

RESOLUTION NO. R-90- 1317

RESOLUTION APPROVING ZONING PETITION NO. 90-12  
SPECIAL EXCEPTION PETITION OF UBS CORPORATION  
BY KIERAN J. KILDAY, 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. 90-12 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. 90-12, the petition of UBS CORPORATION, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying on tract 33 and 34, Block 11, PALM BEACH FARMS COMPANY PLAT NO. 3, Plat Book 2, at Page 46, Less the West 30.00 feet of said Tract 34. **TOGETHER WITH** the East 300.00 feet of the North 297.00 feet of Tract 47, Block 11, PALM BEACH FARMS COMPANY PLAT NO. 3, Plat Book 2, Pages 45 to 54, inclusive, also known as a parcel of land in Tract 47, Block 11, of said PALM BEACH FARMS COMPANY PLAT NO. 3. Beginning at the Northeast corner of said Tract 47, Block 11, thence on an assumed bearing of due West, along the North line of said Tract 47, Block 11, a distance of 300.00 feet; thence due South a distance of 297.00 feet; thence due East a distance of 300.00 feet more or less, to a point in the East line of said Tract 47, Block 11, thence due North along the East line of said Tract 47, Block 11, a distance of 297.00 feet, more or less, to the Point of Beginning; And also, Tract 47, Block 11, of said PALM BEACH FARMS COMPANY PLAT NO. 3, less the West 30.00 feet thereof; Less the East 300.00 feet of the South 363.00 feet of Tract 47, Block 11, of said PALM BEACH FARMS COMPANY PLAT NUMBER 3, inclusive; And

less, the East 300.00 feet of the North 297.00 feet of Tract 47, Block 11, of said PALM BEACH FARMS COMPANY PLAT NUMBER 3, and being located on the southeast corner of the intersection of Marginal Road and 7th Place South in a RTS-Residential Transitional Suburban Zoning District, was approved on February 22, 1990 as advertised, subject to the following conditions:

1. Prior to Subdivision Review submittal the master plan shall be amended to indicate:
  - a. A ten (10) foot landscape buffer separating the southern most sixty (60) foot road right-of-way from the Residential Zoning to the south. This buffer shall contain minimum twelve (12) feet high native canopy trees spaced twenty (20) feet on center with a minimum twenty-four (24) inch hedge spaced twenty-four (24) inches on center. Equivalent planting may be provided within the right-of-way subject to Engineering Department approvals.
2. The petitioner shall preserve native vegetation located on site within the lots to the greatest extent possible.
3. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to issuance of any building permit.
4. 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.
5. 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 7th Place, South 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.
6. 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.

7. The property owner shall convey to the Lake Worth Drainage District:
  - a. the north **46.2** feet of Tracts **33** and **34** Block **11**, Palm Beach Farms Company Plat **No. 3** for the required right-of-way for Lateral Equalizing Canal **No. 5** and
  - b. the east **55** feet of Tract **33** for the required right-of-way for Equalizing Canal **No. 2-W**,

All by Quit Claim Deed or an Easement Deed in the **form** provided by said District prior to July **1, 1990**.

8. The Developer shall plat the subject property in accordance with provisions **of** Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
9. 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

