

RESOLUTION R-2012- 0001

RESOLUTION CORRECTING RESOLUTION R-2008-275
(CONTROL NO. 2007-00284)
RESOLUTION APPROVING ZONING APPLICATION OF James Fitzgerald
Fitzgerald Subdivision
APPLICATION Z-2007-01175

WHEREAS, James Fitzgerald, petitioned the Palm Beach County Board of County Commissioners on February 28, 2008 for a an Official Zoning Map Amendment Rezoning from the Residential Single Family (RS) Zoning District to the Residential Transitional (RT) Zoning District.; and

WHEREAS, Resolution R-2008-275, adopted on February 28, 2008 confirming the action of the Board of County Commissioners inadvertently contained errors in the Findings of Fact and in the effective date language; and

WHEREAS, the Finding of Facts of Resolution R-2008-275 should have read as shown as follows:

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, ~~contingent upon the approval of Small Scale Land Use Amendment SCA 2008-001;~~
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.
5. 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.
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.
8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY) of the Palm Beach County Unified Land Development Code.

WHEREAS, Resolution 2008-275 should not have contained the following effective date language:

~~The Chairperson thereupon declared that this resolution shall not become effective until Small Scale land Use Amendment No. SCA 2008-001 is effective.~~

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. The Findings of Fact of Resolution R-2008-275 are hereby corrected.
3. The effective date of Resolution R-2008-275 is the date it was filed with the Clerk of the Board of County Commissioners: February 28, 2008.

Commissioner Marcus moved for the approval of the Resolution.

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

| | | |
|--|---|--------|
| Commissioner Shelley Vana, Chair | - | Absent |
| Commissioner Steven L. Abrams, Vice Chairman | - | Aye |
| Commissioner Karen T. Marcus | - | Aye |
| Commissioner Paulette Burdick | - | Aye |
| Commissioner Burt Aaronson | - | Aye |
| Commissioner Jess R. Santamaria | - | Aye |
| Commissioner Priscilla A. Taylor | - | Aye |

The Chairperson thereupon declared the resolution was duly passed and adopted on January 5, 2012.

Filed with the Clerk of the Board of County Commissioners on January 5th, 2012

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

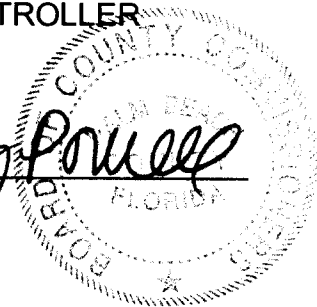


EXHIBIT A
LEGAL DESCRIPTION

Lot 13 of the Replat of River Crest, according to such replat file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, in Plat Book 21, Page 97, TOGETHER with a part of Lot 12 of the same plat, as follows:

Begin at the northeasterly corner of Lot 12, River Crest, as recorded in Plat Book 21, Page 97, Public Records of Palm Beach County, Florida, said corner being also the northwesterly corner of Lot 13, RIVER CREST, thence southwesterly, parallel to the northwesterly line of said Lot 12, a distance of 330 feet, more or less, to the waters of the Loxahatchee River; thence meander the waters of the Loxahatchee River to the southeasterly line of said Lot 12, said line being also the northwesterly line of said Lot 13; thence northeasterly, along the said southeasterly line of Lot 12, a distance of 405 feet, more or less, to the point of beginning.