

RESOLUTION NO. R-2002- 1262

RESOLUTION APPROVING ZONING PETITION CA2002-003  
CLASS A CONDITIONAL USE  
PETITION OF MAGDALENE CARNEY BAHAI INSTITUTE INC.  
BY LAND RESEARCH MANAGEMENT, INC., AGENT  
(BAHAI INSTITUTE)

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 CA2002-003 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 2002; 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 CA2002-003, the petition of Magdalene Carney Baha'l Institute Inc., by Kevin McGinley, agent, for a Class A Conditional Use to allow a church or place of worship in the Residential Single Family 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 July 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution

The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 21 day of August, 2002.

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

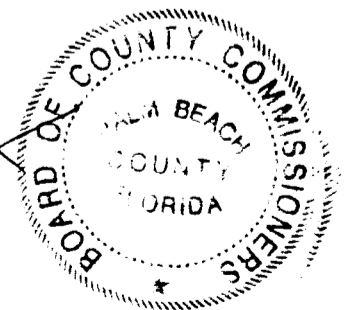


EXHIBIT A  
LEGAL DESCRIPTION

PARCELA:

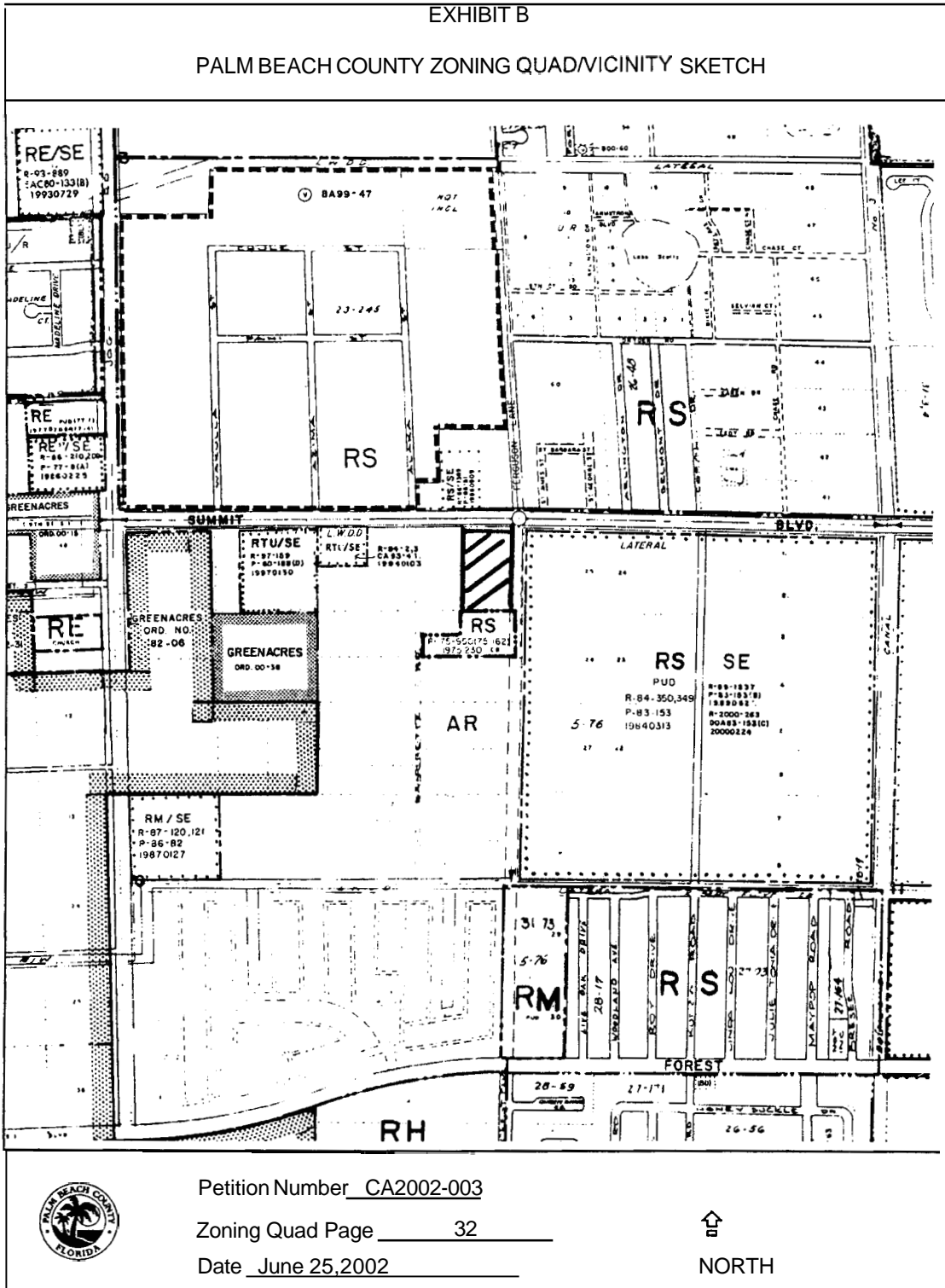
The East One-Half (E 1/2) of the Northeast One-Quarter (NE 1/4) of the Northeast One-Quarter (NE 1/4) of the Northeast One-Quarter (NE 1/4) of Section 10, Township 44 South, Range 42 East, otherwise known as Ranchette #3, LESS the South 264 feet thereof.

AND

PARCEL B:

The South 264 Feet of the East One-Half (E 1/2) of the Northeast One-Quarter (NE 1/4) of the Northeast One-Quarter (NE 1/4) of the Northeast One-Quarter (NE 1/4) of Section 10, Township 44 South, Range 42 East, lying and being in 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 June 25, 2002. 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)

#### B. ARCHITECTURAL

1. At time of submittal for final DRC certification, architectural elevations shall be submitted for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REV – Zoning)
2. All exterior elevations of buildings in Phase II shall be reviewed and approved by Architectural Review section of the Zoning Division prior to building permit application. (BLDG PRMT: ARCH REV – Zoning)
3. All roof top 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. (CO: BLDG – Zoning)
4. Design of gutters and downspouts shall be architecturally integrated into the architectural design of the building. Painting of the gutters and downspout shall not constitute architectural integration. (CO: BLDG – Zoning)
5. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty (30) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG – Zoning)

#### C. BUILDING AND SITE DESIGN

1. Prior to final Development Review Committee site plan approval, the building setbacks from all property lines shall be revised as follows:
  - a. Retreat facility: A minimum of sixty (60) feet; and
  - b. Classroom facility: A minimum of fifty (50) feet. (DRC: ZONING – Zoning)
2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of all property lines. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

D. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All existing native vegetation 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/DRC: ERM - ERM/Zoning)

E. ENGINEERING

No Engineering conditions.

F. LANDSCAPING – STANDARD

1. Canopy trees required in the perimeter buffer shall be native trees and meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 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 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 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 materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
  - d. This condition shall not apply to landscape buffers where a single row of shrubs is required along either side of a fence. (CO: LANDSCAPE – Zoning)
4. All trees, palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
5. 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)
6. An alternative landscape plan may be submitted for any perimeter buffer where required landscaping might affect existing native vegetation. (CO: LANDSCAPE – Zoning)
7. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

G. 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 – Zoning)
2. Foundation planting or grade level planters shall be upgraded to consist of no less than fifty (50) percent of the total length of the front and sides of all structures. (DRC/CO: ZONING/LANDSCAPE – Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (SUMMIT BOULEVARD FRONTAGE)

1. Landscaping along the north property line abutting Summit Boulevard shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
  - b. One (1) canopy tree for each thirty (30) linear feet of property line;
  - c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
  - d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
  - e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
  - f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping along the south, east and west property lines shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
  - b. A continuous two (2) foot high berm measured from finished grade, Field adjustment of berm location may be permitted to accommodate preservation of existing native vegetation;
  - c. A six (6) foot high opaque wood fence to be installed on the plateau of the berm;
  - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on each side of the required fence;
  - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on each side of the required fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required on the exterior side of the required fence:
  - a. One (1) medium shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)
3. The following landscaping shall be required on the interior side of the required fence:
  - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and

- b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be the 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, freestanding lighting fixtures be setback a minimum of fifty (50) feet from the south, east and west property lines. (CO: BLDG - Zoning)
3. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
5. 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)

K. SIGNS

1. Freestanding signs shall be limited as follows:
  - a. Maximum sign height: Six (6) feet;
  - b. Maximum sign face area per side: Thirty (30) square feet;
  - c. Maximum number of signs: One (1);
  - d. Style: Monument only;
  - e. Location: Summit Boulevard; and
  - f. Signs shall be limited to project identification only. (CO: BLDG – Zoning)

L. USE LIMITATIONS

1. All services shall be held within the place of worship. (ONGOING: CODE ENF – Zoning)
2. Hours of operation shall be limited to 8:00 a.m. to 7:00 p.m., excluding retreat uses. (ONGOING: CODE ENF – Zoning)
3. Maximum number of place of worship seating shall be a total of forty (40) seats at any given time. (ONGOING: CODE ENF – Zoning)
4. Retreats, including overnight accommodations shall be limited to a maximum of forty (40) participants at any given time. (ONGOING: CODE ENF – Zoning)
5. Outdoor retreat activities shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m. This shall not be construed to restrict access to the site or facilities. (ONGOING: CODE ENF – Zoning)
6. Retreats shall be limited as follows:
  - a. Number per year: Eighteen (18);
  - b. Number per month: Two (2); and
  - c. Length: Four (4) days. (ONGOING: CODE ENF – Zoning)



7. Use of the retreat facility shall be limited to scheduled retreats. (ONGOING: CODE ENF – Zoning)
8. No temporary sales events, amusements or special events shall be permitted on the site. (ONGOING: CODE ENF – Zoning)
9. No outdoor speaker systems or amplified music shall be permitted. (ONGOING: CODE ENF – Zoning)

M. 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. (ONGOING: MONITORING – Zoning)