

RESOLUTION R-2000- 17 12

RESOLUTION CORRECTING RESOLUTION R-2000-0592  
RESOLUTION APPROVING ZONING PETITION OF ATLANTIC COAST TOWER  
PETITION W81-095(B)

WHEREAS, Atlantic Cost Tower, petitioned the Palm Beach County Board of County Commissioners on April 27, 2000 for waiver for separation to residential structures; and

WHEREAS, Resolution R-2000-0592, adopted on April 27, 2000 confirming the action of the Board of County Commissioners inadvertently contained a scrivener's error in the findings of fact; and

WHEREAS, the findings of fact for Resolution R-2000-0592 should have read as follows:

1. This request for a Waiver for separation from residential structures for a commercial communication tower (~~149 feet in height~~) complies with the intent of Section 6.4.D.22 of the ULDC.
2. This request for a Waiver for separation from residential structures for a commercial communication tower, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.
3. This request for a Waiver for separation from residential structures for a commercial communication tower is not granted based solely upon or in large measures due to costs associated with complying with all requirements of Section 6.4.D.22.
4. This request for a Waiver for separation from residential structures for a commercial communication tower, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.
5. This request for a Waiver for separation from residential structures for a commercial communication tower is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted.
6. This request for a Waiver from separation from residential structures for a commercial communication tower, is the minimum waiver that will make possible the reasonable use of the parcel of land, building or structure.
7. This request for a Waiver for separation from residential structures for a commercial communication tower, is consistent with the purposes, goals, objectives, and policies of Palm Beach County Comprehensive Plan and with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
8. This request for a Waiver for separation from residential structures for a commercial communication tower, will not be injurious to the area involved or otherwise detrimental to the public welfare.

9. This request for a Waiver for separation from residential structures for a commercial communication tower based upon documentation submitted by the applicant is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC.
10. This request for a Waiver for separation from residential structures for a commercial communication tower is required to comply with locational standards established by the Federal Aviation Administration (FAA).
11. This request for a Waiver for separation from residential structures for a commercial communication tower based upon documentation submitted by the applicant is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.
12. This request for a Waiver for separation from residential structures for a commercial communication tower based upon documentation submitted by the applicant is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.
13. This request for a Waiver for separation from residential structures for a commercial communication tower based upon documentation submitted by the applicant is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.
14. This request for a Waiver for separation from residential structures for a commercial communication tower based upon documentation submitted by the applicant is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.
15. This request for a Waiver for separation from residential structures for a commercial communication tower based upon documentation submitted by the applicant is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of tower.

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. Findings of fact for Resolution R-2000-0592 are hereby corrected.

commissioner Masilotti 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:

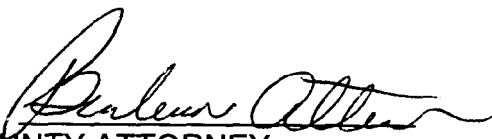
Maude Ford Lee, Chair		Absent
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Absent
Carol A. Roberts	-	Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared the resolution was duly passed and adopted on October 26, 2000.

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

