

RESOLUTION NO. R-91-1186

RESOLUTION APPROVING ZONING PETITION NO. 91-30
SPECIAL EXCEPTION PETITION OF CENTRAL BAPTIST CHURCH

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. 91-30 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on June 27, 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. 91-30, the petition of CENTRAL BAPTIST CHURCH, BY GEORGE GENTILE, AGENT, for a SPECIAL EXCEPTION FOR A CHURCH/SANCTUARY AND ACCESSORY BUILDINGS on a parcel of land lying North 323.00 feet of the Northwest 1/4 of the Southwest 1/4 of Section 35, Township 40 South, Range 42 East, LESS, the West 660.00 feet thereof and LESS rights-of-way for Roebuck Road and Loxahatchee Road, and being located on the SW CORNER ON THE INTERSECTION OF LOXAHATCHEE RIVER RD. AND ROEBUCK RD., IN THE RS ZONING DISTRICT, was approved on June 27, 1991, 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. 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. 25). 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 within **90** days of Board of County Commissioners' approval.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **28,500** square feet.
2. The minimum setback for all structures adjacent to the south and west property lines shall be fifty (**50**) feet.
3. The maximum height, from grade to roof line, for all structures, except for a steeple, shall not exceed thirty-five (**35**) feet.
4. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building.
5. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall:
 - a. Not be located within one-hundred (**100**) feet of the south or west property lines, and shall
 - b. 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 obscure, opaque gate.
 - c. 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.

D. 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. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant 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 as well as the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management and the Zoning Division concurrent with the

application to the Site Plan Review Committee and approved by the Department prior to site plan certification.

2. The Petitioner shall supply the Dept. of Environmental Resources Management (ERM) a copy of the completed Florida Game and Freshwater Fish Commission application to preserve or relocate the on-site Gopher Tortoise population. A copy of the relocation permit shall be submitted to ERM prior to the issuance of a vegetation clearing permit or any land alteration.

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 on-site 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. Prior to January 1, 1992 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for a twenty five safe sight corner at the intersection of Roebuck Road and Loxahatchee River Road, 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.
3. 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. The Fair Share Fee for this project at the time of the Building Permit presently is \$11,605.00 (211 trips X \$55.00 per trip).
4. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.

F. 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.
3. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

G. IRRIGATION QUALITY WATER

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

H. 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.

I. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (**10**) parking spaces. Each landscape island shall be planted with one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed **100** linear feet.
2. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of this median shall be five (**5**) feet. One native canopy tree or two native palm trees and appropriate ground cover shall be planted for each thirty (**30**) linear feet of the divider median, with a maximum tree spacing of sixty (**60**) feet on center.
3. All required trees within the interior parking area shall be a minimum **of** twelve (**12**) feet in height.
4. Prior **to** site plan certification, the site plan shall be amended to indicate typical landscape island and divider median planting details, subject to approval by the Zoning Division.

J. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES

1. Landscaping within the required buffer along the north and east property lines shall be upgraded to include:
 - a. One twelve (**12**) foot tall native canopy tree planted for every twenty (**20**) feet, not to exceed thirty (**30**) feet on center.
 - b. One twelve (**12**) foot tall native palm tree for each thirty (**30**) linear feet **of** frontage; and
 - c. Thirty-six (**36**) inch tall **hedge** or shrub material planted twenty-four (**24**) inches on center.

2. Transplantable native trees existing in the ultimate right-of-way shall be relocated and incorporated into the site design prior to issuance of a Certificate of Occupancy.

K. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot fence to be visually opaque to a minimum height of six feet within one year of installation.
 - c. One twelve (12) foot tall native canopy tree planted for every twenty (20) feet, not to exceed thirty (30) feet on center.
 - d. One twelve (12) 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.
2. Along the interior side of the required fence, the property owner shall install a continuous row of transplanted native understory.
3. Landscaping and buffering shall be installed prior to the issuance of the first building permit.
4. Where the preserve area abuts these property lines, and where native vegetation can be preserved or transplanted, existing vegetation shall be counted toward meeting these requirements.

L. LIGHTING

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

M. PARKING

1. A maximum of one parking space per two seats of the main assembly area.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, **right-of-way** or interior drives.

N. RECYCLE SOLID WASTE

1. The property owner 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.

O. SIGNS

1. **Signs fronting on Loxahatchee River Road shall be limited as follows:**
 - a. Maximum sign height - ten (10) feet.
 - b. **Maximum total sign face area - one-hundred (100) square feet.**
 - c. Maximum number of signs - one.
2. **Signs fronting on Roebuck Road shall be limited as follows:**
 - a. Maximum sign height - ten (10) feet.
 - b. **Maximum total sign face area - one-hundred (100) square feet.**
 - c. Maximum number of signs - one.
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.

P. USE LIMITATION

1. Use of the site shall be limited to a church and accessory buildings and structures.
2. **No outdoor loudspeaker system audible off site shall be permitted.**

Q. VEGETATION PROTECTION

1. **Prior to Site Plan Review Committee application, the petitioner shall:**
 - a. Submit a tree survey drawn to the same scale as the site plan. This survey shall number, size and identify all native trees in a tabular form.
 - b. Submit a preservation, relocation and removal program which corresponds to the tree survey. This program shall demonstrate how significant native vegetation is to be incorporated into the site design. At a minimum, this program shall specify:

- 1) The preservation or relocation of seventy-five (75) percent of all oak trees greater than twenty-four (24) inches in diameter. Relocation or removal of oak trees greater than twenty-four (24) inches in diameter shall only be allowed upon presentation to the Zoning Division that relocation or preservation is not feasible.
 - 2) The preservation or relocation of all oak trees less than twenty-four (24) inches in diameter, unless the condition of the tree is determined by the Zoning Division to be poor.
 - 3) The preservation within the buffer areas of all healthy native plant material (oaks, pines and sabal palms).
 - 4) The preservation or relocation of native plant material (oaks, pines and sabal palms) into the designated preserve and/or buffer areas and/or the installation of new native plant material into such areas, so as to create a density of one (1) tree per two-hundred and fifty (250) square feet.
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.
 - 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.

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

R. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 432.6, 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.

Commissioner Roberts moved for approval of the Resolution.

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

| | | |
|------------------------|----|-----|
| Karen T. Marcus, Chair | -- | Aye |
| Carole Phillips | -- | Aye |
| Carol A. Roberts | -- | Aye |
| 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 3rd day of September, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

