

RESOLUTION NO. R-92- 1816

RESOLUTION APPROVING ZONING PETITION NO. 92-8
SPECIAL EXCEPTION PETITION OF
NATIONAL ORDER OF THE NEW APOSTOLIC CHURCH OF NORTH AMERICA

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 92-8 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 28, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 92-8, the petition of NATIONAL ORDER OF THE NEW APOSTOLIC CHURCH OF NORTH AMERICA, BY PETER NELLESEN, JR., AGENT, for a SPECIAL EXCEPTION TO ALLOW A PLACE OF WORSHIP on a parcel of land lying in the Southeast 1/4 of Section 14, Township 42 South, Range 42 East; COMMENCING at the East 1/4 corner of said Section 14; run North 89°10'57" West (the East-West quarter section line is on an assumed bearing and all other bearings are relative thereto) along the East-West 1/4 section line of said Section 14, a distance of 660.25 feet to the POINT OF BEGINNING of the herein described parcel; thence continue on the preceding described course a distance of 660.25 feet to a point; thence run South 01°00'10" West a distance of 329.85 feet to a point; thence run South 89°10'57" East a distance of 660.62 feet to a point; thence run North 00°56'23" East a distance of 329.85 feet to the POINT OF BEGINNING of the herein described parcel; SUBJECT TO an easement over the South 20.00 feet and over the East 40.00 feet, LESS the following described parcel: lying in a portion of the Southeast 1/4 of said Section 14, COMMENCING at the East 1/4 corner of said Section 14; thence run North 89°10'57" West (the East-West quarter section line is on an assumed bearing and all other bearings are relative thereto) along

the East-West 1/4 section line of said Section 14 a distance of 990.35 feet to the POINT OF BEGINNING of the herein described parcel; thence continue on the preceding described course a distance of 330.15 feet to a point; thence run South 01°00'10" West a distance of 329.85 feet to a point; thence run South 89°10'57" East a distance of 330.15 feet to a point; thence run North 01°00'10" East a distance of 329.85 feet to the POINT OF BEGINNING of the herein described parcel, and being located on the W SIDE OF HOWELL IN., APPROX. .5 MILE N OF NORTH LAKE BLVD., IN THE AR ZONING DISTRICT, was approved on May 28, 1992, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (ZONING)
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 22). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein. (ZONING)
3. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before January 29, 1993. (MONITORING)

B. ANNEXATION

1. The property owner shall voluntarily annex into the City of Palm Beach Gardens at such time the property is the subject of an annexation proposal by the City of Palm Beach Gardens. (PLANNING)

C. BUILDING, SITE DESIGN AND USE

1. Total gross floor area shall be limited to 2,268 square feet. Additional square footage may be allowed in accordance with Section 402.7 of the Zoning Code. (BUILDING)
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING)
3. No more than 30 parking spaces shall be permitted on site. (ZONING)
4. Occupancy of the building shall be limited to a maximum of 80 persons. (BUILDING)
5. The maximum height of all structures, including accessory structures, shall be 30 feet, measured from finished grade. (BUILDING)

6. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. seven days a week. (CODE ENFORCEMENT)
7. Architectural style of the building shall be residential in nature and shall include a pitched roof, with no steeples or bells. (BUILDING)
8. Use of the site shall be limited to a place of worship. No daycare or school shall be permitted. (CODE ENFORCEMENT)
9. Residential use of the property **is** prohibited. (CODE ENFORCEMENT)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification. (ERM)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ENGINEERING)
2. The Property owner shall construct paved access from the proposed paved terminus of the 40 foot right of way for Howell Lane north of Northlake Boulevard to the project's entrance road concurrent with onsite paving and drainage improvements; however, in no case later than December 1, 1992. Length of this portion is approximately 1,200 feet. This portion shall be built to local street standards. (ENGINEERING)
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or **as** it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$880.00 (16 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)

F. HEALTH

1. Sewer service is available to the property. Therefore, **no** septic tank shall be permitted **on** the site. (HRS)
2. Water service **is** available **to** the property. Therefore, no well shall be permitted **on** the site **to** provide potable water. (HRS)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions **of** approval. (ZONING)
2. All required trees in landscape buffer strips shall meet at a minimum the following standards:
 - a. Tree species: 100% native canopy.
 - b. Tree height: fourteen (14) feet minimum.
 - c. Trunk diameter: 3.5 inches at 4.5 feet above grade.
 - d. Canopy diameter: seven (7) feet minimum. The 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. (ZONING)

H. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and west property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot high landscape barrier consisting of a hedge, wall, fence, berm **or** combination.
 - c. One native canopy tree planted every twenty (20) feet on center.
 - d. One native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - e. Twenty-four (24) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained **a**: a minimum height of thirty-six (36) inches. (ZONING)

I. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be **of** low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. All lighting fixtures shall not exceed twenty (20) feet in height. (BUILDING)
3. All outdoor lighting shall **be** extinguished no later than 11:00 p.m. Security lighting **only** is excluded from this **requirement**. (CODE ENFORCEMENT)

J. SIGNS

1. No pole mounted freestanding signs shall be permitted on site. One (1) monument style sign, a maximum of two (2) feet by three (3) feet, shall be permitted on site. (BUILDING)

K. VEGETATION PRESERVATION

1. Terminal islands, divider medians, sidewalks and landscape islands shall be adjusted to incorporate existing native vegetation to the extent determined by the Zoning Division. (ZONING)

L. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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. (MONITORING)
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, 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)

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of December, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

Andrew Altier
COUNTY ATTORNEY

BY:

Robert Johns
DEPUTY CLERK

