

RESOLUTION NO. R-2001- 0003

RESOLUTION APPROVING ZONING PETITION CA00-068
CLASS A CONDITIONAL USE
PETITION OF UNITY CHURCH OF THE PALMS
BY MARK BRADFORD, AGENT
(UNITY 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 CA00-068 was presented to the Board of County Commissioners at a public hearing conducted on January 4, 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.
 - a. 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 CA00-068, the petition of Unity Church of the Palms, by Mark Bradford, agent, for a Class A Conditional Use (CA) to allow a church or place of worship in the Agricultural Residential (AR) 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 January 4, 2001, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 4, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Otte* COUNTY ATTORNEY BY: *Joan Davery* DEPUTY CLERK

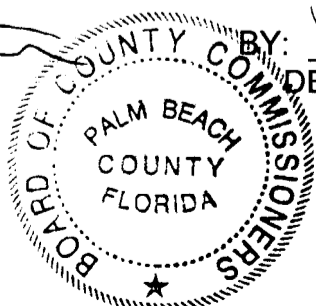


EXHIBIT A
LEGAL DESCRIPTION

A PARCELOF LAND IN SECT10N22, TOWNSHIP41 SOUTH, RANGE42 EAST IN PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 250 FEET OF THE NORTHERLY 225 FEET OF THE SOUTHERLY 300 FEET OF SAID SECTION 22, SAID DISTANCES BEING AS MEASURED ALONG LINES PARALLEL AND AT RIGHT ANGLES TO THE SOUTH SECTION LINE.

CONTAINING 1.29 ACRES MORE OR LESS:

SUBJECT TO A ROAD EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 40 FEET THEREOF.

SUBJECT TO ALL EASEMENTS, RESERVATIONS, AND RIGHTS OF WAY.

EXHIBIT B
VICINITY SKETCH

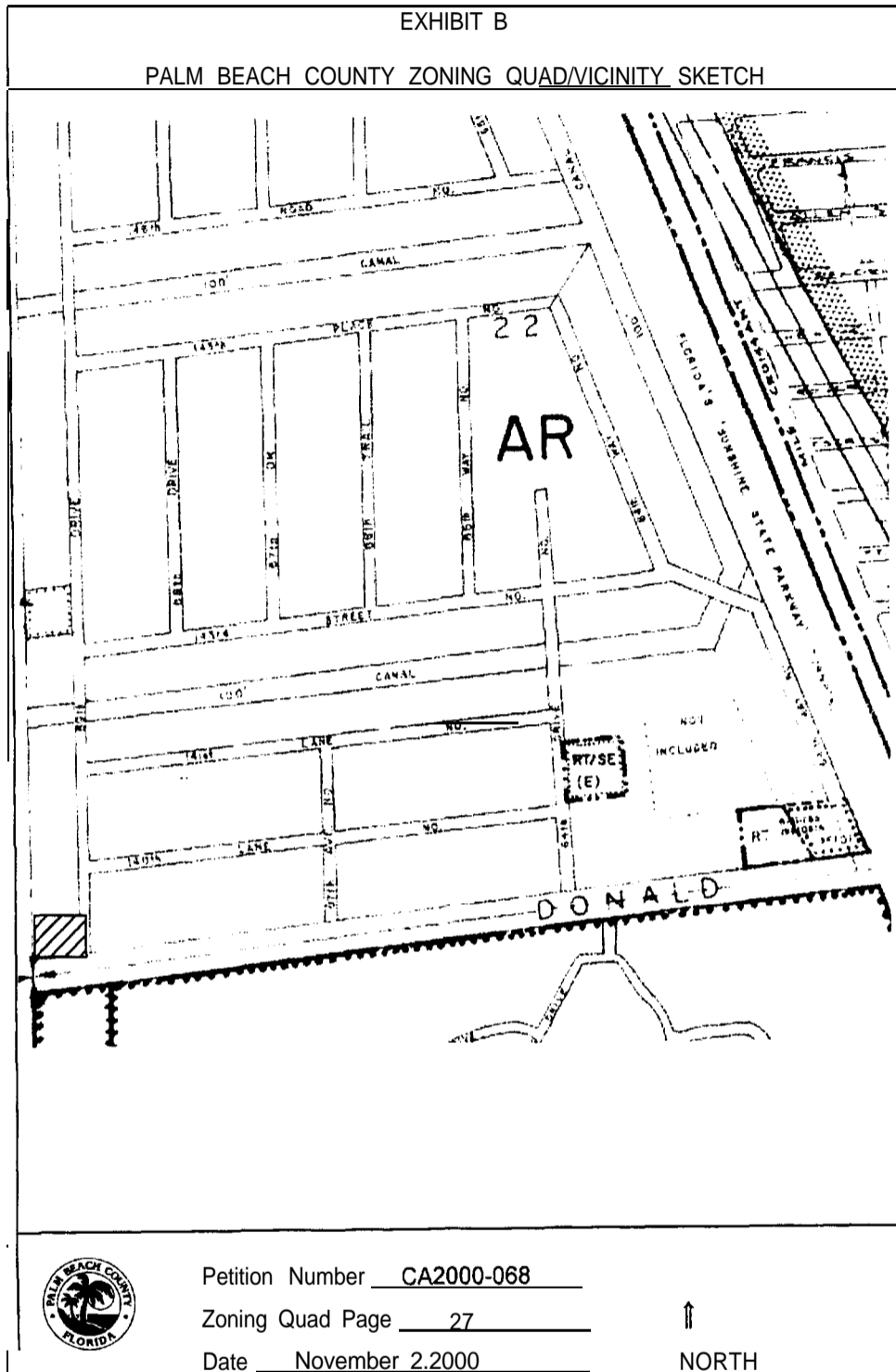


EXHIBIT C

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 September 28, 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)

B. BUILDING AND SITE DESIGN

1. The church shall be limited to a maximum of 50 seats and a total gross enclosed floor area of 4,200 square feet. Expansion shall be limited to 5% of the total square footage or 1,000 square feet whichever is less, and subject to the approval by the Traffic Division. (DRC / ONGOING BUILDING - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRC: ERM)

D. HEALTH

1. Application and engineering plans to upgrade the existing well or construct a limited use commercial well in accordance with Rule 64E-8FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)

E. ENGINEERING

1. Prior to August 1, 2001 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for a corner clip at Donald Ross Road and 69th Drive North. The 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. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Donald Ross Road 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)

F. LANDSCAPING

1. Fifty percent (50%) of the 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)

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the north, east and west property lines shall include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) native canopy tree planted every twenty (20) feet on center;
 - c. one (1) pine for each twenty (20) linear feet of property line with a maximum spacing of forty (40) feet between clusters;
 - d. a minimum of one native shrub for every forty (40) square feet with a maximum spacing of twenty (20) feet between clusters. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
 - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (DONALD ROSS ROAD FRONTAGE)

- 1. Landscaping and buffering along the south property line shall include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. one (1) native canopy tree planted every twenty (20) feet on center;
 - c. one (1) pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of forty (40) feet on center; and,
 - d. a minimum of one native shrub for every forty (40) square feet with a maximum spacing of twenty (20) feet between clusters. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
 - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

- 1. Foundation planting or grade level planters shall be provided along the front and side facades 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 facade length; 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)

J. ALTERNATIVE LANDSCAPE PLAN

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

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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 10:00 p.m., excluding holiday services. (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)

L. SIGNS

1. Proposed freestanding sign fronting on Donald Ross Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6); and
 - b. maximum sign face area per side - sixty (60) square feet; and
 - c. maximum number of signs - one (1);
 - d. style - Monument style only; and,
 - e. should the existing sign be replaced or relocated, the proposed sign shall comply to Condition L.I.a through L.I.d (CO: BLDG.)

M. USE 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)

N. 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 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)