

RESOLUTION NO. R-89-1629

RESOLUTION APPROVING ZONING PETITION NO. 80-48(A)  
SPECIAL EXCEPTION PETITION OF SOUTH MARK ASSOCIATES

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. 80-48(A) 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. 80-48(A) the petition of SOUTH MARK ASSOCIATES, by Kevin McGinley, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying on a parcel of land lying in the Southwest 1/4 of Section 3, Township 41 South, Range 42 East, being more particularly described as follows: From the Southeast corner of the Southwest 1/4 of said Section 3 bear North 80 degrees 54' 17" West, along the South line of said Section 3, a distance of 319.54 feet: thence North 01 degree 44' 42" East, along the West line of the East 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 3, a distance of 16.50 feet to a point in the North line of a 10.50 foot right-of-way and the Point of Beginning of the herein described parcel of land: thence proceed North 88 degrees 54' 17" West, along said North right-of-way line, a distance of 639.18 feet to a point in the East line of the West 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence North 01 degree 25' 22" East, along said East line a distance of 455.64 feet; thence South 88 degrees 54' 17" East, a distance of 641.75 feet: thence South 01 degrees 44' 42" West, a distance of 455.65 feet to the Point of Beginning of the herein described parcel of land, being located on the north side of Jupiter Park of Commerce Drive, approximately 300 feet west of Central Boulevard in a RH-Multiple Family Residential

Zoning District (High Density), was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to master plan certification, the master plan shall be amended to indicate preservation areas for native vegetation. The preservation areas shall be integrated with the recreation areas to form a network of open spaces for residents.
2. The petitioner shall preserve existing native vegetation on site and shall incorporate the native vegetation into the project design. Clearing of vegetation shall be limited to the building pad areas, retention areas, and vehicular use areas. The areas of 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.
3. Prior to removal of any vegetation the petitioner shall schedule a preclearing inspection with the Zoning Division.
4. Prior to submittal for master plan certification, the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. 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.
8. Prior to Master Plan approval, this property owner shall execute a cross drainage agreement with the property owner to the north to provide for overflow drainage through Mallard Cove North drainage system.
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 \$603.00 per approved multi-family dwelling unit.

- 10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
- 11. The gross density shall not exceed 11.94 dwelling units per acre.
- 12. Prior to the issuance of any building permits for Phase III of the Mallard's Cove multi-family residential development, the applicant shall dedicate without cost to the Town of Jupiter an additional sixteen and one-half (16.5) feet of right-of-way for Jupiter Park of Commerce Drive along the entire length of their property.
- 13. 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:

*Richard Attwood*  
COUNTY ATTORNEY

BY:

*June P. Williamson*  
DEPUTY CLERK

