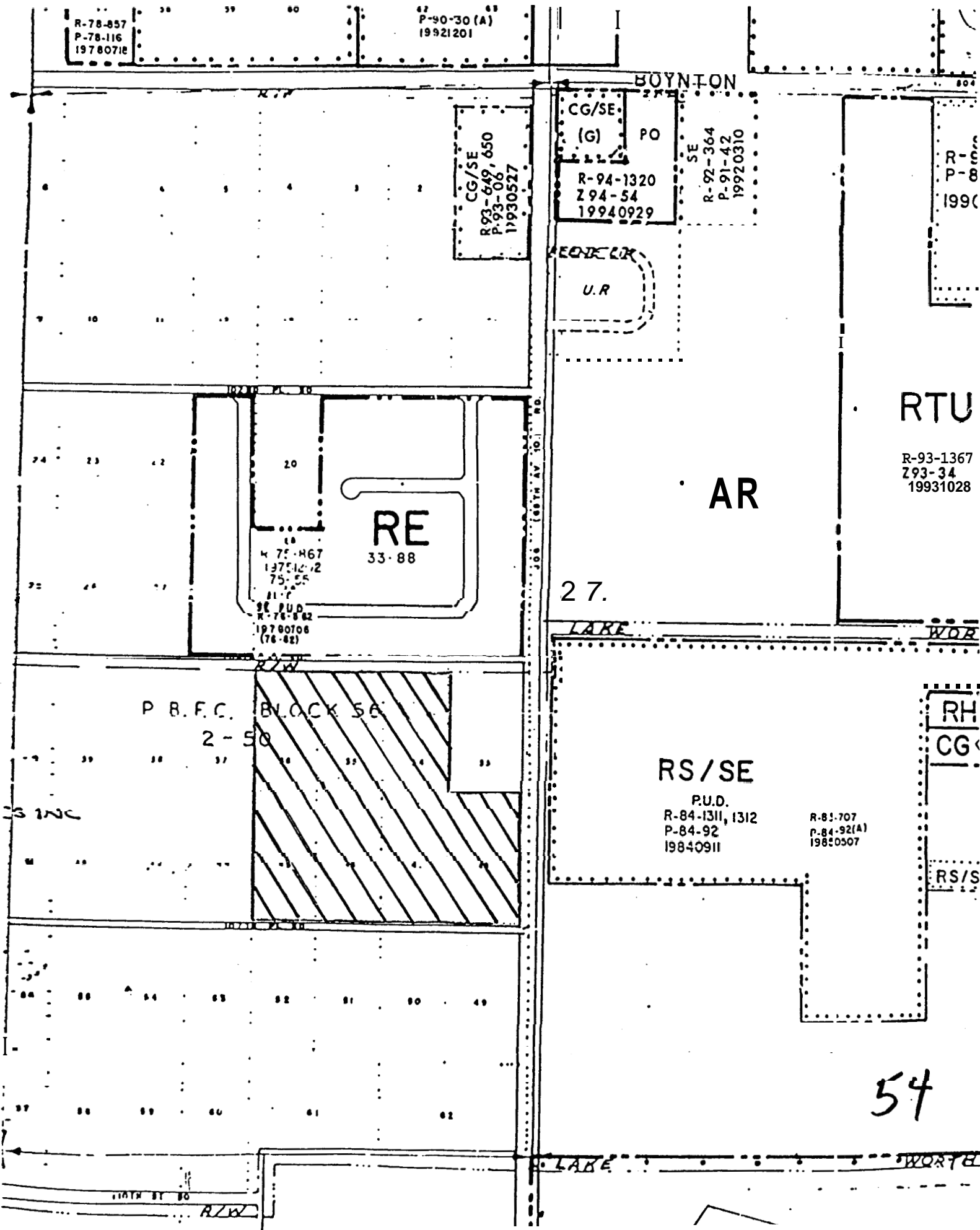


EXHIBIT C

CONDITIONS OF APPROVAL

A. LWDD

1. Prior to approval of the first plat, the Property Owner will be required to grant an easement over the South ten (10) feet of the North sixty-five (65) feet of Tracts 34, 35 and 36, Block 56, according to the plat of The Palm Beach Farms Company Plat No. 3, recorded in P.B. 2, pages 45 to 54 inclusive, public records of Palm Beach County, Florida for the right-of-way for Lateral Canal No. 25. (ENGINEERING/LWDD)

B. PREM

1. The Petitioner is subject to standard PREM civic land acquisition procedures according to ULDC #6.8B6a(2) (a)(i) if the parcel is not cashed out or requested as a private civic site. (PREM)

C. UTILITIES

1. The Property Owner will be required to grant a sixty (60) foot X forty (40) foot easement to Palm Beach County Water Utilities Department for the well site and the necessary easements for ingress, egress and utilities prior to acceptance of the water and sewer system by Palm Beach County Water Utilities. (UTILITIES)

D. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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 Conditional Use, 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)

E. ENGINEERING

1. Prior to DRC approval, the proposed preliminary subdivision plan shall be modified to:
 - a. show the location of the residential driveways on the Typical Zero Lot Line detail. The locations shall meet the requirements of the ULDC and shall not be constructed within the "corner clips".
 - b. all roadway geometrics shall meet the requirements of the ULDC. (ENGINEERING)
2. The recorded plat for the project shall include drainage easements (not to be encumbered over residential lots) to provide legal positive outfall for runoff from those segments of Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road. Said easements shall be no less than 20 feet in width and shall be dedicated to Palm Beach County. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. Further, this drainage easement may provide for a dry retention area, if the size and location is approved by the County Engineer. (ENGINEERING)
3. The Developer 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, Zoning Petition Number 94-93, to be paid at the time of issuance of the Building Permit presently is \$178,200.00 (1,080 trips X \$165.00 per trip). (IMPACT FEE COORDINATOR)
4. No building permits for this site, including dry model permits, shall be issued until Jog Road has been open to traffic. (BUILDING-Engineering)