

RESOLUTION NO. R-2009 -0722

RESOLUTION APPROVING ZONING APPLICATION Z-2008-01669  
(CONTROL NO. 1976-00101)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
APPLICATION OF PALM BEACH COUNTY  
BY PALM BEACH COUNTY, AGENT  
(PEANUT ISLAND REZONING)

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 applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application Z-2008-01669 was presented to the Board of County Commissioners at a public hearings conducted on March 30, 2009 and April 23, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; 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 stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. 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;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application Z-2008-01669 the application of Palm Beach County by Palm Beach County, agent, for an Official Zoning Map Amendment from the Preservation Conservation (PC) Zoning District to the Public Ownership (PO) Zoning District with a CONDITIONAL OVERLAY ZONE 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 April 23, 2009, subject to the conditions of the CONDITIONAL OVERLAY ZONE 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 2009.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PEANUT ISLAND

ALL OF THE LAND LYING ABOVE THE MEAN HIGH WATER LINE OF THE LANDS DESCRIBED BELOW AND RECORDED IN DEED BOOK 409, PAGE 416, DEED BOOK 409, PAGE 455, DEED BOOK 410, PAGE 181, DEED BOOK 453, PAGE 307, DEED BOOK 988, PAGE 266, AND OFFICIAL RECORD BOOK 1791, PAGE 636, SITUATE IN SECTION 34, TOWNSHIP 42 SOUTH, RANGE 43 EAST, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

DEED BOOK 409, PAGE 416

COMMENCING AT THE QUARTER CORNER ON THE NORTH BOUNDARY OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS MARKED BY A CONCRETE MONUMENT; RUN SOUTH 1 DEGREE 19' 30" WEST, 2676.54 FEET TO THE CENTER OF SECTION 33, AS MARKED BY A LIGHTWOOD POST; THENCE RUN SOUTH 88 DEGREES 50' EAST, 1225.62 FEET ALONG THE QUARTER SECTION LINE TO AN IRON BOLT ON THE CENTER LINE OF THE DIXIE HIGHWAY; THENCE RUN SOUTH 0 DEGREES 0' 40" WEST, 1088.02 ALONG THE CENTER LINE OF DIXIE HIGHWAY TO AN IRON BOLT AT THE INTERSECTION OF DIXIE HIGHWAY WITH THE BASE LINE OF LAKE WORTH INLET CHANNEL; THENCE RUN NORTH 69 DEGREES 51' EAST, 2423.82 FEET ALONG THE CHANNEL BASE LINE TO AN IRON PIPE; THENCE RUNS NORTH 1 DEGREE 43' WEST 1761.71 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN NORTH 69 DEGREES 52' 56" EAST, 500.49 FEET TO THE NORTHWEST CORNER OF TRACT CONVEYED TO LAKE WORTH INLET DISTRICT BY DEED NUMBER 17,793.

THENCE NORTH 69 DEGREES 51' 00" EAST, 445.00 FEET ALONG THE NORTH BOUNDARY OF TRACT CONVEYED TO LAKE WORTH INLET DISTRICT BY DEED NUMBER 17,793 TO THE SOUTHWEST CORNER OF TRACT CONVEYED TO THE FLORIDA POWER AND LIGHT COMPANY BY DEED NUMBER 17,794.

THENCE NORTH 0 DEGREE 29' 00" WEST, 2679.53 FEET,

THENCE NORTH 89 DEGREES 19' 00" WEST, 500.06 FEET,

THENCE SOUTH 0 DEGREES 29' 00" WEST, 1839.08 FEET,

THENCE SOUTH 31 DEGREES 29' 00" WEST, 1873.80 FEET TO THE POINT OF BEGINNING AS ABOVE DESCRIBED.

TOGETHER WITH

DEED BOOK 409, PAGE 455

COMMENCING AT THE QUARTER CORNER ON THE NORTH BOUNDARY OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS MARKED BY A CONCRETE MONUMENT; RUN SOUTH 1 DEGREE 19' 30" WEST 2676.56 FEET TO THE CENTER OF SECTION 33, AS MARKED BY A LIGHTWOOD POST; THENCE RUN SOUTH 88 DEGREES 50' EAST, 1225.62 FEET ALONG THE QUARTER SECTION LINE TO AN IRON BOLT ON THE CENTER LINE OF THE DIXIE HIGHWAY; THENCE RUN SOUTH 0 DEGREES 0' 40" WEST 1088.02 FEET ALONG THE CENTER LINE OF DIXIE HIGHWAY TO AN IRON BOLT AT THE INTERSECTION OF DIXIE HIGHWAY WITH THE BASE LINE OF LAKE WORTH INLET CHANNEL; THENCE RUN NORTH 69 DEGREES 51' EAST, 2423.82 FEET ALONG THE CHANNEL BASE LINE TO AN IRON PIPE; THENCE

SOUTH 20 DEGREES 09' EAST, 125.00 FEET, THENCE NORTH 69 DEGREES 51' EAST, 650.00 FEET TO THE POINT OF BEGINNING, WHICH IS THE SOUTHEAST CORNER OF TRACT CONVEYED TO THE BROWN COMPANY BY DEED NUMBER 17,791.

FROM THE POINT OF BEGINNING RUN NORTH 69 DEGREES 51' EAST, 1000.00 FEET.

THENCE NORTH 1913.14 FEET.

THENCE SOUTH 69 DEGREES 51' WEST, 1251.47 FEET ALONG THE SOUTH BOUNDARY OF TRACT CONVEYED TO THE FLORIDA POWER & LIGHT COMPANY BY DEED NUMBER 17,794, AND TRACT CONVEYED TO BROWN COMPANY BY DEED NUMBER 17,792.

THENCE SOUTH 7 DEGREES 21' 53" EAST 1,847.70 FEET ALONG THE EAST BOUNDARY OF TRACT CONVEYED TO BROWN COMPANY BY DEED NUMBER 17,791, TO THE POINT OF BEGINNING AS ABOVE DESCRIBED.

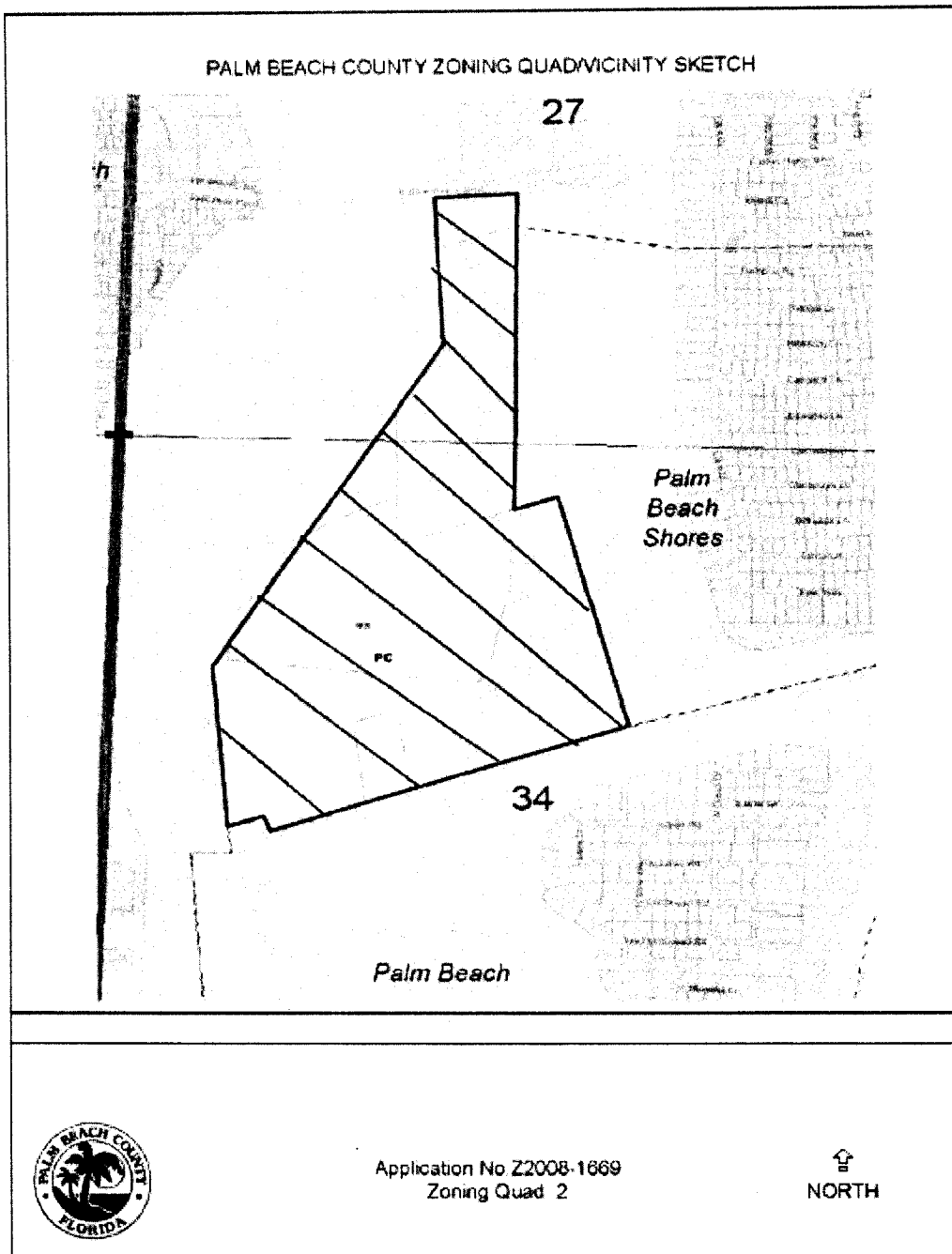
ALSO TOGETHER WITH

DEED BOOK 410, PAGE 181

THAT CERTAIN AREA, WHICH IS SEPARATED FROM THE SHORES BY A CHANNEL OR CHANNELS NOT LESS THAN FIVE (5) FEET DEEP AT HIGH TIDE, LOCATED IN THE TIDAL WATERS OF LAKE WORTH, AND BEING SITUATE IN PALM BEACH COUNTY, FLORIDA, BEING A PART OF INLET ISLAND, SO-CALLED, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE QUARTER CORNER OF THE NORTH BOUNDARY OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS MARKED BY A CONCRETE MONUMENT, RUN SOUTH 1 DEGREE 19'30" WEST, 2676.54 FEET TO THE CENTER OF SECTION 33, AS MARKED BY A LIGHTWOOD POST; THENCE RUN SOUTH 88 DEGREES 50' EAST, 1225.62 FEET ALONG THE QUARTER SECTION LINE TO AN IRON BOLT AT THE INTERSECTION OF DIXIE HIGHWAY; THENCE RUN SOUTH 0 DEGREES 0'40" WEST, 1088.02 FEET ALONG THE DIXIE HIGHWAY/WITH THE BASE LINE OF LAKE WORTH INLET CHANNEL; THENCE RUN NORTH 69 DEGREES 51' EAST, 2423.82 FEET ALONG THE CHANNEL BASE LINE TO AN IRON PIPE WHICH IS THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### USE LIMITATIONS

1. While the County retains land use and zoning authority over the subject property, including the ability to place the conditions contained herein, this resolution shall not be deemed to impair or limit exercise of the General and/or Special Powers granted to the Port of Palm Beach District under Article VIII of the District's State Charter, as to the subject property. (ONGOING: ZONING-Zoning)
2. The subject property shall be limited to the following uses:
  - a. assembly, non-profit institutional (museum only);
  - b. campground;
  - c. government services;
  - d. park, passive;
  - e. park, public;
  - f. utility, minor limited to water/sewer/electrical; and,
  - g. spoils deposits. (ONGOING: CODE ENF/ZONING-Zoning)
3. All activities on Peanut Island shall be subject to the following:
  - a. All activities within the "Parks" area shall comply with Section 21-39 (Noise) of the Palm Beach County Code of Ordinances. Specifically, "No person shall make such loud, excessive, unnecessary noise so as to create a nuisance in any county park. Noise shall be considered a nuisance when it produces actual physical discomfort and annoyance to persons of ordinary sensibilities"; and,
  - b. All activities shall comply with Article 5, Chapter E. Section 4 of the Unified Land Development Code (ULDC), including compliance with all noise limitations and prohibitions as defined in said Code;
  - c. All special events shall be required to have a County Sheriffs Deputy on-site while the special event is being conducted. (ONGOING: CODE ENF-ZONING)
4. The property owner(s) shall comply with the use limitation condition pursuant to Ordinance 2001-083, land use amendment of Peanut Island. (ONGOING: CODE ENF/PLANNING - Planning)

#### 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida.  
(ONGOING: MONITORING - Zoning)