

RESOLUTION APPROVING ZONING PETITION DOA97-078(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF REFORM TEMPLE SHAAREI SHALOM  
BY KILDAY & ASSOCIATES, INC., AGENT  
(CIBA-GEIGY PUD (NKA PONTE VECCHIO PUD))

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA97-078(A) was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA97-078(A), the petition of Reform Temple Shaarei Shalom, by Kilday & Associates, Inc., agent, for a Development Order Amendment (DOA) to delete access point within PUD, add external access point and add a church or place of worship 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2000.

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

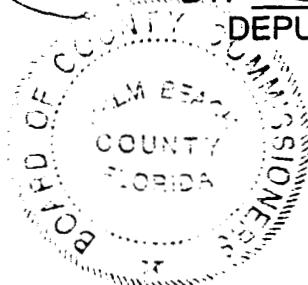


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 8, 9 AND 10, BLOCK 49 AND A PORTION OF THE 30.00 FOOT WIDE RIGHT-OF-WAY ADJACENT TO SAID TRACTS 8 AND 9, "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLATBOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 8 AND THE WEST RIGHT-OF-WAY LINE OF "HAGEN RANCH ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 9904, PAGE 855 OF SAID PUBLIC RECORDS; THENCE SOUTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N88°00'19"W, HAVING A RADIUS OF 2162.00 FEET, A CENTRAL ANGLE OF 3°00'40", AN ARC DISTANCE OF 113.62 FEET; THENCE N84°59'39"W, A DISTANCE OF 12.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N84°59'39"W, HAVING A RADIUS OF 2150.00 FEET, A CENTRAL ANGLE OF 8°47'39", AN ARC DISTANCE OF 330.00 FEET; THENCE S59°48'58"W, A DISTANCE OF 50.37 FEET; THENCE N74°10'04"W, A DISTANCE OF 76.63 FEET TO A POINT OF CURVATURE; (THE PREVIOUS FIVE COURSES AND DISTANCES ARE ALONG THE WEST RIGHT-OF-WAY LINE OF "HAGEN RANCH ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 9904, PAGES 860 THROUGH 872 OF SAID PUBLIC RECORDS); THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 14°40'28", AN ARC DISTANCE OF 128.06 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 37°12'31", AN ARC DISTANCE OF 38.96 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 12°06'14", AN ARC DISTANCE OF 105.63 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1040.00 FEET, A CENTRAL ANGLE OF 1°56'00", AN ARC DISTANCE OF 35.09 FEET; THENCE N00°56'17"W, A DISTANCE OF 161.67 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N64°06'03"W, HAVING A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 81°01'33", AN ARC DISTANCE OF 74.95 FEET; THENCE N00°07'37"W, A DISTANCE OF 152.95 FEET TO A POINT OF INTERSECTION WITH A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 49; THENCE N89°52'23"E ALONG SAID PARALLEL LINE, A DISTANCE OF 505.66 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.41 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

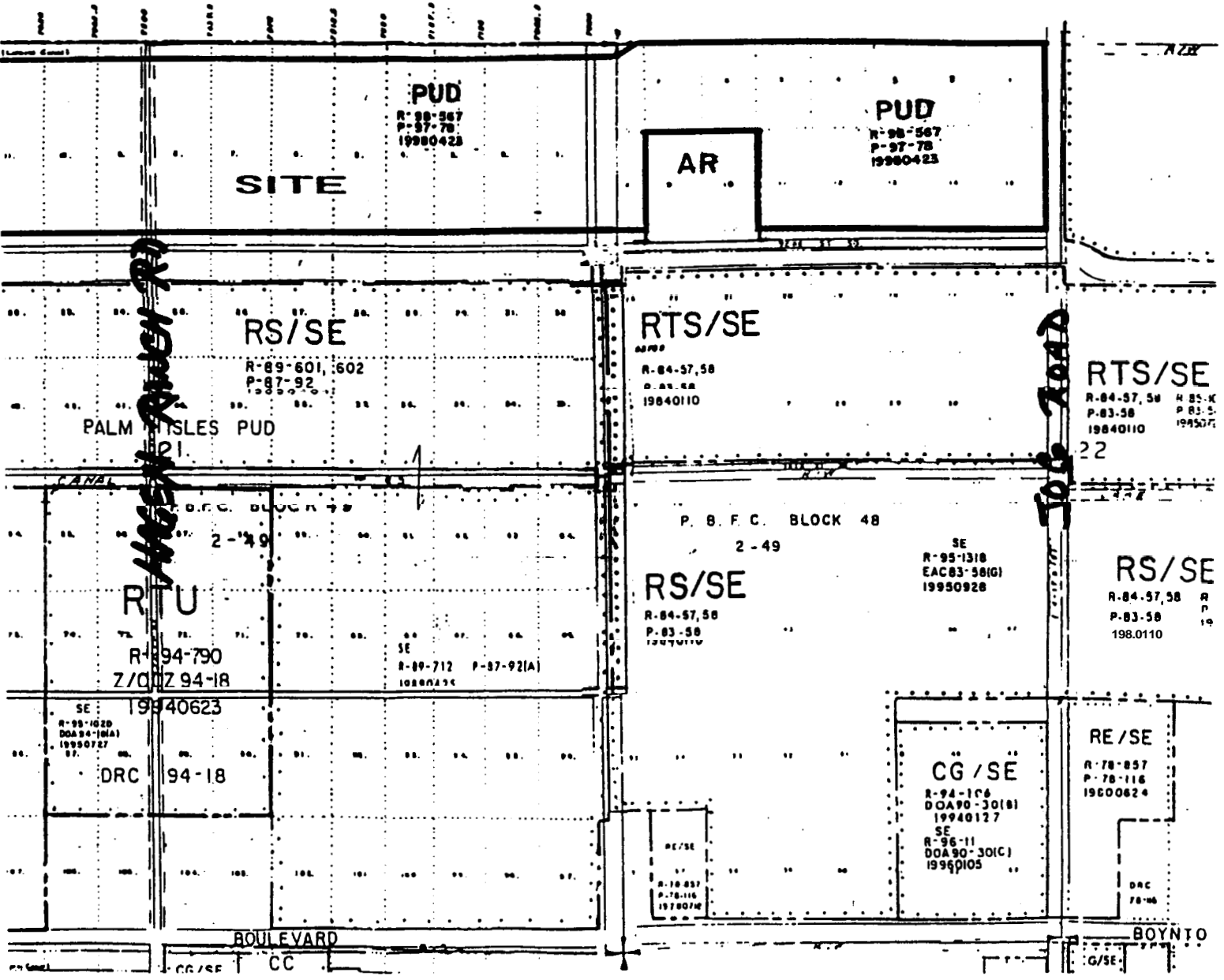


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-0567 (Petition PDD97-078), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 1 of Resolution R-98-0567, Petition PDD97-078 which currently states:

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 February 11, 1998. 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.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated January 19, 2000 and the approved site plan is dated March 30, 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)

3. Condition A.2 of Resolution R-98-0567, Petition PDD97-078 which currently states:

Prior to DRC certification of the master plan, a revised legal description, survey and master plan will be submitted to reflect the addition of the fifty (50) foot right-of-way between Pods C and D into the Planned Unit Development land area. (DRC: ZONING)

Is hereby deleted. Reason: [completed].

B. BUILDING AND SITE DESIGN (4.41 ACRE CIVIC SITE ONLY)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: ZONING)

3. Total gross floor area shall be limited to a maximum of 15,000 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRC. (DRC: ZONING)
4. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
5. All ground mounted air conditioning and mechanical equipment including satellite dishes, shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. CONCURRENCY

1. Condition B.I of Resolution R-98-0567, Petition PDD97-078 which currently states:

Prior to final DRC the applicant shall obtain approval for an Equivalency Determination to change the unit count to match the final certified Site Plan. (DRC: CONCURRENCY)

Is hereby deleted. Reason: [completed].

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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. (Previously Condition C.1 of Resolution R-98-0567, Petition PDD97-078) (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Off site turn lane requirements:

The Property owner shall construct dual left turn lanes west approach on Boynton Beach Boulevard at Hagen Ranch Road.

- A) This construction shall be concurrent with the six laning of Boynton Beach Boulevard by this property owner as provided for in the conditions below. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations.

- B) Construction shall be completed concurrent with the six lane completion of Boynton Beach Boulevard. (Previously Condition E.1 of Resolution R-98-0567, Petition PDD97-078) (ENG)

TPS Requirements:

2. The Property owner shall fund the construction plans for Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate tapers. Funding of these construction plans shall be approved by the County Engineer based upon the cost estimate by the Developer's Engineer and approved by the County Engineer. This funding shall also include any right-of-way costs and Plan Review Costs by Palm Beach County. Funding shall be completed on or before June 1, 2000. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (Previously Condition E.2 of Resolution R-98-0567, Petition PDD97-078) (DPTE: MONITORING-Eng)
3. The Property owner shall fund the construction of Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon the approved construction plans. Funding shall be completed on or before September 1, 2001. (Previously Condition E.3 of Resolution R-98-0567, Petition PDD97-078) (DATE: MONITORING-Eng)
4. The Property owner shall construct the following intersection improvements at the intersection of Hagen Ranch Road and Boynton Beach Boulevard:
- a) dual left turn lanes north approach,
  - b) dual left turn lane south approach,
  - c) right turn lane east approach, Note: This turn lane is anticipated to be completed by another developer (Jones PUD)
- A) This construction shall be concurrent with the improvements to Hagen Ranch Road Construction by Palm Beach County. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and the acquisition of any additional right of way. (Previously Condition E.4 of Resolution R-98-0567, Petition PDD97-078) (ENG)

5. Phasing Requirements:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 596 dwelling units shall not be issued until construction has begun for Hagen Ranch Road as a 5 lane facility from Boynton Beach Boulevard to Lake Ida Road plus the appropriate paved tapers. County/developer

construction Fiscal year **2000101**. (Previously Condition E.5.a of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)

- b) Building Permits for more than **341** dwelling units shall not be issued until construction has begun for dual left turn lanes and a right turn lane east approach at the intersection of **Hagen Ranch Road** and **Boynton Beach Boulevard**. This construction to be completed by another developer. (Previously Condition E.5.b of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)
- c) Building Permits for more than **366** dwelling units shall not be issued until construction has begun for **Jog Road** as a **6** lane section from **Boynton Beach Boulevard** to **Woolbright Road**. County Construction Fiscal year **97/98**. (Previously Condition E.5.c of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)
- d) Building Permits for more than **447** dwelling units shall not be issued until construction has begun for **Boynton Beach Boulevard** as a **6** lane facility from **Jog Road** to **Hagen Ranch Road** County. This construction to be completed by the property owner. (Previously Condition E.5.d of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)
- e) Building Permits for more than **609** dwelling units shall not be issued until construction has begun for dual **left** turn lanes **north** approach and **south** approach at the intersection of **Hagen Ranch Road** and **Boynton Beach Boulevard**. This construction to be completed by the property owner. (Previously Condition E.5.e of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)
- f) Building Permits for more than **613** dwelling units shall not be issued until construction has begun for **Gateway Boulevard** as a **4** lane section from **Jog Road** to **Military Trail** plus the appropriate paved tapers. Construction Fiscal year **2000101**. (Previously Condition E.5.f of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)
- g) Building Permits for more than **631** dwelling units shall not be issued until construction has begun for an additional **through** lane **north** and **south** approach, and an additional right turn lane **south** approach at the intersection of **Jog Road** and **Boynton beach Boulevard**. This construction is part of **County** construction listed in c above. (Previously Condition E.5.g of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)



- h) Building Permits for more than **747** dwelling units shall not be issued until construction has begun for an additional through lane on the north and south approach at the intersection of Jog Road and Woolbright Road. This construction is part of **County** construction listed in c above. (Previously Condition E.5.h of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING-Eng)

Acceptable surety shall be posted with the Office of the **County** Engineer on or before August **26, 1998** for any of the above road improvements identified above and not defined as "assured construction". Surety shall be in the amount of **110%** shall be based upon a certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS - maximum **6** month time extension) (Previously Condition E.5 of Resolution R-98-0567, Petition PDD97-078) (DATE: MONITORING-Eng)

The mix of allowable uses listed above may be adjusted 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. (Previously Condition E.5 of Resolution R-98-0567, Petition PDD97-078) (REVISED TRAFFIC STUDY: MONITORING- Eng)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. When permitted by Palm Beach **County** Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March **1994** Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape **Standards**. If all xeriscape material is utilized, the watering of the **plant** material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING- Eng)
- B. All required median landscaping, including an irrigation **system** if required, shall be installed at the property owners expense. **All** existing landscape material shall also be the **perpetual** maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and

alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (Previously Condition E.6 of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING- Eng)

7. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE

- A. Prior to site plan approval for POD A, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (Previously Condition E.7 of Resolution R-98-0567, Petition PDD97-078) (DRC APPROVAL - ENG)

8. The Property owner shall construct a left turn lane south approach on Halpen Ranch Road at the entrance to the 4.41 acre Civic Site.

- a) This construction shall be concurrent with the paving and drainage improvements for the civic site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for the 4.41 acre civic site. (BLDG PERMIT: MONITORING-Eng)
- c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the 4.41 acre civic site. (CO: MONITORING-Eng)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (LWDD L-22 CANAL)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip shall be provided for Pod A and three hundred and fifty (350) feet west of Jog Road for Pod D. No reductions shall be permitted. Reduction of width for Pod A may only be requested and subject to DRC's approval if the proposed multi-family homes are replaced by single-family or zero lot line homes. A minimum of ten (10) foot wide landscape buffer shall be provided for Pods B, C and the remaining west 2,570 feet for Pod D; and
  - b. One (1) canopy tree planted every thirty (30) feet on center; and
  - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and

- d. Twenty four **(24)** 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. (Previously Condition D.1 of Resolution R-98-0567, Petition PDD97-078) (CO: LANDSCAPE)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (BOYNTON CANAL & RESIDENTIAL

1. Landscaping and buffering along the above property line shall include:
  - a. A minimum ten **(10)** foot wide landscape buffer strip; and
  - b. One **(1)** canopy tree planted every thirty **(30)** feet on center; and
  - c. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - d. Twenty **(24)** 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. (Previously Condition F.1 of Resolution R-98-0567, Petition PDD97-078) (CO: LANDSCAPE)

H. LANDSCAPING FOR BOTH SIDES OF THE HAGEN RANCH ROAD AND EAST PROPERTY LINE (JOG ROAD FRONTAGE)

1. Landscaping and buffering along the above property lines shall include:
  - a. A minimum twenty **(20)** foot wide landscape buffer strip. **No** reductions shall be permitted; and
  - b. An undulating two **(2)** foot high berm measured from top of curb; and
  - c. One **(1)** canopy tree planted every thirty **(30)** feet on center; and
  - d. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - e. Twenty **(24)** 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. (Previously Condition G.1 of Resolution R-98-0567, Petition PDD97-078) (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE WEST PROPERTY LINE (FLORIDA TURNPIKE)

1. Landscaping and buffering along the west property lines shall be upgraded to include:
  - a. A minimum twenty five **(25)** foot wide landscape buffer strip. **No** reductions shall be permitted ; and
  - b. An undulating three **(3)** foot high berm measured from **top** of curb; and
  - c. One **(1)** canopy tree planted every thirty **(30)** feet on center; and

- d. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and**
- e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of thirty six (36) inches. (Previously Condition H.1 of Resolution R-98-0567, Petition PDD97-078) (CO: LANDSCAPE)**

J. LANDSCAPING ALONG THE NORTH PROPERTY LINE (LWDD L-22 CANAL) (4.41 ACRE CIVIC SITE ONLY)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum ten (10) 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 twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - d. twenty-four (24) 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 seventy two (72) inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (4.41 ACRE CIVIC SITE ONLY.)

- 1. Landscaping and buffering along the east and west property lines shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip;
  - b. a minimum one and half (1.5) foot continuous berm;
  - c. one (1) canopy tree planted every thirty (30) feet on center; and
  - d. one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
  - e. twenty-four (24) inch high shrub or hedge material to be planted on the plateau of the berm. Shrubs and hedges shall be spaced no more than twenty-four (24) inches on center at installation and to be maintained at a minimum height of fifty-four (54) inches. (CO: LANDSCAPE)

L. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.** (Previously Condition 1.1 of Resolution R-98-0567, Petition PDD97-078) (DRC: ERM)

M. LIGHTING (4.41 ACRE CIVIC SITE ONLY)

- 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 11:30 p.m., excluding security lighting only. (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)
5. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition M.1 above. (CO/ONGOING)

N. MASS TRANSIT

1. **A.** Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tram. (Previously Condition J.1 of Resolution R-98-0567, Petition PDD97-078) (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional **right-of-way**, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition J.2 of Resolution R-98-0567, Petition PDD97-078) (BLDG PERMIT: MONITORING - Eng)

O. PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.
  - a. Minimum parcel size shall be seven thousand five hundred **(7,500)** square feet exclusive of easements.
  - b. Minimum parcel width shall average seventy five **(75)** feet with no dimension less than fifty **(50)** feet.
  - c. Minimum parcel depth shall average one hundred **(100)** feet with no dimension less than seventy five **(75)** feet.
  - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the

development. (Previously Condition K.1 of Resolution R-98-C567, Petition PDD97-078) (DRC: PARKS)

P. PLANNED UNIT DEVELOPMENT

1. Condition L.1 of Resolution R-98-0567, Petition PDD97-078 which currently states:

Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer.

Is hereby amended to read:

Street lights shall be provided pursuant to Section **6.8.A.16.c(1)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

2. Condition L.2 of Resolution R-98-0567, Petition PDD97-078 which currently states:

Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer.

Is hereby amended to read:

Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.16.c(3)**. (CO: LANDSCAPE - Eng)

3. Condition L.3 of Resolution R-98-0567, Petition PDD97-078 which currently states:

All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC.

Is hereby amended to read:

All utilities shall be underground, pursuant to Section **6.8.A.16.c(5)** of the ULDC. (PLAT: ENG - Zoning)

4. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants **acceptable** to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any **party** holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit or recordation of the first plat for any portion of the planned development, whichever occurs first. (Previously Condition L.4 of Resolution R-98-0567, Petition PDD97-078)(BLDG PERMIT / PLAT: MONITORING/ ENG - Co Att)

Q. PLANNING

1. Condition M.I of Resolution R-98-0567, Petition PDD97-078 which currently states:

Prior to final master plan certification by the Development Review Committee (DRC), the applicant shall provide street cross-section details depicting sidewalks for pedestrian and bicycle circulation through the PUD.

Is hereby amended to read:

Prior to final master plan certification by the Development Review Committee (DRC), the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the PUD. (CRC: PLANNING)

R. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 1, 1999, for a 4.41 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
  - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
  - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
  - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
  - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
    - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.

- 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
  - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
  - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
  - g. Developer to provide water and sewer stubbed out to the property line. (Previously Condition N.1 of Resolution R-98-0567, Petition PDD97-078) (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by March 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
  - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
  - c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (Previously Condition N.2 of Resolution R-98-0567, Petition PDD97-078) (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by March 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:



- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
  - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (Previously Condition N.3 of Resolution R-98-0567, Petition PDD97-078) (DATE: MONITORING - PREIA)
4. Prior to March 1, 1999, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (Previously Condition N.4 of Resolution R-98-0567, Petition PDD97-078) (DPTE: MONITORING- PREM) CHECK WITH PETER BANTING

S. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (Previously Condition 0.1 of Resolution R-98-0567, Petition PDD97-078) (ONGOING: SCHOOL BOARD)
2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models. (Previously Condition 0.2 of Resolution R-98-0567, Petition PDD97-078) (ONGOING: SCHOOL BOARD)

T. SIGNS

1. Entrance wall signs fronting on Jog Road and Hagen Ranch Road (east and west sides) 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 pair on each road frontage; and
  - d. Style - monument style only. (Previously Condition P.1 of Resolution R-98-0567, Petition PDD97-078) (CO: BLDG)
2. Freestanding signs fronting on Hagen Ranch Road 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 - 80 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG) (4.41 ACRE CIVIC SITE ONLY)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (4.41 ACRE CIVIC SITE ONLY)

U. USE LIMITATIONS (4.41 ACRE CIVIC SITE ONLY)

- 1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 11:00 p.m., excluding holiday services. (ONGOING: CODE ENF)
- 2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)

V. WATER UTILITIES

- 1. The developer shall grant utility easements to Palm Beach County for the existing potable water and wastewater transmission mains prior to final DRC approval. (Previously Condition Q.1 of Resolution R-98-0567, Petition PDD97-078) (DRC: WATER UTILITIES)

W. 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. (Previously Condition R.1 of Resolution R-98-0567, Petition PDD97-078) (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 provision 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. (Previously Condition R.2 of Resolution R-98-0567, Petition PDD97-078) (MONITORING)



Department of Planning,  
**Zoning & Building**  
 100 Australian Avenue  
 West Palm Beach, FL 33406  
 (561) 233-5000  
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**Palm Beach County  
 Board of County  
 Commissioners**

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Karen T. Marcus

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Mary McCarty

Bun Aaronson

Tony Masilotti

**County Administrator**

Robert Weisman

INTER-OFFICE COMMUNICATION  
 PALM BEACH COUNTY  
 PLANNING, ZONING AND BUILDING

TO: Phyllis House, Minutes Manager  
 FROM: William C. Whiteford, Zoning Director *W.C.W. by r.c.*  
 DATE: May 3, 2000  
 RE: Amended Conditions from the April 27, 2000  
 BCC Hearing

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The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on April 27, 2000.

The following petitions were amended:

- |               |   |
|---------------|---|
| Z/CA99-090    | E&H Self Storage                          |
| DOA97-078(A)  | Ciba-Geigy PUD<br>(nka Pante Vecchio PUD) |
| Z/COZ2000-007 | Glades Square                             |
| PDD99-068     | Excelsior Parc                            |
| PDD99-092     | Spalding MUPD                             |
| W81-095(B)    | Forest Hill Center                        |

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