

RESOLUTION NO. R-93- 648

RESOLUTION APPROVING ZONING PETITION 292-59
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ROBERT L. AND NORMA R. KOHLER

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition 292-59 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Land Development code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition 292-59, the petition of ROBERT L. AND NORMA R. KOHLER, BY JEFF IRAVANI, AGENT for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT to the GENERAL COMMERCIAL (CG) ZONING DISTRICT with a CONDITIONAL OVERLAY ZONE (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 27, 1993, subject to the conditions described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Jina M. Blair*
DEPUTY CLERK

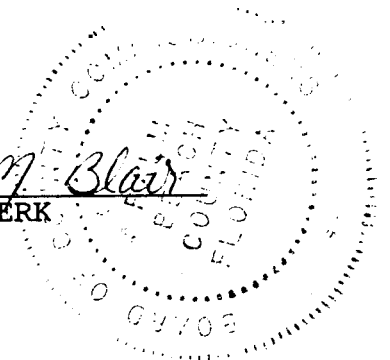


EXHIBIT A

LEGAL DESCRIPTION

Lot 28, Less the East 10', for Right-of-way, according to the Plat of SQUARE LAKE, as recoded in Plat Book 23, Page 141, in and for the Public Records of Palm Beach County, Florida.
1.19 ACRES (52,000 Sq. Ft.)

EXHIBIT B
VICINITY SKETCH

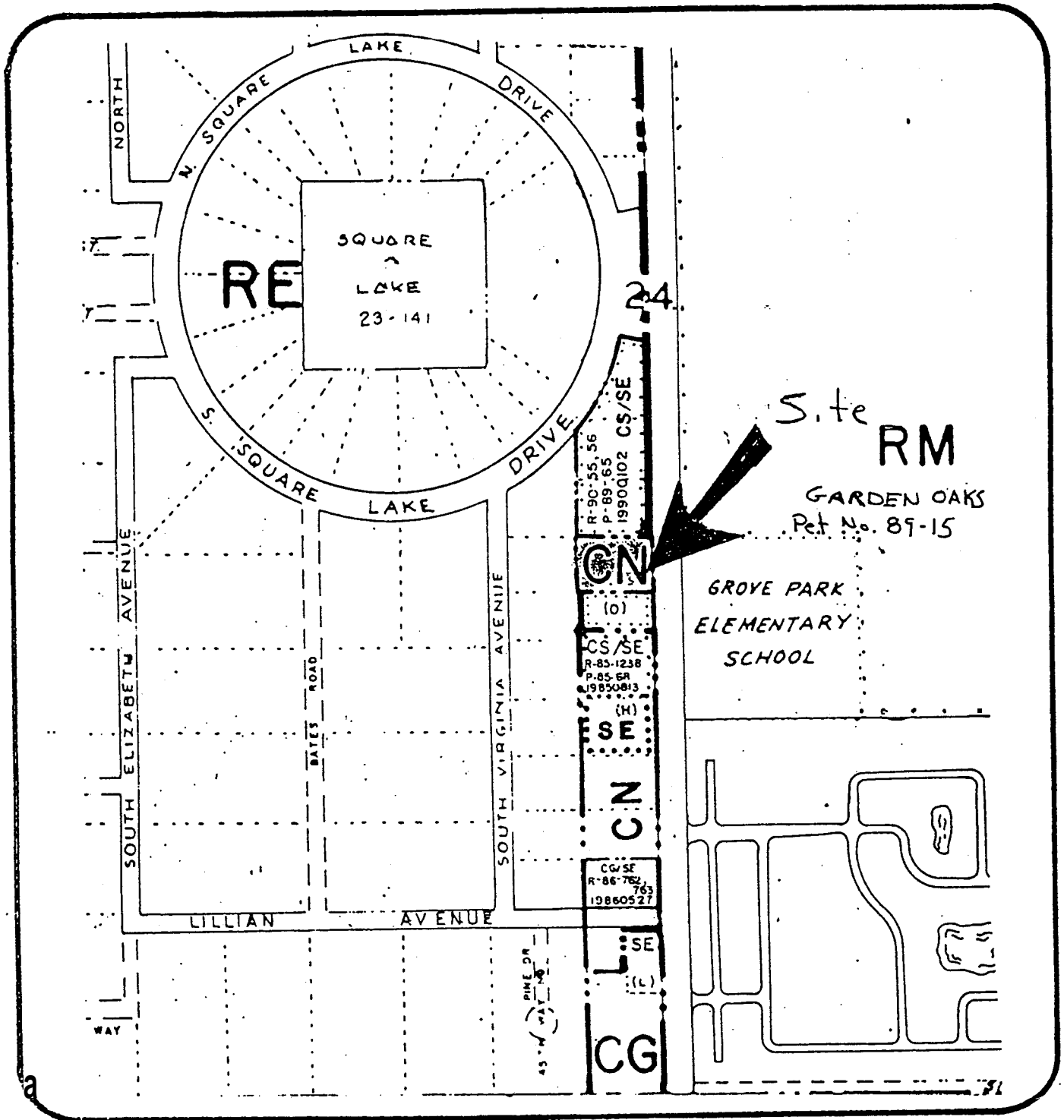


EXHIBIT C

CONDITIONS OF APPROVAL

A. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification is required by **ERM** prior to Final Site Plan certification. (**ERM**)
2. Secondary containment for stored Regulated Substances (including but not limited to: fuels, oils and other hazardous chemicals) is required. The Department of Environmental Resources Management is willing to provide guidance on appropriate protective measures. (**BUILDING /ERM**)

B. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter **10D-6**, FAC and Palm Beach County ECR-I. (**HEALTH**)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (**HEALTH**)

C. LANDSCAPING AND BUFFERING

1. The landscape buffer along the western property line shall be upgraded to include the following minimum requirement:
 - a) A minimum width of fifteen (**15**) feet;
 - b) A concrete wall with a minimum height of six (**6**) feet with a minimum setback of ten (**10**) feet from the property line;
 - c) Canopy trees with a minimum height of twelve (**12**) feet planted twenty (**20**) feet on center on the outside of the required wall;
 - d) One (**1**) native palm for each three hundred (**300**) square feet of required buffer with a minimum of eight (**8**) feet of clear trunk; and,
 - e) A thirty six (**36**) inch continuous hedge planted at twenty four (**24**) inches in height twenty four (**24**) inches on center on the outside of the wall. (**ZONING**)

D. USE LIMITATIONS

1. The nonconforming structure (existing **880** square foot one story garage located in the south west corner of the subject property) shall be limited to indoor storage accessory to the permitted principal use. (**ZONING/CODE ENFORCEMENT**)
2. Restaurant, general; restaurant, limited; and repair services, limited, shall not be permitted uses on site. (**ZONING**)

F. SITE DESIGN

1. The Nonconforming structure shall receive architectural treatments to be compatible with the proposed new structure. (ZONING/BUILDING)
2. All new structures shall maintain a fifty (50) foot setback from the rear property line. (BUILDING)