

RESOLUTION APPROVING ZONING PETITION Z97-53  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF R. W. SILC  
BY KERIAN KILDAY, AGENT  
(OKEECHOBEE RETAIL)

25/1/1975

**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 public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

**WHEREAS**, Zoning Petition Z97-53 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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
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 Standards) of the Palm Beach County Unified Land Development Code; 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 Z97-53, the petition of R. W. Silk, by Kerian Kilday, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from Residential Medium Density (RM) Zoning District to the General commercial (CG) zoning District 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 October 23, 1997 subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

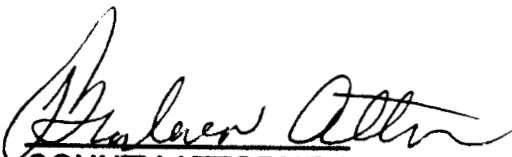
|                            |    |        |
|----------------------------|----|--------|
| But Aaronson, Chair        | -- | Aye    |
| Maude Ford Lee, Vice Chair | -- | Aye    |
| Ken Foster                 | -- | Absent |
| Karen T. Marcus            | -- | Absent |
| <b>Mary McCarty</b>        | -- | Aye    |
| Warren Newell              | -- | Absent |
| Carol A Roberts            | -- | Aye    |

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 1997.

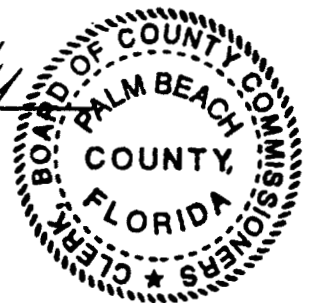
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

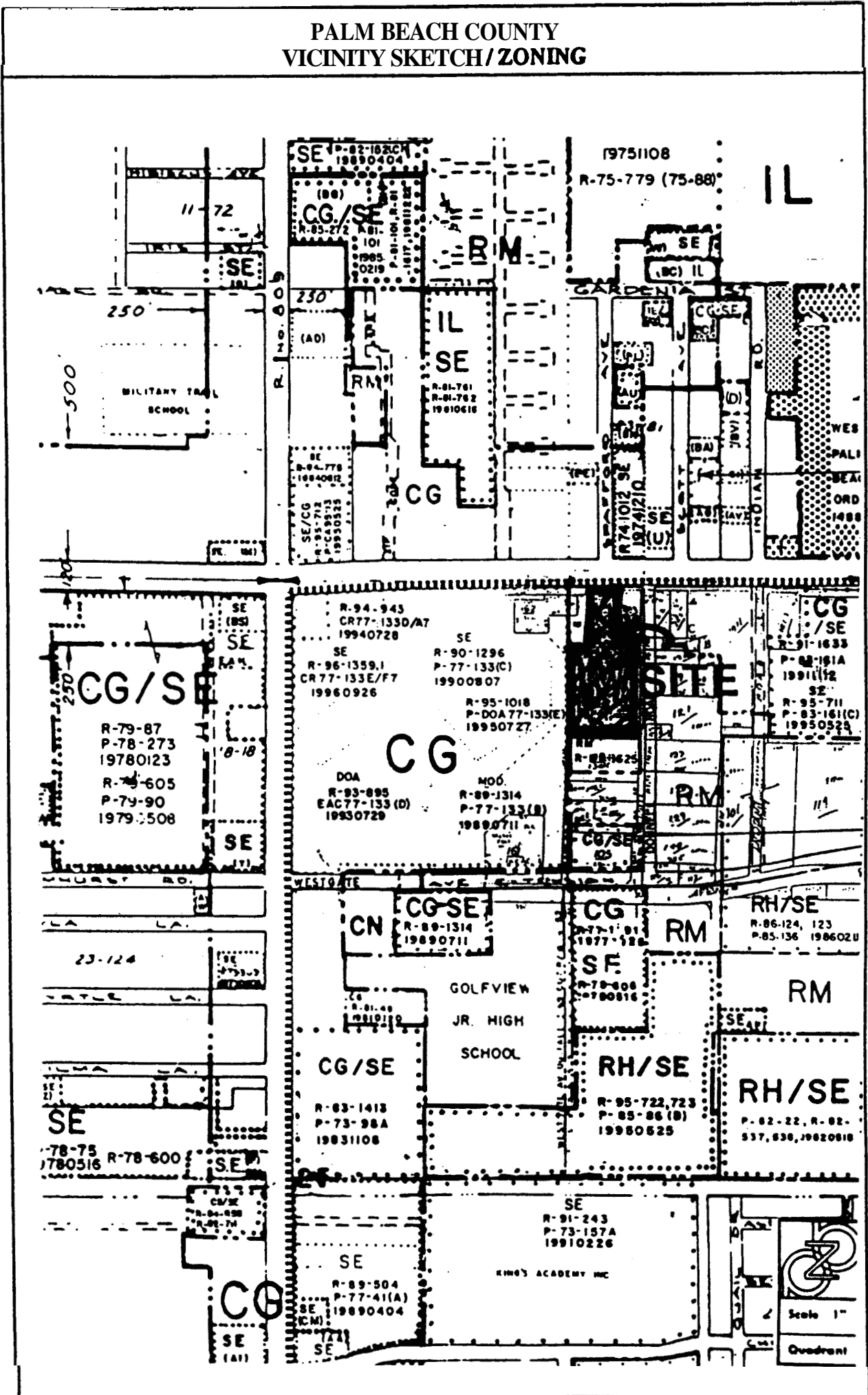
PARCELE

THE NORTH 1/2 OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION **25**, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE WEST 85 FEET OF THE NORTH 250 FEET; LESS THE WEST 100 FEET OF THE EAST 110 FEET OF THE SOUTH 225 FEET OF THE NORTH 240 FEET; LESS THE WEST 130 FEET OF THE EAST 140 FEET OF THE SOUTH 100 FEET, PALM BEACH COUNTY, FLORIDA.

CONTAINS 3.42 ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 297-53  
 Zoning Quad Page \_\_\_\_\_  
 Date: May 21, 1997



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### A BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
2. The maximum height for all structures measured from finished grade to highest point, shall not exceed thirty-five (35) feet except as permitted by provisions of the ULDC. (BLDG PERMIT: BLDG - Zoning)

#### B. LANDSCAPE - STANDARDS

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet
  - b. Trunk diameter. 3.5 inches measured 4.5 feet *above grade*.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

#### E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Donnell Road, 30 feet from centerline prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "corner Clips" where appropriate as determined by the County Engineer. (DATE / BLDG PERMIT: MONITORING - Eng)

## F. 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)