

RESOLUTION NO. R-2000- 1704

RESOLUTION APPROVING ZONING PETITION DOA92-048(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MUSLIM COMMUNITY OF PALM BEACH COUNTY, INC.
BY KEVIN MCGINLEY, AGENT
(MUSLIM COMMUNITY)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA92-048(B) was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development **Order Amendment** is consistent with the requirements **of the** Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development **Order Amendment** meets applicable local land development regulations.
7. This Development **Order Amendment**, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA92-048(B), the petition of Muslim Community of Palm Beach County, Inc., by Kevin McGinley, agent, for a Development Order Amendment (DOA) to add land area and modify/delete conditions 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2000.

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

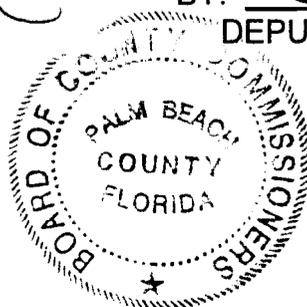


EXHIBIT A
LEGAL DESCRIPTION

THE EAST 120 FEET OF THE SOUTH 322 FEET OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 40 FEET FOR ROAD RIGHT OF WAY

AND

THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF THE NORTHWESTQUARTER(NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 1082.93 FEET THEREOF, LESS THE SOUTH 40 FEET FOR ROAD RIGHT OF WAY

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R- 93-0761 (Petition 92-048) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. 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 July 14, 2000. 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)

3. Condition A.1 of Resolution R-93-0761, Petition CA 92-48 which currently states:

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. (CODE ENF)

Is hereby deleted. Reason: [Code requirement]

4. Condition A.2 of Resolution R-93-0761, Petition CA 92-48 which currently states:

Maximum occupancy shall be limited to forty (40) persons.

Is hereby amended to read:

Maximum occupancy for the mosque shall be limited to a one hundred and eighty-six (186) persons. (ONGOING: BLDG/FIRE/CODE ENF)

B. BUILDING AND SITE DESIGN

1. Condition B.I of Resolution R-93-0761, Petition CA 92-48 which currently states:

Total gross floor area shall be limited to a maximum of 5,250 square feet. Additional square footage may be approved pursuant to article 5.4.E.13. (Minor Deviations) of the PBC ULDC. (BUILDING)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 7,322 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)

C. HEALTH

1. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter IOD-6, FAC and Palm Beach County ECR-I. (HEALTH) (Previously Condition C.1 of Resolution R-93-0761, Petition CA 92-48.)**
2. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II.(HEALTH) (Previously Condition C.2 of Resolution R-93-0761, Petition CA 92-48.)**

E. ENGINEERING

1. Condition E.1 of Resolution R-93-0761, Petition CA 92-48 which currently states:

Access to the site shall only be from 49th Avenue South. (ENG/BLDG)

Is hereby deleted: [REASON: The additional property now being added to the site will allow for access to both Purdy Lane and 49th Avenue South.]

2. **The property owner shall repave 49th Avenue South from Purdy Lane north to this project's entrance road. Repaving of 49th Avenue South shall be concurrent with the paving and drainage improvements for the site. Repaving shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG - Eng) (Previously Condition E.2 of Resolution R-93-0761, Petition CA 92-48.)**
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Purdy Lane to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT:MONITORING-Eng)
4. The Property owner shall construct a closed piping system from Purdy Lane to the project's north property line.
 - A) This construction shall be concurrent with or prior to the paving and drainage improvements for the site. Any and all costs associated with the construction **shall** be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to February 1, 2001. (BLDG PERMIT: Monitoring-Eng)

C) Construction shall be completed prior to April 1, 2001. (CO: MONITORING-Eng)

5. On or before June 1, 2001 the property shall be platted in accordance with the provisions of Article 8 of the ULDC. (DATE: MONITORING-Eng)

F. LANDSCAPE - GENERAL

1. Condition F.1 of Resolution R-93-0761, Petition CA 92-48 which currently states:

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)

Is hereby deleted. Reason: [DRC review is a code requirement]

2. Condition F.2 of Resolution R-93-0761, Petition CA 92-48 which currently states:

All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. **Tree height: fourteen (14) feet.**
- b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE -Zoning)**

3. All palms required to be planted on site by this approval shall be Booted Sabal Palm and shall meet the following minimum standards at installation:

- a. **Palm heights: twelve (12) feet clear trunk;**
- b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
- c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

4. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (PURDY LANE FRONTAGE, EXISTING MOSQUE AREA)

1. **Landscaping within the required buffer along the south property line 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. (ZONING) (Previously Condition G.I of Resolution R-93-0761, Petition CA 92-48.)**

H. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES (EXISTING MOSQUE AREA)

- 1. **Landscaping and buffering along the north, east and west property lines shall be upgraded to include:**
 - a. **A minimum ten (10) foot wide landscape buffer strip;**
 - b. **A minimum of five (5) feet from the property line the applicant shall install a six (6) foot fence, hedge, or combination of both to be visually opaque to a minimum height of six (6) 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 placed on the outside of the required fence/hedge; and,**
 - 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 may supersede the requirement for a native canopy tree in that location. (ZONING) (Previously Condition H.I of Resolution R-93-0761, Petition CA 9248.)**

I. LANDSCAPING ALONG THE NORTH, THE NORTH 75 FEET OF THE EAST AND WEST PROPERTY LINES (0.77 ACRE PARCEL)

- 1. Landscaping and buffering along the north, the north 75 feet of the east and west property lines shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip along the north 75 feet of the east and west property lines and a minimum ten (10) foot wide landscape buffer strip along the north property line. No width reduction or easement encroachment shall be permitted; and,
 - b. a six (6) foot high opaque solid fence.
- 2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) canopy tree planted every twenty (20) feet on center;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
- 3. Along the interior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (PURDY LANE FRONTAGE - 0.77 ACRE PARCEL)

- 1. Landscaping and buffering along the south property line shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip; and
- b. one (1) small canopy tree planted every twenty (20) feet on center;
- c. one (1) native Booted Sabal Palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

K. LIGHTING

- 1. Condition B.2 of Resolution R-93-0761, Petition CA 92-48 which currently states:

Lighting fixtures shall not exceed fifteen (15) feet in height. (BUILDING)

Is hereby amended to read:

All outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

- 2. Condition B.3 of Resolution R-93-0761, Petition CA 92-48 which currently states:

All outdoor shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

Is hereby amended to read:

All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF)

- 3. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

L. SIGNS

- 1. **Signs shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade - ten (10) feet;**
- b. **Maximum sign face area per side - 100 square feet;**
- c. **Maximum number of signs - one (1). (CO:BUILDING)** (Previously Condition 1.1 of Resolution R-93-0761, Petition CA 92-48.)

- 2. No new freestanding sign shall be permitted on the site. (CO:BUILDING)

M. USE LIMITATION

- 1. Condition D.I of Resolution R-93-0761, Petition CA 92-48 which currently states:

Use of the site shall be limited to a Church or place of worship and a care takers residence, subject to receipt of a Special Permit prior to site plan certification by the Development Review Committee. (CODE ENF/BLDG)

Is hereby deleted. Reason: [Any changes to the uses shall be a DOA request].

N. COMPLIANCE

1. 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 non-compliance, 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)

2. 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)