

RESOLUTION NO. R-97- 2071

RESOLUTION APPROVING ZONING PETITION CA97-29  
CLASS A CONDITIONAL USE  
PETITION OF ST. PAUL A.M.E. CHURCH  
BY DAVID C. SELF, II, AGENT  
(ST. PAUL A.M.E. 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 CA97-29 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. 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.
0. 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 CA97-29, the petition of St. Paul AME Church, by David C. Self, II, agent, for a Class A Conditional Use (CA) to allow a 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 Marcus moved for the approval of the Resolution.

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

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


The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 1997.


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



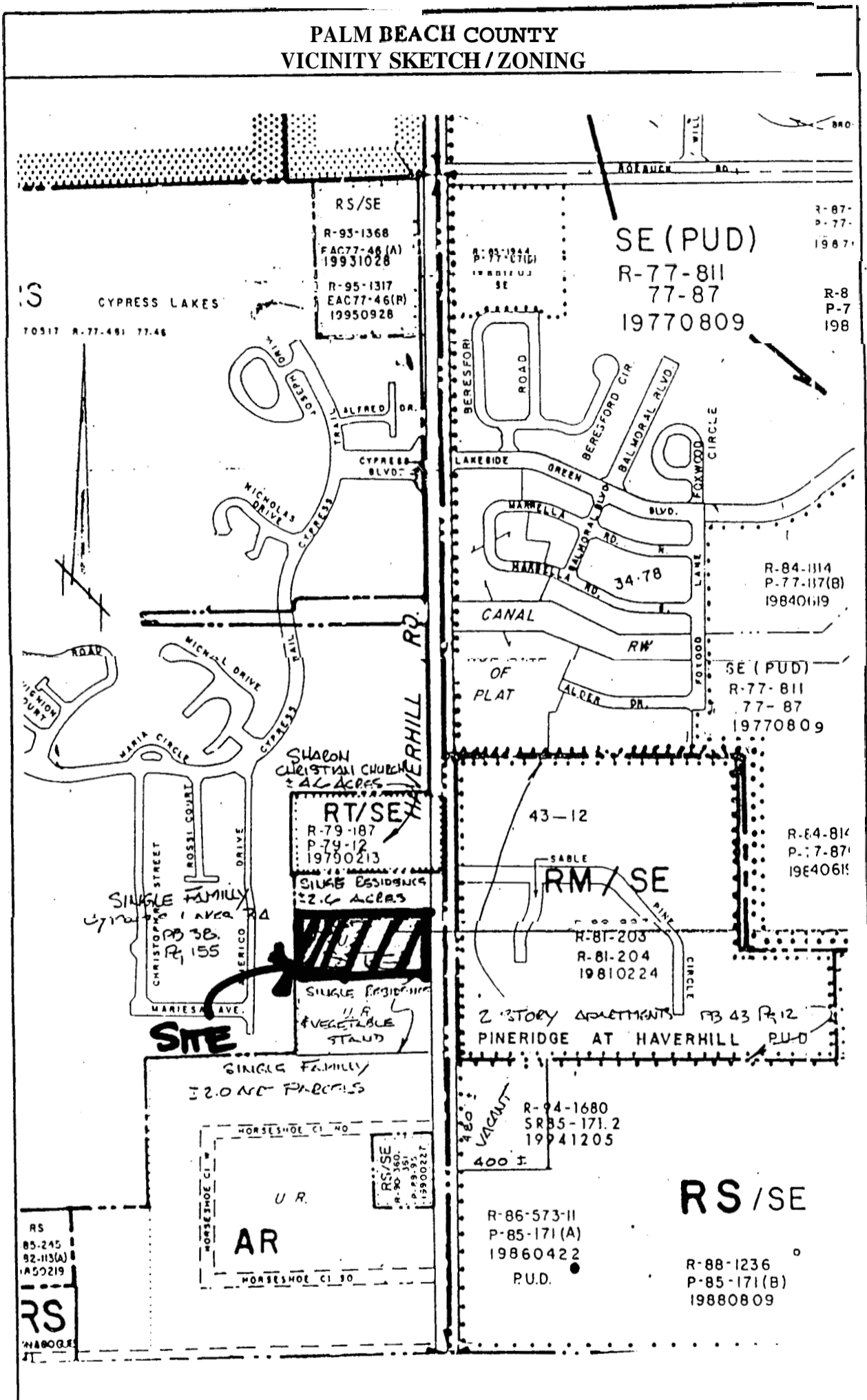
**EXHIBIT A**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**  
**ST. PAUL AME CHURCH**

**N $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14, Township 43 South, Range 42 E, less and except the N 10 feet and the E 50 feet thereof for road right-of-way, all lying and being in Palm Beach County, Florida**

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 17-29

Zoning Quad Page: \_\_\_\_\_

Date: 1/19/97



## 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 May 30, 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. (ONGOING: 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. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)
3. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: MONITORING - Bldg)
4. All air conditioning 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 principle structure or equivalent landscape material. (CO: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. The church shall be limited to 600 seats and a total gross enclosed floor area of 10,000 square feet. (DRC: ZONING)
2. The minimum setback for all structures shall be forty-five (45) feet from the north property line and seventy-five (75) feet from the south property line. (DRC: ZONING)
3. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) 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 fifty (50) feet of the south property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING / CODE ENF)
5. A maximum of one (1) satellite dish antenna shall be allowed if completely screened from view of all right-of-ways and adjacent residential zoning districts by an opaque wall or fence with similar architectural treatment as the church or equivalent landscaping materials. The satellite dish shall not be roof mounted. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

6. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate grassed parking for the parking spaces west of the existing lake. (DRC:ZONING)
7. The parking spaces west of the existing lake shall be limited to grassed parking only. Proposed grade changes shall be minimal to incorporate existing native vegetation. (DRC: ERM/LANDSCAPE)

D. HEALTH

1. Petitioner must connect to public water and sewer prior to the issuance of a C. O. (BLDG: HEALTH/BLDG)

E. ENGINEERING

1. Prior to site plan approval by the DRC, petitioner shall submit a final drainage design addressing all minimum County and South Florida Water Management District Drainage criteria. Included in this design shall be an analysis of existing offsite surface flow onto the subject site. The final drainage design shall accommodate all drainage inflow onto this site for the three (3) year twenty-four (24) hour storm. (DRC: ENG)
2. The property owner shall fund the **cost** of the construction of the five laning of Haverhill Road, adjacent to the site, prior to the issuance of the first certificate of occupancy. (CO: ENG)
3. The petitioner shall provide a law enforcement officer for traffic control for all scheduled services. (ONGOING: CODE ENF)

F. LANDSCAPING - STANDARD

1. All canopy 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.
  - 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, except on individual residential lots, 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)
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES /ABUTTING RESIDENTIAL

1. Landscaping and buffering along the north, south and west property lines shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. A six (6) foot high opaque concrete wall setback a minimum of five (5) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The wall shall not be located within safe sight corners. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. One (1) canopy tree planted every twenty (20) feet on center;
  - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
  - c. Thirty (30) 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 forty-eight (48) inches. (CO: LANDSCAPE)
3. Along the interior side of the required wall, 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)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING HAVERHILL ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - 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 frontage; and,
  - d. Thirty (30) 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)

I. 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. (CO / ONGOING: BLDG / CODE INF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning;
3. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding lighting for holiday services and security lighting. (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)

J. SIGNS

1. All signage, including wall mounted and entrance wall signs, shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - one (1) for Haverhill Road; and,
  - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

K. USE LIMITATIONS

1. All services shall be held within the church, except holiday services (i.e. Easter Sunrise service), and the hours of operation shall be limited to 7:00 a.m. - 9:00pm, excluding holiday services. (ONGOING: CODE ENF)
2. No accessory outdoor temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.). (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)

L. 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 noncompliance, 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)