

RESOLUTION NO. R-95- 855

RESOLUTION APPROVING ZONING PETITION Z/COZ92-12
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF **JAMES & ANN WHITE**

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 Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ92-12 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 1995; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified 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 Unified 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 Unified 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 Z/COZ92-12, the petition of James & Ann White for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Single Family (RS) ZONING DISTRICT to the Light Industrial (IL) 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 June 22, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 22nd day of June, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

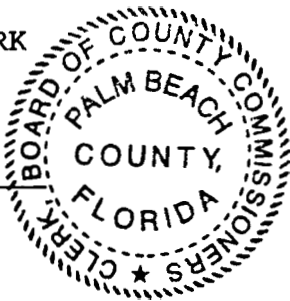


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION:

A parcel of land situated on the North side of Idlewild Road (formerly County Road No. 7) and lying between East right of way line of Prosperity Farms Road and the East line of the West half of the Northeast Quarter of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest corner of said Northeast Quarter run Southerly along the West line of said Northeast Quarter a distance of 1639.15 feet to the point of intersection of said West line of the Northeast Quarter and the Westerly extension of the North right of way line of County Road 7 (also known as Idlewild Road); thence Easterly along said Westerly extension of the North right of way of County Road 7, a distance of 126.30 feet to the intersection of said North right of way line of County Road 7 and the Easterly right of way line of Prosperity Farms Road; thence continue East along said North right of way line of Idlewild Road, a distance of 1055.00 feet to the Point of Beginning; thence Northerly, at right angles to the preceding course, a distance of 100.00 feet to a point on a line 100.00 feet North of and parallel with said North right of way line of Idlewild Road; thence Easterly, along said parallel line, a distance of 106.39 feet to a point on a line 15.00 feet West of and parallel with the East line of the West half of said Northeast Quarter; thence Southerly along said parallel line a distance of 100.01 feet to a point on said North right of way line; thence Westerly, along said North right of way line a distance of 107.39 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH

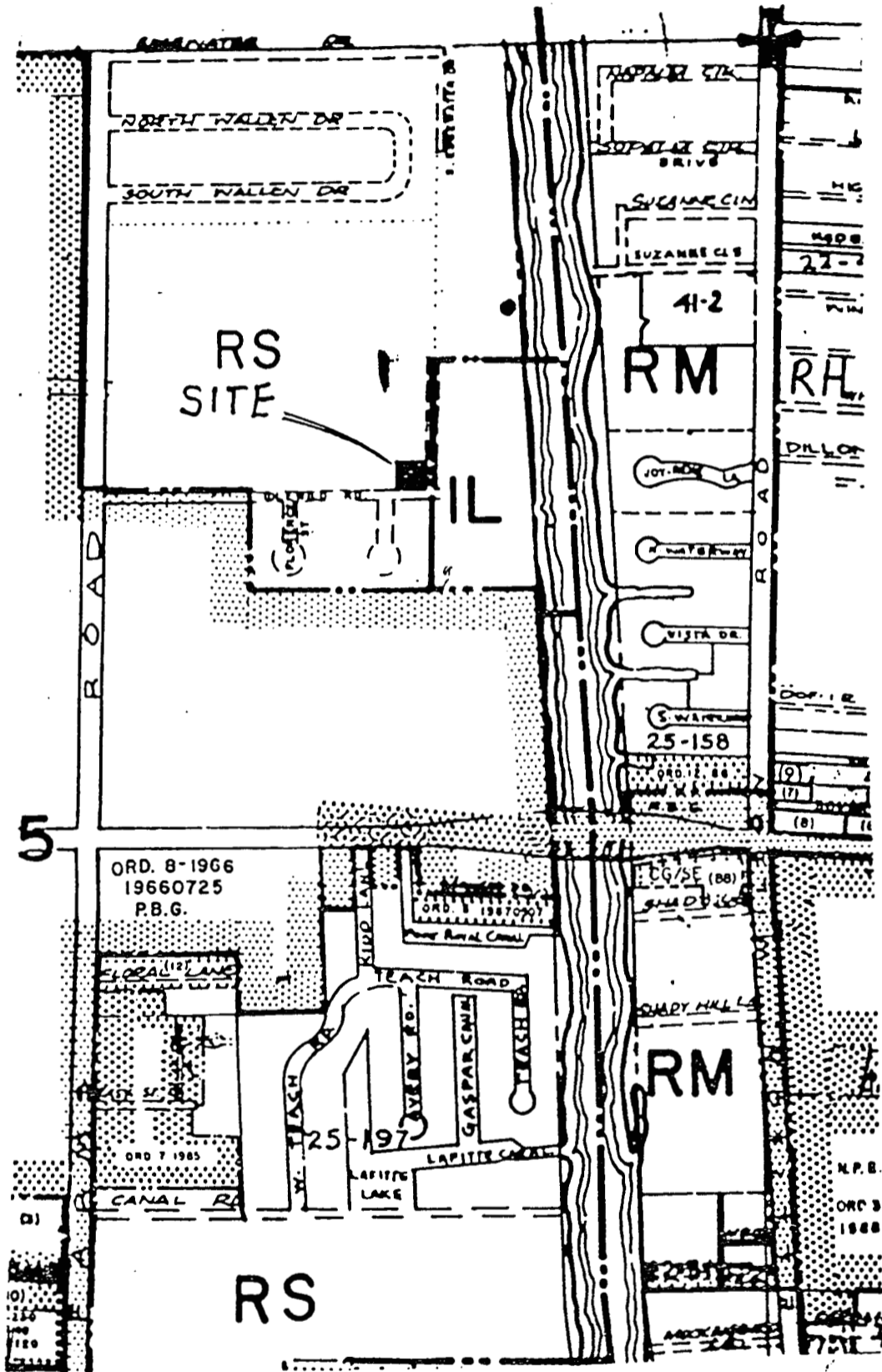


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. GENERAL

1. The petitioner shall receive certification of a site plan for the subject property by the Development Review Committee prior to January 1, 1996. (MONITORING-Zoning)
2. All required improvements to the site, including but not limited to, landscaping, paving, drainage and striping, shall be completed prior to June 30, 1996. (MONITORING-Building)
3. This approval may be revoked by the Palm Beach county Board of County Commissioners if the use **is** abandoned for a period of 180 days or longer, or upon notification by the property owner of E&H Boatworks, Mr. or Mrs. James White, their heirs or assignees. (ZONING)

B. ACCESS

1. Access to the site shall be prohibited from Idlewild Road. (CODE ENFORCEMENT-Zoning)

C. HEALTH

1. The proposed parking lot does not require a potable water supply or an on site sewage disposal system. The **use** of the property shall be limited to a parking lot **with** no structures, no plumbing and no employees. Any future development and/or change of use shall require the property to be connected to public sewer and water. (HEALTH)

D. LANDSCAPING

1. The petitioner shall install a fifteen (15) foot wide landscape buffer along Idlewild Court comprised of one twelve (12) foot high canopy tree every twenty (20) feet on center and twenty four (24) inch high hedge material every twenty four (24) inches on center. (ZONING)
2. The petitioner shall install one twelve (12) foot high canopy tree every thirty (30) feet on center along the remaining property lines and twenty four (24) inch high hedge material every twenty four (24) inches on center. (ZONING)
3. The petitioner shall provide interior landscape areas equating to twenty (20) square feet per parking space, evenly dispersed throughout the parking lot. (ZONING)
4. All landscaped areas shall be 100% irrigated. (ZONING)

E. ENGINEERING

1. 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 stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that

the subject site abuts a 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. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ENGINEERING)

F. PARKING

1. When not in use, the parking area shall be locked and gated. (CODE ENFORCEMENT)
2. A maximum of twenty (20) parking spaces shall be permitted on site. (BUILDING)
3. Use of the site shall be limited to a parking area for the exclusive use of E&H Boatworks employees. (CODE ENFORCEMENT-Zoning)

G. SIGNS

1. Freestanding signs on the subject property shall be limited to directional signage only. (BUILDING)

H. UNITY OF CONTROL

1. Prior to site plan certification by the DRC, the petitioner shall record in the public record a Unity of Control for the entire subject property and the adjacent E&H Boatworks site in a form acceptable to the County Attorney. (COUNTY ATTORNEY)

I. UNITY OF TITLE

1. Prior to site plan certification by the DRC, a Unity of Title shall be recorded in the public record in a form acceptable to the County Attorney covering all property under the ownership of the property owner of the subject property. (COUNTY ATTORNEY)

J. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - 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;

- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)

I. CONCURRENCY

- 1. Applicant must apply and secure a Concurrency Reservation prior to site plan approval.
(ZONING/CONCURRENCY)