

RESOLUTION NO. R-98- 7

RESOLUTION APPROVING ZONING PETITION **Z/COZ78-246(C)**
OFFICIAL ZONING *MAP* AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF CHARLES B. RING
BY ROBERT BASEHART, AGENT
(PRECISION EQUIPMENT)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition **Z/COZ78-246(C)** was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1997; and

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

WHEREAS, ~~the~~ Board ~~of~~ County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. 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;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z/COZ78-246(C), the petition of Charles B. Ring by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) from the Multi-Family Residential (RM) to the General Industrial (IG) Zoning District with a CONDITIONAL OVERLAY ZONE (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 1997, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 1998.

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

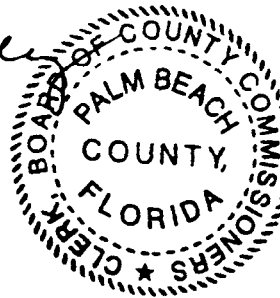


EXHIBIT A

LEGAL DESCRIPTION

The West ¼ of Tract 17, Block 4, **PALM BEACH FARMS COMPANY PLAT 3**, according to the Plat thereof now on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, and recorded in Plat **Book 2**, Page **46**, Palm Beach County, Florida, **LESS**:

1. The West **8** feet for mad purposes, and **LESS**
2. That parcel commencing at the Southwest corner of said Tract 17; thence run along the South line of said Tract 17, North **89° 23' 32"** East **185.33** feet to the **POINT OF BEGINNING**; thence North **40° 59' 34"** East **217.91** feet to a point on the East boundary of the West ¼ of said Tract 17; thence along said East boundary South **0° 35' 59"** East **162.95** feet to a point on the ~~South~~ line of said Tract 17; thence along said **South** line South **89° 23' 32"** West **144.67** feet to the **POINT OF BEGINNING**, and **LESS**
3. From a **POINT OF BEGINNING** at the Southwest corner of said Tract 17; thence North **0° 35' 59"** West **113** feet to a point; thence North **89° 23' 32"** East a distance of **285.85** feet to a point; thence South **40° 59' 34"** West **151.00** feet to a point on the South line of said Tract 17; thence along said South line South **89° 23' 32"** West **185.33** feet to the **POINT OF BEGINNING**, and **LESS**
4. A parcel of land being a portion of Tract 17, Block 4, **PALM BEACH FARMS COMPANY, PLAT NO. 3**, as recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida, and lying in Section 33, Township 43 South, Range 42 East, Palm Beach County, Florida. Said parcel being more particularly described as follows:

Commencing at the Southwest corner of said Tract 17, run North **00° 56' 47"** West along the West line of said Tract 17, a distance of **33** feet to a point on the existing North right-of-way line of Belvedere Road as described in the Minutes of the County Commissioners, March 14, 1932, Public Records of Palm Beach County, Florida, said line being parallel with and **33.00** feet North of the South line of said Tract 17; thence North **89° 03' 20"** East, along said existing North right-of-way line of Belvedere Road, a distance of **8.00** feet to a point on the East right-of-way line of Skees Road, as described in Deed Book 964, Page 492, Public Records of Palm Beach County, Florida, said line being parallel with and **8.00** feet East of the West line of said Tract 17; thence North **00° 56' 47"** West, along said West right-of-way line of Skees Road, a distance of **80.00** feet to a point on a line parallel with and **113.00** feet North of the South line of said Tract 17, said point also being the **POINT OF BEGINNING**; thence continue North **00° 56' 47"** West a distance of **345.59** feet; thence South **03° 48' 32"** East a distance of **200.35** feet; thence South **09° 51' 44"** East a distance of **109.64** feet; thence North **88° 59' 58"** East a distance of **90.00** feet; thence South **01° 00' 02"** East a distance of **27.36** feet to a point on a line parallel with and **123.00** feet North of the South line of said Tract 17; thence North **89° 03' 20"** East along said parallel line a distance of **172.70** feet to a point on the Westerly right-of-way line of the Florida State Turnpike, thence South **40° 37' 50"** West, along said right-of-way line a distance of **13.37** feet, thence South **89° 03' 20"** West a distance of **280.84** feet to the **POINT OF BEGINNING**.

EXHIBIT B
VICINITY SKETCH

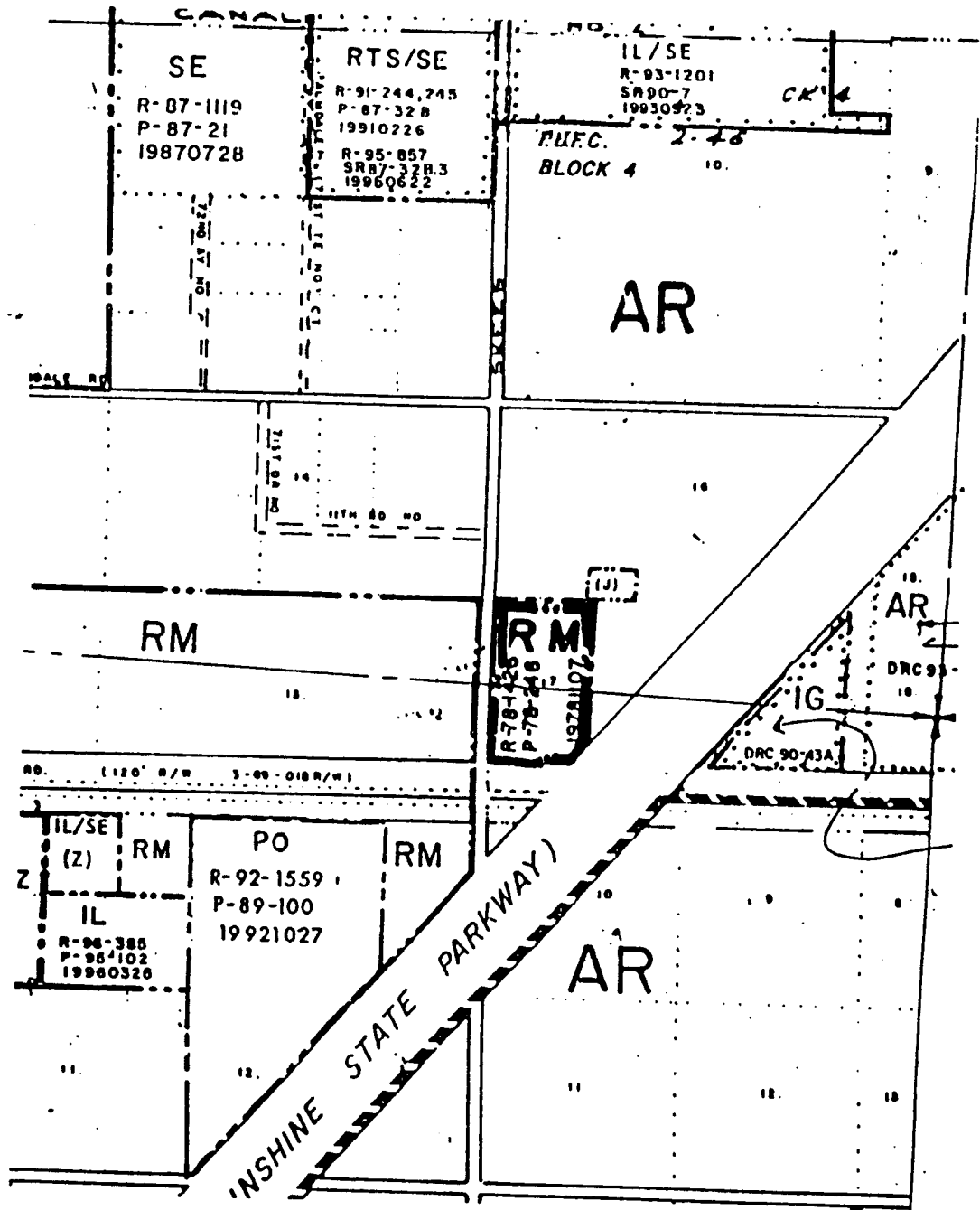


EXHIBIT C

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. The approved site plan is dated October 10, 1997. 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. (DRC: ZONING)

6. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **5,400** square feet. Expansion shall be limited to five (**5%**) or 1,000 square feet, whichever is less. (DRC: ZONING)
2. The maximum height for all structures measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)
3. All air **conditioning** and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall ~~be~~ prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by tenants ~~or~~ owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - 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.
 - d. Credit may ~~be~~ given for existing or relocated ~~trees~~ provided they meet **current** ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Skees Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Skees Road, **40** feet from centerline prior to the issuance of *the* first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Comer Clips" where appropriate as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
3. Prior to the issuance of the first building permit, the property owner shall convey a **25** foot access easement to the property owner to the east. (BLDG PERMIT: MONITORING-Eng)
4. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD**
 - A. Prior to issuance of the first building permit, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Belvedere Road right of way. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of ~~the~~ "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March **1994 Streetscape** Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to ~~the~~ standards as set forth by the Streetscape Standards. **If all xeriscape** material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - ENG)
 - B. All required median landscaping, including an irrigation system if required, shall be installed ~~at~~ the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)
- 5. There shall **be** no vehicular access to ~~the~~ site from Belvedere Road. (DRC - ENG)
- F. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)
 - 1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot high vinylcoated chain link fence with opaque slats; and
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. **One (1)** palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may substitute for a perimeter canopy tree and;
 - e. Twenty four (24) 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 thirty six (36) inches. (CO: LANDSCAPE)
- G. LANDSCAPING ALONG SOUTH PROPERTY LINE (BELVEDERE ROAD FRONTAGE)
 - 1. Landscaping and buffering along the south property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A six (6) foot high vinylcoated chain link ~~fence~~ with opaque slats; and
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may substitute for a perimeter canopy tree and;
 - e. Twenty four (24) 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 thirty six (36) inches. (CO: LANDSCAPE)
- H. PLANNING
 - 1. Prior to final DRC certification, the developer shall modify the site plan to provide a 100% opaque buffer and/or fencing along Skees Road. (DRC: PLANNING)
- I. SIGNS
 - 1. Freestanding signs fronting on Skees Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - **fifteen (15)** feet;
 - b. Maximum sign face area per side - one hundred (100) square feet;
 - c. Style - monument style;
 - d. Number of sign - One (1). (~~CO~~ BLDG)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K USE LIMITATIONS

1. Hours of operation and loading activities shall be limited from 7:00 a.m. to 6:00 p.m. Monday to Friday and 8:00 a.m. to 4:00 p.m. Saturday. No business activity shall be permitted on Sunday except for emergency cases. (ONGOING: CODE ENF)

L. 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 noncompliance, 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)