

RESOLUTION NO. R-90- 1436

RESOLUTION APPROVING ZONING PETITION NO. 83-105(A)
SPECIAL EXCEPTION PETITION OF WILLIAM R. BOOSE, TRUSTEE
BY WILLIAM R. BOOSE, 111, 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. 83-105(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 30, 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. 83-105(A), the petition of WILLIAM R. BOOSE, TRUSTEE, BY WILLIAM R. BOOSE, 111, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT WHICH EXTINGUISHES THE APPROVAL FOR A HELIPAD AND COMMERCIAL STABLES on a parcel of land lying on the West 1/2 of Tract 15, Block 1, The Palm Beach Farms Company Plat No. 9, Plat Book 5, Page 58, Section 29, Township 43 South, Range 42 East, and being located on the south side of Okeechobee Boulevard, approximately .5 mile west of Golden Lakes Boulevard, bounded on the west by Lake Worth Drainage District equalizing Canal No. 2 in a RS-Single Family Residential Zoning District, was approved on April 30, 1990 as advertised, subject to the following conditions:

1. Prior to master plan approval, the petitioner shall redesign the site to designate preserve areas, as required in Condition Number 2. These areas shall be large enough to accommodate the required preservation and relocation program. No trenching, grade changes or other development activity shall take place in the preserve areas.

A portion of the preserve area shall be designated along the northern property line where a concentration of significant vegetation exists.

2. Prior to Site Plan Review Committee application for Site Plan approval, the petitioner shall submit:
 - a. A tree survey drawn to the same scale as the site plan, which numbers, identifies and sizes all trees on site in a tabular form;
 - b. A vegetation preservation, relocation and removal program which corresponds to the tree survey. This program shall detail how all significant vegetation is to be incorporated into the site design. At a minimum, this program shall specify:
 - 1) The preservation of seventy-five percent (75%) of all oak trees greater than twenty-four (24) inches in diameter;
 - 2) The preservation or relocation of fifty percent (50%) of all oak trees less than twenty-four inches (24") in diameter; methods of relocation shall be specified;
 - 3) The preservation of all pine, palm or cypress trees within the preserve area or the twenty-five (25) foot buffer;
 - 4) The relocation to the preserve or buffer area of all pines, palms or cypress, which may be moved by a tree spade so that a minimum of one tree per 250.00 square feet is achieved; and
 - 5) The methods of eradication of all prohibited vegetation;
3. Prior to issuance of a vegetation removal permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved or removed shall be identified in the field tagged and numbered according to the tree survey;
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity;
 - c. No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas;
 - d. All required relocation shall take place prior to Building Permit issuance.
4. A twenty-five foot (25') vegetated PUD buffer shall be provided on the east and north. Due to the size and number of existing oak trees, the PUD buffer on the north should be required for preservation purposes.

5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office, which shall provide, among other things, for: Formation of a single "master" property owner's association and automatic membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development.
6. 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.
7. All additional excavation of lakes shall require a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six feet (6') horizontal to one foot (1') vertical, ranging in depth from ordinary high water (*OHW*) or the controlled water level (*CWL*) to four feet below *OHW* or *CWL*. A minimum of 30% of the new littoral shelf shall be planted with native aquatic vegetation on a minimum of three foot (3') centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management for approval prior to Subdivision certification.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products.
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. The Developer 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 \$83,160.00 (504 trips X \$165.00 per trip).
13. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.

14. 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 28th 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: *Paulina Altieri*
COUNTY ATTORNEY

BY: *Vicki Berrong*
DEPUTY CLERK