

RESOLUTION NO. R-90- 1445

RESOLUTION APPROVING ZONING PETITION NO. 90-13  
SPECIAL EXCEPTION PETITION OF  
CLOUTIER CONSTRUCTION COMPANY, INC. (PUD)

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. 90-13 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 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. 90-13, the petition of CLOUTIER CONSTRUCTION COMPANY, INC., BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION to permit a PLANNED UNIT DEVELOPMENT on a parcel of land lying in the Northeast 1/4 of the Southeast 1/4 of Section 1, Township 45 South, Range 42 East, lying north of Lake Worth Drainage District Lateral Canal No. L-17, Less the east 40.00 feet and the West 30.00 feet for existing rights-of-way and being located on the WEST SIDE LAWRENCE ROAD., BOUNDED ON THE SOUTH BY LWDD LATERAL CANAL NO. 17, AND ON THE NORTH BY EIGHTH CT., APPROXIMATELY .5 MILE NORTH OF HYPOLUXO ROAD in the RS-Single Family Residential Zoning District, was approved on May 2, 1990, as advertised, subject to the following conditions:

1. At time of Site Plan Review Committee application, the following vegetation information shall be submitted:
  - a. A detailed vegetation preservation and relocation program. This program shall include a site plan at the same scale as a tree survey (not to be less than 1" = 40'). This plan shall clearly identify all native vegetation and whether they are to be preserved, relocated and to where, or removed. All trees which can be moved with a tree spade shall be relocated in accordance with Arbor Society Standards. This program shall include justification for all relocation or removal. It shall also detail methods to be used to ensure

preservation or relocation. A minimum of **25%** of an existing vegetation shall be incorporated into the project design.

2. Prior to issuance of a vegetation removal permit, the following shall be completed:
  - a. All trees to be preserved, relocated or removed shall be identified in the field and tagged and numbered in accordance with 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 Planning, Zoning and Building Department prior to commencing any land clearing activity.
3. Alternative Landscape Strip #3 shall be provided along the entire length of the north property line. A double row of ten (**10**) foot tall trees shall be planted no less than twenty (**20**) feet on center. Existing preserved vegetation may be credited toward this requirement. The petitioner shall install a six foot (**6'**) chainlink fence along the northern property line, unless existing on the property to the north.
4. Prior to certification by the Site Plan Review Committee, the Master Plan shall be amended to indicate:
  - a. The acreage of the park area excluding the retention area.
  - b. The recreational facilities proposed for the park site and/or facilities to be provided in other open spaces of the development.
  - c. **A** twenty-five (**25**) foot PUD buffer along the **west** property line.
5. 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.
6. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products.
7. The PUD buffer shall be set aside as a preserve on the Master Plan and plat. **A** maintenance plan for this preserve area shall be submitted to the Department of Environmental Resources Management for approval prior to Site Plan certification. **No** removal of native vegetation or development activity shall be permitted in this area.
8. A vegetative survey shall be submitted to Department of Environmental Resources Management prior to Site Plan certification.
9. All finished excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (**6**) feet horizontal to one (**1**) foot 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 littoral

shelf shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management for approval prior to Subdivision approval.

10. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
11. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
12. **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 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.**
13. 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 \$1,650.00 per approved single family dwelling unit (10 trips X \$165.00 per trip).
14. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance **73-4** as amended.
15. **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:

*Robert Allen*  
COUNTY ATTORNEY

BY:

*Vicki Bering*  
DEPUTY CLERK