

RESOLUTION NO. R-91- 1473

RESOLUTION APPROVING ZONING PETITION NO. 90-11(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF PHILIS SPEACH

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, have been satisfied; and

WHEREAS, Petition No. 90-11(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 90-11(A), the petition of PHILIS SPEACH, BY JAY SWEET, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying West 659.14 feet of the East 1,647.85 feet of the South 1/2 of the Northeast 1/4 of Section 34, Township 40 South, Range 42 East, LESS the South 674.15 feet thereof; SUBJECT TO an easement for ingress and egress and for drainage and utility purposes in and to and over and upon the South 30.00 feet thereof, and being located on the N SIDE OF ROCKING HORSE RD., APPROX. .1 MILE N OF ROEBUCK RD., in the RT Zoning District, was approved on July 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The petitioner shall replace vegetation improperly cleared on site in accordance with the provisions of the Zoning Code and shall establish additional preserve area to compensate for all preserve lost to utility easements or anywhere else on site based on any previous Zoning Code violations.
2. The petitioner shall supply the Department of Environmental Resources Management (ERM) a copy of the completed Florida Game and Freshwater Fish Commission application to preserve or relocate the on-site Gopher Tortoise population. A copy of the relocation permit shall be submitted to ERM prior to the issuance of a vegetation clearing permit or any land alteration.
3. The petitioner shall mark and maintain the existing riding easement on the north side of the subject property.

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
3. No further utility confirmation is required for this modification.

D. VEGETATION PRESERVATION

1. The petitioner shall plat all required preserve areas.
2. Voluntary Commitment No. 5, Resolution No. R-90-1315, which presently states:
 - "5. The petitioner shall establish, during the platting process, a preserve easement along the western, eastern and north western property lines. This preserve easement shall be a minimum of thirty feet wide. This easement shall permit no development activity to take place within it. A minimum of one (1) tree per 250 square feet shall be established."

Is hereby amended to read:

The petitioner shall establish, during the platting process, a minimum thirty (30) foot wide preserve easement along the north, east and west property lines. A minimum of one (1) tree per 250 square feet shall be established by the petitioner within these areas. One twelve (12) foot wide utility easement may bisect the preserve easement along the north property line, across from the Shores Development, in a location acceptable to *the* Zoning Division. With the exception of the utility easement and maintenance of the riding easement, no development activity shall take place within the preserve areas.

E. ENGINEERING

1. Voluntary Commitment No. 12, Resolution R-90-1315, which presently states:

"12. Prior to July 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Rocking Horse Road, 30 feet from centerline 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer."

Is hereby amended to read:

12. Prior to July 1, 1992 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Rocking Horse Road, 30 feet from centerline 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
2. The developer shall maintain Rockinghorse Road in a manner acceptable to the County Engineer during construction of all portions of this project.
3. Access to the site shall not be permitted onto the adjacent right-of-way to the north.

F. VEGETATION REMOVAL

1. Prior to any clearing activity the applicant shall submit a site plan to the Site Plan Review Committee for review and certification. The Site Plan Review Committee application shall include a vegetation removal permit application and shall delineate compliance to Vegetation Protection standards per section 500.36 of the Zoning Code. The site plan shall also show all areas of vegetation to be preserved and detail all preservation techniques to be incorporated in the sites' development,

G. SCHOOL BOARD

1. Condition No. 18 of Resolution No. R-90-1315 of Zoning Petition No. 90-11, which states:

"The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be

bused because of school board policies regarding overcrowding, racial imbalancing or other policy matters.

This documentation shall be updated on an annual basis."

Is hereby deleted.

H. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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.

Commissioner _____ moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--
Carole Phillips	--
Carol A. Roberts	--
Carol J. Elmquist	--
Mary McCarty	--
Ken Foster	--
Maude Ford Lee	--

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

R91 1473