

**RESOLUTION APPROVING ZONING PETITION NO. 89-40
SPECIAL EXCEPTION PETITION OF JENNIFER FORSYTH**

WHEREAS, the Board of bounty 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. 89-40 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; 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 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, 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. 89-40 the petition of JENNIFER FORSYTH, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL KENNELS AND STABLES AND ACCESSORY BUILDINGS AND STRUCTURES (COMMERCIAL STABLE) on a parcel of land lying on the South 1/2 of Lot 44, Block A, Loxahatchee Groves, Plat Book 12, Page 29, in Section 17, Township 43 South, Range (41) East, being located on the west side of "B" Road (155 Terrace North), approximately .7 mile south of Okeechobee Road Extension (North 20th Street), in the AR-Agricultural Residential Zoning District, Was approved on May 25, 1989, as advertised, subject to the following conditions:

- 1. Prior to Site Plan Review Submittal, the site plan shall be amended to indicate:
 - a. The addition of one (1) parking space for a total of eight (8) spaces provided; and,
 - b. A minimum twenty-five (25) back-up distance for parking.

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2. The use of the site shall be limited to the following:
 - a. A single family residence;
 - b. Fifteen (15) horses for border;
 - c. Five (5) riding lessons per day.
 - d. A 12,600 square foot arena; and,
 - e. A ninety (90) square foot tack room.
3. The petitioner shall preserve existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable areas, retention area and vehicular use areas. The areas for preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
4. Prior to the removal of any vegetation the petitioner shall schedule a preclearing inspection with the Zoning Division.
5. No outdoor loudspeaker system shall be permitted on site, except for a wireless microphone during horse training and instruction.
6. All lighting shall be of low intensity, shielded and directed away from surrounding residential properties and rights-of-way.
7. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval.
8. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
9. The petitioner 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 \$938.00 (35 trips X \$26.79 per trip).

10. Failure to comply with any conditions of approval 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 Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12TH day of September, 1989.

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

