

RESOLUTION NO. R-98- 1107

RESOLUTION APPROVING ZONING PETITION Z97-103
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF EDWARD & MARLEINE SASSO
BY RUSSELL SCOTT, AGENT
(SASSO PROPERTY)

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

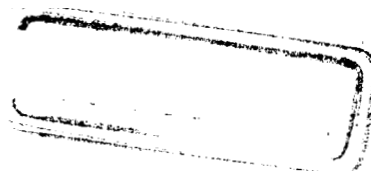
WHEREAS, the notice and public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z97-103 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; 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 Standards) of the Palm Beach County Unified Land Development Code; 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 Z97-103, the petition of Edward & Marleine Sasso, by Russell Scott, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential High (RH) Zoning District to the Light Industrial (II) 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 July 23, 1998 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

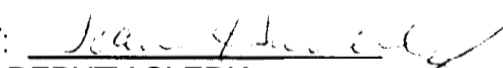
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

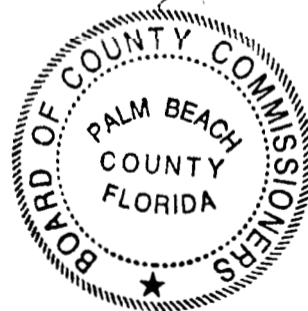


EXHIBIT A

LEGAL DESCRIPTION

All of Tract 115, MODEL LAND COMPANY'S SUBDIVISION, SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 79; EXCEPTING so much as is now in use for public roads. All of that part of dry lake bed lying between Lot 115 and South line of Section 20, more particularly described as follows: Beginning at a point where the East line of Lot 115, produced South intersects South line of Section 20; thence Westerly along South line of Section 20 to a point where West line of Lot 115 produced South intersects South line of Section 20; thence Northerly along said West line of Lot 115 produced to Southwest corner of Lot 115; thence Southeasterly along South line of Lot 115 to Southeast corner of same; thence Southerly along the East line of Lot 115 produced to Point of Beginning, EXCEPTING THEREFROM so much as is now covered by public roads, LESS the following: a tract of land 75 feet by 140 feet; beginning at a point where the West boundary of Tract 115 projected Southerly would intersect State Road 174; thence running Northerly 140 feet; thence East 75 feet; thence South 140 feet; thence West 75 feet to the Point of Beginning. LESS the North 25 feet of Tract 115 conveyed to Palm Beach County by Right-of-way Warranty Deed filed in Official Record Book 5298, Page 1507 and LESS 4 feet conveyed for additional right-of-way for Lake Worth Rd., filed in Official Record Book 5298, page 1505, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

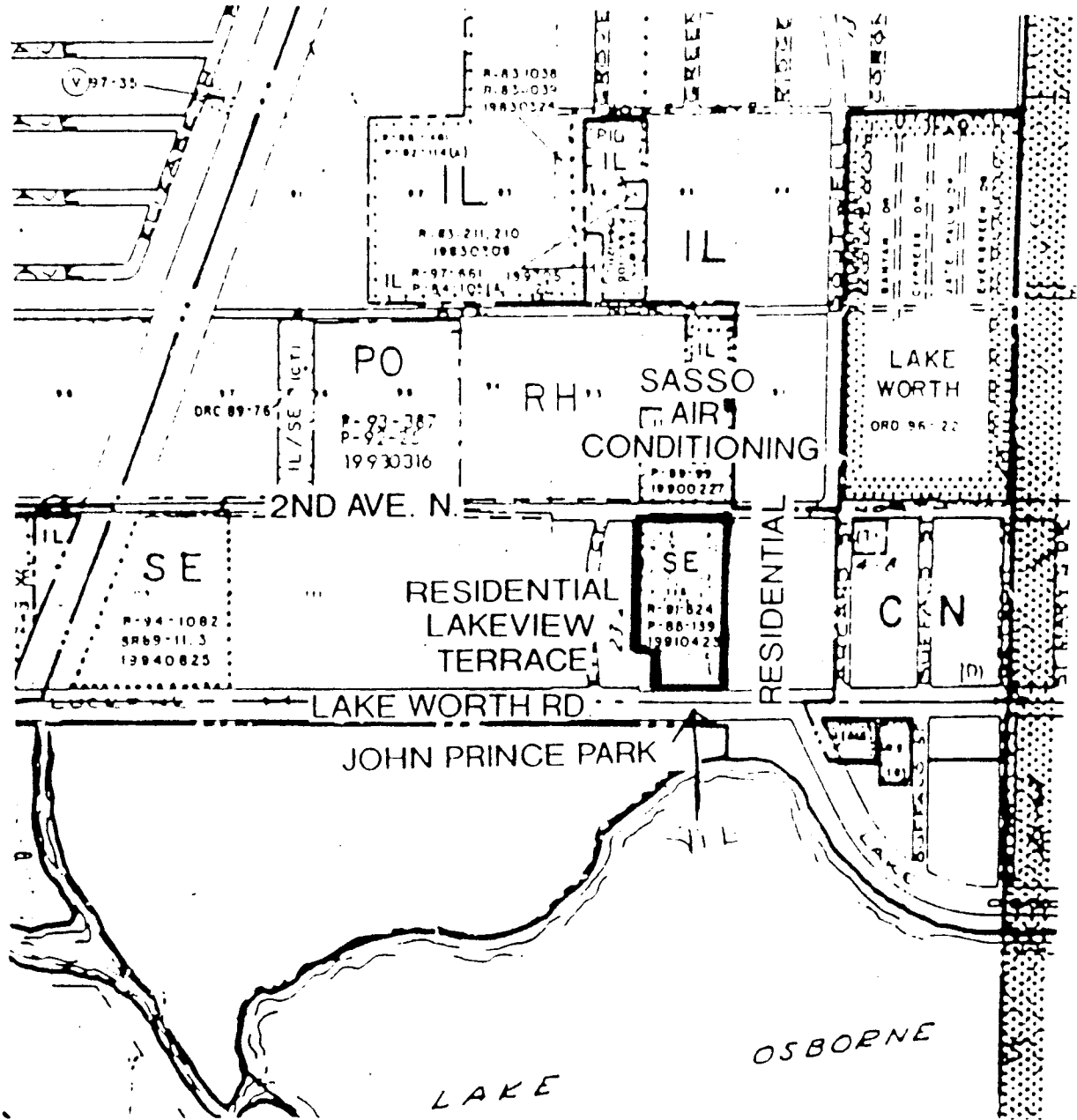


EXHIBIT C

VOLUNTARY COMMITMENTS

NOTE: There are no Voluntary Commitments **D**. The Letter **'E'** is always reserved for Engineering Department.

A. LANDSCAPING - STANDARD

1. **A** canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (12) 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (**12**) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (**18**) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for **a** canopy tree in that location. (CO: LANDSCAPE - Zoning)

B. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall. The exterior side of the wall ~~shall~~ be given a finished architectural treatment ~~which~~ is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. **A** group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - c. Twenty four (**24**) inch high shrub or hedge material spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of forty-eight (**48**) inches. (CO: LANDSCAPE)

3. **Along** the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

C. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit the property owner shall convey to Palm Beach County Land **Development Division** by road right-of-way warranty deed for Lake Worth Road, 55 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. Property owner 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along 2nd Avenue North and Lake Worth Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT:MONITORING-Eng)

3. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lake Worth Road Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner.

Alternative species other than those listed in the County standards may **be** allowed subject to approval by the County Engineer. (B.DG PERMIT:MONITORING - Eng)

- B. **All** required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO:MONITORING-Eng):
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (B.DG PERMIT:MONITORING - Eng)

F. SIGNS

- 1. Freestanding signs fronting on Lake Worth Road and 2nd Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Style - monument style;
 - d. Number of sign - One (1) on each frontage. (CO: BLDG)

G. 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. 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 majority vote of *the* Code Enforcement Board 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)