

RESOLUTION NO. R-93- 761

RESOLUTION APPROVING ZONING PETITION CA92-48
CLASS A CONDITIONAL USE
PETITION OF **MUSLIM** COMMUNITY **OF** THE PALM BEACHES

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 CA92-48 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 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 A 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 CA92-48, the petition of MUSLIM COMMUNITY OF THE PALM BEACHES, BY BRUCE KALEITA, AGENT 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 June 24, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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 | -- | Absent |
| Karen T. Marcus | -- | Aye |
| Warren Newell | -- | Absent |
| Carol A. Roberts | -- | Aye |

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of June, 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 SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE EAST 970.00 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

LESS THE WEST 60 FEET THEREOF FOR RIGHT-OF-WAY FOR JOG ROAD.

AND LESS THE **SOUTH** 60 FEET OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST FOR THE RIGHT-OF-WAY FOR CLINT MOORE **ROAD**.

EXHIBIT B
VICINITY SKETCH

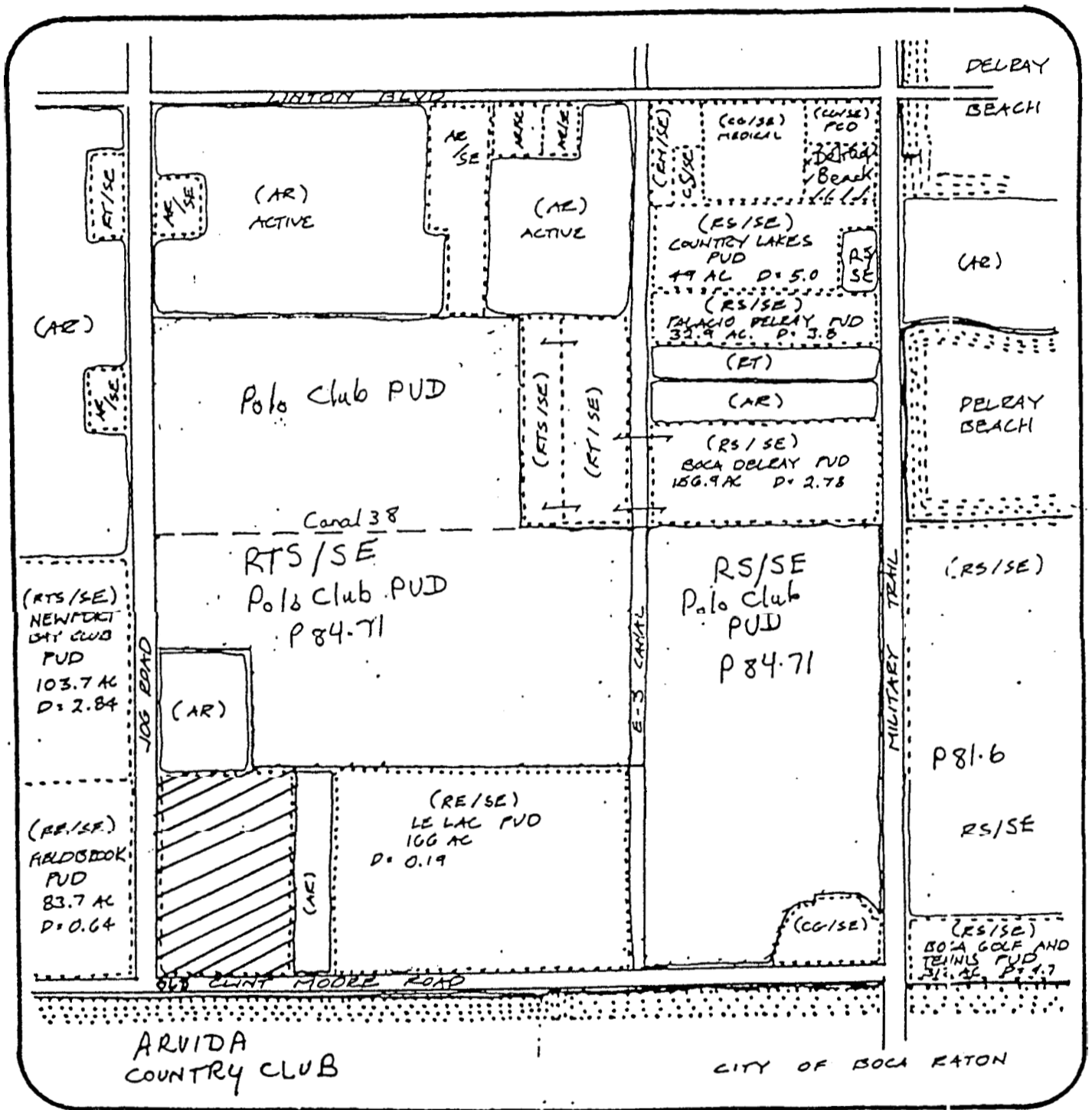


EXHIBIT C
CONDITIONS OF APPROVAL

A. GENERAL

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. (CODE ENFORCEMENT)
2. Maximum occupancy shall be limited to forty (40) persons. (BUILDING/FIRE/CODE ENFORCEMENT)

B. BUILDING AND SITE DESIGN

1. 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 PBCULDC. (BUILDING)
2. Lighting fixtures shall not exceed fifteen (15) feet in height. (BUILDING)
3. All outdoor shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

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 10D-6, FAC and Palm Beach County ECR-I. (HEALTH)
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)

D. USE LIMITATION

1. 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 ENFORCEMENT/BUILDING)

E. ENGINEERING

1. Access to the site shall only be from 49th Avenue South. (ENGINEERING/BUILDING)
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. (BUILDING - Engineering).

F. LANDSCAPE - 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. 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. (ZONING)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE

- 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. (ZCNING)

H. LANDSCAPING ALONG THE NORTH EAST AND WEST PROPERTY LINES

- 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)

I. 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). (BUILDING)