

RESOLUTION NO. **R-92-1824**

RESOLUTION APPROVING ZONING PETITION NO. **92-20**
SPECIAL EXCEPTION PETITION OF
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

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. **92-20** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on June **29, 1992**; 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. 92-20, the petition of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY, BY ALICE SHAPIRO, AGENT, for a SPECIAL EXCEPTION TO ALLOW A PUBLIC AND PRIVATE UTILITY SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES (TELEPHONE EXCHANGE BUILDING AND SUBSTATION) on a parcel of land lying in the east 279.5 feet of the west 3,016.5 feet of the north 243 feet of the south 2,743.00 feet of Section 25, Township 42 South, Range 40 East, Palm Beach County, Florida, subject to an easement to Indian Trail Water Control District for road and drainage purposes over the west 40.00 feet and the south 30.00 feet, and being located on the NE CORNER OF BANYAN BLVD. AND KEY LIME BLVD., IN THE AR ZONING DISTRICT, was approved on June 29, 1992, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

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. **(ZONING)**

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. 23). 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. (ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 300 square feet. (ZONING-BUILDING)
2. The maximum height, from grade to roof line, for all structures shall not exceed one story or twenty (20) feet. (BUILDING)
3. All mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING)
4. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. All vegetation preserve areas.
 - b. A minimum fifteen (15) foot access width at the ultimate right of way line for Banyan Boulevard. (ZONING)
5. Prior to site plan certification, the site plan shall be amended to reflect the relocation of the proposed building so that it is located within the minimum setbacks approved by the Board of Adjustment on May 21, 1992, and as further limited by the site plan approved by the Board of County Commissioners on June 29, 1992 (Exhibit 23). (ZONING-BUILDING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A minimum of 50% of the native upland habitats shall be set aside as a preserve in perpetuity.
 - a. All preserve areas on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor and submitted to ERM prior to site plan certification.
 - b. The preserve area requirement for Petition Nos. 92-19 and 92-20 shall be combined onto one parcel on Petition No. 92-20. The location of the combined preserve area shall be approved by ERM prior to Board of County Commission approval.
 - c. Preserve areas shall be preserved with intact canopy, understory and groundcover without surface alteration or infringement by drainage or any other easements.

- d. Preserve areas shall be identified on any plat for development. The platted preserve areas shall be consistent with the approved metes and bounds survey of the preserves.
- e. A management plan that addresses the maintenance of the preserve area including the continued removal of invasive exotic species shall be submitted to the Dept. of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification. (ERM)

D. 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. (ZONING)
2. All additional required trees shall meet the following minimum standards:
 - 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. (ZONING)

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. (COUNTY ENGINEER)

F. LANDSCAPING ALONG THE PERIMETER OF THE FENCED SUBSTATION AREA

1. The following landscaping requirements shall be installed on the exterior side of the chainlink fence:
 - a. One (1) native canopy tree planted every twenty (20) feet on center.
 - b. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. (ZONING:

G. LIGHTING

1. All outdoor lighting used to illuminate the premises shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING-CODE ENFORCEMENT)
2. All lighting fixtures shall not exceed twenty (20) feet in height. (BUILDING)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

H. PARKING

1. A maximum of three (3) parking spaces shall be permitted on-site. (BUILDING-ZONING)
2. When this facility is not open, the parking area shall be locked and gated. The gate shall be installed at a minimum of twenty (20) feet from the ultimate right of way line. (CODE ENFORCEMENT)
3. No equipment or vehicles shall be stored on site unless repairs to the facility are made. (CODE ENFORCEMENT)

I. SIGNS

1. No freestanding signs shall be allowed on site. (CODE ENFORCEMENT)

J. VEGETATION PRESERVATION AND REMOVAL

1. Clearing shall be limited to the building area, drive and parking area, and fence area, (as shown on the **approved** Exhibit Number) preserving all other existing native canopy and understory vegetation on site. (ZONING)
2. Remove all prohibited species from the entire site. Removal of prohibited plant species (Australian Pine, Acacia, Melaleuca, Brazilian Pepper) is required during site development.
 - a. All cleared areas will be planted or seeded with appropriate native ground cover and mulched or other suitable alternative approved by the Zoning Division. (ZONING)

K. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any 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;

- c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code. (MONITORING)
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 Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

Mary McCarty, Chair	--	AYE
Ken Foster, Vice Chair	--	ABSENT
Burt Aaronson	--	AYE
Maude Ford Lee	--	AYE
Karen T. Marcus	--	AYE
Warren Newell	--	AYE
Carol A. Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of December, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Richard Altier*
COUNTY ATTORNEY

BY: *Robert Johnson*
DEPUTY CLERK

