

RESOLUTION NO. R-2004- 1632

RESOLUTION APPROVING ZONING PETITION Z2004-016
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PBC FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT
BY MELAINE BORKOWSKI, AGENT
(JUPITER FARMS COMMUNITY PARK EXPANSION)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition Z2004-016 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2004; 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 has considered the findings in the staff report and 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 2.K.3.b (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 Z2004-016, the petition of PBC Facilities Development & Operations Department, by Melanie Borkowski, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Public Ownership 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 22, 2004 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Absent

The Chair thereupon declared that the resolution was duly passed and adopted on July 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 24 day of August, 2004.

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:

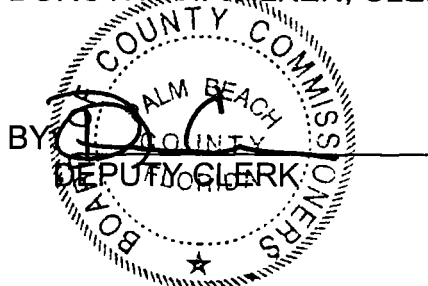

DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS:

THE RIGHTS-OF-WAY FOR JUPITER FARMS ROAD (S.R. 7 EXTENDED), AND RANDOLPH SIDING ROAD, AND THE CANAL RIGHT-OF-WAY ADJACENT TO RANDOLPH SIDING ROAD, ALL ACCORDING TO THE PLAT OF JUPITER FARMS AND GROVES RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS.

AND ALSO LESS:

THE PARCEL CONVEYED IN OFFICIAL RECORD BOOK 8134, PAGE 1645, PALM BEACH COUNTY PUBLIC RECORDS, DESCRIBED AS:

THE NORTH 485.99 FEET OF THE EAST 896.08 FEET OF THAT PART OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12, LYING WEST OF JUPITER FARMS ROAD AND SOUTH OF THE SOUTH LINE OF 50.00 FOOT CANAL RIGHT-OF-WAY ADJACENT TO RANDOLPH SIDING ROAD AS EACH IS SHOWN ON THE PLAT OF JUPITER FARMS AND GROVES RECORDED IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND ALSO LESS:

THE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 9154, PAGE 172, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS:

THE SOUTH 280.00 FEET OF THE EAST 314.92 FEET OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL CONTAINS 26.8340 ACRES MEASURED

TOGETHER WITH:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 485.99 FEET OF THE EAST 896.08 FEET OF THAT PART OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12 LYING WEST OF JUPITER FARMS ROAD AND SOUTH OF THE SOUTH LINE OF A 50.00 FOOT CANAL RIGHT OF WAY ADJACENT TO RANDOLPH SIDING ROAD AS EACH IS SHOWN ON THE PLAT OF JUPITER FARMS AND GROVES RECORDED IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 10.00 ACRES MORE OR LESS.

BOTH PARCEL TOGETHER CONTAINING 36.8340 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

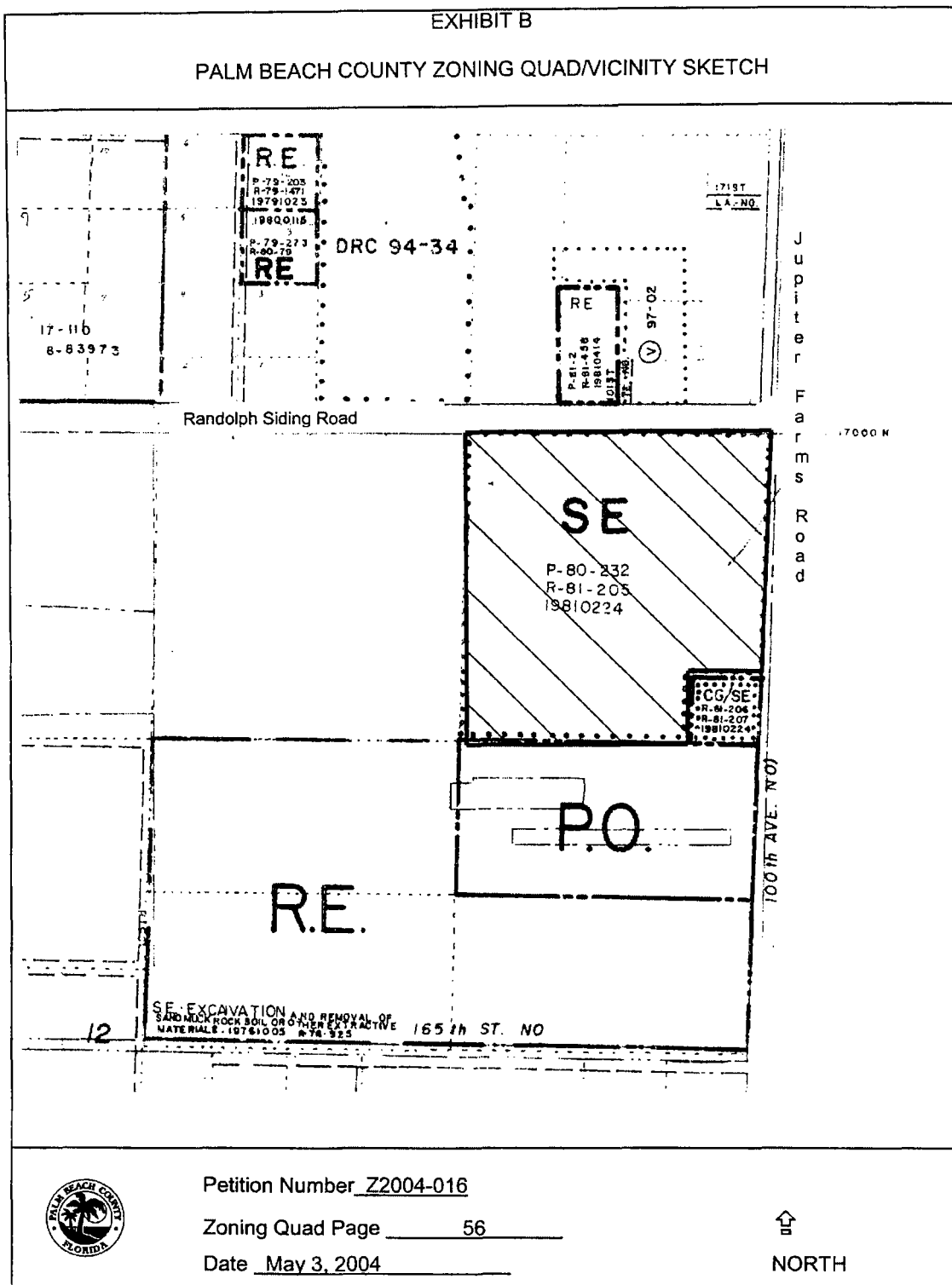


EXHIBIT C

VOLUNTARY COMMITMENTS

A. ENVIRONMENTAL RESOURCE MANAGEMENT (ERM)

1. The property owner shall incorporate tree preservation areas approved by ERM into the future park conceptual master plan, prior to submittal for the first building permit. The management of the tree preservation areas shall be incorporated into the park management plan and approved by ERM prior to final adoption of the plan. (BLDG PERMIT: ERM - ERM)

B. HEALTH

1. Prior to the issuance of a building permit, application and engineering plans to construct a non-community well in accordance with Rule 62-555 FAC and Palm Beach County ECR-II shall be submitted to the Palm Beach County Health Department for approval. (BLDG PERMIT: HEALTH - Health)
2. Prior to the issuance of a building permit, application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I shall be submitted to the Palm Beach County Health Department for approval. (BLDG PERMIT: HEALTH - Health)

C. 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 voluntary commitments reasonably related to the failure to comply with existing voluntary commitments; 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 Code Enforcement Special Master 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment.

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. (ONGOING: MONITORING - Zoning)