

RESOLUTION NO. R-90-1315

RESOLUTION APPROVING ZONING PETITION NO. 90-11
REZONING PETITION OF
HUGH AND MARGOT VINCENT, JR. AND PHILLIS SPEACH
BY JAY SWEET, AGENT

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 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 22, 1990; 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. 90-11, the petition of HUGH AND MARGOT VINCENT, JR. AND PHILLIS SPEACH, BY JAY SWEET, AGENT, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RT-RESIDENTIAL TRANSITIONAL ZONING DISTRICT on a parcel of land lying on the West 659.14 feet of the East 1647.85 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 north side of Rocking Horse Road, approximately .03 mile north of Roebuck Road, was approved on February 22, 1990, as advertised subject to the following voluntary commitments:

1. The proposed plan shall be amended to correct the frontage deficiencies for Lots 3, 4, 5 and 6, and bring them into compliance with the requirements of the Zoning Code Section 604.D.1b, prior to Subdivision approval.

2. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. Clearing of the 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. The property will be subject to the Subdivision and Platting Ordinance (73-4), and the Zoning Code Requirements of the RT-Zoning District.
5. The petitioner shall establish, during the Platting process, a preserve area easement along the western, eastern and northwestern property lines. This preserve area easement shall be a minimum of 30 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.
6. No structures or utilities shall be located within the preserve area.
7. No native vegetation shall be removed from the preserve area.
- a. A survey shall be preformed for **the** number of gopher tortoise burrows, and an estimate made **of** the population. The results **of** this survey and the plans to address the on-site tortoise population shall be submitted to the Department of Environmental Resources Management for approval prior to subdivision approval.
9. Sewer service is available **to** the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. 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 on site the first one inch **of** stormwater runoff. In the event that the subject site abuts a Florida 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.
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.

13. The Property owner shall construct Rocking Horse Road as a two (2) lane section twenty feet (20') in width. This construction shall be to local street standards including appropriate drainage. Construction shall commence concurrent with the required improvements with the first plat. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
14. 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 \$1,650.00 per approved single family dwelling unit.
15. Prior to Site Plan approval this property owner shall obtain a minimum of 60 foot right-of-way for Rocking Horse Road from this project's entrance to Roebuck Road. Verification of this condition shall be submitted to the County Attorney and County Engineer.
16. Prior to the recordation of the first plat this property owner shall establish legal positive outfall through the North Palm Beach Water Control District.
17. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
18. 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.

19. 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 Marcus moved for approval of the Resolution.

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

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

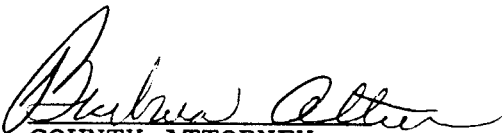
The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

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

