

ORIGINAL

RESOLUTION NO. R-91- 985

RESOLUTION APPROVING ZONING PETITION NO. 79-64(B)
SPECIAL EXCEPTION PETITION OF
GRACE CHRISTIAN FELLOWSHIP OF PALM BEACH

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. 79-64(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 25, 1991; 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. 79-64(B), the petition of GRACE CHRISTIAN FELLOWSHIP OF PALM BEACH, BY JAMES M. BRADLEY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLACE OF WORSHIP TO DECREASE THE LAND AREA AND REDESIGN THE SITE on a parcel of land lying on all of Lot 2 and the South 140 feet of Lots 3, 4 and 5 and all of Lots 6 and 7, Block 5 of BERMUDA PARK ADDITION NO. 1 as recorded in Plat Book 21, Page 50; subject to easements and rights-of-way of record, and being located ON THE S. SIDE OF LARK RD., APPROXIMATELY .05 MILE E. OF CONGRESS AVE., IN THE RS ZONING DISTRICT, was approved on April 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions and time certain conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7 (E)2(b)** (Site Plan Review Committee Powers and Standards of Review).

B. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

E. ENGINEERING

1. 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.
2. 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. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety.

F. LANDSCAPING - GENERAL

1. All trees on site shall be permitted to reach and be maintained at a minimum mature height of fifteen (15) feet. Maintenance shall conform to Arbor Society recommended practices and Zoning Code requirements.
2. All plant material shall be fully irrigated and maintained in a healthy viable condition.

G. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping along the north property line shall consist of the following:

- a. A ten (10) foot minimum width landscape strip.
- b. Ten (10) foot tall native canopy trees spaced twenty (20) feet on center.
- c. A hedge, wall, fence or berm or combination thereof creating a visually opaque barrier six (6) feet in height.
- d. All landscaping shall be installed on the exterior side of the visually opaque barrier.

H. LANDSCAPING ALONG EAST PROPERTY LINE

1. Landscaping along the east property line shall be upgraded to include the following:
 - a. A ten (10) foot minimum width buffer.
 - b. Ten (10) foot tall native canopy trees, spaced twenty (20) feet on center.
 - c. One (1) native palm for each thirty (30) linear feet.
 - d. Continuous native hedge, shrub or understory material, to be maintained at a minimum height of thirty-six (36) inches. Credit shall be given for existing native vegetation which meets this requirement.
 - e. All landscaping shall be installed on the exterior side of the visually opaque barrier.

I. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum of 15 feet in height, low intensity, shielded and directed away from adjacent properties and streets.

J. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

K. SIGNS

1. Signs fronting on Lark Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum sign area - 100 square feet.
 - c. Maximum number of signs - one (1) monument style.
2. No off-premise signs shall be permitted on site.
3. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code.

L. SITE DESIGN

1. The building height shall be limited to a maximum of thirty-five (35) feet.
2. Total floor area shall be limited to a maximum of 10,770 square feet.
3. All mechanical and air-conditioning equipment shall, be roof mounted and screened within parapets or be contained within an enclosed loading and service area.
4. Existing mechanical and air-conditioning equipment shall be screened by a visually opaque landscape barrier the height of the equipment.
5. If permitted by the Lake Worth Drainage District, the petitioner shall install a gate across the canal easement at the east end of the property.
6. Vehicular access to the eastern portion of the parcel shall be restricted when the facility is not open.

M. UNITY OF TITLE

1. The petitioner shall submit with the Site Plan Review Committee application, two (2) executed copies of a Unity of Title covering the entire property. This document shall be in a form acceptable to the County Attorney prior to Site Plan certification. This document may be broken by the Executive Director of Planning, Zoning and Building if the property is platted in accordance with Subdivision Regulations.

N. USE LIMITATION

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives.
2. Use of the site shall be limited to a Church or Place of Worship, and accessory buildings and structures.

O. VEGETATION PROTECTION

1. Any trees removed must have approval of the Zoning Division and be replaced according to the Tree Credits Table; Table 500.35-3 of the Zoning Code.
2. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to the tree survey;
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity; and,

- 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,
3. Prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division.

P. 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.

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.

2. The Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established by the result of the previous approval for this property shall be extended to December 3, 1992.

Commissioner Elmquist 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:


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

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of July, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK