

RESOLUTION NO. R-89- 726

RESOLUTION APPROVING ZONING PETITION NO. 81-215(F)
SPECIAL EXCEPTION PETITION OF K. HOVNANIAN AT DELRAY BEACH INC.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 81-215(F) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 1988; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 81-215(F) the petition of HOVNANIAN AT DELRAY BEACH INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR PINE RIDGE AT DELRAY BEACH NORTH PLANNED UNIT DEVELOPMENT TO 13 INCREASE THE DENSITY AND 23 TO CHANGE THE HOUSING CATEGORY FROM A TO B, on a parcel of land lying on all of the Plat of Hidden Lakes, Phase No. 1, a portion of Hidden Lakes, P.U.D. in Section 9, Township 46 South, Range 42 East as recorded in Plat Book 41, Page 41; together with:

All of Tracts 77, 78, 79, 80, 81, 82 and 83, Block 9, Palm Beach Farms Co., Plat No. 1, as recorded in Plat Book 2, Page 26; together with:

That portion of Tract 76, Block 9, Palm Beach Farms Co., Plat No. 1, as recorded in Plat Book 2, Page 26, lying West of the Plat of

Hidden Lakes Phase **No. 1**, a portion of Hidden Lakes P.U.D., being located on the west side of Hagen Ranch Road, approximately .2 mile north of Sims Road in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted **on** the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. The property owner shall convey to Palm Beach County within **90** days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Hagen Ranch Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Hagen Ranch Road. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
5. The property owner 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 presently is **\$804.00** per approved single family home under **2,000** square feet and **\$1,045.00** per approved single family home over **2,000** square feet and **\$562.00** per approved multi-family dwelling unit.
6. The property owner shall replat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
7. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment **or** as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Nay

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Richard Altman
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK