

RESOLUTION NO. R-2000- 1942

RESOLUTION APPROVING ZONING PETITION ZOO-067
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ROBERT GOMEZ
BY DON HEARING, AGENT
(PARADISE POINT ESTATES)

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 ZOO-067 was presented to the Board of County Commissioners at a public hearing conducted on November 30, 2000; 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 ZOO-067, the petition of Robert Gomez, by Don Hearing, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Single Family (RS) Zoning District to the Residential Transitional Suburban (RTS) 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 November 30, 2000 subject to the voluntary commitments 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 Aaronson and, upon being put to a vote, the vote was as follows:

Warren Newell, Chair		Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti	-	Aye
Addie Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on November 30, 2000.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burton Altier*
-COUNTY ATTORNEY

BY: *Joan Hawes*
DEPUTY CLERK

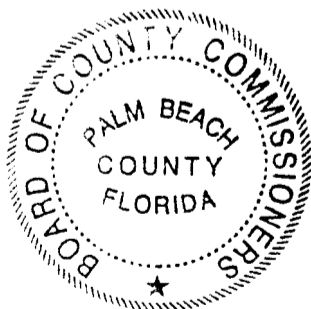


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in the South half of the Southeast Quarter of Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida; begin at the Quarter Section Corner on the South line of Section 20, Township 41 South, Range 43 East and run thence Northerly along the Quarter Section line dividing the Southeast Quarter from the Southwest Quarter of said Section 20 to a point where said Quarter Section line intersects the Westerly right of way line of the Intracoastal Waterway as shown on the plat recorded in Plat Book 17, at page 6, Palm Beach County, Florida public records; thence Easterly on a line parallel to the South Section Line of said Section 20 to the center of the Right of way of the said Intracoastal Waterway; thence Southeasterly along the center line of the Right of Way of said Intracoastal Waterway to a point where said center line intersects the South section line of said Section 20; thence Westerly along the South Section Line of said Section 20 to the Point of Beginning.

Less and except the southerly 50 feet for road right of way as shown in Road Plat Book 2, Page 145 and 146, Public Records, Palm Beach County, Florida.

Containing in all 4.23 acres more or less.

EXHIBIT B

VICINITY SKETCH

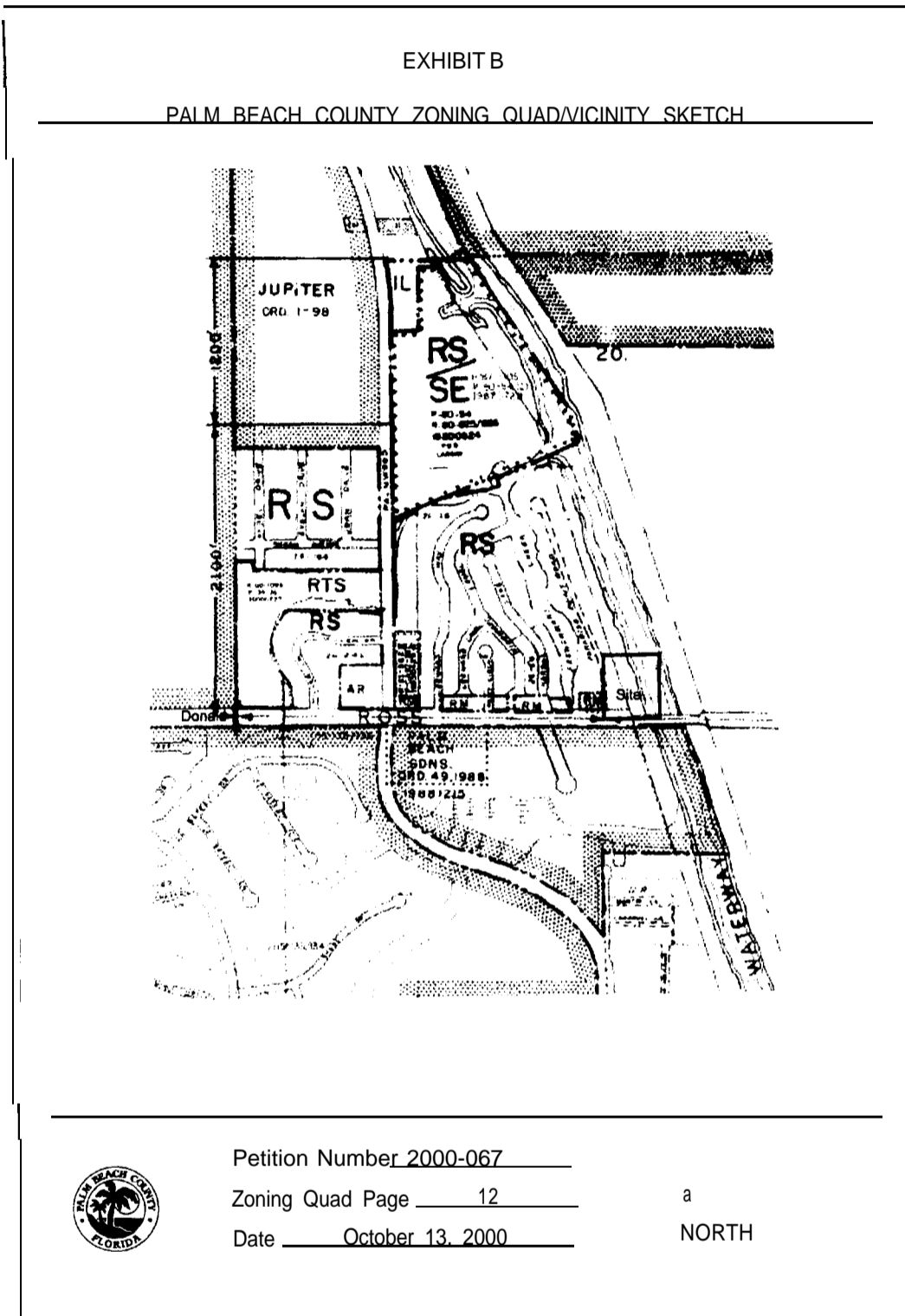


EXHIBIT C

VOLUNTARY COMMITMENTS

A. 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 voluntary commitments 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)

There are no conditions B, C or D. The letter "E" is reserved for any Engineering Department conditions.

E. ENGINEERING

1. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)