

RESOLUTION NO. R-2003-1758

RESOLUTION APPROVING ZONING PETITION DOA1999-065B
DEVELOPMENT ORDER AMENDMENT
PETITION OF ZC PROPERTIES
BY LAND DESIGN SOUTH, AGENT
(CARLTON CLUB (AKA JOG PINES (PUD) CLF))

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 DOA1999-065B was presented to the Board of County Commissioners at a public hearing conducted on October 23, 2003; 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 has considered the findings in the staff report and 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 DOA1999-065B, the petition of ZC Properties, by Land Design South, agent, for a Development Order Amendment to reconfigure site plan, add square footage and add access point 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 October 23, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

| | |
|-------------------------------|----------|
| Karen T. Marcus, Chair | - Aye |
| Tony Masilotti, Vice Chairman | - Aye |
| Jeff Koons | - Aye |
| Warren H. Newell | - Absent |
| Mary McCarty | - Absent |
| Burt Aaronson | - Aye |
| Addie L. Greene | - Absent |

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 2003.

Filed with the Clerk of the Board of County Commissioners on 24 day of NOVEMBER, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY


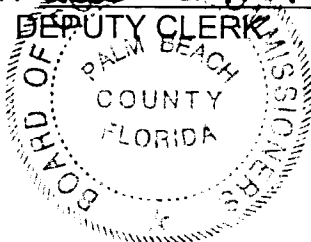
BY: 
DEPUTY CLERK


EXHIBIT A
LEGAL DESCRIPTION

TRACT 33 IN BLOCK 56 ACCORDING TO THE "PALM BEACH FARMS COMPANY PLAT NO. 3", PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK NO. 2, PAGE 45 THROUGH 56, INCLUSIVE, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN SAID COUNTY, LESS THE RIGHT-OF-WAY FOR JOG ROAD AS SHOWN ON PALM BEACH COUNTY'S RIGHT OF WAY MAP FOR PROJECT NO. 90501 B. ALSO LESS THE CANAL RIGHT-OF-WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-25 CANAL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "B-1", JOG ESTATES, PUD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGES 24 THROUGH 27 INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE N 89°57'33" W ALONG THE NORTH BOUNDARY OF SAID TRACT AND ITS WESTERLY EXTENSION, 368.10 FEET; THENCE N 00°03'11" W ALONG THE EAST BOUNDARY OF TRACT "B-2" AND ITS NORTHERLY EXTENSION, ACCORDING TO SAID PLAT, 624.82 FEET; THENCE S 90°00'00" E ALONG THE EASTERLY EXTENSION OF THE NORTH BOUNDARY OF TRACT "W-1", ACCORDING TO SAID PLAT, 373.09 FEET TO THE WEST RIGHT OF WAY OF JOG ROAD, AS LAID OUT AND CURRENTLY IN USE AND SHOWN ON PALM BEACH COUNTY'S RIGHT-OF- WAY MAP FOR PROJECT NO. 90501 B; THENCE S 00°24'17" W ALONG SAID WEST RIGHT-OF-WAY, 625.10 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 231,405 SQUARE FEET OR 5.312 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

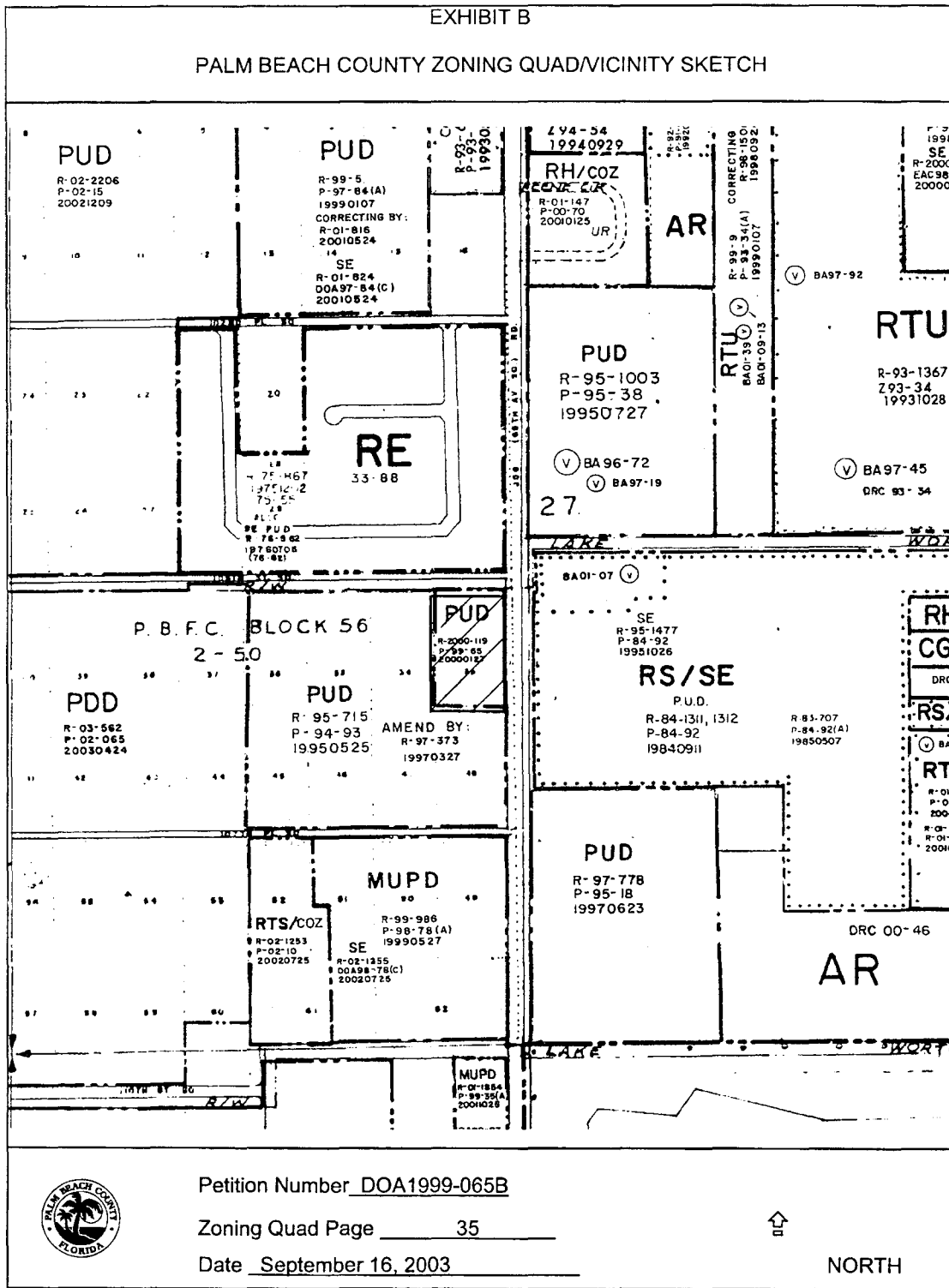


EXHIBIT C

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 Resolutions R-2000-0119 (Petition 99-065), 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-2000-0119, Petition 99-065, which currently states:

Development of the site is limited to the use as approved by the Board of County Commissioners. The approved site plan is dated October 13, 1999. 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 - Zoning)

Is hereby amended to read:

Development of the site is limited to the use as approved by the Board of County Commissioners. The approved site plan is dated August 18, 2003. 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 - Zoning)

3. The petitioner shall have three (3) years from adoption of the resolution approving Petition 99-065(B) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning)

B. ALTERNATIVE LANDSCAPE PLAN

1. Prior to final DRC approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the south, east and west property lines and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)
2. Prior to final DRC approval of the site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE - Zoning)

C. ARCHITECTURAL REVIEW

1. Condition B.1 of Resolution R-2000-0119, Petition 1999-065, which currently states:

The exterior elevations of all buildings shall include the following:

- a. **Full pitched roof or a hip-on-deck roof (roof styles may vary but usually pitched roof does bring scale down if proportioned correctly with overall height) with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet (edit as applicable to bldg footprint);**
- b. **Varied building materials and textures (may alter according to area or neighborhood);**
- c. **Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;**
- d. **Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;**
- e. **Integrated design of gutters and downspouts into the architectural design of the building;**
- f. **Similar architectural character and treatment shall be provided on all sides of the building;**
- g. **All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);**
- h. **Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,**
- i. **All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)**

Is hereby deleted. [REASON: Superseded by Condition C.2.]

2. At time of submittal for final DRC approval of the site plan, architectural elevations shall be submitted simultaneously with the site plan to ensure that the building elevations prepared by Douglas Root Architects and dated May 7, 2003 are generally consistent with the final architectural elevations. Changes shall be limited to address conditions of approval and applicable ULDC requirements. Development shall be consistent with the approved architectural elevations, the Boynton Beach Turnpike Interchange Corridor manual dated March 10, 2003, and the DRC approved site plan. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

D. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-2000-0119, Petition 1999-065, which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, excluding unoccupied decorative architectural elements which are not the major component of the roofing system (i.e. spires, belfries, etc.). All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height of the building shall not exceed thirty-five (35) feet measured from finished grade to highest point. All rooftop equipment and air conditioning units shall be screened on all sides by a visually opaque barrier that is consistent with the color, character, and architectural style of the building. Rooftop equipment, air conditioning units and decorative architectural elements forming opaque barriers shall not exceed a height of forty (40) feet measured from finished grade to highest point, subject to compliance with ULDC setback requirements and regulations. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

2. **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.** (DRC/CO: ZONING/BLDG - Zoning) (Previous Condition C.2 of Resolution R-2000-0119, Petition 1999-065)
3. All delivery and/or loading areas shall be screened from view from the east property line by a ten (10) foot high wing wall, measured from finished grade to highest point. The wing wall shall be constructed in a manner consistent with the color, character and architectural style of the principal structure. (DRC/CO: ZONING/BLDG - Zoning)
4. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south and west property lines and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF - Zoning)
5. Third floor balconies shall be prohibited along the south and west sides of the building facing the Jog Estates PUD. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

E. ENGINEERING

1. Condition E.1 of Resolution R-2000-0119, Petition 1999-065, which currently states:

LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- A. **Prior to technical compliance by the Land Development Division, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (TC: ENGINEERING - 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 property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 Homeowner'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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed concurrent with the improvements with the first plat. (PLAT/ONGOING: ENGINEERING - Eng)
- C. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

LANDSCAPE WITHIN THE MEDIAN OF JOG ROAD

- a) The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Jog Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.
- b) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)
- c) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- d) At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided

to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.

- e) Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Jog Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

2. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF JOG ROAD

- 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 provide landscape cutouts within the concrete median of Jog Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)**
- B. **All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted the, landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior**

to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

C. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2000-0119, Petition 1999-065)

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)

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

No Building Permits for the site may be issued after January 1, 2005. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - ERM)

2. A 25% upland set-aside equal to or greater than 0.97 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM - ERM)

3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRC: ERM - ERM)

4. A six (6) foot high black or green vinyl coated chain link fence shall be installed outside of the drip line of the surveyed boundary of the upland preserve prior to the issuance of the Vegetation permit from ERM. This fence may be replaced after construction is complete, by an alternate type of fence, with prior written approval from ERM. (ONGOING: ERM - ERM)

G. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)

2. 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. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub; and,
 - c. forty-eight (48) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. Field adjustment of plant materials and berms may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)
7. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:
 - a. Prior to final Development Review Committee (DRC) site plan approval, documentation that demonstrates native preserve area vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and,
 - b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRC: ZONING/LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF JOG ROAD)

1. Condition D.1 of Resolution R-2000-0119, Petition 1999-065, which currently states:

Landscaping and buffering along the east property line shall include:

A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb.
(CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of easement encroachment;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
- c. one (1) native canopy tree for each thirty (30) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING JOG ESTATES PUD)

1. Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted except to accommodate the .26-acre dry retention area as shown on the site plan dated August 18, 2003, where the buffer width may be reduced to a minimum of twenty (20) feet;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from finished grade. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
- c. two (2) rows of native canopy trees, to be planted in a staggered manner to maximize screening. Tree spacing shall not exceed thirty (30) feet center to center per row;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (ABUTTING LWDD L-25 CANAL AND JOG ESTATES PUD)

1. Condition F.1 of Resolution R-2000-0119, Petition 1999-065, which currently states:

A continuous two (2) foot high berm measured from top of curb. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping and buffering along the north and south property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm measured from finished grade, to be provided along the south property line only. Field adjustment of berm location may be permitted to accommodate existing vegetation;
- c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE - Zoning)

K. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING - Zoning)
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be five (5) feet excluding curb. (DRC: ZONING - Zoning)
3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum length of this median shall be twenty-five (25) feet. A minimum width of eight (8) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING - Zoning)
4. Foundation planting or grade level planters shall be provided along the south, east and west facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be ten (10) feet along the east façade, six (6) feet along the south and west facades, and five (5) feet along the exterior side of the wall required per condition D.3;
 - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure, excluding the wall required per condition D.3, where foundation planting shall be provided along the entire length of the wall; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE - Zoning)
5. Landscaping for terminal islands in the parking area shall consist of the following:

- a. a minimum of one (1) canopy trees; and,
 - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials shall be maintained at a maximum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)
6. Landscaping for divider medians in any parking area shall consist of the following:
- a. one (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
 - b. one (1) palm for each thirty-five (35) linear feet of the median; and,
 - c. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

L. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor, freestanding lighting fixtures shall be setback a minimum of twenty-five (25) feet from the south and west property lines. (CO: BLDG - Zoning)
- 4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding freestanding and wall-mounted security lighting only. (ONGOING: CODE ENF - Zoning)
- 5. 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 - Zoning)

M. LWDD

- 1. Condition G.1 of Resolution R-2000-0119, Petition 1999-065, which currently states:

The owner voluntarily agrees to convey to the District, either by quit claim deed or easement, the north 55 feet of Tract 33 for the required right-of-way for the L-25 canal, less the lands owned by the District. (PLAT: ENG - LWDD)

Is hereby amended to read:

Prior to Plat recordation, the owner voluntarily agrees to convey to the District either by warranty deed or easement, the north 65 feet of Tract 33, Block 56, for the required right-of-way for the L-25, less lands owned by the District. (PLAT: ENG - LWDD)

N. MASS TRANSIT

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN - Palm Tran)
2. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PERMIT: PALM TRAN - Palm Tran)

O. PLANNING

1. **Use of the site shall be limited to a Congregate Living Facility (CLF), Type 3 or any other type of residential use in accordance with the property's previous LR-3 land use category.** (DRC/ONGOING: PLANNING - Planning) (Previous Condition H.1 of Resolution R-2000-0119, Petition 1999-065)
2. Condition H.2 of Resolution R-2000-0119, Petition 1999-065, which currently states:

Prior to final site plan approval by the Development Review Committee, the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan and preliminary development plan dated October 13, 1999 (Rec. # 37, 40 and 47). In addition, the street cross section shown on the preliminary development plan shall be revised to indicate the types of shade trees to be planted along Jog Road. (DRC: PLANNING - Planning)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan and preliminary development plan dated August 18, 2003 (Rec.# 37). In addition, the property owner shall provide a street cross section, which indicates the types of shade trees to be planted along Jog Road in order to shade the sidewalk along Jog Road. (DRC: PLANNING - Planning)

3. Condition H.3 of Resolution R-2000-0119, Petition 1999-065, which currently states:

Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 37, 40 and 47 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation internal to the site, through the proposed CLF development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet. (DRC: PLANNING - Planning)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, and 41 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation internal to the site, through the proposed CLF development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced 20' feet on center. (DRC/CO: PLANNING/LANDSCAPE - Planning)

4. Prior to the issuance of the certificate of occupancy (CO), the property owner shall mulch and/or pave all pedestrian pathways, including benches in assigned locations, consistent with what was shown on the final certified site plan. (CO: MONITORING - Planning)

P. USE LIMITATION

1. **The CLF shall be limited to a maximum of 101 beds.** (DRC/ONGOING: BUILDING/HEALTH/CODE ENF - Zoning) (Previous Condition I.1 of Resolution R-2000-0119, Petition 1999-065)
2. Total gross floor area shall be limited to a maximum of 137,752 square feet. No further expansion is permitted except subject to BCC approval. (DRC: ZONING - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
4. Deliveries shall not be permitted prior to 7:00 a.m. nor continue later than 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

Q. 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.** (ONGOING: MONITORING - Zoning) (Previous Condition J.1 of Resolution R-2000-0119, Petition 1999-065)
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 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) (Previous Condition J.2 of Resolution R-2000-0119, Petition 1999-065)