

RESOLUTION NO. R-96- 1012

RESOLUTION APPROVING ZONING PETITION CA92-52(A)
CLASS A CONDITIONAL USE
PETITION OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
BY FRED ROTH AND JIM BARNES, AGENTS
(SOUTH COUNTY TOWER)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A 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 CA92-52(A) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; 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 recommendations of the Zoning Commission; 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 (ULDC) and other provisions requiring that development commence in a timely manner; and

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

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A 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 A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 A 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 A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A 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 A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 CA92-52(A), the petition of the Palm Beach County Board of County Commissioners, by Fred Roth and Jim Barnes, agents, for a Class A Conditional Use (CA) to allow a communication tower (350 feet) in the Public Onwership (PO) 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 July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

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

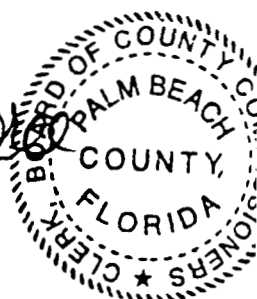


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

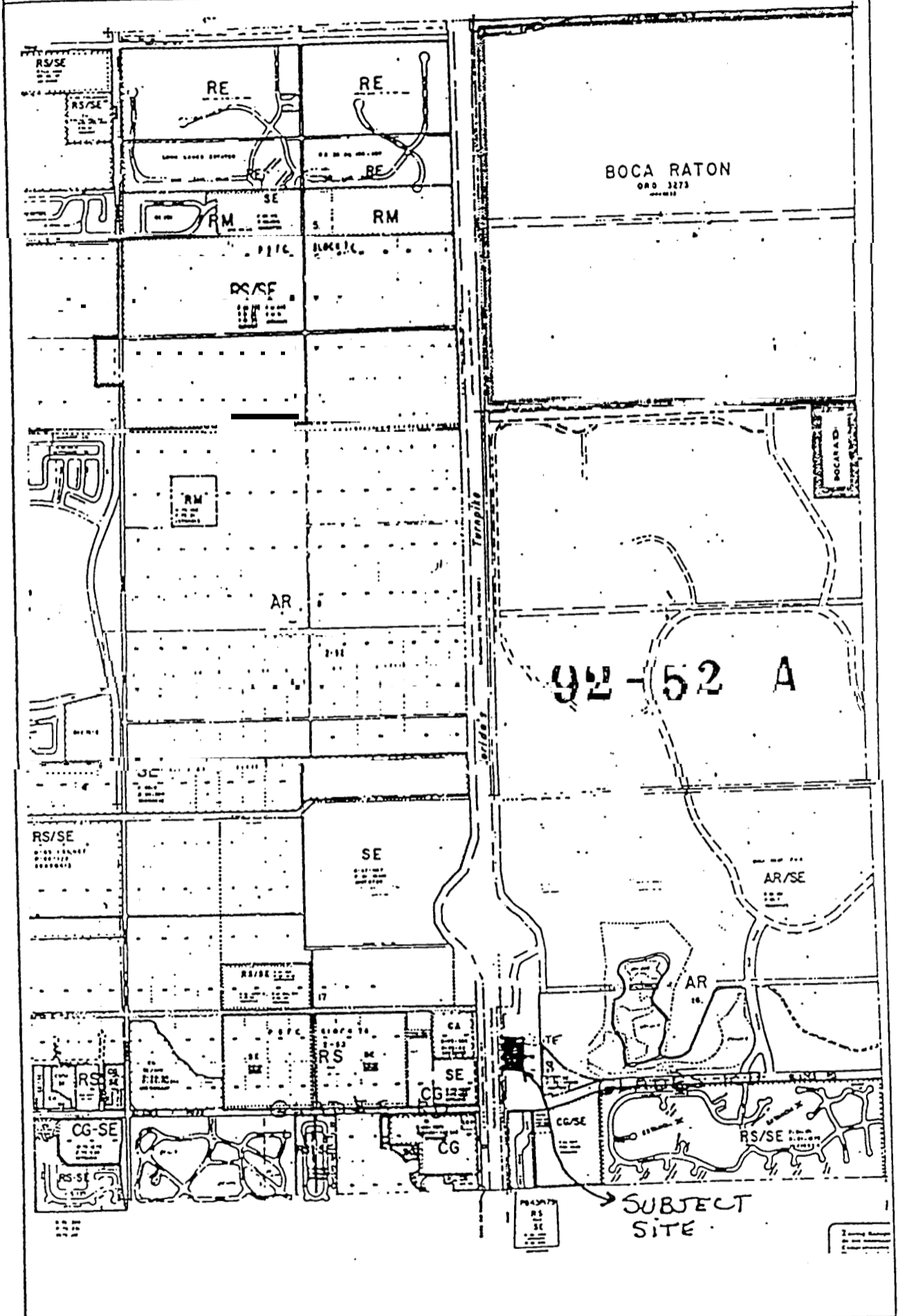
COMMENCING AT THE SOUTHWEST CORNER OF "ARVIDA TURNPIKE PLAZA" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE 148 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE BEAR NORTH 00°41'53" WEST ALONG WEST LINE OF SAID PLAT OF "ARVIDA TURNPIKE PLAZA", (SAID LINE **ALSO** BEING THE EAST LINE OF THE TURNPIKE INTERCHANGE AS STATED ON SAID PLAT), A DISTANCE OF 566.49 FEET; THENCE SOUTH 89°21'05" WEST, DEPARTING SAID WEST LINE, A DISTANCE OF 339.06 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND:

FROM SAID POINT OF BEGINNING CONTINUE BEARING SOUTH 89°21'05" WEST, A DISTANCE OF 110.00 FEET; THENCE NORTH 00°38'55" WEST, A DISTANCE OF 110.00 FEET; THENCE NORTH 89°21'05" EAST, A DISTANCE OF 110.00 FEET; THENCE SOUTH 00°38'55" EAST, A DISTANCE OF 110.00 FEET BACK TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 12,000 SQUARE FEET, (0.277778 ACRES), MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 92 JAN
Zoning Quad Page _____
Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

A. **FAA**

1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS)

B. **TOWER**

1. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM)
2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4 .D.22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING)
3. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS)
4. The communication tower shall be limited to a maximum 350 foot high self support or monopole structure, measured from finished grade to highest point. (DRC: ZONING - Bldg)

C. **LANDSCAPE**

1. The petitioner shall provide a minimum ten (10) foot wide Alternative 3 landscape buffer around the tower lease parcel. The landscape buffer for the communication tower shall be located on the lease parcel with required landscape materials located on the exterior side of the required chain link fence. (DRC: LANDSCAPE - Zoning)
2. Canopy trees shall be planted twenty (20) feet on center around the entire tower lease parcel site. (CO: LANDSCAPE - Zoning)

D. **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)