

RESOLUTION NO. R-2001- 1859

RESOLUTION APPROVING ZONING PETITION CA2001-012  
CLASS A CONDITIONAL USE  
PETITION OF NEW LIGHT FELLOWSHIP CHURCH  
BY RON UPHOFF AND HELEN LAVALLEY, AGENTS  
(NEW LIGHT FELLOWSHIP CHURCH)

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 Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2001-012 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2001; 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 Unified Land Development Code (ULDC) 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 Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified 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 determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
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 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 CA2001-012, the petition of New Light Fellowship Church, by Ron Uphoff and Helen LaValley, agent, for a Class A Conditional Use (CA) to allow a church or place of worship and accessory daycare in the Residential Multi-family (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 October 25, 2001, 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 McCarty and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on October 25, 2001.

Filed with the Clerk of the Board of County Commissioners on 25 day of October, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
\_\_\_\_\_  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK

BY:   
\_\_\_\_\_  
DEPUTY CLERK

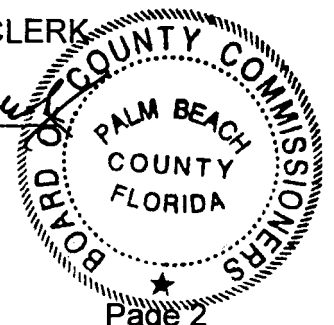
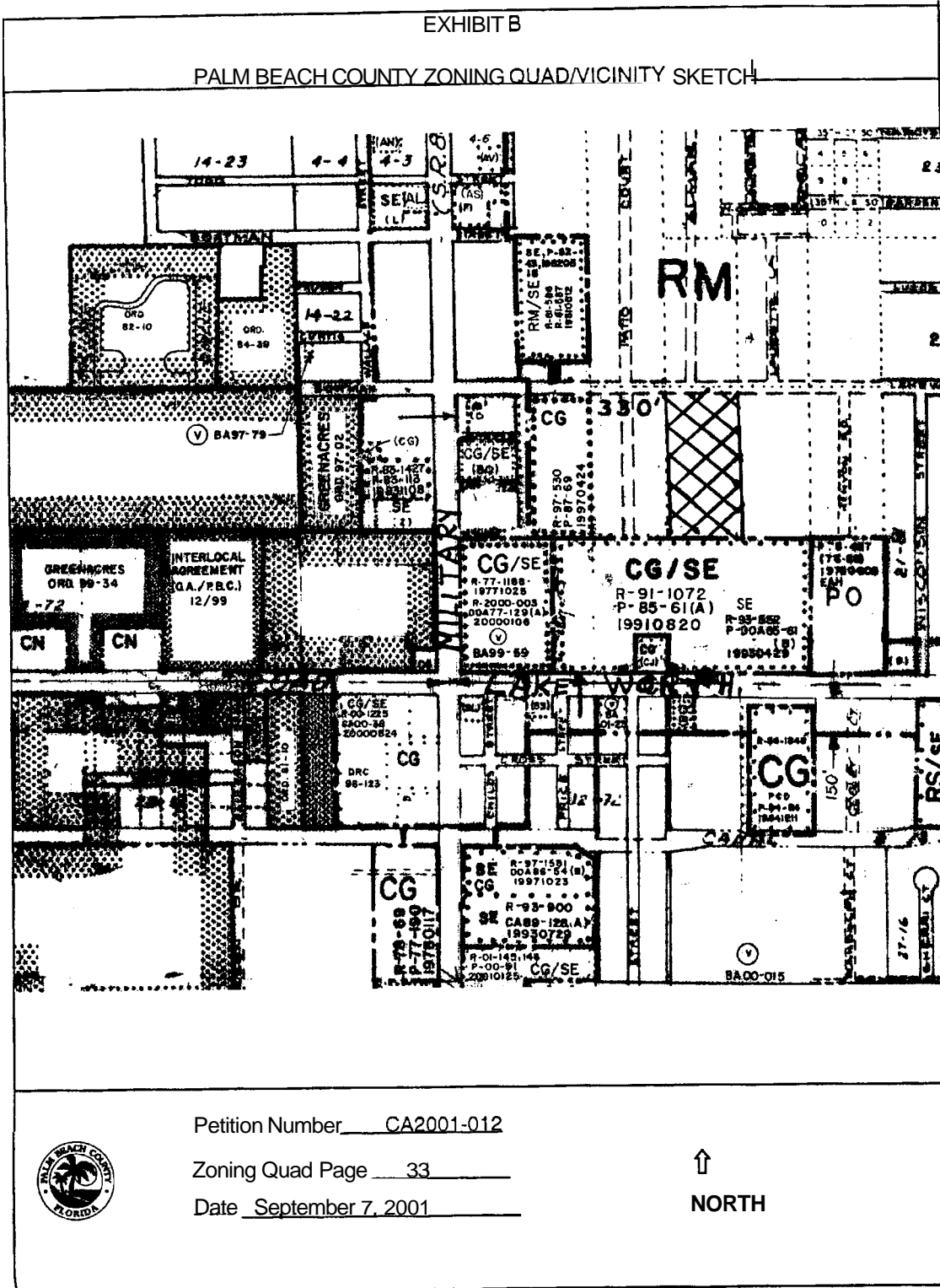


EXHIBIT A  
LEGAL DESCRIPTION

THE EAST ONE-HALF (E1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE  
SOUTHWESTONE-QUARTER(SW1/4) OF THE SOUTHEASTONE-QUARTER(SE1/4)  
OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY,  
FLORIDA

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. 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 August 22, 2001. 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)

#### B. ARCHITECTURAL REVIEW

1. Prior to final DRC certification of the site plan, exterior elevations for shall be revised and approved by the Architectural Review Section of the Zoning Division to include the following:
  - a. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure, or equivalent landscape material;
  - b. Similar architectural character and treatment shall be provided on all elevation/surfaces of the buildings. Similar character and treatment may consist of, but is not limited to, decorative lighting, brick banding, louvers, trims, similar canopy treatment, columns, etc;
  - c. Justification statement from architect explaining proposed design is compatibility to surrounding developments. (i.e. architectural design elements, colors, massing, height)
  - d. Elevations shall incorporate information, including but not limited to, heights, materials, colors, scale, architects title block with necessary contact information, etc; (DRC: BLDG PERMIT - Zoning)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet, except for religious symbols. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
2. Total gross floor area shall be limited to a maximum of 24,515 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 and DRC. (DRC: ZONING)

#### D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The site plan shall provide for a 1.28 acre preserve to be shown on the plan and approved by ERM. (DRC: ERM)

#### E. ENGINEERING

No Engineering comments.

F. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department for approval prior to final site plan approval. (DRC: HEALTH)
2. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

G. LANDSCAPING – STANDARDS

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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;
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval 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)
3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:

eighteen (18) to twenty-four (24) inches – groundcover and small shrub;  
twenty-four (24) to thirty-six (36) inches – medium shrub; and,  
forty-eight (48) to sixty (60) inches – large shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING FOR NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping for the north, east and west property lines shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree planted every thirty (30) feet on center;
  - c. 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,

- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four **(24)** inches at installation; and,
- e. one (1) large/medium shrub for each four **(4)** linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE)

I. LANDSCAPING FOR SOUTH PROPERTY LINE (ABUTTING COMMERCIAL)

- 1. Landscaping for the south property line shall be upgraded to include:
  - a. a minimum ten (10) foot wide landscape buffer strip excluding the preserve area. This buffer may be located on the north side of the existing drainage ditch;
  - b. one (1) canopy tree planted every thirty (30) feet on center;
  - c. 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,
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four **(24)** inches at installation; and,
  - e. one (1) large/medium shrub for each four **(4)** linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE)

J. LANDSCAPING - INTERIOR

- 1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
- 2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. the minimum width of the required landscape areas shall be eight (8) feet;
  - b. the length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
  - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

K. LANDSCAPE ALTERNATIVE PLAN

- 1. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along any portion of the site where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

L. LIGHTING

- 1. 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)

2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF)
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)

M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) as indicated on the site plan dated August 22, 2001. These decorative pedestrian pathway areas are to be constructed of decorative brick pavers to clearly indicate that the pathway is intended for pedestrians and shall be located at specified locations as shown on the site plan dated August 22, 2001. (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms to those recommendations of the Lake Worth Road Corridor Study Area incorporated onto the site plan dated August 22, 2001. (DRC: PLANNING)

N. SIGNS

1. Freestanding signs fronting on Lakewood Road shall be limited as **follows**:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side - 50 square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and,
  - e. Location - Lakewood Road only. (CO: BLDG)
2. No wall sign shall be permitted. (CO: BLDG)

O. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. excluding holiday services. (ONGOING: CODE ENF)
2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of three (3) events per year and be setback a minimum of 100 feet from perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)

P. COMPLIANCE

1. 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)



2. 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 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)