

RESOLUTION R-96-1190

RESOLUTION AMENDING RESOLUTION R-96-998
RESOLUTION APPROVING ZONING PETITION OF
SEMINOLE WATER CONTROL DISTRICT
PETITION CA95-107

WHEREAS, Seminole Water Control District, petitioned the Palm Beach County Board of County Commissioners on Hay 23, 1996 for Class A Conditional Use (CA); and

WHEREAS, Resolution R-96-998, adopted on July 25, 1996 confirming the action of the Board of County Commissioners inadvertently contained an error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-96-998 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-96-998 is hereby amended.

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, Vice Chair	--	Aye
Haude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted on August 22, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Alter*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

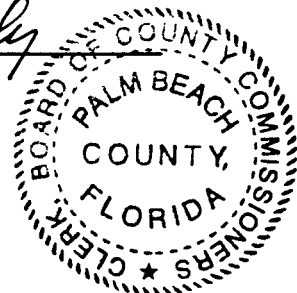


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated March 13, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. HEALTH

1. Palm Beach County Water Utilities Department shall operate and maintain the water and wastewater treatment facility under contract with Seminole Water Control District. Palm Beach County Water Utilities Department may subcontract the operation and maintenance to a private contractor or other operator under their supervision upon the mutual agreement and consent of the petitioner and the Palm Beach County Public Health Unit. On or before September 1, 1996 there shall be an executed operation and maintenance agreement between Seminole Water Control District and Palm Beach County. (DATE: MONITORING - Health/Utilities)
2. Prior to any building permit, Palm Beach County Water Utilities Department shall review and approve the Seminole Water Control District Master Plan for Water and Sewer. (BLDG PERMIT: MONITORING - Utilities)
3. Seminole Water Control District shall provide Palm Beach County with the right of first refusal to purchase the water and wastewater facility. (ONGOING: HEALTH/UTILITIES)
4. Prior agriculture use of this property may have produced the potential to contaminate the soil and ground water with such chemicals as pesticides, fertilizers and herbicides. In order to assure no health or safety hazards exist on this property the PBCPHU requires that a Phase 1 Environmental audit be conducted prior to final site plan approval. The Phase 1 audit will be signed and sealed by a registered professional engineer or geologist. (DRC: HEALTH)
5. Prior to site plan certification, the applicant shall demonstrate, through a document acceptable to the Office of the County Attorney and Planning Division, that the proposed financing plan is feasible and that the financing of construction and/or funding or operations shall not be the basis for seeking any amendment to the Future Land Use Hap. (DRC: CTY ATTY / PLANNING)
6. Since there is a potential for the facility to be operated by and eventually taken over by PBCWUD, the construction plans, the phasing plans (for incremental expansions), and the operations plan shall be approved by the PBCWUD prior to issuance of building permits. (BLDG PERMIT: UTILITIES)

C. TREE PRESERVATION ALONG PERIMETER PROPERTY LINES

1. The Petitioner shall preserve existing citrus trees within two hundred twenty five (225) feet of the property under the Phase 1 site improvements. The final phase for site development shall maintain a minimum twenty five (25) foot perimeter preserved buffer of existing citrus trees. (CO/ONGOING:LANDSCAPE - Zoning)

D. LANDSCAPING ALONG PERIMETER PROPERTY LINES

1. Landscaping and buffering along the perimeter property line shall be upgraded to a minimum fifty (50) foot wide landscape buffer strip to include the twenty five (25) foot tree preservation buffer as noted under Condition C.1 (DRC: LANDSCAPE-Zoning)
2. The petitioner shall provide at the final phase of site development a twenty five (25) foot landscape buffer to be located behind the preservation buffer. The landscape buffer shall consist of the following:
 - a. continuous four (4) foot high landscaped berm;
 - b. double row of native trees planted at the equivalent of one 12' tall tree for each twenty (20) feet of property line; and
 - c. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at time of installation. Hedge material to be maintained at a minimum height of thirty-six (36) inches to provide a continuous seven (7) foot visual screen. (FINAL CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (PLAT: ENG)
2. 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 to be paid at the time of issuance of the Building Permit presently is \$2,200.00 (40 trips X \$55.00 per trip) (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator).

G. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, Owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- 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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)