

RESOLUTION NO. R-92- 365

RESOLUTION APPROVING ZONING PETITION NO. 91-50
SPECIAL EXCEPTION PETITION OF KIM & YOKO BAUER

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-50 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-50, the petition of KIM AND YOKO BAUER, BY TOM RICE, SR., AGENT, TO ALLOW A SPECIAL EXCEPTION FOR A LAWN MAINTENANCE SERVICE on a parcel of land lying in PARCEL K-192; lying in Section 34, Township 40 South, Range 41 East; BEING the South 1/3 of the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 34; TOGETHER with all the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 34, LESS, however, that part thereof lying south of the north line of a 200.00 foot road right of way for State Road 706, subject to all easements, restrictions, reservations, and rights of way, and being located ON THE N SIDE OF INDIANTOWN RD., APPROX. 3.5 MILES W OF 120TH TRAIL N., IN THE AR ZONING DISTRICT, was approved on December 9, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 3). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to March 7, 1992.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 2,400 square feet.
2. The maximum height, from grade to roof line, for all structures shall not exceed eighteen (18) feet. Bay doors shall be limited to a maximum height of eight (8) feet and a maximum number of two (2).
3. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.
4. Building elevations and overall design shall reflect the rural character of the surrounding area. The design shall incorporate architectural treatments consistent with rural residential design, including, but not limited to gable roofs, wooden exterior finishes and subdued color schemes. Final design shall be subject to approval by the Zoning Division prior to site plan certification.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
 - a. Not be located within one-hundred (100) feet of the north and west property lines.
 - b. Be confined to areas designated on the site plan and screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.
 - c. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A complete application for a wetland permit shall be submitted to and approved by the Department of Environmental Resources Management prior to site plan certification.

2. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.
3. Plans for underground storage tanks must be signed **off** by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part **of** those measures.
4. No full storage tanks shall be permitted on site.

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 onsite 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.

F. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval.
2. The applicant shall secure a septic tank operating permit prior to site plan approval.
3. The use of the site shall be limited to a storage facility and office space. The repair, maintenance and washing of vehicles and/or mechanical equipments shall not be a permitted use.

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.
2. All trees planted on site as required by this approval shall:
 - a. Be a minimum of fourteen (14) feet in height.

b. Have a trunk diameter of 3.5 inches at 4.5 feet above grade.

c. Have a canopy a minimum seven (7) feet in diameter.

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the required fifteen (15) foot buffer along Indiantown Road shall be upgraded to include:

a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center.

b. One fourteen (14) foot tall native palm tree for each twenty (20) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.

c. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

I. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:

a. A minimum fifteen (15) foot wide landscape buffer strip.

b. A six (6) foot high opaque fence, hedge, berm or combination.

2. The following landscaping requirements shall be installed on the exterior side of the required six foot barrier:

a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center.

b. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

3. In the event a fence is constructed, the property owner shall install twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches along the interior side of the fence.

J. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height.

3. All outdoor shall be extinguished no later than 9:00 p.m. Security lighting only is excluded from this requirement.

K. PARKING AND STORAGE

1. A maximum of 6 parking spaces shall be permitted on-site.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. The applicant shall utilize grass pavers in all parking areas as permitted by the Code.
3. No outdoor storage, parking or placement of any material, refuse, trucks, trailers, mowers, equipment or debris shall be permitted on site.
4. Prior to site plan certification, the site plan shall be amended to relocate all parking areas to the east side of the proposed building.

L. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

M. SIGNS

1. No point of purchase signs, such as wall, projecting, freestanding or roof signs, shall be permitted on site.

N. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted.
2. No business activities shall be allowed on site, including deliveries, prior to 7:30 a.m. nor later than 6:00 p.m. Monday through Friday, or prior to 8:00 a.m. nor later than 12:00 noon on Saturdays. No business activities shall be allowed on site on Sundays.
3. No repair or maintenance of vehicles, including lawn maintenance equipment, shall be permitted on site.
4. This facility shall not be open to the public.
5. The parking area shall be locked and gated twenty feet setback from the right-of-way when the facility is not open.
6. Noise from the site shall not exceed 50 db at any lot line at any time, except during periods of building construction.

O. VEGETATION CONDITIONS

1. At time of Site Plan submittal, the petitioner shall submit a Vegetation Preservation Program acceptable to the Zoning Division. The program shall identify all trees to be preserved, or relocated and where they are to be relocated to, and shall establish appropriate protection measures during the construction and site development phases of the project.

2. Prior to removal **of** any vegetation on site, the petitioner shall schedule a Preclearing Inspection with the Zoning Division.
3. All native vegetation to be preserved or relocated shall be identified. Native vegetation identified **to** be relocated shall be relocated to perimeter buffer areas or other open space areas on the site.
4. All prohibited species shall be removed from the subject property prior to the issuance **of** a Certificate **of** Occupancy (C.O.).

P. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - 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.
2. Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation **of** Special Exception, 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.

Commissioner McCarty moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

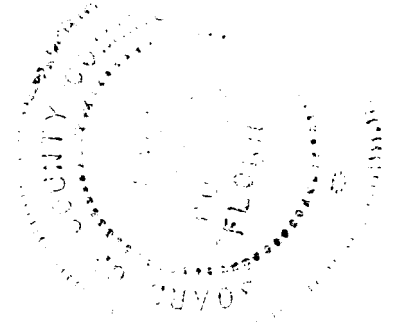
MILTON T. BAUER, CLERK

BY:

Barbara Allen
COUNTY ATTORNEY

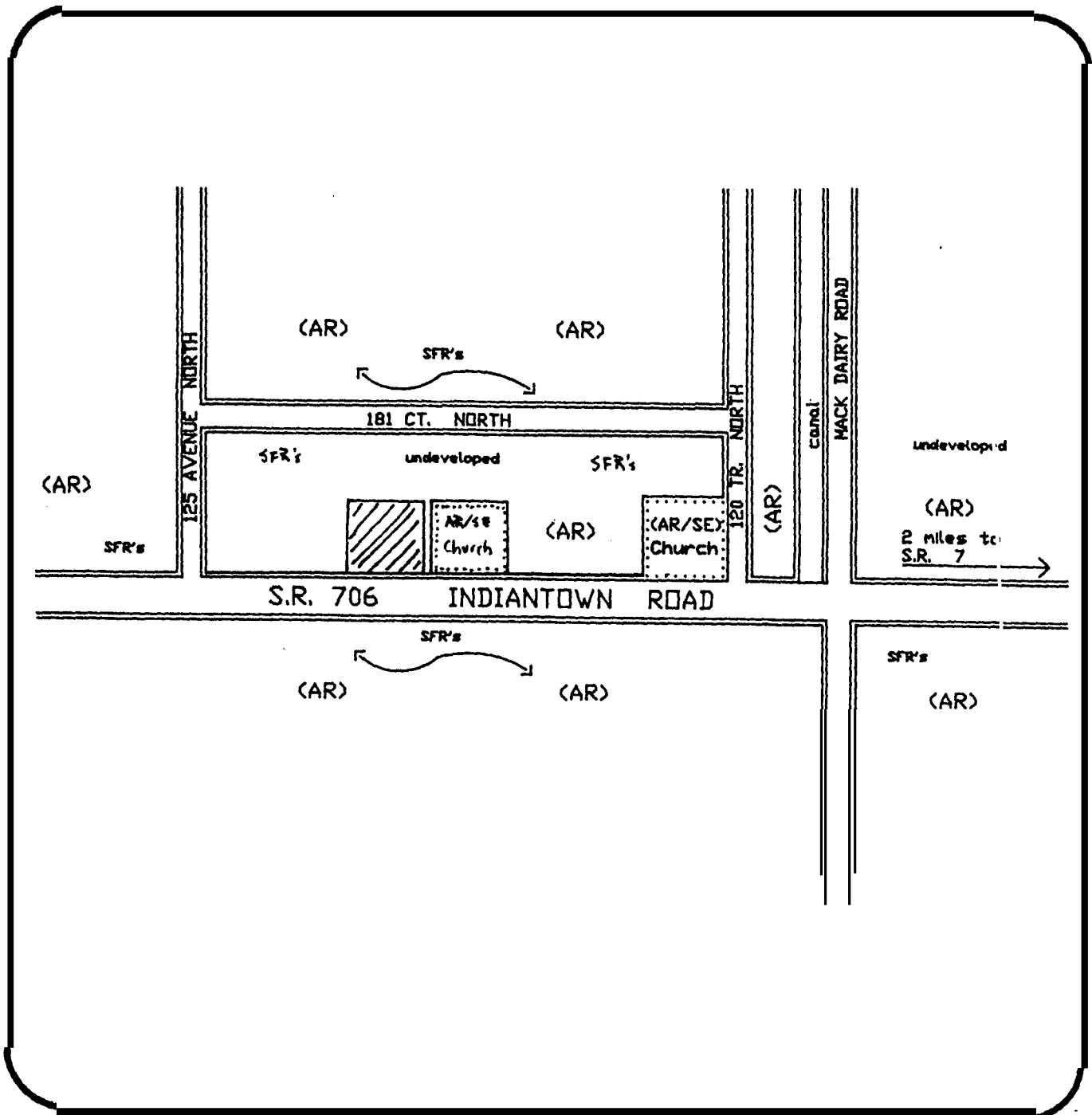
BY:

Jean Hawley
DEPUTY CLERK



Sec. 34 Twp. 40 Rng. 41
Quadrant Sheet: 55
Aerial Page: 6

Vicinity Sketch



Request:

Special Exception for a lawn maintenance service.

PETITION NO: 91-50

BCC DISTRICT: |

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