

RESOLUTION APPROVING ZONING PETITION NO. 92-6
SPECIAL EXCEPTION PETITION OF FLORIDA CELLULAR TELEPHONE 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. 92-6 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on March 26, 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. 92-6, the petition of FLORIDA CELLULAR TELEPHONE COMPANY, BY ROSE M. KENNEY, AGENT, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWERS (RADIO TOWER WITH UNMANNED EQUIPMENT BUILDING) on a parcel of land being the West 300.00 feet of Parcel "H", Plat No. 1, CENTRAL INDUSTRIAL PARK, Plat Book 30, Page 37, Section 30, Township 42 South, Range 43 East, and being located ON THE S SIDE OF BYRON DR., APPROX. .05 MILE W OF CENTRAL INDUSTRIAL BLVD., IN THE IL ZONING DISTRICT, was approved on March 26, 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. 22). 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)

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 July 29, 1992. (Monitoring)

B. BUILDING AND SITE DESIGN

1. The lease parcel shall be limited to 317 square feet of total gross floor area and a maximum 150 foot high radio tower. (Building)

C. COMMUNICATIONS TOWER

1. Palm Beach County, i.e., Sheriff's Department/Fire Department/Emergency Medical Services and/or other appropriate county affiliated departments or agencies shall have the right to co-locate communication equipment on the subject tower at no cost to Palm Beach County provided that the placement of such equipment does not interfere with the petitioner's equipment or operations. (PREM)
2. If possible, the petitioner shall accommodate the equipment of other commercial communication ventures on the subject tower, provided that the placement of their equipment does not interfere with the petitioner's equipment or operations, subject to an engineering analysis by the tower manufacturer. (PREM)
3. Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning, Zoning & Building Department. (Building)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HRS)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HRS)
3. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C. (HRS)

E. ENGINEERING

1. For the proposed tower leased parcel, 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. (Engineering)

2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$220.00 (4 trips X \$55.00 per trip). (Impact Fee Coordinator)

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Water Utilities)

G. LANDSCAPING AROUND THE TOWER SITE

1. The petitioner shall provide an eight (8) foot high fence around the lease parcel. (Zoning)
2. Landscaping on the exterior sides of the south and west portions of the fence shall be upgraded to include the following:
 - a. One fourteen (14) foot tall native canopy tree planted every fifteen (15) feet on center; and
 - b. Twenty (20) 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 thirty-six (36) inches. (Zoning)

H. SIGNS

1. No signs, other than any required hazard notification, shall be permitted on the lease parcel. (Building)

I. VEGETATION

1. All prohibited species shall be removed from the subject property prior to the issuance of a Certificate of Occupancy (C.O.). (Zoning)
2. No removal of native plant material shall be permitted on the site until the site plan has been certified by the Site Plan Review Committee. (Zoning)

J. 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. (Zoning/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 Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Elmquist moved for approval of the Resolution.

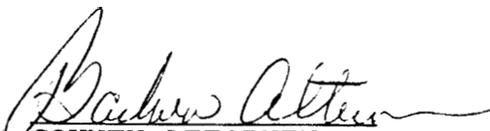
The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

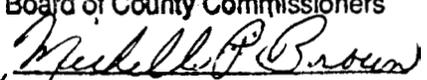
Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of July, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

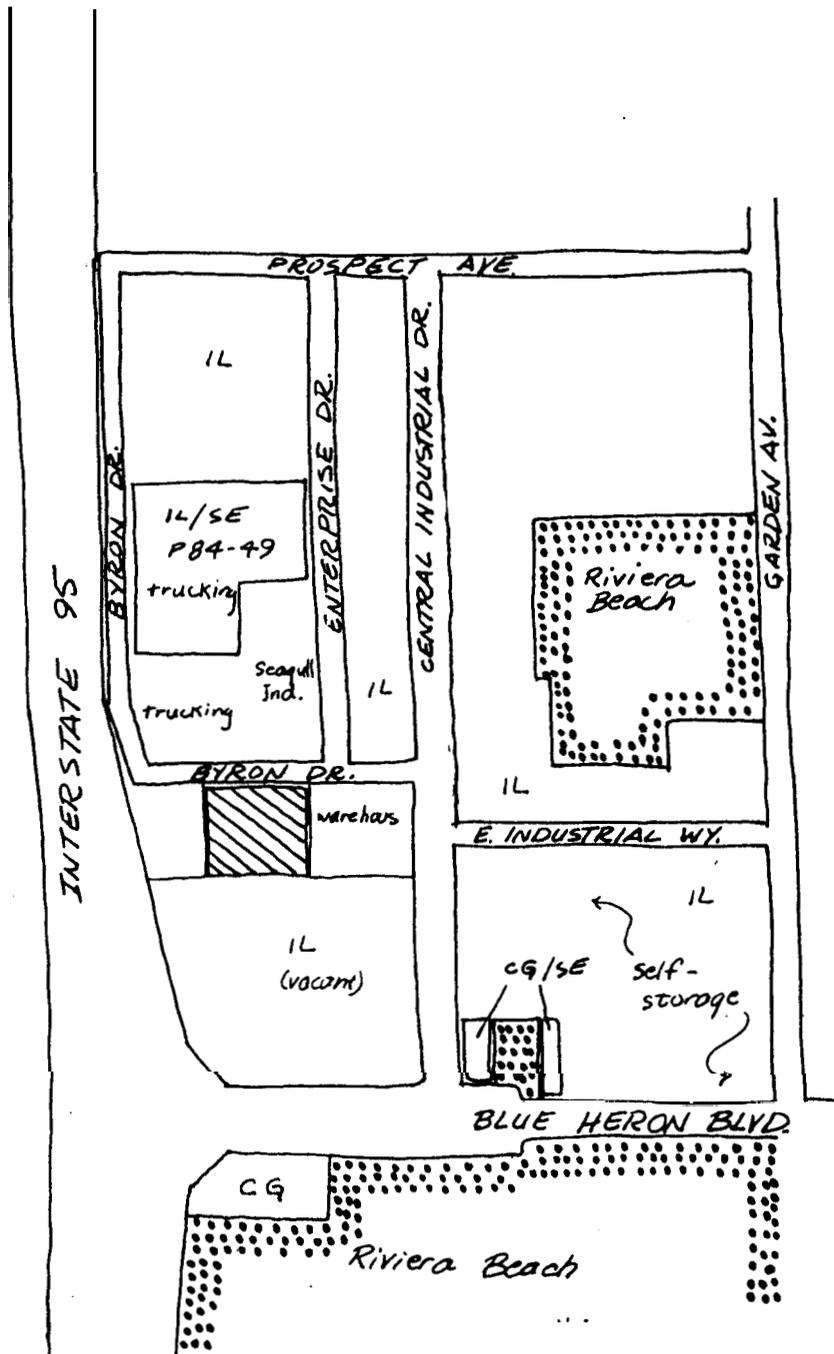
BY: 
COUNTY ATTORNEY

MILTON T. BAUER, CLERK
Board of County Commissioners
BY: 
DEPUTY CLERK

Sec. 30 Twp. 42 Rng. 43
Quadrant Sheet: 16
Aerial Page: 66-33

Vicinity Sketch

+
(existing
FPL
tower)



Request :

A SPECIAL EXCEPTION for a commercial radio, television, microwave transmission and relay stations and towers (tower with an unmanned equipment building).

PETITION NO: 92-6

BCC DISTRICT: 17