

RESOLUTION APPROVING ZONING PETITION NO. 92-4
SPECIAL EXCEPTION PETITION OF ARMAND SOUZA, CONTRACT PURCHASER

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. 92-4 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on March 26, 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. 92-4, the petition of ARMAND SOUZA, CONTRACT PURCHASER, BY DELFIN F. MENENDEZ, AGENT, for a SPECIAL EXCEPTION TO ALLOW A PLACE OF WORSHIP AND ACCESSORY STRUCTURES on a parcel of land lying within the West 195.75 feet of the West 1/2 of Tract 16, Block 3, PALM BEACH FARMS CO., Plat No. 3, as recorded in Plat Book 2, Pages 45 - 54, and also lying in Sections 28, 8 and 33, Township 43 South, Range 42 East, LESS the South 33 feet of the said West 1/2 of Tract 16, and being located ON THE NE CORNER OF THE INTERSECTION OF BELVEDERE RD. AND 75TH AVE. N. (PIKE RD.), IN THE RM ZONING DISTRICT, was approved on March 26, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

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. (Zoning)
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. 23). 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 contained herein. (Zoning)

3. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before July 29, 1992. (Monitoring)
4. Prior to site plan certification, the petitioner shall receive approval for special permits for grassed parking and caretaker quarters. (Zoning)

B. BUILDING AND SITE DESIGN

1. The total gross floor area shall be limited to a maximum of 6,078 square feet with a maximum of 4,858 square feet of roofed and enclosed area and a maximum of 1,282 square feet of roofed only area. (Building)
2. Prior to site plan certification, the site plan shall be amended to indicate all preserve and drainage areas as required by the Zoning Division and the Department of Environmental Resources Management. (Zoning/ERM)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (Building)

C. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure (dumpsters only). The open end of the enclosure shall have an obscuring, opaque gate. (Building)

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 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. (Zoning/ERM)

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 onsite 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. (Engineering)

2. prior to July 1, 1992, or within 15 days of the closing on the property, 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. Belvedere Road, 62 feet north of the baseline as identified in Palm Beach County Approved Construction Project for Belvedere Road Project No. 88559.
 - b. Pike Road, 30 feet from centerline (additional 15 feet of right-of-way).

All right-of-way shall be 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 Corner" at the intersection of Pike Road and Belvedere Road. (Monitoring)

3. The Property owner shall construct Pike Road as a 2 lane section from Belvedere Road to the project's entrance road. This construction shall be a minimum of 24 feet in width, collector street standards. This construction shall be concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Building)
4. 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 \$2,530.00 (46 trips X \$55.00 per trip). (Impact Fee Coordinator)

F. HEALTH

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

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. (Utilities)

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. (Zoning)
2. Perimeter landscaping and buffering shall be installed prior to the issuance of the first Certificates of Occupancy. (Zoning)

I. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES

1. Landscaping within the required buffers along Belvedere Road and Pike Road adjacent to the vehicular use areas shall include:
 - a. One native canopy tree every twenty (20) feet on center;
 - b. Thirty (30) inch tall hedge **or** shrub material planted twenty-four (24) inches on center. (Zoning)
2. All trees required to be planted by this condition shall:
 - a. Be a minimum of fourteen (14) feet in height at installation.
 - b. Have a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
 - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Zoning)

J. LANDSCAPING ALONG THE DEVELOPED PORTION OF THE EAST PROPERTY LINE

1. Landscaping and buffering along the developed portion of the east property line shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip,
 - b. Two (2) rows of native canopy trees planted every twenty (20) feet on center, and
 - c. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (Zoning)

K. LANDSCAPING ALONG THE NORTHERNMOST GRASS PARKING AREA WITHIN THE DEVELOPED PORTION OF THE SITE

1. Landscaping and buffering along the northernmost grass parking area within the developed portion of the site shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape strip, and
 - b. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (Zoning)

L. 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. (Building/Code Enforcement)
2. Lighting fixtures shall not exceed twenty (20) feet in height. Lighting fixtures within fifty (50) feet of residential areas shall not exceed a height of twelve (12) 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)
4. There shall be no rooftop lighting allowed on-site. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures. (Code Enforcement)

M. 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. (Solid Waste Authority)

N. SIGNS

1. Project signs shall be limited as follows:
 - a. Maximum sign height - six (6) feet.
 - b. Maximum total sign face area - forty-eight (48) square feet.
 - c. Maximum number of signs - one (1) monument style. (Building)
2. 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. (Building)

O. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted. (Code Enforcement)

P. VEGETATION PRESERVATION

1. Concurrent with Site Plan Review Committee submittal, the petitioner shall submit a preservation, relocation and donation plan which corresponds to the required tree survey. This plan shall demonstrate methods in which significant native vegetation shall be incorporated into the site design, with excess trees to be donated. At a minimum, this plan shall specify:
 - a. Preserve or relocate all oak trees between four (4) and twenty-nine (29) inches in diameter. The petitioner shall relocate said tree(s) in accordance with Arbor Society Standards.
 - b. Preserve or relocate all cypress trees that can be moved with a tree spade.
 - c. Preserve or relocate all slash pine trees that can be moved with a tree spade.
 - d. The preservation or relocation of existing native plant material (including, but not limited to, oaks, pines, sabal palms and cypress) into areas designated as vegetation preservation, which shall create a minimum density of one tree per two hundred fifty (250) square feet. (Zoning)
2. Sixty (60) days prior to the removal of any native plant material from the site, the petitioner shall contact by certified mail the School Board of Palm Beach County, the Palm Beach County Parks and Recreation Department/Parks Division, the Department of Environmental Resources Management, the HRS/Palm Beach County Public Health Unit/Division of Environmental Science and Engineering and the Palm Beach County Engineering and Public Works Department and make available for donation at no cost the native plant material identified for removal in the tree survey. The petitioner shall provide copies of the certified mail receipts to the Zoning Division prior to the issuance of a Vegetation Removal Permit. (Zoning)
3. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
 - a. All trees to be relocated, preserved, or donated shall be identified in the field, tagged and numbered according to a tree survey.
 - b. Trees to be preserved or donated shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.
 - 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.
 - d. Tree relocation shall occur prior to construction activity except as approved by the Zoning Division, upon submission of a development phasing plan.
 - e. All tree relocation shall be completed prior to any building permit inspection for any structure on the site, except as approved by the Zoning Division. (Zoning)

Q. COMPLIANCE

1. As provided in 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.

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	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of July, 1992.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

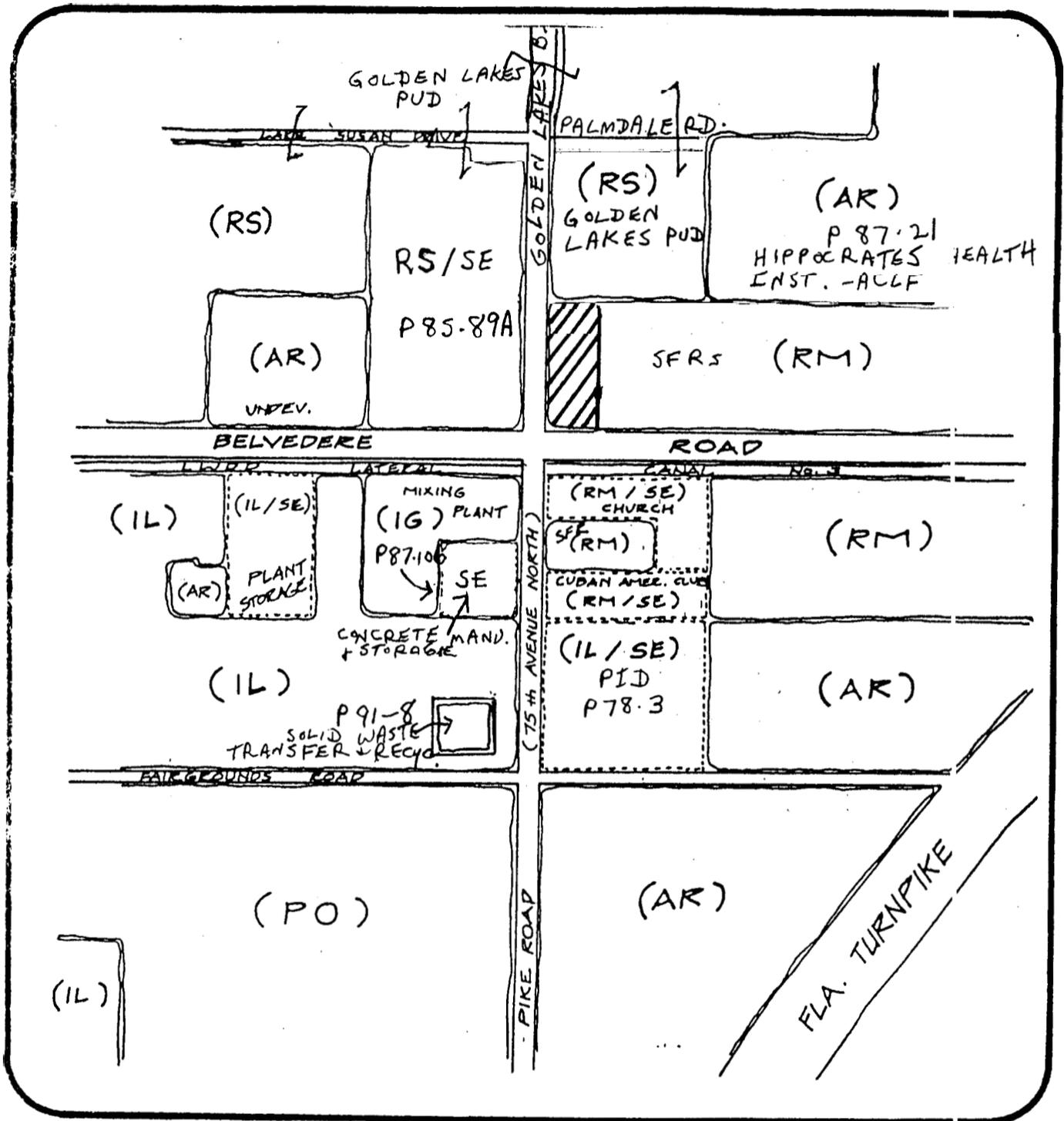
MILTON T. BAUER, CLERK
Board of County Commissioners

BY : *Barbara Attem*
COUNTY ATTORNEY

BY : *M. Phillip Brown*
DEPUTY CLERK

Sec. 28+33 Twp. 43 Rng. 42
 Quadrant Sheet: 46
 Aerial Page: 172

Vicinity
 Sketch



Request:

A **SPECIAL EXCEPTION** for a place of worship and accessory structures.

PETITION NO: 92-4

BCC DISTRICT: 6