

RESOLUTION NO. R-2004- 2014

RESOLUTION APPROVING ZONING PETITION DOA1992-048C
DEVELOPMENT ORDER AMENDMENT
PETITION OF MUSLIM COMMUNITY CENTER
BY TASNIM UDDIN & ASSOCIATES INT'L. INC., AGENT
(MUSLIM COMMUNITY CENTER)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1992-048C was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA1992-048C, the petition of Muslim Community Center, by Tasnim Uddin & Associates Int'l. Inc., agent, for a Development Order Amendment to add land area for off-site parking and to modify a condition of approval for a Class A Conditional Use to allow a church or place of worship 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 September 30, 2004, 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 McCARTY and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	- NAY
Tony Masilotti, Vice Chairman	- AYE
Jeff Koons	- AYE
Warren H. Newell	- AYE
Mary McCarty	- AYE
Burt Aaronson	- AYE
Addie L. Greene	- AYE

The Chair thereupon declared that the resolution was duly passed and adopted on September 30, 2004.

Filed with the Clerk of the Board of County Commissioners on 9th day of NOVEMBER, 2004.

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:

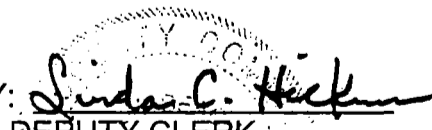
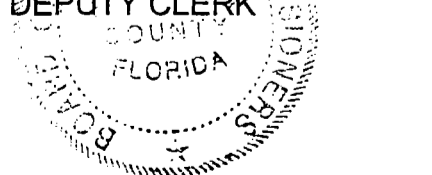

DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF PARCEL "A"

THE EAST 120 FEET OF 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 NORTHWEST QUARTER (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.

CONTAINING 69, 817 SQUARE FEET (1.60 ACRES) MORE OR LESS, AND SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

LEGAL DESCRIPTION OF PARCEL "B"

TRACK 'A'

THE EAST ½ OF THE WEST 1 / 4, OF THE SOUTHWEST 1 / 4, OF THE NORTHWEST 1 / 4, SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE NORTH 40.00 FEET THEREOF, FOR RIGHT OF WAY FOR PURDY LANE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA

TRACK 'D'

THE SOUTHERLY 347 FEET OF THE NORTHERLY 707 FEET OF THE WEST ½ OF THE EAST ½, OF THE WEST 1/2 , OF THE SOUTHWEST ¼, OF THE NORTHWEST ¼, OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE WESTERLY 20 FEET THEREOF.

TRACTS 'A' AND 'D' CONTAINING 275, 186 SQUARE FEET (6.31 ACRES) MORE OR LESS, AND SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

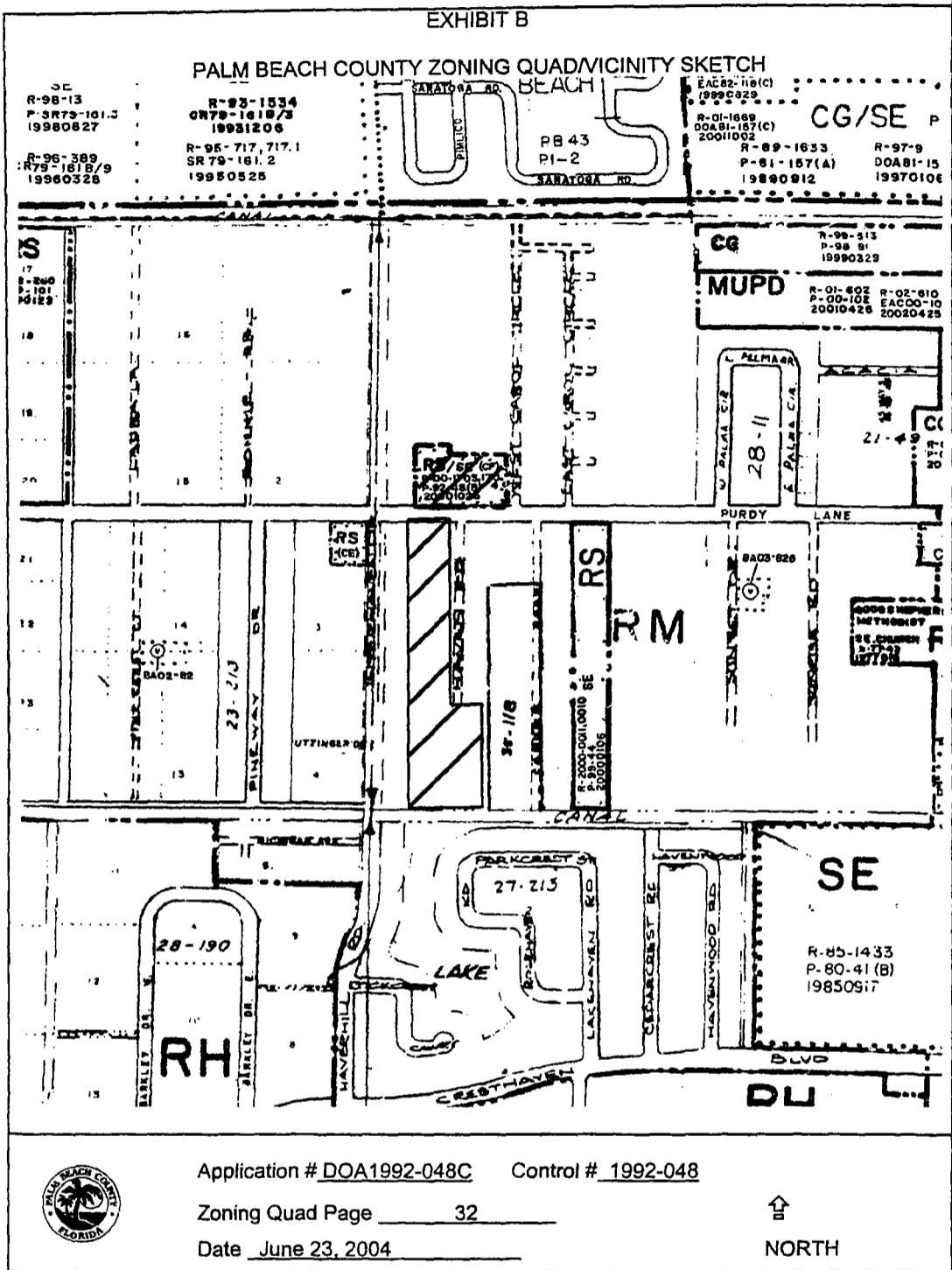


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2000-1704, Petition 1992-014(B) which currently states:

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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-1704 (Petition 1992-048B) and R-2003-1126 (CR1992-048/E5.2), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition 1 of Resolution R-2003-1126 of Status Report CR1992-048/E5.2, which currently states:

All previously approved conditions of approval continue to apply unless expressly modified herein.

Is hereby deleted. REASON: [superseded by Condition A.1].

3. Condition A.2 of Resolution R-2000-1704, Petition DOA1992-048(B) which currently states:

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)

Is hereby amended to read:

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 May 24, 2004. 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-Zoning)

4. Condition A.4 of Resolution R-2000-1704, Petition DOA1992-048(B), which currently states:

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

Is hereby amended to read:

The maximum occupancy for the mosque shall be limited to four hundred and sixty two (462) persons. (ONGOING:CODE ENF-Zoning)

- a. Prior to final Site Plan approval by the Development Review Officer (DRO), the property owner shall revise the site data on the plan to indicate the maximum occupancy for the Mosque is limited to 462 persons, and provide a concurrency chart on the site plan. (DRO: DRO – Zoning)

B. BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-2000-1704, Petition DOA1992-048(B) which currently states:

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)

Is hereby deleted. REASON: [superceded by Condition A.1].

C. ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-Erm)
2. A 25% upland set-aside equal to or greater than 0.79 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING:ERM-Erm)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRO:ERM-Erm)

D. 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. (ONGOING:HEALTH-Health) (Previous Condition C.1 of Resolution R-2000-1704, Petition DOA1992-048(B)).**
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.(ONGOING:HEALTH-Health) (Previous Condition C.2 of Resolution R-2000-1704, Petition DOA1992-048(B)).**

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 PERMIT:MONITORING - Eng) (Previous Condition E.2 of Resolution R-2000-1704, Petition DOA1992-048(B)). [NOTE: COMPLETED].**
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) (Previous Condition E.3 of Resolution R-2000-1704, Petition DOA1992-048(B)).**
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) (Previous Condition E.4 of Resolution R-2000-1704, Petition DOA1992-048(B)). [NOTE: COMPLETED].**
5. **Condition E.5 of Resolution R-2000-1704, Petition DOA1992-048(B), which currently states:**

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) (Previous Condition E.5 of Resolution R-2000-1704, Petition DOA1992-048(B)).

Is hereby amended to read:

Prior to August 1, 2005, the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

6. **Prior to the recordation of the plat the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Purdy Lane at Haverhill Road. This right-of-way shall be a minimum of 147 feet in storage length, eleven feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way**

shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (PLAT: ENG) (Previous Condition 2 of Resolution R-2003-1126 of Status Report CR1992-048/E5.2)

7. **Prior to the recordation of the plat 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. (PLAT: ENG) (Previous Condition 3 of Resolution R-2003-1126 of Status Report CR1992-048/E5.2)**
8. Prior to approval of the Drainage Review for the construction of the offsite parking areas, the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
9. Prior to June 1, 2005, 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. (DATE : MONITORING-Eng)
10. The Property owner shall construct:
 - a. right turn lane west approach on Purdy Lane at Haven Road.
 - b. Haven Road from Purdy Lane south to the Project's south entrance into the east parking lot.
 - c. left turn lane east approach on Purdy Lane at Haven Road.
 - d. Construction of a, b, and c, shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
 - e. Permits required by Palm Beach County for the construction of a, b, and c, shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - f. Construction for the improvements of a, b, and c shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
11. On or before January 1, 2005, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Purdy Lane along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage

system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE:MONITORING-Eng)

12. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRO:ENG-Eng)
13. The Mosque shall utilize Palm Beach County Sheriff personnel (or other State approved law enforcement officers) for the use of traffic control during the Friday peak hour volumes and all special events. (ONGOING:CODE ENF-Eng)

F. LANDSCAPING – STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. **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) (Previous Condition F.3 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque site, Parcel A only.)**
3. **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) (Previous Condition F.4 of Resolution R-2000-1704, Petition DOA1992-048(B)).**
4. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (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. (CO:LANDSCAPE-Zoning) (Previous Condition G.1 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque site, Parcel A only.)**

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. (CO: LANDSCAPE-Zoning) (Previous Condition H.1 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque site, Parcel A only.)**

Condition I.1.a of Resolution R-2000-1704, Petition DOA1992-048(B), which currently states:

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

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. (CO:LANDSCAPE-Zoning)(Previous Condition I.1 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque, Parcel A only)**

Is hereby amended to read:

I. LANDSCAPING AND BUFFERING ALONG THE NORTH, THE NORTH 75 FEET OF THE EAST AND WEST PROPERTY LINES (0.77 ACRE PARCEL, ADJACENT TO EXISTING MOSQUE AREA)

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; and,
 - b. a six (6) foot high opaque solid fence. (CO:LANDSCAPE-Zoning)
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-Zoning) (Previous Condition A.4 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque, Parcel A only)**
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-Zoning) (Previous Condition I.3 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque, Parcel A only)**

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (PURDY LANE FRONTAGE - 0.77 ACRE PARCEL, ADJACENT TO EXISTING MOSQUE AREA)

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) (Previous Condition J.1 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque, Parcel A only).**

K. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE PARKING LOT (FRONTAGE OF PURDY LANE)

1. Landscape requirements along the north property line of the parking lot shall be upgraded to include:
 - a. a minimum of fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;

- b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
- c. one (1) native canopy tree for each twenty-five (25) linear feet of the property line;
- d. one (1) palm (Royal Palm) for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum of twenty-four (24) inches at installation; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

L. LANDSCAPING ALONG THE PERIMETER OF THE PARKING LOT PROPERTY LINE (ABUTTING RESIDENTIAL AND HAVEN ROAD)

- 1. Landscape requirements along the perimeter of the parking lot shall be upgraded to include:
 - a. a minimum of fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a six (6) foot black or green vinyl coated chain link fence;
 - c. one (1) native canopy tree for each twenty (20) linear feet of the property line. Tree to be planted alternating on both sides of the fence;
 - d. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Palms to be planted alternating on both sides of the fence; and,
 - e. one (1) hedge material to be planted at two (2) feet on center, and to be planted on the exterior side of the fence. Shrub shall be a minimum of sixty (60) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches at maturity. (BLDG PERMIT: LANDSCAPE - Zoning)

M. LANDSCAPING - INTERIOR

- 1. Landscaping for divider median in the parking lot shall consist of the following:
 - a. one (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
 - b. one (1) palm for each thirty-five (35) linear feet of the median; and,
 - c. a continuous hedge shall be planted between all trees within the median where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty-six (36) inches. (BLDG PERMIT: LANDSCAPE - Zoning)

N. LIGHTING

- 1. **All outdoor lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previous Condition K.1 of Resolution R-2000-1704, Petition DOA1992-048(B)).
- 2. **All outdoor lighting shall be extinguished no later than 11:00 p.m.** K.2 of Resolution R-2000-1704, Petition DOA1992-048(B)).

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) (Previous Condition K.3 of Resolution R-2000-1704, Petition DOA1992-048(B)).**
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-Zoning) (Previous Condition K.4 of Resolution R-2000-1704, Petition DOA1992-048(B)).**

O. 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:BLDG-Zoning) (Previous Condition L.1 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque, Parcel A only).**
2. **No new freestanding sign shall be permitted on the site. (CO:BLDG-Zoning) (Previous Condition L.2 of Resolution R-2000-1704, Petition DOA1992-048(B)). (Applicable to the Mosque, Parcel A only).**
3. **Freestanding signs for the parking lot (south of Purdy Lane) shall be limited to the following:**
 - a. **Maximum sign height, measured from finished grade – five (5) feet;**
 - b. **Maximum sign face area per side – eight (8) square feet;**
 - c. **Maximum number of signs - one (1). (CO:BLDG-Zoning)**

P. COMPLIANCE

1. **Condition N.1 of Resolution R-2000-1704, Petition DOA1992-048(B) which currently states:**

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, 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. (ONGOING:MONITORING-Zoning)

Is hereby amended to read:

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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING – Zoning)

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) (Previous Condition N.2 of Resolution R-2000-1704, Petition DOA1992-048(B)).

E