

RESOLUTION NO. R-97- 1590

RESOLUTION APPROVING ZONING PETITION CA97-62
CLASS A CONDITIONAL USE
PETITION OF LAKE WORTH METAPHYSICAL CHURCH, INC.
BY CAROL MIX, AGENT
(LAKE WORTH METAPHYSICAL 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 CA97-62 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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. The 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 CA97-62, the petition of Lake worth Metaphysical Church, Inc., by Carol Mix, agent, for a Class A Conditional Use (CA) Church or Place of worship in the Residential Single-family (RS) 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 23, 1997, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burton Otter*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN ~~THE~~ NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

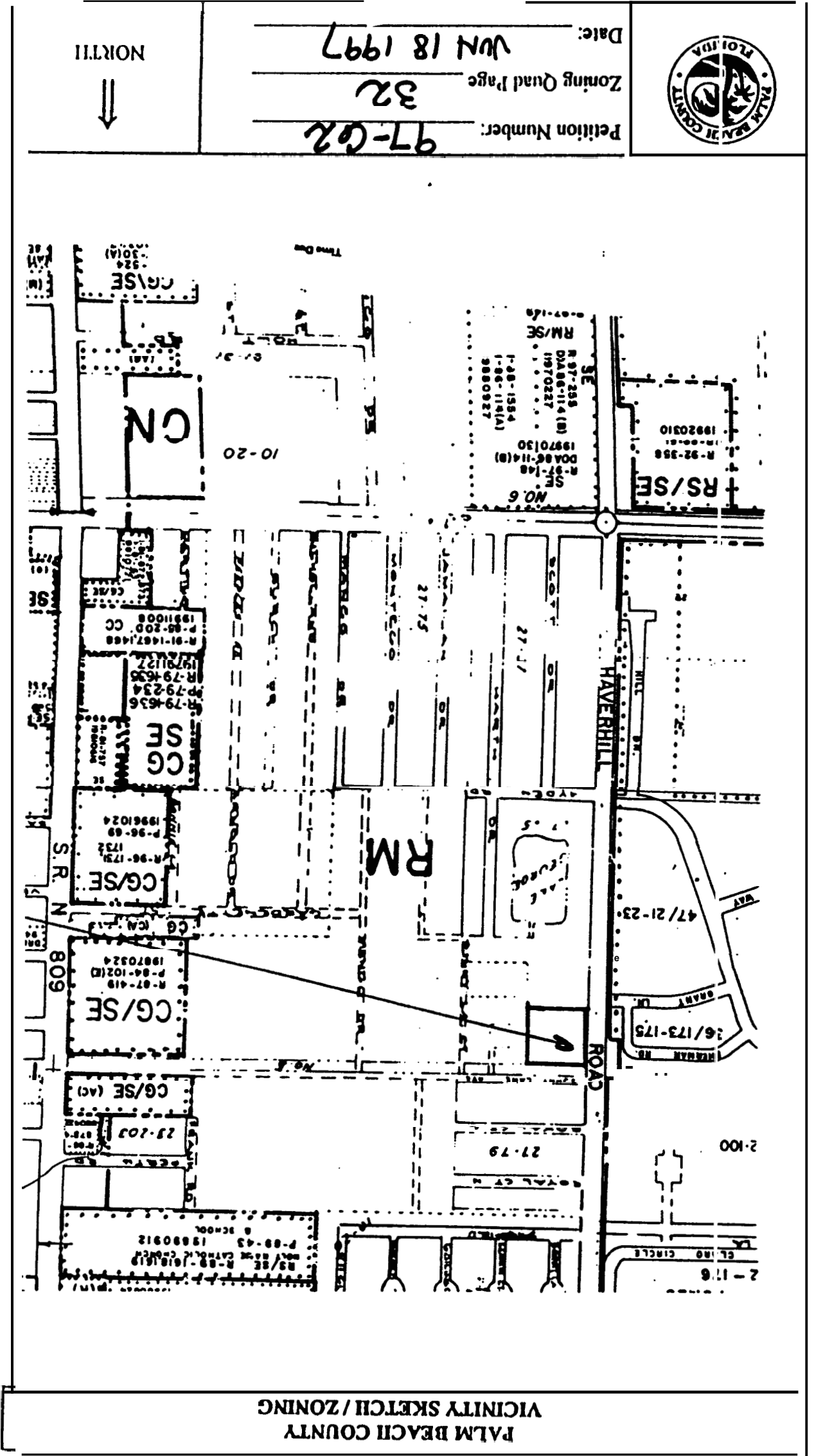
COMMENCING AT THE WEST ONE-QUARTER (W. 1/4) CORNER OF SAID SECTION 1, THENCE, RUN SOUTH **101°23'16"** WEST, ALONG THE WEST LINE OF SAID SECTION 1, SAID LINE ALSO BEING THE CENTERLINE OF HAVERTHILL ROAD, A DISTANCE OF **56.00** FEET TO A POINT ON A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SAID SECTION 1; THENCE, SOUTH **88°51'19"** EAST, ALONG SAID LINE, A DISTANCE OF **40.00** FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUE SOUTH **88°51'19"** EAST, ALONG SAID LINE A DISTANCE OF **293.93** FEET TO THE EAST LINE OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SAID SECTION 1; THENCE, SOUTH **01°23'35"** WEST, ALONG SAID LINE, A DISTANCE OF **262.14** FEET TO A POINT ON A LINE PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SAID SECTION 1; THENCE, NORTH **88°52'48"** WEST, ALONG SAID LINE, A DISTANCE OF **293.90** FEET TO THE EXISTING EAST RIGHT OF WAY LINE OF HAVERTHILL ROAD, SAID LINE BEING PARALLEL WITH THE WEST LINE OF SECTION 1; THENCE, NORTH **01°23'16"** EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF **262.27** FEET TO THE POINT OF BEGINNING.

CONTAINING **1.7692** ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



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Date: JUN 18 1997

NORTH



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 29, 1997. 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. (ONGC ING: ZONING)

B. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (BLDG PERMIT: BLDG-Zoning)
2. S i architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)
3. AH air conditng and mechanical equipment 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)

C. BUILDING AND SITE DESIGN

1. The church shall be limited to a maximum of 90 seats and a total gross enclosed floor area of 1280 square feet. (DRC / ONGOING BUILDING - Zoning)
2. The church o f f i shall be limited to a total gross enclosed floor area of 1438 square feet. (DRC / ONGOING BUILDING - Zoning)
3. The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-five (25) feet (BLDG PERMIT: BLDG - Zoning)
4. 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 twenty five (25) feet of any residential property lines and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)

D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated August 29, 1997. (DRC: ZONING)

E. ENGINEERING

1. No Engineering Conditions.

F. LANDSCAPING

1. **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. (CO: LANDSCAPE-Zoning)
 - 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 or grey wood, whichever is greater;
 - 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)

G. HEALTH

1. **Petitioner shall connect to public water and sewer prior to the issuance of a Certificate of Occupancy. (CO: HEALTH/BLDG)**

H. LANDSCAPING ALONG NORTH, SOUTH, AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. **Landscaping and buffering along the above property lines shall include:**
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center,
 - c. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
 - d. twenty four (24) inch high shrub or hedge material spaced not more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (HAVERHILL ROAD FRONTAGE)

1. **Landscaping and buffering along the west property line shall include:**
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; 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)**

J. LANDSCAPING - INTERIOR

1. **One 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. **Landscape islands shall be provided along the facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the accumulative length of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)**

K. SIGNS

1. **New freestanding sign fronting on Haverhill Road shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - six (6) feet; and**
 - b. **Maximum sign face area per side - 60 square feet; and**
 - c. **Maximum number of signs - one (1); and**
 - d. **Style - Monument style only. (CO: BLDG.)**
2. **All wall signs shall be limited to the west facade of the buildings. (CO: BLDG.)**

L. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning)**
2. **All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)**
3. **All outdoor lighting shall be extinguished no later than 9:00 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. USF LIMITATIONS

1. **All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m. daily , excluding holiday services. (ONGOING: CODE ENF)**

2. **Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.) shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING-Zoning)**

N. COMPLIANCE

1. **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; 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 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. (MONITORING)