

RESOLUTION NO. R-2010- 0958

RESOLUTION APPROVING ZONING APPLICATION ZV/CA-2009-02677  
(CONTROL NO. 1973-00079)  
a Class A Conditional Use  
APPLICATION OF Macedonian Orthodox Church  
BY Frogner Consulting, Inc., AGENT  
(Macedonian Orthodox 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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/CA-2009-02677 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 2010; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/CA-2009-02677, the petition of Macedonian Orthodox Church, by Frogner Consulting, Inc., agent, for a Class A Conditional Use to allow a Place of Worship in the RE 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 June 24, 2010, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye

Commissioner Jeff Koons - Aye  
Commissioner Shelley Vana - Aye  
Commissioner Steven L. Abrams - Aye  
Commissioner Jess R. Santamaria - Aye  
Commissioner Priscilla A. Taylor - Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 24, 2010.

Filed with the Clerk of the Board of County Commissioners on June 25th, 2010.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.


APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK  
FLORIDA

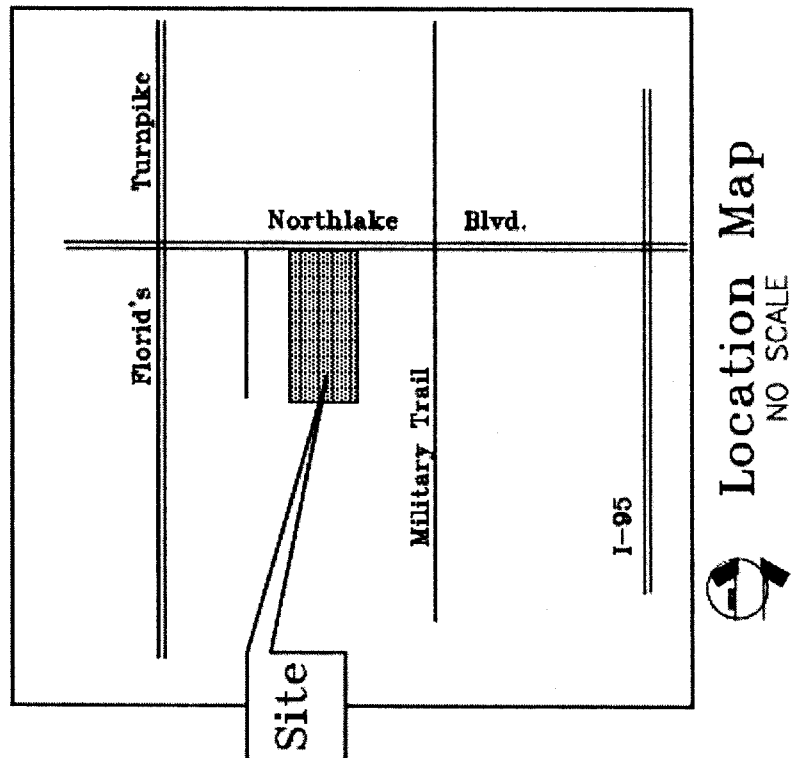


**EXHIBIT A**

**LEGAL DESCRIPTION**

Lot 70, less the East 390 feet and less the North 7.45 feet thereof.  
SQUARE LAKE. according to the Plat thereof on file in the office of the  
Clerk of it Court in and for Palm Beach County. Florida, recorded in Plat  
Book 23. page 141; said lands situate, lying and being in Palm Beach  
County, Florida

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1.The approved Preliminary Site Plan is dated April 19, 2010. Modifications inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building B shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2.Additional new buildings or structures shall be subject to architectural review and approval prior to building permit. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDG PERMIT: ARCH REVIEW - Zoning)

3.Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of all buildings. (BLDG PERMIT: ARCH REVIEW - Zoning)

#### BUILDING

1.Prior to Oct 1, 2010, application for building permit(s) shall be made for change of occupancy classification and for alterations, as applicable, in accordance with the Florida Building Code. Any existing, unpermitted improvements to existing buildings shall be included and brought into compliance. The permits must be issued within 180 days of application and certificate of completion or certificate of occupancy issued within one year of application date. Any prior permits without valid certificate of completion or certificate of occupancy shall be re-activated and completed during this time. The value for all work requiring a permit shall be based on the total replacement cost in accordance with 108.3 Palm Beach County Amendments to the 2007 Florida Building Code. (DATE: MONITORING - Building)

#### ENGINEERING

1.In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a.No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2.The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 60 feet of right of way from centerline of Northlake Blvd. prior to the issuance of the first building permit for additional building square footage or site modification. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. 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, including a topographic survey. Thoroughfare Plan Road right of way

conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer additional right of way for Expanded Intersections and corner clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)

3. Prior to final site plan approval, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage. (DRO: ENGINEERING-Eng)

#### LANDSCAPE - GENERAL

1. Prior to final approval by the Development Review Officer the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

2. A minimum of fifty (50) percent of all (new and replacement) trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO BLDG PERMIT: LANDSCAPE - Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

4. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE Zoning)

#### LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)

2. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

#### SIGNS

1. Freestanding sign fronting on Northlake Boulevard shall be limited as follows: a. maximum sign height, measured from finished grade to highest point - six (6) feet; b. maximum sign face area per side - sixty (60) square feet; c. maximum number of signs - one (1); d. style - monument style only; and e. location - Northlake Boulevard adjacent to access drive. (BLDG PERMIT: BLDG Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the regulating plan as follows: a. to include wall signage; and b. to reflect the maximum sign face area for the monument sign of 60 square feet. (DRO: ZONING -

## Zoning)

### SITE DESIGN

1. Prior to use of the property as a Place of Worship, the property owner shall obtain all required building permits and inspections to convert the existing single family residence to meet commercial building requirements. (ONGOING: CODE ENF - Bldg)

### USE LIMITATIONS

1. No accessory outdoor uses such as temporary sales events shall be permitted on the property. (ONGOING: CODE ENF - Zoning)

2. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

3. All services shall be held within the principal structure, and the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., including holiday services. (ONGOING: CODE ENF - Zoning)

### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)