

Condition Numbers 4, 5, 6, 7 of Zoning Petition 87-32 presently state:

- "4. The Developer shall retain 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 on site the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
5. The property owner shall convey for the ultimate right-of-way of Skees Road, 40 feet from centerline within 90 days of approval of the Resolution approving this project.
6. The Property owner shall construct a left turn lane, north approach and a left turn lane, south approach on Skees Road at the project's entrance road concurrent with on site paving and drainage improvements.
7. 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 **\$18,860.00** (704 trips X \$80.40 per trip). Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional **\$4,715.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **\$23,575.00** to be paid prior to the issuance of a the first building permit or prior to October 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$4,715.00** shall be credited toward the increased Fair Share Fee."

Condition No. 5 of Zoning Petition 87-32(A) presently states:

- "5. The property owner shall construct a left turn lane, south approach on Skees Road at the project's entrance road concurrent with on site paving and drainage improvements."

Are hereby deleted.

9. 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 on site 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.

10. Prior to January 1, 1991, 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 Skees Road, 40 feet from centerline free 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
11. The Property owner shall construct a left turn lane, south approach on Skees Road at the project's entrance road concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.
12. The Developer 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 presently at the time of the Building Permit is \$9,185.00 (167 trips X \$55.00 per trip).
13. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety.

ENVIRONMENTAL RESOURCES MANAGEMENT

14. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification.
15. The Petitioner shall submit a tree survey to the Zoning Division and the Department of Environmental Resources Management prior to Site Plan certification.

HEALTH

16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
17. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

18. The applicant shall provide to the Department, the necessary utility easement, in a recordable form, approved by the County Attorney, prior to Board of County Commissioners' Zoning Hearing.

IRRIGATION QUALITY WATER

19. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

LANDSCAPE

20. Landscaping shall be upgraded to include the following:

- a. Along the north property line of the subject property and the adjacent Hippocrates Health Institute Adult Congregate Living Facility (Petition 87-21): a five (5) foot wide landscape strip adjacent to the south boundary of the Lake Worth Drainage District (LWDD) L-2 Canal with a six (6) foot high wooden, opaque fence and planted with ten (10) foot tall native canopy trees every twenty (20) feet on center and a thirty-six (36) inch high continuous, opaque hedge. Credit shall be given for existing native trees along the north property line which meet the tree credit requirements of Section 500.35.G.4 (Tree Credit) of the Zoning Code.

In addition, the petitioner shall landscape the waterline/pipe extending from the subject property across the LWDD L-2 Canal with appropriate hedge material on the south side, subject to approval by the Palm Beach County Utilities Department.

- b. Along the south property line within the twenty-five (25) foot PUD buffer: a ten (10) foot wide buffer strip with a six (6) foot wall, hedge, fence, berm or combination and ten (10) foot tall native canopy trees spaced no more than thirty (30) feet on center.
- c. Along the east property line within the twenty-five (25) foot PUD buffer: a ten (10) foot wide buffer strip with a six (6) foot high wall, fence, berm, or combination and ten (10) foot tall native canopy trees spaced no more than twenty (20) feet on center.
- d. Along the west property line within the twenty-five (25) foot PUD buffer; a ten (10) foot wide buffer strip with ten (10) foot tall native canopy trees spaced no more than thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge.

PRESERVATION

21. Prior to Site Plan Certification, the petitioner shall submit a Vegetation Preservation Program acceptable to the Zoning Division. The program shall identify all trees to be preserved, or relocated and where they are to

be relocated to, and shall establish appropriate protection measures during the construction and site development phases of the project.

22. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Department of Environmental Resource Management and the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site.

RECYCLE SOLID WASTE

23. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

COMPLIANCE

24. 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.

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.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Robert Altman*
COUNTY ATTORNEY

BY: *Michelle P. Brown*
DEPUTY CLERK