

RESOLUTION NO. R-93- 647

RESOLUTION APPROVING ZONING PETITION CA93-02  
CLASS A CONDITIONAL USE  
PETITION OF JOY OF LIVING CHURCH OF GOD

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA93-02 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1993; 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 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 Class E 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 Land Development Code.
3. **This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.**
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 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.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 CA93-02, the petition of JOY OF LIVING CHURCH OF GOD, BY REV. EUSTACE DOUGLAS for a CLASS A CONDITIONAL USE allowing a CHURCH OR PLACE OF WORSHIP in the MULTI-FAMILY RESIDENTIAL (RM) 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 May 27, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:


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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of May, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK




EXHIBIT A  
LEGAL DESCRIPTION

THE NORTH 122 FEET OF THE SOUTH 488 FEET OF THE NE<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub> OF SECTION 35, T43S, R42E, EXCEPTING THEREFROM THAT PORTION LYING WITHIN 40 FEET OF THE EAST LINE OF SAID SECTION 35; BEING RIGHT-OF WAY OF HAVERHILL ROAD; BEING A PORTION OF TRACT 10, MODEL LAND COMPANYS SUB'D., OF SECTION 35, T43S, R42E, RECORDED IN PLAT BOOK 5, PAGE 77, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH

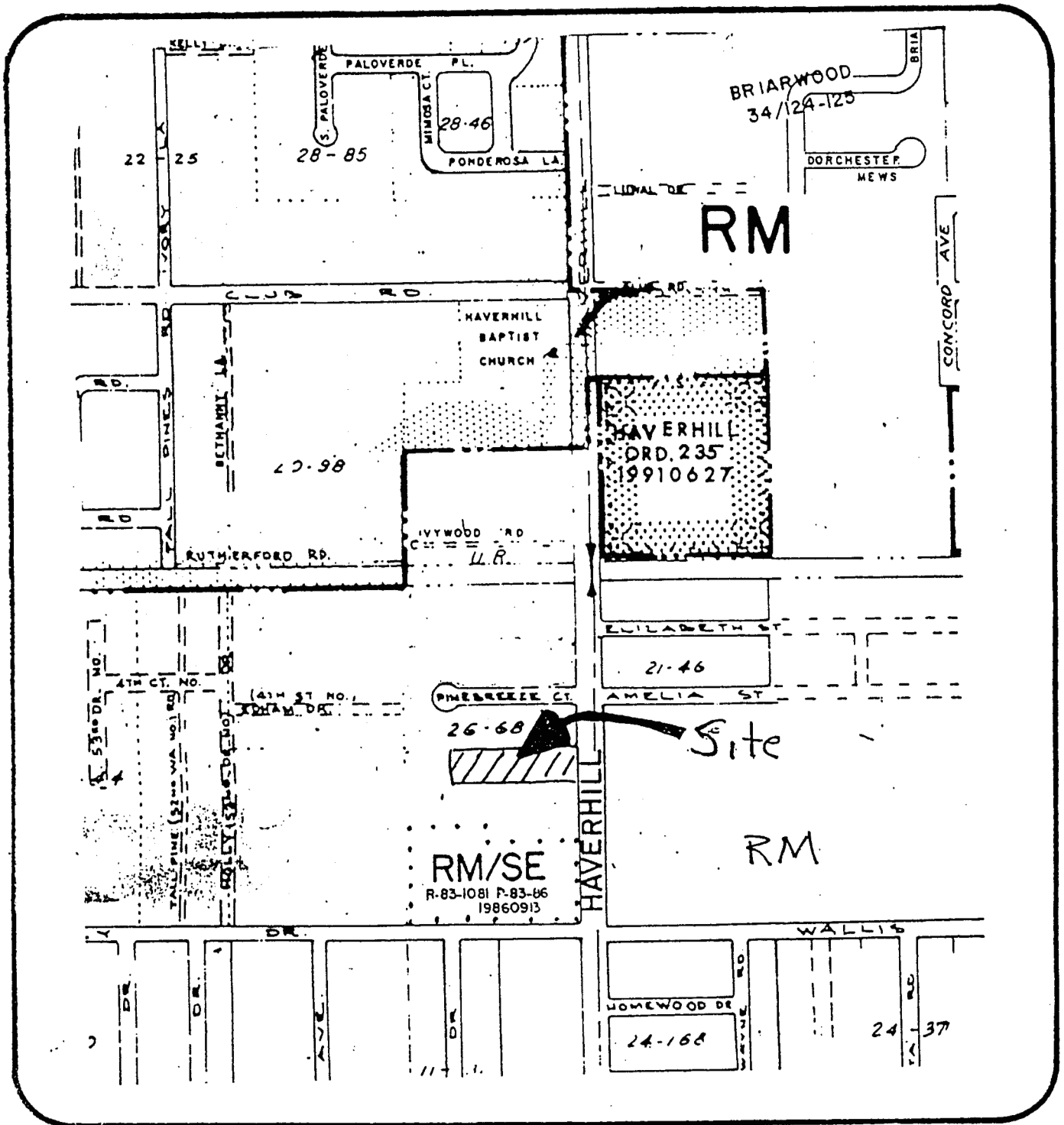


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 5,300 square feet. (additional square footage may be allowed pursuant to Article 5.4.E.13 (Minor Deviations) of PBC ULDC. (ZONING)
2. Prior to March 1, 1994 the existing mobile home must be removed from the site. (MONITORING/CODE ENFORCEMENT)

B. DUMPSTER AND ON SITE STORAGE

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall not be located within thirty (30) feet of the north, south, or west property lines. (BUILDING/CODE ENFORCEMENT)
2. Storage of disabled vehicles shall not be permitted on site. (CODE ENFORCEMENT)

C. HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site. All existing on-site potable water systems must be abandoned in accordance with Chapter 10D-6, FAC and Palm Beach County ECR-II. (HEALTH)
2. The application and engineering plans to construct an on-site wastewater disposal system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)

D. 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. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a) Height: Twelve (12) feet
  - b) Caliper: three and one half (3.5) inches; measure four and one half (4.5) feet above grade;
  - c) Canopy: five (5) feet measured from three points

E. ENGINEERING

1. Prior to DRC Certification of the Site Plan the property owner shall remove or relocate parking spaces 1-4 shown on Exhibit 33 to provide a smoother traffic flow for vehicles entering the site. (ENGINEERING)

F. LANDSCAPING - INTERIOR

1. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of this median shall be ten (10) feet. One native canopy tree or 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. (ZONING)

G. LANDSCAPING ALONG THE NORTH, SOUTH, AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, south, and west property lines shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip;
  - b. A wall or fence with a minimum height of five (5) feet placed in the center of the buffer along the north and west property lines and along the south property line where there is no fence or wall on the adjoining property;
  - c. One native canopy tree planted for every twenty (20) feet, not to exceed thirty (30) feet on center;
  - d. One native palm tree for each thirty (30) 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; and,
  - e. A continuous native hedge shall be planted at 36 inches in height 24 inches on center on the interior side of the wall or fence. (ZONING,)
2. Seventy-five (75%) percent of the required landscaping shall be placed along the outside of the required wall. (ZONING)
3. Existing vegetation may be counted toward meeting these requirements for all required landscaped areas where the preserve area abuts these property lines, and/or where native vegetation can be preserved or transplanted. (ZONING)

H. 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. (CODE ENFORCEMENT)
2. Lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to the highest point. (BUILDING/CODE ENFORCEMENT)
3. All outdoor shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

I. SIGNS

1. Signs fronting on Haverhill Road shall be limited as follows:
  - a. Maximum sign height: eight (8) feet, measured from finished grade to the highest point.

- b. Maximum total sign face area: Eighty (80) square feet.
- c. Maximum number of signs: one.
- d. A monument type design only. (BUILDING)

J. USE LIMITATION

1. Use of the site shall be limited to a church, or place of worship with a total of 180 seats. (ZONING)