

RESOLUTION NO. R-90- 1320

RESOLUTION APPROVING ZONING PETITION NO. 90-14  
SPECIAL EXCEPTION PETITION OF CALOOSA PROPERTY OWNERS ASSOCIATION  
BY ROBERT A. BENTZ, AGENT

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. 90-14 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 29, 1990; 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 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, 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. 90-14, the petition of CALOOSA PROPERTY OWNERS ASSOCIATION, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWERS AND ACCESSORY EQUIPMENT BUILDINGS (CABLE T.V.) on a parcel of land lying in Lot 49, Section 6, Caloosa 1st Addition, Plat Book 34, Pages 56 through 62, Section 20, Township 41 South, Range 41 East, and being located on the south side of Caloosa Boulevard, approximately .04 mile north of Bee Line Highway in a AR-Agricultural Residential Zoning District, was approved on March 29, 1990 as advertised, subject to the following conditions:

1. A landscape buffer shall be provided on the north, west and south sides of the fenced structures. The buffer shall be native vegetation compatible with the existing slash pines, consisting of one (1) row of ten (10) foot high canopy trees spaced twenty (20) feet on center,

and one (1) row of native palms spaced twenty (20) feet on center and a hedge planted twenty-four (24) inches high and twenty-four (24) inches on center, which shall form a solid continuous visual screen of at least six (6) feet in height within two (2) years of installation.

2. Eight (8) foot concrete wall, solid fence or other solid visual screen shall be established on the east side of the facility, adjacent to existing tennis courts. The tower shall be of freestanding design, completely enclosed by an eight (8) foot tall chainlink fence and shall not be used for any purpose other than receiving cable transmission signals.
3. The petitioner shall submit documentation from a registered engineer that the proposed 100 foot tower height is the minimum necessary to accomplish the proposed use. Should this documentation indicate that a smaller tower can accomplish the purpose, the tower shall be redesigned accordingly. In no case shall the tower exceed 100 feet in height.
4. Setbacks shall be maintained at a minimum of three hundred (300) feet from all property lines.
5. Prior to Site Plan Certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport approach pattern as established by the Federal Aviation Administration.
6. All native vegetation shall be preserved except for the minimum removal necessary to construct the facility.
7. Prior to Site Plan Certification, the site plan shall be revised to show square footage of each building on site and the location and total number of all trees on site.
8. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
9. 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 on site 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.

10. 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 presently is \$220.00 (4 trips X \$55.00 per trip).
11. The property owner shall participate in a recycling program when available in the area.
12. 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.

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 Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	-- Aye
Karen T. Marcus	-- Aye
Carol Roberts	-- Aye
Ron Howard	-- Aye
Carole Phillips	-- Aye

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

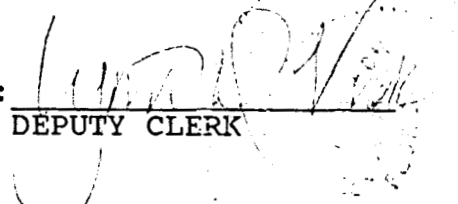
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK