

RESOLUTION NO. R-2001- 1203

RESOLUTION APPROVING ZONING PETITION DOA1984-054(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALMS WEST HOSPITAL
BY KILDAY & ASSOCIATES, AGENT
(PALMS WEST HOSPITAL)

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 DOA1984-054(F) was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2001; 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 DOA1984-054(F), the petition of Palms West Hospital, by Kilday & Associates, agent, for a Development Order Amendment (DOA) to modify conditions of approval 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 July 26, 2001, 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 Greene and, upon being put to a vote, the vote was as follows:

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


The Chair thereupon declared that the resolution was duly passed and adopted on July 26, 2001.

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

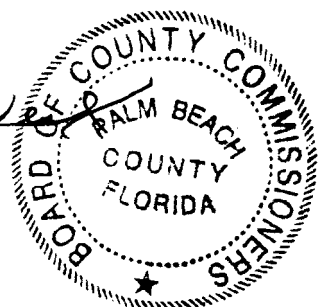
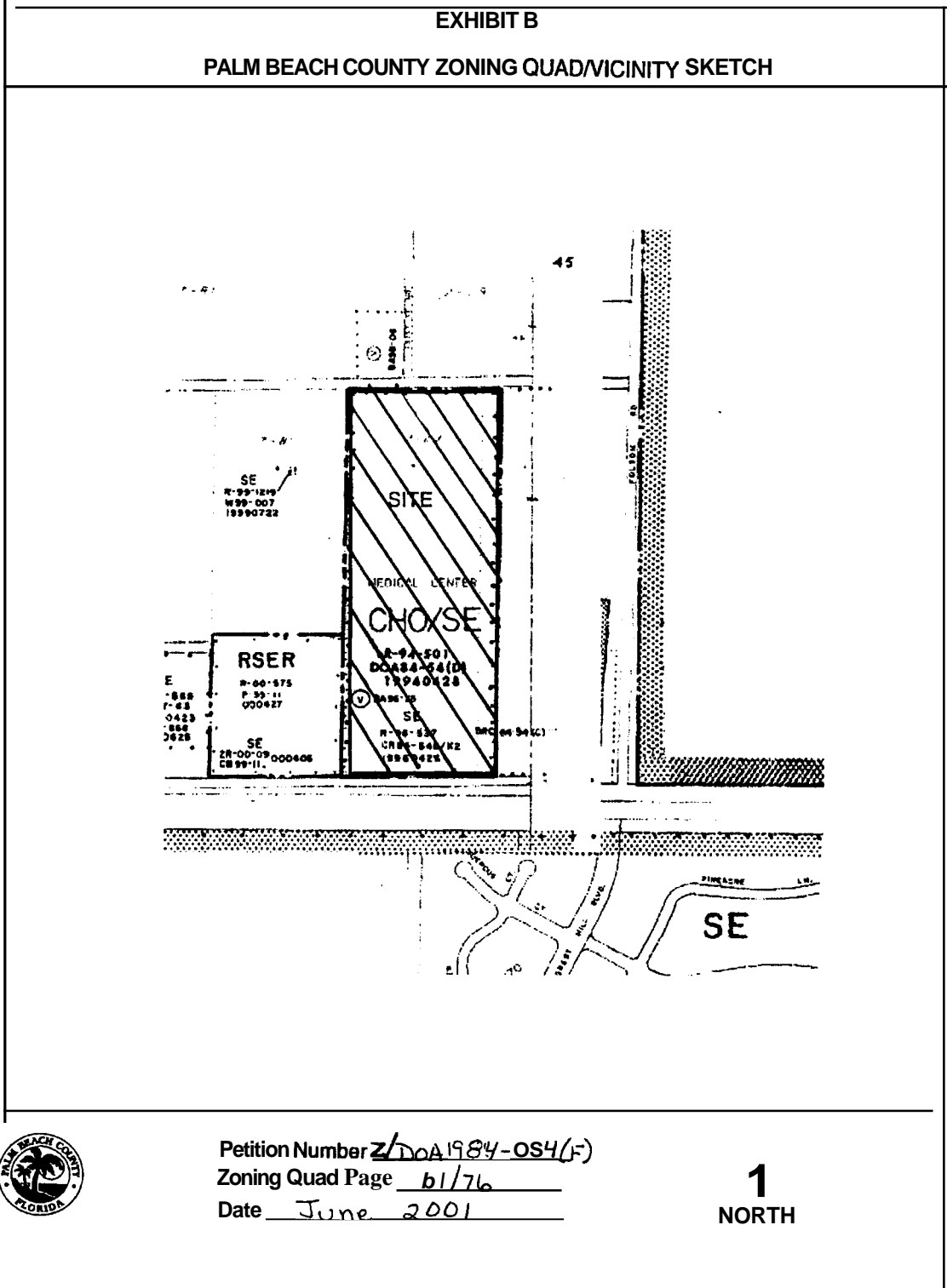


EXHIBIT A
LEGAL DESCRIPTION

PALMSWEST MEDICAL CENTER, according to the plat thereof as recorded in Plat Book 54 pages 155-156 of the Public Records of Palm Beach County, Florida: together with PALMSWEST MEDICAL OFFICE COMPLEX: (being a replat of a portion of PALMSWEST MEDICAL CENTER), according to the Plat thereof as recorded in Plat Book 69, Pages 149-150 of the Public Records of Palm Beach County, Florida. Containing 74.32 acres more or less.

EXHIBIT B
VICINITY SKETCH



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 Date June 2001

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NORTH

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. Condition A.1 of Resolutions R-2001-0140.1, Petition DOA84-054(E) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-501 (Petition DOA 84-054(D)) have been consolidated 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-0140.1, R-2001-0141.1, R-2001-0604, (Petition DOA84-054(E) (Petition CA 84-054(E)) have been consolidated 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.2 of Resolution R-2001-0140.1, Petition DOA84-054(E) which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated November 21, 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. (DRC: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated May 24, 2001. 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. (DRC: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 529,441 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. (ZONING/BUILDING) (Previously Condition B.1 of Resolution R-2001-604, Petition DOA84-054(E))
2. Architectural character and treatment which is compatible and harmonious with abutting developments shall be provided on all sides of each building. (BUILDING-zoning) (Previously Condition B.4 of Resolution R-2001-0140.1, Petition DOA84-054(E))

3. All ground or roof 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) (Previously Condition 6.5 of Resolution R-2001-0140.1, Petition DOA84-054(E))
4. Condition 6.6 of Resolution R-2001-0140.1, Petition DOA84-054(E) which currently states:

The hospital structure from finished grade to highest point shall be limited to no more than sixty (60) feet. All medical office buildings shall be limited to two **(2)** stories except for Medical Office Building 5 which shall be limited to four **(4)** stories provided all setbacks are met. (CO: BLDG - Zoning)

Is hereby amended to read:

The maximum height for the hospital building, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed eighty-five (85) feet. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

5. The maximum height for all medical buildings (except for Medical Office Building 5), 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. (CO: BLDG - Zoning)
6. The maximum height for Medical Office Building 5, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed sixty-five **(65)** feet, provided all setbacks are met. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)

C. DAY CARE

1. The daycare center shall be limited to a maximum of **100** children and provide services for on site employees only. (ONGOING: HEALTH) (Previously Condition C.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen **(14)** foot tall native canopy trees placed twenty **(20)** feet on center and twenty-four **(24)** inch high hedge or shrub material placed twenty-four **(24)** inches on center. Existing native plant material shall be credited towards this requirement. (BUILDING/ZONING) (Previously Condition C.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall:
 - a. not be located within one-hundred (100) feet of any property line, except for the eastern property line where a fifty-foot (50) setback shall be maintained.
 - b. be confined to areas designated on the site plan and screened by a solid opaque enclosure. The open end of the enclosure shall have an obscure, opaque gate.

- c. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ZONING/BUILDING) (Previously Condition D.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

E. ENGINEERING

1. Condition E.1 of Resolution R-94-501, Petition DOA84-054(D) was deleted by Resolution R-2001-0140.1.
2. Condition E.2 of Resolution R-94-501, Petition DOA84-054(D) was deleted by Resolution R-2001-0140.1.
3. The Developer shall install signalization if warranted as determined by the County Engineer at State Road 80 and project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ENGINEERING) (Previously Condition E.3 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [COMPLETED]
4. Prior to Site Plan approval the property owner shall execute and record Restriction Covenant for:
 - a. the proposed day care center limiting its use to children of employees only.
 - b. the use of the proposed medical office complex shall be limited to medical uses associated with the hospital and its related uses or physicians with staff privileges. (ENGINEERING) (Previously Condition E.4 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [COMPLETED]
5. Building permits shall not be issued for a development which would generate more than 1,041 trip/day as approved by the County Engineer until construction has begun for a right turn lane, east approach on State Road 80 at Royal Palm Beach Boulevard. (ENGINEERING) (Previously Condition E.5 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [COMPLETED]
6. Prior to certification of the site plan the developer shall record a cross access easement to the property owner to the east. The width and the location of this access easement shall be subject to the approval of the County Attorney and the County Engineer. (DRC APPROVAL: ENGINEERING/COUNTY ATTORNEY) (Previously Condition E.6 of Resolution R-2001-0140.1, Petition DOA84-054(E))

F. ENVIRONMENTAL

1. The petitioner shall provide a forty-two foot wide native enhancement area along the eastern side of the water management tract pursuant to Exhibit 96 Alternative Landscape Betterment Plan (ALBP) as amended. (note: species, height, and caliper specification supersede all other specifications). No development activity such as trenching, grade changes or grubbing that may cause injury to vegetation within the this enhancement area shall be permitted. (ZONING) (Previously Condition F.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

G. HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (HEALTH) (Previously Condition G.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition G.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition G.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))
4. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC. (ONGOING:HEALTH/CODE ENFORCEMENT)(Previously Condition G.4 of Resolution R-2001-0140.1, Petition DOA84-054(E))
5. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING:HEALTH/CODE ENFORCEMENT)(Previously Condition G.5 of Resolution R-2001-0140.1, Petition DOA84-054(E))

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (HEALTH) (Previously Condition H.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

I. LANDSCAPING- GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to the Landscape Betterment Plan and all landscape/vegetation preservation conditions of approval. (ZONING) (Previously Condition 12 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Existing or relocated native vegetation and understory may be counted toward meeting landscape requirements. (BUILDING/ZONING/ERM) (Previously Condition 13 of Resolution R-2001-0140.1, Petition DOA84-054(E))

J. LANDSCAPING- INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet. (BUILDING/ZONING) (Previously Condition J.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Landscaped divider medians shall be provided between all abutting rows of parking spaces. The minimum width of this median shall be five (5) feet. One native canopy tree or two native palm trees and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on

center. (BUILDING/ZONING) (Previously Condition J.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))

3. All trees within the interior parking area shall be a minimum of twelve (12) feet in height. (BUILDING/ZONING) (Previously Condition J.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))
4. Prior to site plan certification, the Alternative Landscape Betterment Plan shall be amended to indicate typical landscape island and divider median planting details, subject to approval by the Zoning Division. (ZONING) (Previously Condition J.4 of Resolution R-2001-0140.1, Petition DOA84-054(E))

K. LANDSCAPING ALONG THE SOUTH PROPERTY LINE

1. Landscaping within the required buffer along the south property line shall be upgraded to include:
 - a. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center;
 - b. One twelve (12) foot tall native palm tree for each thirty (30) linear feet of frontage; and
 - c. A continuous hedge with a minimum height of thirty-six (36) inches planted twenty-four (24) inches on center. Hedge material may be installed at twenty four (24) inches provided that the minimum height is attained within one (1) year of installation. [NOTE: superseded by Alternative Betterment Plan, Exhibit 102] (BUILDING/ZONING) (Previously Condition K.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

L. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES

1. All required landscaping required by condition L.2 or as depicted in the approved alternative landscape betterment plan shall be installed on the:
 - a. Along the north property line within sixty (60) days of the completion of the exotic species removal along the north and west property line consistent with the submitted preserve management plan required by condition F.4 (Exotic Removal Plan & Preserve Management); and,
 - b. East property line concurrent with construction of each phase. (MONITORING-ZONING/BUILDING/ERM) (Previously Condition L.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
 - a. Along the north and west property lines - a minimum twenty-five (25) foot wide landscape buffer strip. Along the east property line - a minimum fifty (50) foot wide native buffer strip or ten (10) foot landscapistrip combined with a Landscape Betterment Plan along the eastern forty-two (42) feet of the Water Management Tract.
 - b. A six (6) foot high opaque wall, fence, hedge, berm or combination.

The following landscaping requirements shall be installed on the exterior side of the required landscape barrier (Condition L.1.b.):

- c. One twelve **(12)** foot tall native canopy tree planted every twenty **(20)** feet on center.
 - d. One twelve **(12)** foot **tall** 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 shall supersede the requirement for a native canopy tree in that location.
 - e. Thirty-six **(36)** inch high shrubs or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (BUILDING/ZONING) (Previously Condition L.2 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [NOTE: Superseded by Alternative Betterment plan Exhibit 102]
3. Along the interior side of the required landscape barrier, the property owner shall install twenty-four **(24)** inch high shrubs or hedge material spaced no more than twenty-four **(24)** inches on center, to be maintained at a minimum height of thirty-six **(36)** inches. (BUILDING/ZONING) (Previously Condition L.3 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [NOTE: superseded by Alternative Betterment plan Exhibit 102]

M. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent **median(s)** of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one **(1)** fourteen (14) foot tall native tree for each thirty **(30)** linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground Cover:

Wedelia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- A) All plants shall be container grown or field collected and transplanted from the project site.
- B) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING) (Previously Condition M.1 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [COMPLETE]

2. All required median landscaping, including watering, shall be the maintenance obligation of the petitioner and **its** successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association until November **1,1995**, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning) (Previously Condition M.2 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [COMPLETE]
3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney) (Previously Condition M.3 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [COMPLETE]

N. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. (BUILDING) (Previously Condition N.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Pole mounted lighting fixtures shall not exceed twenty-four (24) feet in height. (BUILDING) (Previously Condition N.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))

O. PARKING

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (CODE ENFORCEMENT) (Previously Condition O.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Overnight storage or parking of delivery vehicles or trucks not affiliated with hospital use shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (CODE ENFORCEMENT) (Previously Condition O.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))

P. PLATTING

1. Prior to site plan approval, property owner shall record a Unity of Title on the existing platted lots. (ZONING/COUNTY ATTORNEY) (Previously Condition P.1 of Resolution R-2001-0140.1, Petition DOA84-054(E)) [Status: Completed/Satisfied]

Q. PIANNING

1. Prior to January 1, 2003, the petitioner shall submit a rezoning application of the site's **RSE**R zoning district to the IPF zoning district or any zoning district that is consistent to the site's future land use and the ULDC regulations as amended. (DATE: MONITORING - Zoning-Planning) (Previously Condition Q.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

2. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include a notation which shall read “**proposed** cross access to be paved to the property line for future access to adjacent parcel” at the eastern property line. (DRC: PLANNING) (Previously Condition Q.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))
3. Prior to the issuance of the certificate of occupancy for Building #4, the petitioner shall pave the property to the edge of the eastern property line at the location shown on the site plan labeled “proposed cross access”. (CO:MONITORING-BUILDING) (Previously Condition Q.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))

R. RECYCLE SOLID WASTE

1. All property owners and lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA) (Previously Condition R.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

S. SIGNS

1. Signs fronting on Southern Boulevard (State Road 80) shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 square feet.
 - c. Maximum of one identification sign. (BUILDING) (Previously Condition S.1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (ZONING) (Previously Condition S.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))
3. No signs shall encroach into the vegetation preservation areas. (BUILDING) (Previously Condition S.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))
4. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site. (CODE ENFORCEMENT) (Previously Condition S.4 of Resolution R-2001-0140.1, Petition DOA84-054(E))

T. TOWER

1. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC:

ZONING) (Previously Condition T. 1 of Resolution R-2001-0140.1, Petition DOA84-054(E))

2. Should the requisite authority, such as the FCC or OSHA, having jurisdiction over the same, determine that the Tower and/or facilities are dangerous to the public's health, safety and welfare, Palm Beach County shall have the right to require the tower and/or facilities to be removed or made safe within sixty (60) days written notice. (ONGOING: FIRE/ERM/HEALTH) (Previously Condition T.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))
3. If tower lighting is required by the FAA, the lighting shall include a screening device to direct light away from the ground. The lighting shall also include a dual lighting system consisting of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight. (CO: BLDG - Zoning/FAA) (Previously Condition T.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))
4. The communication tower shall be limited to a monopole structure, the lesser of either of 1) a maximum of two hundred (200) feet in height measured from finished grade to highest point or 2) not to exceed the combined overall height of the existing hospital and its roof-mounted guyed tower. Height shall be measured from finished grade to the highest point. Only one tower shall be permitted on the subject property. (DRC/BLDG PERMIT: ZONING - Bldg) (Previously Condition T.4 of Resolution R-2001-0140.1, Petition DOA84-054(E))

U. USE LIMITATION

1. Use of the site shall be limited to one hundred eighty (180) hospital beds, clinics, medical offices and accessory uses, and an in-house day care facility for employees of the medical park and hospital only. (CODE ENFORCEMENT/ZONING) (Previously Condition U. 1 of Resolution R-2001-0140.1, Petition DOA84-054(E))
2. No outdoor loudspeaker system audible off site shall be permitted. (CODE ENFORCEMENT) (Previously Condition U.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))
3. The medical offices shall be limited to the following uses: physicians consulting offices; substance abuse facilities; sports medicine; dialysis facilities; and, other similar uses approved by the County Engineer. (TRAFFIC/ZONING) (Previously Condition U.3 of Resolution R-2001-0140.1, Petition DOA84-054(E))
4. The ancillary hospital uses shall be limited to the following uses: ambulatory surgical center; x-ray facilities; rehabilitation facilities (physical and occupational therapy, cardiac rehabilitation), Laboratory facilities; oncology facilities; radiology facilities; and other similar uses approved by the County Engineer. (TRAFFIC/ZONING) (Previously Condition U.4 of Resolution R-2001-0140.1, Petition DOA84-054(E))

V. COMPLIANCE

1. Condition V.1 of Resolution R-2001-0140.1, Petition DOA84-054(E)) which currently states:

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)

Is hereby amended to read:

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 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 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. (ONGOING: MONITORING-Zoning)

- 2. 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) (Previously Condition V.2 of Resolution R-2001-0140.1, Petition DOA84-054(E))