

RESOLUTION NO. R-92- 1817

RESOLUTION APPROVING ZONING PETITION NO. 92-16  
SPECIAL EXCEPTION PETITION OF INDIAN TRAIL WATER CONTROL DISTRICT

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. 92-16 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 28, 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. 92-16, the petition of INDIAN TRAIL WATER CONTROL DISTRICT, BY WARREN H. NEWELL, AGENT, for a SPECIAL EXCEPTION TO ALLOW A GOVERNMENTAL SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES (WATER CONTROL DISTRICT) on a parcel of land lying within the North 241.50 feet of the South 572.00 feet of the West 448.00 feet of the East 2788.00 feet of Section 33, Township 42 South, Range 41 East, subject to an easement to Indian Trail Water Control District for road and drainage purposes over the North 32.50 feet of the West 30.00 feet, as measured parallel to the East and South Section lines, and being located on the SE CORNER OF AVOCADO BLVD. AND 61ST STREET N, IN THE AR ZONING DISTRICT, was approved on May 28, 1992, as advertised, subject to the following conditions:

A. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 3374 square feet. (BUILDING)
2. The minimum setback for all structures adjacent to the east property line shall be one hundred ten (110) feet. (BUILDING)

3. The maximum height, from grade to roof line, for all structures shall not exceed twenty (20) feet. (BUILDING)
4. Architectural character and treatment, including a pitched roof, which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BUILDING)
5. All air conditioning and mechanical equipment shall be ground mounted adjacent to the building and screened from view on all sides in a manner consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred (100) feet of any property line; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on center at installation. Alternative landscaping may be permitted which is acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BUILDING-ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. The metes and bounds survey shall be submitted to **ERM** and approved prior to site plan certification. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area including the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification. Prior to issuance of the vegetation removal permit, appropriate barricades shall be erected around the preserve area that will prevent any encroachment of any kind into the preserve. (ERM)

D. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval. (HEALTH)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the storm-water 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 storm-water 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. 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. Prior to the issuance of a building permit, the contract for the paving of Avocado Avenue from the project entrance to Orange Boulevard shall be let. Prior to the issuance of a certificate of occupancy, construction shall be completed. (BUILDING-ENGINEERING)
3. Prior to July 1, 1993, the property owner shall convey a 60 foot perpetual access easement to the public for Avocado Boulevard in a form acceptable to the County Attorney and County Engineering Department.  
(ENGINEERING)

F. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to all Landscape Code requirements and conditions of approval.  
(ZONING)
2. All required trees in landscape buffer strips shall meet the following minimum standards:
  - 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. (ZONING)

G. LIGHTING

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

H. SIGNS

1. Signs fronting on Avocado Blvd. shall be limited as follows:
  - a. Maximum sign height, measured from finished grade - six (6) feet;
  - b. Maximum sign face area per side - **20** square feet;
  - c. Maximum number of signs - one (1). (BUILDING)
2. No signs shall be permitted on 61st Street North.
3. 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. (ZONING)

I. UNITY OF TITLE

1. Simultaneously with submittal of the site plan to the Site Plan Review Committee, the petitioner shall submit a Unity of Title for the entire subject property in a form acceptable to the County Attorney's Office. Prior to site plan certification, petitioner shall record the Unity of Title shall in the public record in a form acceptable to the County Attorney's Office. (COUNTY ATTORNEY)

J. VEGETATION

1. The petitioner shall preserve and/or relocate the existing native vegetation approved by the Zoning Division and shall incorporate it into the project design. Clearing of native vegetation shall be limited to building pad, retention area and vehicular use area only. (ZONING)
2. The petitioner shall submit concurrent with the building permit application for the first building a landscape plan that:
  - a. Demonstrates how significant native vegetation **is** incorporated into the site design.
  - b. Identify **by** number all healthy native plant material relocated to the preservation area, buffer area, and open areas. (ZONING)
3. Prior to removal of any vegetation on site, the petitioner shall:
  - a. Schedule a Preclearing Inspection with the Zoning Division and Environmental Resources Management.
  - b. Identify, tag and number for approval the vegetation to be relocated or preserved. (ZONING-ERM)
4. Vegetation to **be** preserved shall receive appropriate protection during site development. **No** clearing shall commence until all protection devices are installed by the petitioner, inspected **and** approved. (ZONING)

5. No vegetation removal or development activity including, but not limited to trenching, grade changes or grubbing shall be permitted in required buffer areas or preservation areas. (ZONING)
6. All vegetation relocation shall be completed and approved prior to the issuance of the first building permit. (BUILDING-ZONING)

**K. 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. (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. (MONITORING)

Commissioner Marcus 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:

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

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of December, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *Richard Otter*  
COUNTY ATTORNEY

BY: *Robert Johnson*  
DEPUTY CLERK

