

RESOLUTION APPROVING ZONING PETITION CA97-91
CLASS A CONDITIONAL USE
PETITION OF BELL SOUTH MOBILITY
BY KILDAY & ASSOC., AGENT
(AYOW-3 TOWER)

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 Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA97-91 was presented to the Board of County Commissioners at a public hearing conducted on June 25, 1998; 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 Unified Land Development Code (ULDC) 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 complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
0. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions **as** adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 CA97-91, ~~the~~ petition of Bellsouth Mobility, by Kilday & Assoc., agent, for a Class A Conditional Use (CA) to allow a Commercial Communication Tower (212 feet) in the Agricultural Residential (AR) Zoning District, 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 June 25, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 25, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

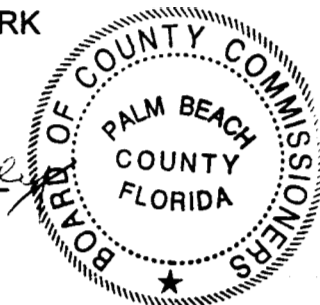


EXHIBIT A

LEGAL DESCRIPTION

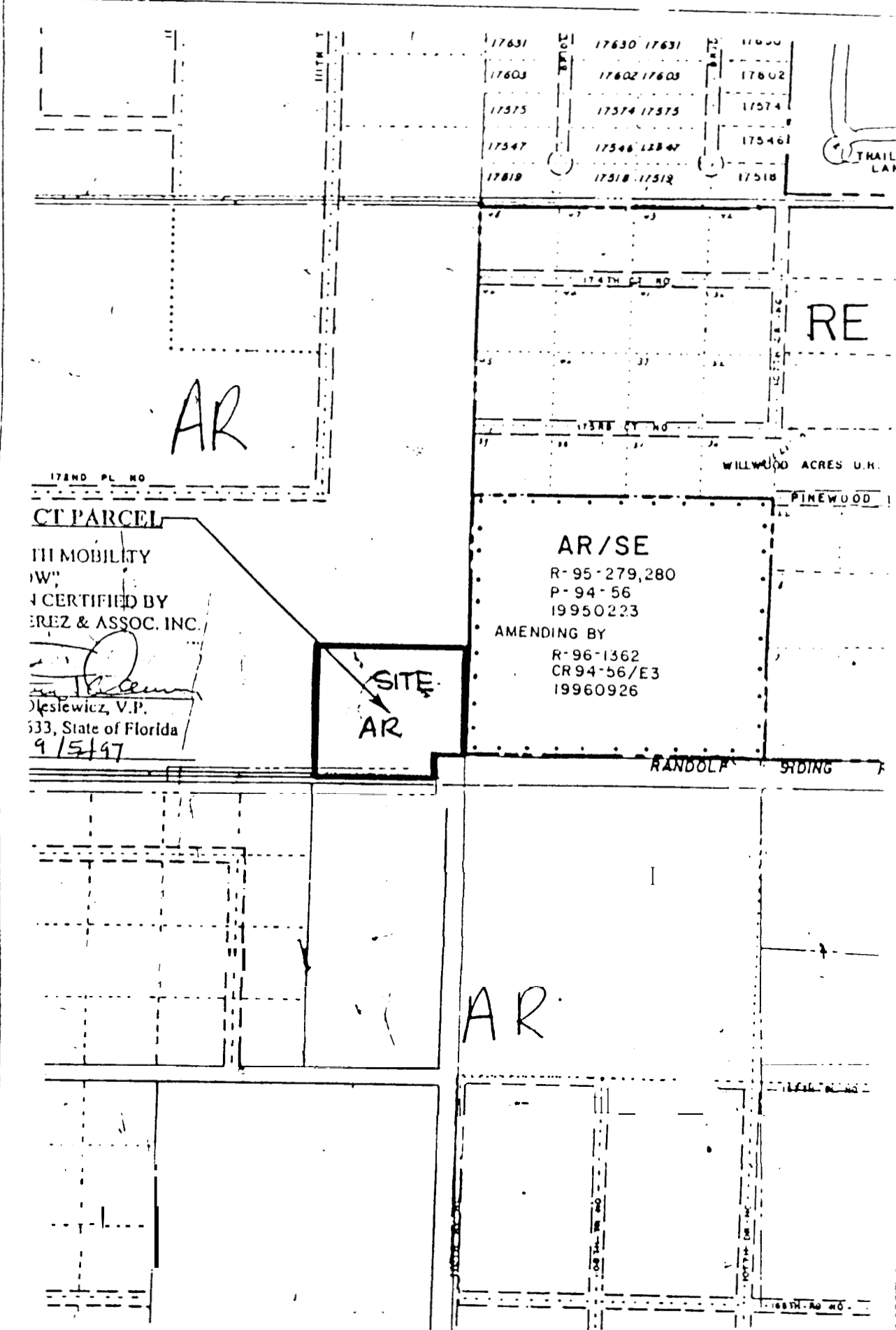
LEGAL DESCRIPTION

A parcel of land in Section 2, Township 41 South, Range 41 East, Palm Beach County, Florida, more particularly described as follows: The East 1/2 of the East 1/2 of the SE 1/4 of said Section 2, less the North 1994.06 feet thereof and less also the South 66 feet of the East 66 feet thereof.

LESS: Canal and Road Right of Way as shown on "REPLAT OF JUPITER FARMS AND GROVES", according to the plat thereof as recorded in Plat Book 24, Page 7 of the Public Records of Palm Beach County, Florida.

The above parcel of land contains 431430 square feet (9.904 acres) more or less.

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



178ND PL NO
CT PARCEL
IMMOBILITY
CERTIFIED BY
EREZ & ASSOC. INC.
[Signature]
lesiewicz, V.P.
333, State of Florida
9/15/97



Petition Number 97-91
Zoning Quad Page 56
Date: 9-17-97

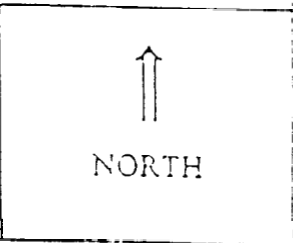


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: There is no Condition D. The letter "E" is reserved for Engineering Department.

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated March 18, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
2. Prior to DRC site plan application, the petitioner shall revise the site plan to reflect the relocation of the tower to the northwest quadrant of the compound. (DRC: ZONING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All prohibited exotic vegetation shall be removed from the property in accordance with an approved management plan. The Management Plan detailing the schedule and methods for the removal of all prohibited exotic vegetation shall be submitted to and approved by Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)
2. Existing natural vegetation shall be preserved with the exception of that natural vegetative material which must be removed and/or relocated for purposes of site access and construction of the tower and accessory equipment within the tower compound. (DRC: ERM)

C. TOWER

1. Palm Beach County and the State of Florida shall have the right to co-locate communication equipment on the subject tower at no charge, provided the placement of County or State equipment does not interfere with the petitioner's equipment or operations and shall be subject to the structural capacity of the tower. (ONGOING: PREM)
2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.22.k. (shared use) as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING)
3. All liquid propane tanks associated with the use of the communication tower shall be double walled and installed underground in accordance with Palm Beach County Fire Rescue and Environmental Resource Management requirements. (BLDG PERMIT: FIRE/ERM)
4. Temporary diesel powered generators shall only be permitted on site in the event of natural disaster and shall be removed once power and operations are restored to the tower. (ONGOING: FIRE/ERM/HEALTH)

5. Should the requisite authority, such as the FCC or OSHA, having jurisdiction over the same, determine that the Tower and/or facilities are **dangerous** to the public's health, safety and welfare, Palm Beach County shall **have** the right to require the tower and/or facilities to be removed or made safe within sixty (60) days written notice. (ONGOING: FIRE/ERM/HEALTH)
6. No microwave dishes shall be permitted on the tower except in the event of natural disaster. In the event of natural disaster, microwave dishes may be temporarily installed on the tower until such time as land lines are restored. (ONGOING: BLDG PERMIT/ZONING)
7. If tower lighting is required by the requisite authority such as the FAA, the lighting shall include a screening device to direct light away from the ground. The lighting shall also include a dual lighting system consisting of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight. (CO: BLDG - Zoning/FAA)
8. The communication tower shall be limited to a self-support/lattice structure, a maximum of **212** feet high, measured from finished grade to highest point. Only one tower shall be permitted on the subject property. (DRC: ZONING - Bldg)
9. Use of the site shall be limited to the tower and accessory equipment. No other use shall be permitted on the subject property. (ONGOING: CODE ENF - Zoning)
10. The petitioner and the four carriers (specifically Bellsouth, AT&T, Primeco, Omnipoint and Sprint) shall not apply for any additional towers prior to June 25, 2003 within the boundary of the Jupiter Farms Neighborhood Plan. (DATE: DRC/BLDG PERMIT/ZONING)

E. ENGINEERING

No Engineering conditions.

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)



**Department of Planning,
Zoning & Building**
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000
<http://www.co.palm-beach.fl.us>



**Palm Beach County
Board of County
Commissioners**

- Burt Aaronson, Chairman
- Maude Ford Lee, Vice Chair
- Karen T. Marcus
- Carol A. Robbers
- Warren H. Newell
- Mary McCarty
- Ken L. Foster

County Administrator

Robert Weisman, PE

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LmH by LC*
DATE: July 1, 1998
RE: Amended Conditions from the June 25, 1998 BCC

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on June 25, 1998.

The following petitions were amended:

**DOA95-63(A)
W/CA97-91**

**Boca Congress Center
AYOW-3 Tower**

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