

# ORIGINAL

RESOLUTION NO. R-92- 348

RESOLUTION APPROVING ZONING PETITION NO. 91-38  
SPECIAL EXCEPTION PETITION OF WATERFRONT BUILDERS, INC.

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. 91-38 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on January 3, 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. 91-38, the petition of WATERFRONT BUILDERS, INC., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO ALLOW AN OUTDOOR STORAGE FACILITY on a parcel of land situated in Lot 46, LESS the South 462 feet thereof, and LESS the North 36.3 feet thereof for Canal L-4 right-of-way, Block 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Page 45, and being located ON THE E SIDE OF TALL PINES RD., APPROX. .35 MILE N OF SOUTHERN BLVD., was approved on January 3, 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.
2. This Special Exception is granted concurrent with a rezoning. 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. 3). **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.

3. The petitioner shall submit the site plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee prior to April 7, 1992.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **1,470** square feet.
2. Storage buildings shall either be placed on permanent foundations or be subject to tie-down permits.
3. The minimum setback for all structures adjacent to the east property line shall be one-hundred (**100**) feet.
4. The maximum height, from grade to roof line, for all structures shall not exceed twenty (**20**) feet.
5. The replacement of any approved building square footage (modular structures) with a permanent structure shall be subject to PBIA Committee and Site Plan Review Committee approval.

C. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, landscape, irrigate and perpetually maintain the adjacent bank of all abutting canals.

D. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case Number **91-04-24-004 C**) to reflect the approved additional square footage (**610** square feet of storage).

E. ENGINEERING

1. 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.

2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
3. Prior to March 14, 1992 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Tall Pines Road, 40 feet from centerline free of all encumbrances and encroachments. Property owner 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer, .
4. The Property owner shall provide paved access to the site from Southern Boulevard. Paved access shall be a minimum of 2-10 feet travel lanes collector street standards concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
5. The Developer 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 at the time of the Building Permit is \$9,900.00 (180 trips X \$55.00 per trip).
6. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended.
7. Property owner shall not utilize Jog Road as part of the developer's haul route until Jog Road has been paved from Southern Boulevard to Belvedere Road.
8. No access to the site shall be permitted onto Alexander Road.

F. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
  - a. Not be located within one-hundred (100) feet of the east property line.
  - b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians.

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.
2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

H. HEALTH

1. The use of the property shall be limited to an outside storage area for operable vehicles not to exceed 45 vehicles and 1,470 square feet of enclosed storage space within trailers, with no electric, water or wastewater facilities to the trailers, except for outdoor security lighting. The use of the trailers shall be limited to storage only, with no office space.

I. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.
2. All preservation areas, buffers, interior landscape islands and otherwise landscaped or grassed areas shall be protected from vehicular encroachment by bollards or curbing installed outside the natural dripline of any trees and/or the outside edge of the landscape area.

J. LANDSCAPING - INTERIOR

1. Interior landscape islands shall be provided within the shellrock areas and shall be:
  - a. A minimum of twenty (20) feet in width.
  - b. A minimum total area equal to 15% of the total storage area.
  - c. The interior landscaping requirement shall be distributed as shown on the site plan within the shellrock areas or redesigned to maximize the preservation of native trees subject to approval by the Zoning Director.
  - d. All landscape islands shall be protected from vehicular encroachment with bollards or curbing, installed outside the natural dripline of any tree.
2. All required **trees** within the interior parking area shall be a minimum of fourteen (14) feet in height.

K. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING TALL PINES ROAD)

1. Landscaping within the required buffer along Tall Pines Road shall be upgraded to include:
  - a. One fourteen (14) foot tall native canopy tree planted every thirty (30) feet on center.
  - b. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

L. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. A minimum twenty five (25) foot wide landscape buffer strip.
  - b. An eight (8) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - c. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center.
  - d. One fourteen (14) foot tall native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.
  - e. Twenty-four (24) 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 forty-eight (48) inches.

M. LIGHTING

1. All outdoor lighting used to illuminate the premise; and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.
2. All lighting fixtures shall not exceed twenty (20) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

N. PARKING

1. Prior to Site Plan Certification, the site plan shall be amended to indicate paved parking for the number of employees on the maximum shift.

2. A maximum of four (4) storage trailers may be permitted on site.
3. No parking of vehicles or equipment is permitted within the preservation area, buffers, landscape islands, canal bank, or any other vegetated area. No parking is permitted except in areas as designated on the certified site plan.
4. Rows of parking for all vehicles shall be designated on the site plan. All parking areas shall provide adequate vehicular access and circulation.

O. RECYCLE SOLID WASTE

1. The property owner/lessee shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

P. SIGNS

1. Signs fronting on Tall Pines Road shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum total sign face area - fifty (50) square feet.
  - c. Maximum number of signs - one, monument type sign.
2. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval.
3. No signs shall encroach into the perimeter landscape buffers or vegetation preservation areas.
4. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
5. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

Q. TREE SURVEY

1. Prior to site plan certification, the petitioner shall submit a tree survey drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood and palm trees over four (4) inches in diameter and all native pine trees between four (4) and eight (8) inches in diameter in a tabular form.

R. USE LIMITATION

1. There shall be no outdoor repair of vehicles.

2. **No** inoperative vehicles shall be permitted on site.
3. No repair or maintenance of vehicles shall be permitted on site.
4. No outdoor retail business activities shall be allowed on site, excluding deliveries.
5. No outdoor loudspeaker system audible off site shall be permitted.
6. Hours **of** operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Saturday.
7. Use of all structures on site, including trailers, whether movable or tied-down shall be restricted to storage of construction materials and supplies. **No** trailer hookups shall be permitted to any public utilities such as telephone, electric or water, sewer or septic.
8. All trucks or vehicles which leave the site between 6:00 a.m. and 7:00 a.m. shall be parked or stored within **300** feet of the west property line.

S. VEGETATION PRESERVATION PROGRAM

1. At time of site plan submittal, the petitioner shall submit the following information:
  - a. A detailed vegetation preservation plan, at the same scale as the site plan which:
    - 1) Includes the location and verification of the preservation of existing native trees within all perimeter landscape strips, preservation areas, interior landscape islands and medians.
    - 2) Includes the installation of new native plant material, into areas designated as vegetation preservation areas **so** as to create a minimum density of one (1) tree and three (3) shrubs per two hundred fifty (250) square feet of preserve area.

T. VEGETATION PRESERVATION - SPECIFIC

1. The petitioner shall establish, during the platting process, the Preservation Area as indicated on Exhibit No. 3. The preserve area shall be a continuous contiguous parcel. No development activity shall be permitted within this preservation area. A minimum of one (1) native tree and three (3) native shrubs per 250 square feet of preserve area shall be established or maintained within this area.

U. VEGETATION REMOVAL

1. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
  - a. All trees to be relocated, preserved, **or** removed shall be identified in the field, tagged and numbered according to the vegetation preservation plan.
  - b. Trees to be preserved shall receive appropriate protection during site development. **No** clearing shall commence until all protection devices are installed **by** the petitioner, and inspected and approved by the Zoning Division.

- c. No vegetation removal **or** development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.
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.

V. COMPLIANCE

1. As provided in 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.
  - d. Verification shall constitute confirmation of a condition of approval or a code violation by a Palm Beach County Code Enforcement Officer. The petitioner hereby voluntarily waives the right to a Code Enforcement Hearing. Upon verification of a violation by the Zoning Director, a petition shall be placed on a Board of County Commissioners (Zoning Authority) agenda for reconsideration of this special exception approval.
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 McCarty moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

**MILTON T. BAUER, CLERK**  
Board of County Commissioners

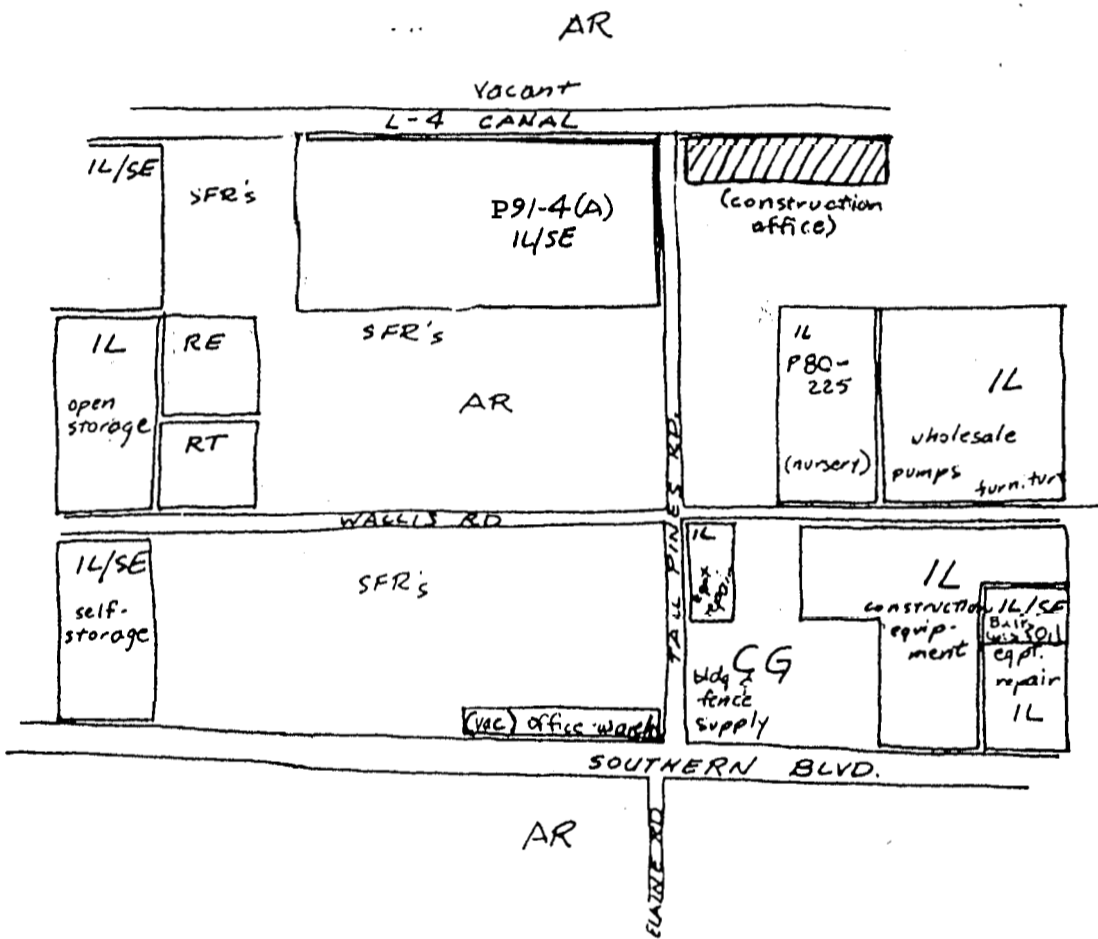
By Joaquín Hernández DEPUTY CLERK

BY: Andrew Altier  
COUNTY ATTORNEY

BY: \_\_\_\_\_  
DEPUTY CLERK

Sec. 34 Twp. 43 Rng. 42  
Quadrant Sheet: 31  
Aerial Page: 173

# Vicinity Sketch



Request:

REZONING; AR TO IL. SPECIAL EXCEPTION: OUTDOOR STORAGE FACILITY,

PETITION NO: 91-38

BCC DISTRICT: 6