

RESOLUTION APPROVING ZONING PETITION DOA83-58(H)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SON LIFE LUTHERAN CHURCH 201
BY JILL JARKESY, AGENT
(LAKES OF BOYNTON BEACH 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 **DOA83-58(H)** was presented to the Board of County Commissioners at a public hearing conducted on January 30, **1997**; 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 DOA83-58(H), the petition of Son Life Lutheran Church, by Jill Jarkey, agent, for a Development Order Amendment to allow a Commercial communication tower (125 feet) (requested use) 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 January 30, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

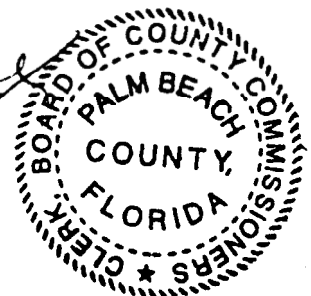
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



LEGAL DESCRIPTION**BELLSOUTH MOBILITY CELL SITE BBAS
DESCRIPTION OF PROPOSED LEASE PARCEL**

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 16, BLOCK 48 OF 'PALM BEACH FARMS COMPANY'S PLAT NO. 3', AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 4224, PAGE 780, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, WITH THE SOUTH BOUNDARY LINE OF THE BOYNTON CANAL, SAID SOUTH BOUNDARY LINE BEING 110 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 16; THENCE SOUTH 00°10'27" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE OF JOG ROAD, 180.00 FEET; THENCE SOUTH 89°03'00" WEST, 335.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'27" EAST, 80.00 FEET; THENCE SOUTH 89°03'00" WEST, 40.00 FEET; THENCE NORTH 00°10'27" WEST, 80.00 FEET; THENCE NORTH 89°03'00" EAST, 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3,200 SQUARE FEET OR 0.07 ACRES MORE OR LESS.

DESCRIPTION OF PARENT TRACT

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 16 AND 31, BLOCK 48 OF "PALM BEACH FARMS COMPANY'S PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 4224, PAGE 780, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, WITH THE SOUTHERLY BOUNDARY LINE OF THE BOYNTON CANAL, SAID SOUTHERLY BOUNDARY LINE BEING 110 FEET SOUTHERLY OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 16, SAID POINT OF INTERSECTION ALSO BEING THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN SOUTHERLY ALONG SUCH WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD SOUTH 00°10'27" EAST A DISTANCE OF 720.00 FEET; THENCE DEPARTING FROM SAID WEST RIGHT-OF-WAY LINE SOUTH 89°03'00" WEST A DISTANCE OF 375.00 FEET; THENCE NORTH 00°10'27" WEST A DISTANCE OF 720.00 FEET; THENCE NORTH 89°03'00" EAST A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING. BEING 6.2 ACRES MORE OR LESS.

DESCRIPTION OF PROPOSED ACCESS EASEMENT

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 16 AND 31, BLOCK 48 OF "PALM BEACH FARMS COMPANY'S PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, AT PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 4224, PAGE 780, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, WITH THE SOUTH BOUNDARY LINE OF THE BOYNTON CANAL, SAID SOUTH BOUNDARY LINE BEING 110 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 16; THENCE SOUTH 00°10'27" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF JOG ROAD, 180.00 FEET; THENCE SOUTH 89°03'00" WEST, 335.00 FEET; THENCE SOUTH 00°10'27" EAST, 80.00 FEET; THENCE SOUTH 89°03'00" WEST, 10.34 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE ACCESS EASEMENT; THENCE SOUTH 15°36'10" EAST, 42.61 FEET; THENCE SOUTH 00°10'27" EAST, 257.78 FEET; THENCE NORTH 89°03'00" EAST, 137.50 FEET; THENCE SOUTH 00°10'27" EAST, 161.00 FEET TO THE POINT OF TERMINATION.

EXHIBIT B
VICINITY SKETCH

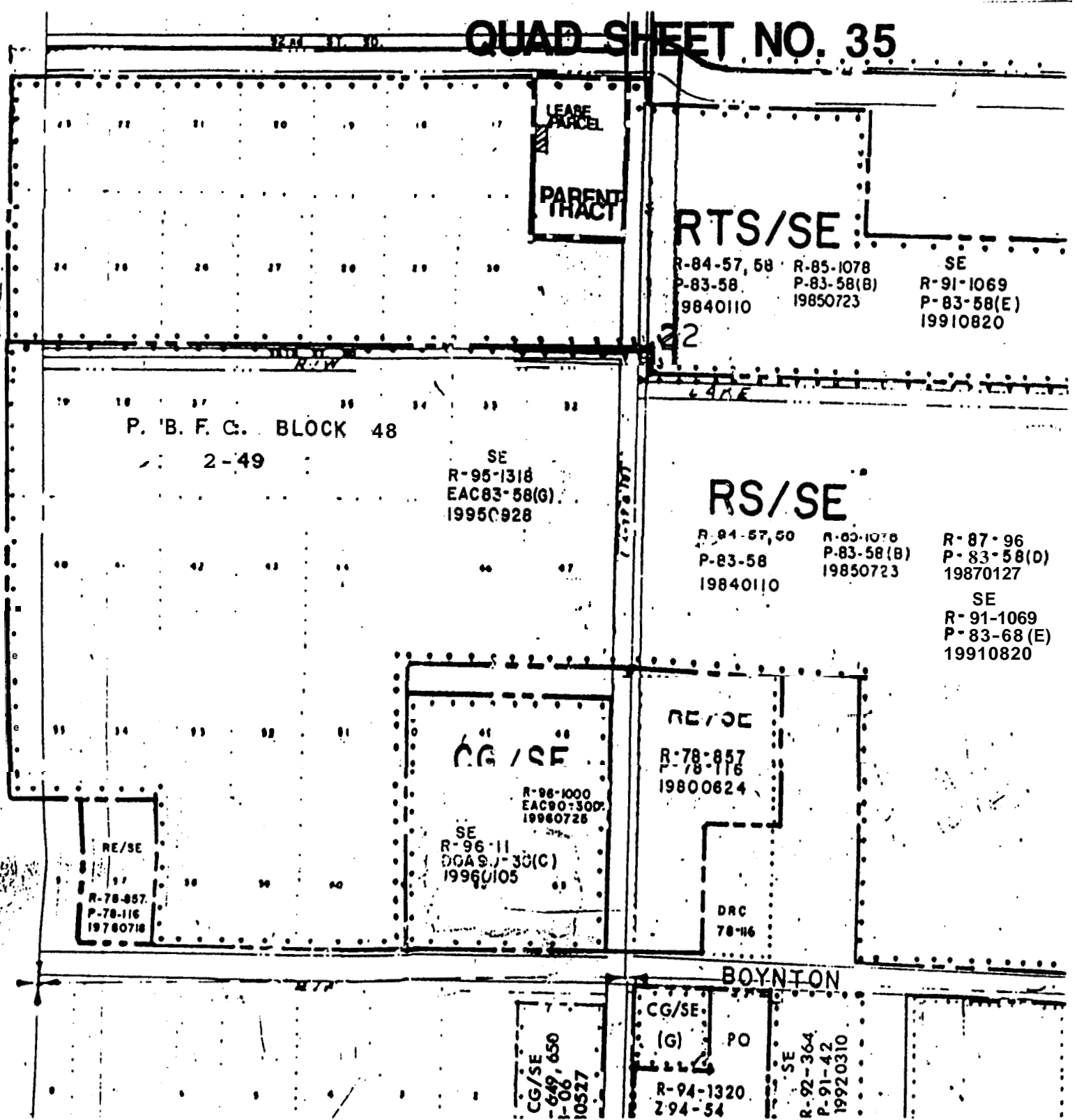


EXHIBIT D
1/28/97

CHURCH LOGO

DIRECTIONAL ANTENNA SECURE
TOWER WITH RADOME COVER
REFER TO TOWER MFG. DRWGS.

125'-0"
(ABOVE GROUND LEVEL)

125' MONOPOLE ANTENNA STRUCTURE
(SEE SITE DATA)

REVISED
JAN 28 1997

83-68 H

SABAL PALM CLUSTER
18'-20' HT.
20' O.C.

MAHOGANY TREE
14'-16' HT.
15' O.C.

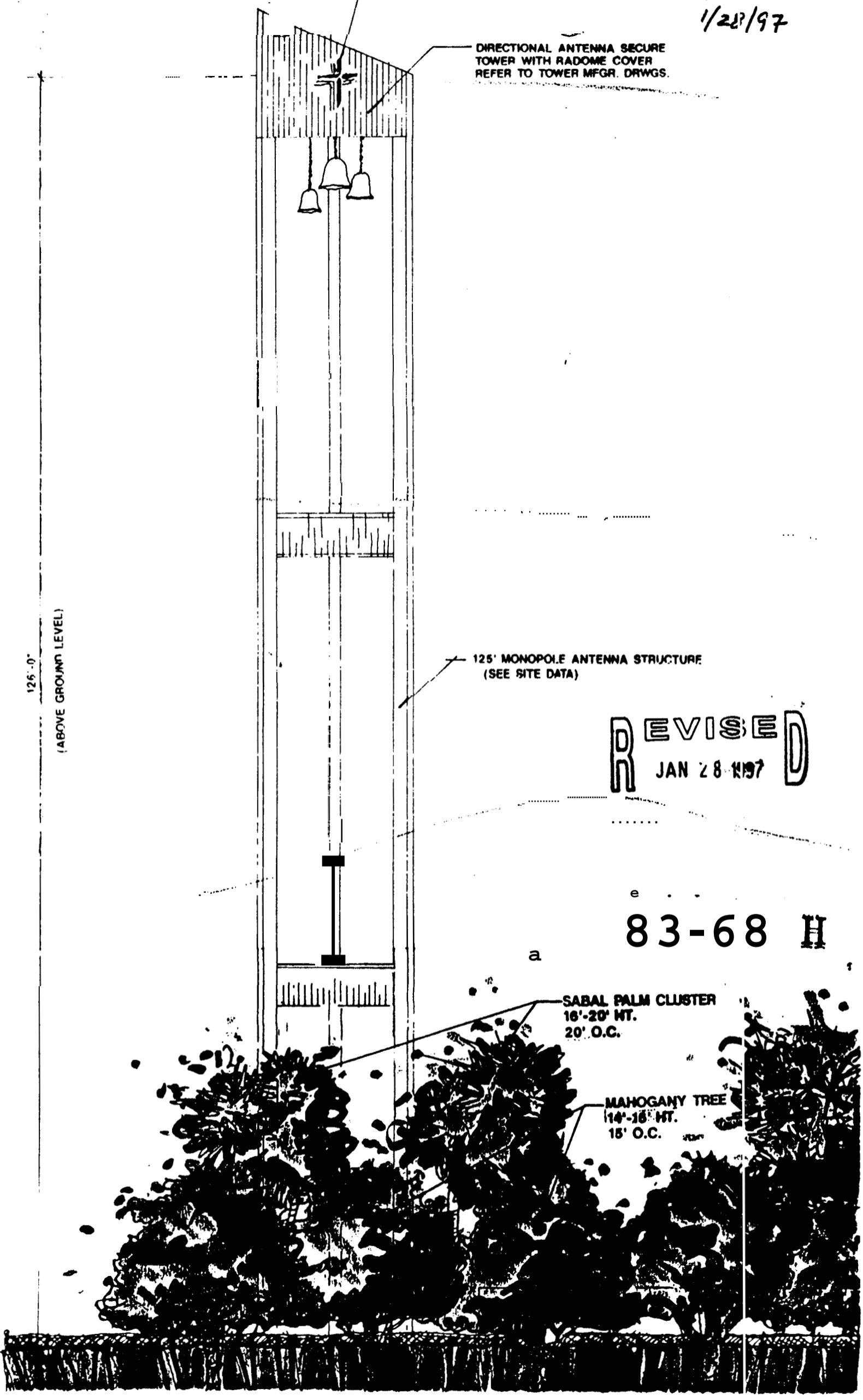


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified. Petitions 83-58(F) & (G) were withdrawn.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-91-1069, Petition 83-58(E) which currently states:

The petitioner shall comply with all previous conditions and time certain conditions of approval, unless expressly modified herein,

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-1069 (Petition 83-58(E)), R-87-96 (Petition 83-58(D)), R-85-1078 (Petition 83-58(B)) and R-84-58 (Petition 83-58), 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 1 of Resolution R-85-1078, Petition 83-58(B) which currently states:

Conditions previously approved by the Board of County Commissioners shall remain in effect except those conditions modified herein.

Is hereby deleted. [REASON: superseded by new condition]

3. Condition 1 of Resolution R-87-96, Petition 83-58(D) which currently states:

All conditions of previous approvals shall remain in effect unless expressly modified herein.

Is hereby deleted. [REASON: superseded by new condition]

4. 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 October 25, 1996. 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)

5. **The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.** (Previously Condition 7 of Resolution R-85-1078, Petition 83-58(B))

B. BUILDING AND SITE DESIGN

1. Prior to site plan certification, ~~the~~ site plan shall be amended to indicate compliance with all minimum property **development** regulations and land development requirements of Palm Beach County. (Previously Condition A.1 of Resolution R-91-1069, Petition 83-58(E))

2. Condition **A.1** of Resolution **R-91-1069**, Petition 83-58 (E) ~~which~~ currently states:

Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County **Commissioners** unless the proposed use or design changes are permitted pursuant to **Section 402.7(E)2(b)** (Site Plan Review Committee Powers and **Standards** of Review) of the Zoning Code.

~~Is~~ hereby deleted. [REASON: superseded by new condition]

3. The Master Plan shall be amended prior to certification to reflect the following:

a) Pod "**D**" shall be divided into **two** tracts corresponding to ~~land~~ **Use** Plan category boundaries.

b) Guard houses shall be set back a minimum of **150 FEET** from accessed thoroughfares. The western-most ~~guardhouse~~ on Boynton Beach Blvd. shall be located north of the "outparcel" access point.

c) "green open area tracts" shall be re-labeled as "**Open Space and Recreation**" tracts. (Previously Condition **12** of Resolution R-84-58, Petition 83-58)

C. CIVIC SITE

1. Petitioner shall at its cost and expense provide County with a title commitment insuring marketable fee simple title to Palm Beach County for the library site. (Previously Condition B.1 of Resolution R-91-1069, Petition 83-58(E))

2. Petitioner shall convey the library site by Statutory Warranty Deed in a form acceptable to **FPD&C** and the County Attorney. (Previously Condition **B.2** of Resolution R-91-1069, Petition 83-58(E))

3. Petitioner shall pay all ad valorem real estate taxes and assessments pro-rated to the date of the acceptance by County of the ~~special~~ warranty deed to the library site. Said payment shall be ~~made~~ on acceptance of the deed by County. (Previously Condition **B.3** of Resolution R-91-1069, Petition 83-58(E))

4. The conveyance of the library site to County shall be conditioned upon the county providing a non-exclusive ingress and egress easement over the North 40 feet of the property in favor of the Florida-Georgia District Lutheran Church. (Previously Condition **B.4** of Resolution R-91-1069, Petition 83-58(E))

5. Petitioner shall provide all retention, detention and drainage **required** for both the County and library site. Petitioner shall **specifically** address the following issues:
 - a. the discharge of surface water from the library site into the Petitioner's water retention basins.
 - b. **an** easement for **an** equalizer conduit connecting water retention basins lying easterly of Jog Road to water retention basins lying westerly of Jog Road and with the easement area described as the southerly **75** feet of the easterly **20** feet of the library parcel.
 - c. an easement across Petitioner's property from the library site to the retention basins. (Previously Condition **B.5** of Resolution R-91-1069, Petition 83-58(E))
6. Prior to site plan certification of the library **and/or** house of worship, the site **plans** shall be amended **to** indicate the following:
 - a. cross walks and appropriate striping across the forty **(40)** foot right-of-way to ensure safe access between the uses **within** the civic tract. (Previously Condition **B.6** of Resolution R-91-1369, Petition 83-58(E))
7. Applicant shall obtain a Certificate of Concurrency Resenration **for** the church site **prior** to site plan approval for the church. (Previously Condition **B.7** of Resolution R-91-1069, Petition 83-58(E))
8. Prior to site plan certification of petition 83-58H, the petitioner shall submit documentation to the Zoning Division which demonstrates that the **proposed** facility does not violate FAA Regulations **and/or** advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department **of** Airports. (DRC: AIRPORTS)
9. Palm Beach County and **the** State of Florida shall have the right to co-locate communication equipment on the tower, subject to an acceptable **lease** agreement, provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM)
10. Prior to site plan certification by the DRC **of** petition 83-58H, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.2.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)
11. **Prior** to site **plan** certification **of** petition 83-58H, the petitioner shall provide documentation that the tower does not encroach into any public or **private** airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm **Beach** County Department **of** Airports. (DRC: AIRPORTS)

12. The communication tower shall **be** limited to the tower elevation as shown in Exhibit **D** dated January 28, 1997 and a maximum overall height of one hundred twenty-five (125) feet measured from finished grade to highest point. (DRC: ZONING - Bldg)
13. **Prior** to site plan certification of petition **83-58H**, the petitioner shall submit a **tower** removal agreement with language requiring the removal of all communication equipment from the bell tower within twelve (**12**) months of cessation of use. (DRC: ZONING)
14. No signs shall **be** permitted on the tower excluding religious symbols. (CO: BLDG - Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **All** lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Dept. of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. (Previously Condition C.1 of Resolution R-91-1069, Petition 83-58(E))

E. ENGINEERING

- 1 **The** Developer shall construct Boynton Beach Boulevard as a four lane median divided section from the existing four lane terminus west of Congress Avenue to the east property line of the development approved as Petition **81-152** plus the appropriate tapers per the County Engineer's Approved Construction Plans. This construction shall be commenced prior to the issuance of the 714th Building permit and construction shall commence within **60** days of issuance of **D.O.T.** permit and shall be substantially completed (open to traffic) within **15** months of commencement. Acceptable surety has been posted **prior to June 1, 1985** with the County Engineer's office in the amount of **1.2** million dollars. No further building permits beyond the **714th** shall be issued until Boynton Beach Boulevard has been substantially completed (open to traffic) between Congress Avenue and the east property line of Petition **81-152**.

Should the cost of this **4** lane construction be less than **\$1.2** million, the Developer shall pay to Palm Beach County the difference between that amount and the actual certified construction cost toward **Palm** Beach County road construction program. In the event that this certified construction cost exceeds **1.2** million, the impact fee monies collected by the **County** Through Fair Share Impact Fees, or through **Special** Exception approvals for other projects impacting this link of Boynton Beach Boulevard, shall be made available to this Developer in an amount not to exceed **\$380,000.00**.

- b) Palm Beach County may elect to participate in the construction of Boynton Beach Boulevard as a 6 lane median divided section from Congress Avenue to Military Trail. Should Palm Beach County participate in this construction then the County, at its option, may elect to fund the additional cost of 6 laning by paying the difference between 4 laning and 6 laning this section of road. (Previously Condition 1 of Resolution R-87-96, Petition 83-58(D))

Note: Boynton Beach Boulevard road widening has been completed.

- 2. Acceptable surety shall also be posted for Condition Nos. 5,6,7,8 and 9 of Resolution R-84-58 prior to June 1,1985. (Previously Condition 4 of Resolution R-85-1078, Petition 83-58(B))
- 3. Petitioner shall provide Palm Beach County with a road drainage easement and sufficient retention/detention through this project's internal lake system to legal positive outfall for the road drainage of Boynton Beach Boulevard and Jog Road. This drainage easement shall be subject to all governmental agency requirements. (Previously Condition 5 of Resolution R-85-1078, Petition 83-58(B)) (ONGOING: ENG)
- 4. Condition 6 of Resolution R-85-1078, Petition 83-58(B) which currently states:

The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$603 per approved multi-family dwelling unit and \$804 per approved single family dwelling unit (under 2000 square feet). Credit for the impact fee shall be given toward construction as outlined in Condition #4 above.

Is hereby amended to read:

The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$603 per approved multi-family dwelling unit and \$804 per approved single family dwelling unit (under 2000 square feet). Credit for the impact fee shall be given toward construction as outlined in Condition #2 above.

- 5. Condition 1 of Resolution R-84-58, Petition 83-58 which currently states:

This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4 as amended.

Is hereby deleted. [REASON: code requirement]

- 6. The property owner shall convey for the ultimate right-of-way of:
 - a) Boynton Beach Boulevard, 120 feet north of the existing south right-of-way line of Boynton Beach Boulevard (approximately an additional 40 feet of right-of-way) including the two existing out parcels,

- b) Jog Road, **60** feet from each side of the centerline (a total of 120 feet) approximately an additional **80** feet of right-of-way (including along the existing **two** out parcels).

NOTE: Data base indicates compliance with this condition 6a and 6b.

All rights-of-way shall be conveyed within ninety (**90**) days of Special Exception approval and conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (Previously Condition **2** of Resolution R-84-58, Petition 83-58)

- 7. The developer shall construct Jog Road as a 2-lane section from the north right-of-way line of the Boynton Beach Canal south to Boynton Beach Boulevard (including the bridge over the Boynton Canal) as required by the County Engineer to provide continuity for Jog Road but in no case later than four years after Special Exception approval. (Previously Condition **5** of Resolution R-84-58, Petition 83-58)

NOTE: Jog Road widening is now complete.

- 8. The developer shall construct concurrent with the construction **a** and at both project entrances onto Boynton Beach Boulevard:

- a) Left turn lane, west approach.
- b) Right turn lane, east approach.
- c) Signalization when warranted, as specified by the County Engineer. (Previously Condition **6** of Resolution R-84-58, Petition 83-58)

- 9. The developer shall construct at the intersection of Hagen Ranch Road and Boynton West Road concurrent with second plat improvements:

- a) Left turn lane, west approach on Boynton Beach Blvd. at its intersection with Jog Road.
- b) Right turn lane, east approach on Boynton Beach Boulevard at its intersecting with Jog Road.
- c) Left turn lane, north approach and a left turn lane, south approach on Jog Road at the project's entrance roads.
- d) Left turn lane, north approach on Jog Road at its intersection with Boynton Beach Boulevard. (Previously Condition **3** of Resolution R-84-58, Petition 83-58)

- 10. The developer shall install signalization when warranted as specified by the County Engineer, at the intersection of Jog Road and Boynton Beach Boulevard. (Previously Condition **9** of Resolution R-84-58, Petition 83-58)

NOTE: Condition has been completed.

F. HEALTH

1. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 10 of Resolution R-84-58, Petition 83-58)
2. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters. (Previously Condition 11 of Resolution R-84-58, Petition 83-58)

G. IRRIGATION QUALITY WATER

1. When Irrigation quality water is available within five-hundred (500) feet of the civic site, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Previously Condition D.1 of Resolution R-91-1069, Petition 83-58(E))

H. LANDSCAPE

1. Landscaping along the east boundary of the civic site, adjacent to Jog Road, shall be upgraded to include:
 - a. twelve (12) foot tall native canopy trees thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge, shrubs, or native understory, twenty-four (24) inches on center. (Previously Condition E.1 of Resolution R-91-1069, Petition 83-58(E))
2. In addition, the petitioner shall upgrade landscaping along the north and south sides of the fifty (50) foot access easement to the site, from Jog Road, to include:
 - a. twelve (12) foot tall native canopy trees thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge, shrubs, or native understory, twenty-four (24) inches on center. (Previously Condition E.2 of Resolution R-91-1069, Petition 83-58(E))
3. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section 503.35 (Landscape Code) adopted by the Board of County Commissioners on March 5, 1991. (Previously Condition E.3 of Resolution R-91-1069, Petition 83-58(E))

L. LANDSCAPE - LEASE PARCEL ONLY

1. Landscaping and buffering around the entire perimeter within the lease parcel shall be upgraded to include:
 - a. A minimum ten (10) foot wide Landscape Buffer Strip (CO: LANDSCAPE - Zoning)

- b. One (1) native canopy **tree** planted every fifteen (15) feet on center, minimum fourteen to sixteen (14 - 16) foot height and minimum trunk diameter of 3.5 inches measured 4.5 feet above grade. Canopy diameter shall be a minimum of 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. (CO: LANDSCAPE - Zoning)
- c. One cluster of three (3) native palms planted twenty (20) feet on center, minimum sixteen to twenty (16 - 20) feet overall height. (CO: LANDSCAPE - Zoning)
- d. Six (6) foot high continuous opaque hedge, minimum of thirty-six (36) inch height and twenty-four (24) inches on center at installation. (CO: LANDSCAPE - Zoning)
- e. The landscape buffer for the tower, with the exception of the **proposed** palms, shall be located on the exterior of the required chain link fence. (CO: LANDSCAPE - Zoning)

J. LANDSCAPE WITHIN MEDIAN

- 1. If permitted by the State Department of Transportation and the County Engineer, the petitioner shall landscape the median of all **right-of-ways** abutting the civic site. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of **thirty (30)** feet on center, and **appropriate** ground cover and irrigation. All materials shall be selected, maintained and installed according to **xeriscape** principles. This landscaping shall be the perpetual maintenance obligation of the master homeowners association of the **PUD**. Landscaping shall be installed prior to April **25, 1992**. (Previously Condition **F.1** of Resolution R-91-1069, Petition 83-58(E))

K. LAKE WORTH DRAINAGE DISTRICT

- 1. Property owner shall convey, by either easement **or** deed, to the Lake Worth Drainage District, the North **55.00** feet of Tracts **32 to 39** inclusive, Block **48**, Palm Beach Farms Company Plant No. **3** and the North **80.00** feet of the Northwest **1/4** of the NE **1/4** of the SE **1/4** of Section **22/45/42**, all for the right-of-way for Lateral Canal No. **23**. (Previously Condition 13 of Resolution R-84-58, Petition 83-58)

L. MASTER PLAN

- 1. Prior to Site Plan Certification, the master plan shall be amended to indicate the following:
 - a. consistency with the certified site plans **for** the **developed** portions of the project,
 - b. correct tabular data (**units/acres/density for each Pod/use**), and
 - c. correct land use and zoning information. (Previously Condition **3.1** of Resolution R-91-1069, Petition 83-58(E))

M. RECYCLE SOLID WASTE

1. The property owners within the PUD shall participate in a **recycling** program when available in the area. The program shall include **paper**, plastic, metal and glass products, as programs are **available**. (Previously Condition H.1 of Resolution R-91-1069, Petition **83-58(E)**)

N. COMPLIANCE

1. Condition 1.1 of Resolution R-91-1069, Petition **83-58(E)** which currently states:

As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial **or** revocation of a building permit; the issuance of a stop **work** order; the denial of a Certificate of Occupancy on any building **or** structure; **or** the denial **or** revocation of any permit **or** approval for any **developer-owner**, commercial-owner, **lessee**, **or** user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency **or** exemptions therefrom; **and/or**
- c. A requirement of the development to conform with **updated** standards of development, applicable at the time of the finding of noncompliance, **or** the addition **or** modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder **may** be taken to the Palm Beach County Board of Adjustment **or** as **otherwise** provided in the Palm Beach County Zoning Code. Appeals of **any** revocation of Special Exception, Rezoning, **or** other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to read:

1. 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; 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 standard; 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.

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)

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