

RESOLUTION NO. R-93- 243

RESOLUTION APPROVING ZONING PETITION CA92-53
CLASS A CONDITIONAL USE
PETITION OF STATE OF FLORIDA/PALM BEACH COUNTY

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA92-53 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1993; 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 Land Development Code 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 is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with all requirements of Article 5, Section 5.4 (Conditional Uses) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Class A Conditional Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County 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 CA92-53, the petition of STATE OF FLORIDA/PALM BEACH COUNTY BY JUNE STOHRER, AGENT for a CLASS A CONDITIONAL USE allowing a Communication Tower in the Public Ownership (PO)/Agricultural Residential (AR) Zoning Districts, 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 February 25, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

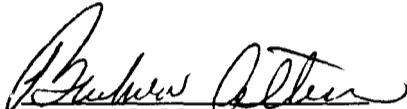
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of February, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT B
VICINITY SKETCH

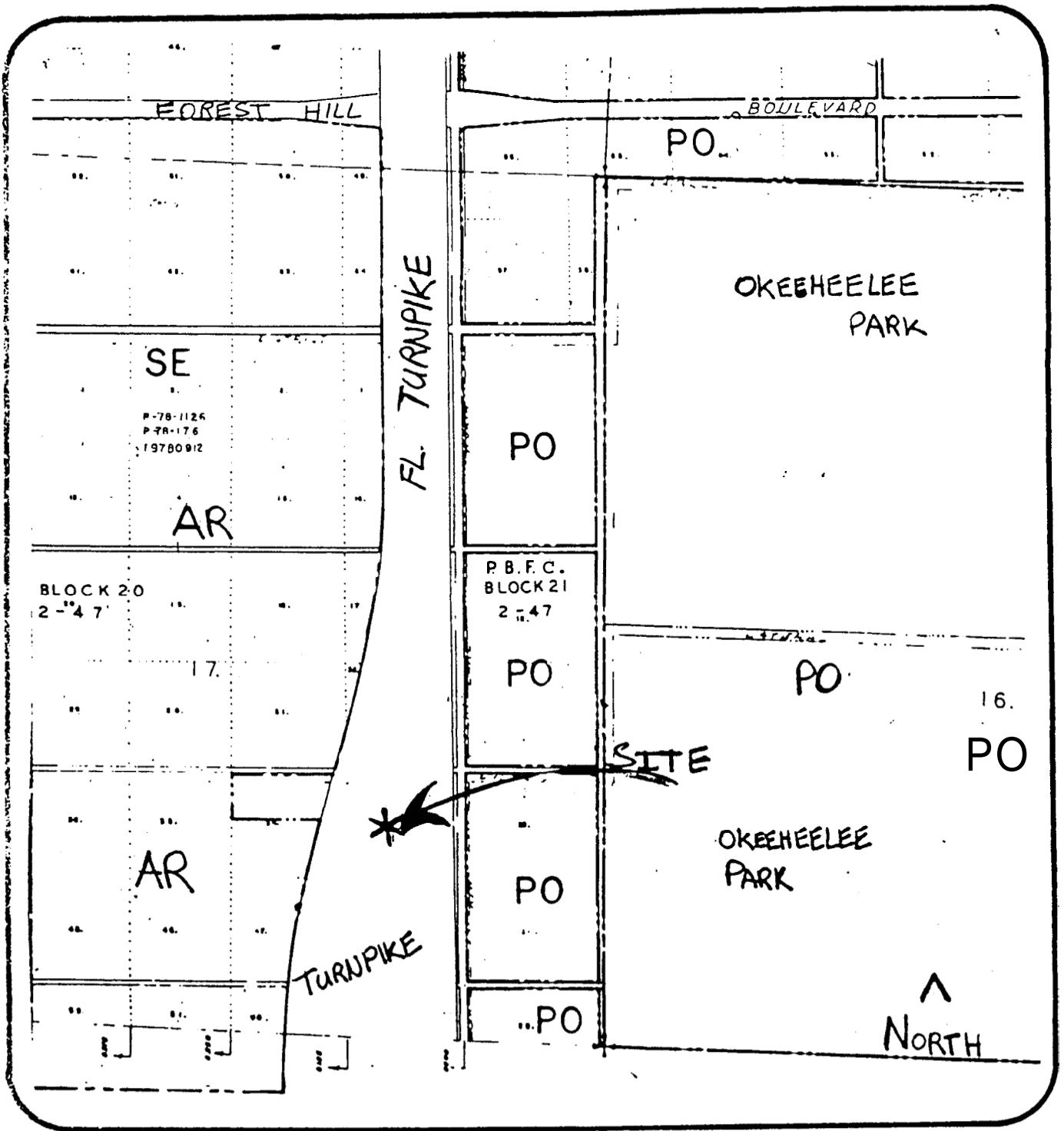


EXHIBIT C

CONDITIONS OF APPROVAL

A. COMMUNICATION TOWER

1. The tower shall not exceed the height permitted by the Federal Aviation Administration and in no case shall the tower exceed 373 feet above mean Sea Level (AMSL) or 350 feet above grade level (AGL). (**BUILDING-Zoning**)
2. Prior to the issuance of the first construction permit, issued by either the state or county, the applicant shall submit breakpoint calculations demonstrating that the fall distance of the tower will not affect adjacent properties and will comply the Southern Standard Building Code. (**BUILDING-Zoning**)

B. FEDERAL AVIATION ADMINISTRATION

1. Prior to construction of the tower, the applicant shall submit to the Zoning Division an updated report from the **FAA** for favorable determination that the proposed tower will not exceed obstruction standards and would not be a hazard to air navigation. This determination shall be approved by the Palm Beach County Department of Airports. (**BUILDING-Zoning**)

C. LANDSCAPE

1. An alternative landscape strip Number 4, **as** described in Sec. 7.3.E.3.b. (Compatibility landscape buffer strips) shall be required **on** the exterior side of the proposed fence between the communication tower and adjacent lots to the west which have a future land use designation of LR2. (**BUILDING-Zoning**)
2. Prior to construction of the tower or accessory buildings, 3 copies of a signed and sealed landscape plan shall be submitted to and approved by the Zoning Division, satisfying the standards of section 7.3 (Landscaping and buffering). (**BUILDING-Zoning**)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals is required. The Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (**BUILDING-EM**)