

RESOLUTION APPROVING ZONING PETITION
CB96-20
CLASS B CONDITIONAL USE
PETITION OF PAMELA CRAWFORD
COLOR GARDEN NURSERY

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition CB96-20 was presented to the Zoning Commission at a public hearing conducted on May 2, 1996; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards.
9. This Class B Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

10. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CB96-20, the petition of Pamela Crawford for a Class B Conditional Use (CB) to allow a wholesale nursery in the Residential Estate (RE) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 23, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foley moved for the approval of the Resolution.

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

Frank A. Barbieri, Jr., Chair	--	Aye
Sherry Hyman, Vice Chair	--	Aye
Peter Carney	--	Aye
Kevin Foley	--	Aye
Mikel Jones	--	Aye
Allan Kaplan	--	Aye
William Anderson	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 2, 1996.

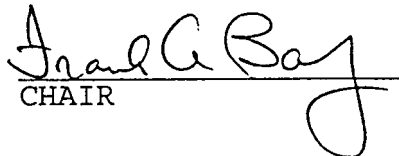
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


CHAIR

FILE:H:\WPDATA\PROD\RESO\CB

LEGAL DESCRIPTION

Legal description of property located at 5596 Western Way:

Lot 2, Block 5, PALM BEACH RANCHES UNRECORDED, Assessors Map 65,
being more
particularly described as:

The West 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of the
Northwest 1/4 of Section 11, Township 45 South, Range 42 East, Palm Beach County,
Florida, except the North 30 feet for road purposes

EXHIBIT B
VICINITY SKETCH

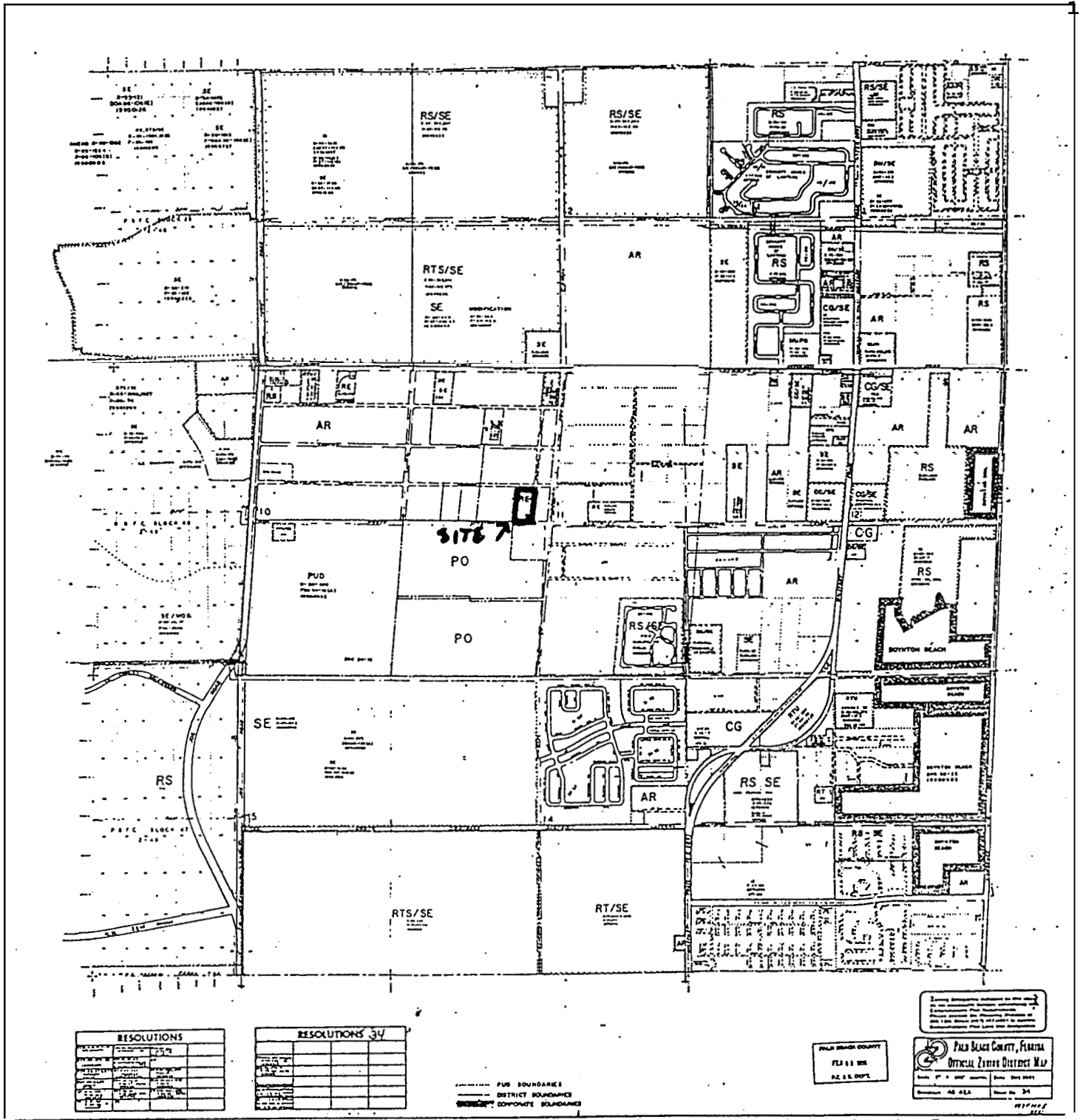


EXHIBIT C

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 February 21, 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. If the existing on site sewage disposal system and private well are to be used, the existing structures must remain single family residences and may not be converted to offices as long as this property remains a wholesale nursery operation. (ONGOING: HEALTH/CODE ENF)

C. USE LIMITATION

1. The petitioner shall limit the wholesale nursery operation to 2.5 acres of the overall property and a maximum of four (4) employees. (ONGOING: CODE ENF)
2. The petitioner shall preserve all native vegetation within the fifty (50) foot perimeter buffer. (DRC: ERM-Zoning)

E. ENGINEERING

1. 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, zoning petition number 96-20, to be paid at the time of issuance of the Building Permit presently is \$935.00 (17 additional trips X \$55.00 per trip). (ONGOING: ACCOUNTING - Fair Share Fee Coordinator)

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.

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)