

RESOLUTION NO. R-99-1613.1

RESOLUTION APPROVING ZONING PETITION EAC83-121(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ANTHONY J. O'CONNELL, BISHOP, DIOCESE OF PALM BEACH
BY KEVIN MCGINLEY, AGENT
(ST. JOHN THE EVANGELIST CHURCH)

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 EAC83-121(D) was presented to the Board of County Commissioners at a public hearing conducted on August 26, 1999; 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 1 ■ (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 EAC83-121(D), the petition of Anthony J. O'Connell, Bishop, Diocese of Palm Beach, by Kevin McGinley, agent, for a Development Order Amendment/Expedited Application Consideration (DOA/EAC) to allow a church or place of worship and an additional access 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 August 26, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 26, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

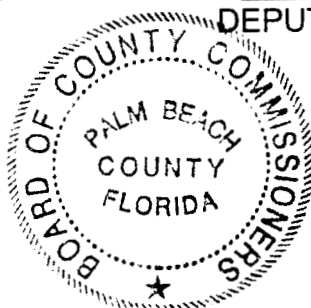


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN TRACTS 57 AND 58 OF THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SITUATED IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AND WITHIN THE 15 FOOT WIDE ROAD RIGHT-OF-WAY, IN ACCORDANCE WITH SAID PLAT, ADJOINING THE SOUTH LINE OF SAID TRACT 57, WHICH WAS ABANDONED BY PALM BEACH COUNTY RESOLUTION NO. R-84-1240, AND RECORDED IN OFFICIAL RECORD BOOK 4347, PAGE 497, IN SAID COUNTY'S PUBLIC RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1, AS ESTABLISHED BY THE ORIGINAL SURVEY OF SAID SECTION 1 BY THE STATE OF FLORIDA EXECUTED BY R. F. ENSEY IN 1911, THENCE RUN SOUTH 89°45'05" WEST, (THE BEARINGS AND DISTANCES DESCRIBED HEREIN ARE BASED ON THE SOUTH LINE OF SAID STATE SURVEY OF SECTION 1, BEARING SOUTH 89°45'05" WEST AND ALL OTHER BEARINGS ARE IN RELATION THERETO AND THE MERIDIAN IS BASED ON THE PALM BEACH COUNTY COORDINATE SYSTEM WHICH WAS DERIVED FROM THE FLORIDA STATE TRANSVERSE MERCATOR PROJECTION SYSTEM (1972 FREE ADJUSTMENT FOR THE EAST ZONE), ALONG SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 1320.58 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACTS 57 AND 58 AND TO THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 89°45'05" WEST ALONG SAID SOUTH LINE OF SECTION 1, A DISTANCE OF 1024.60 FEET;

THENCE NORTH 01°13'33" WEST, A DISTANCE OF 366.58 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF YAMATO ROAD AS LAID OUT AND IN USE, AND TO THE INTERSECTION OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIAL LINE BEARING SOUTH 6°36'39" EAST TO THE RADIUS POINT, A RADIUS OF 2231.88 FEET, AND A CENTRAL ANGLE OF 6°16'44";

THENCE NORTHEASTERLY ALONG THE SAID RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 244.59 FEET TO THE POINT OF TANGENCY:

THENCE NORTH 89°40'05" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 778.68 FEET TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 1114.51 FEET AND A CENTRAL ANGLE OF 0°07'28"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2.42 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID TRACT 58;

THENCE SOUTH 1°06'07" EAST ALONG THE EAST LINE OF SAID TRACTS 57 AND 58 AND THE SOUTHERLY EXTENSION THEREOF ACROSS SAID ABANDONED 15 FOOT WIDE ROAD RIGHT-OF-WAY OF THE BEFORE DESCRIBED PLAT, A DISTANCE OF 381.45 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL IS SUBJECT TO A UTILITY EASEMENT OVER THE NORTH 2 FEET THEREOF.

THE ABOVE DESCRIBED CONTAINS 389,092 SQUARE FEET OR 8.9323 ACRES.

THE DESCRIPTION WAS PREPARED BY WILLIAM E. TYDINGS III, P.L.S., FLORIDA CERTIFICATION NO. 1846, IN THE OFFICE OF THE PALM BEACH COUNTY ENGINEERING DEPARTMENT, 160 SOUTH AUSTRALIAN AVENUE, WEST PALM BEACH, FLORIDA 33406

EXHIBIT B
VICINITY SKETCH

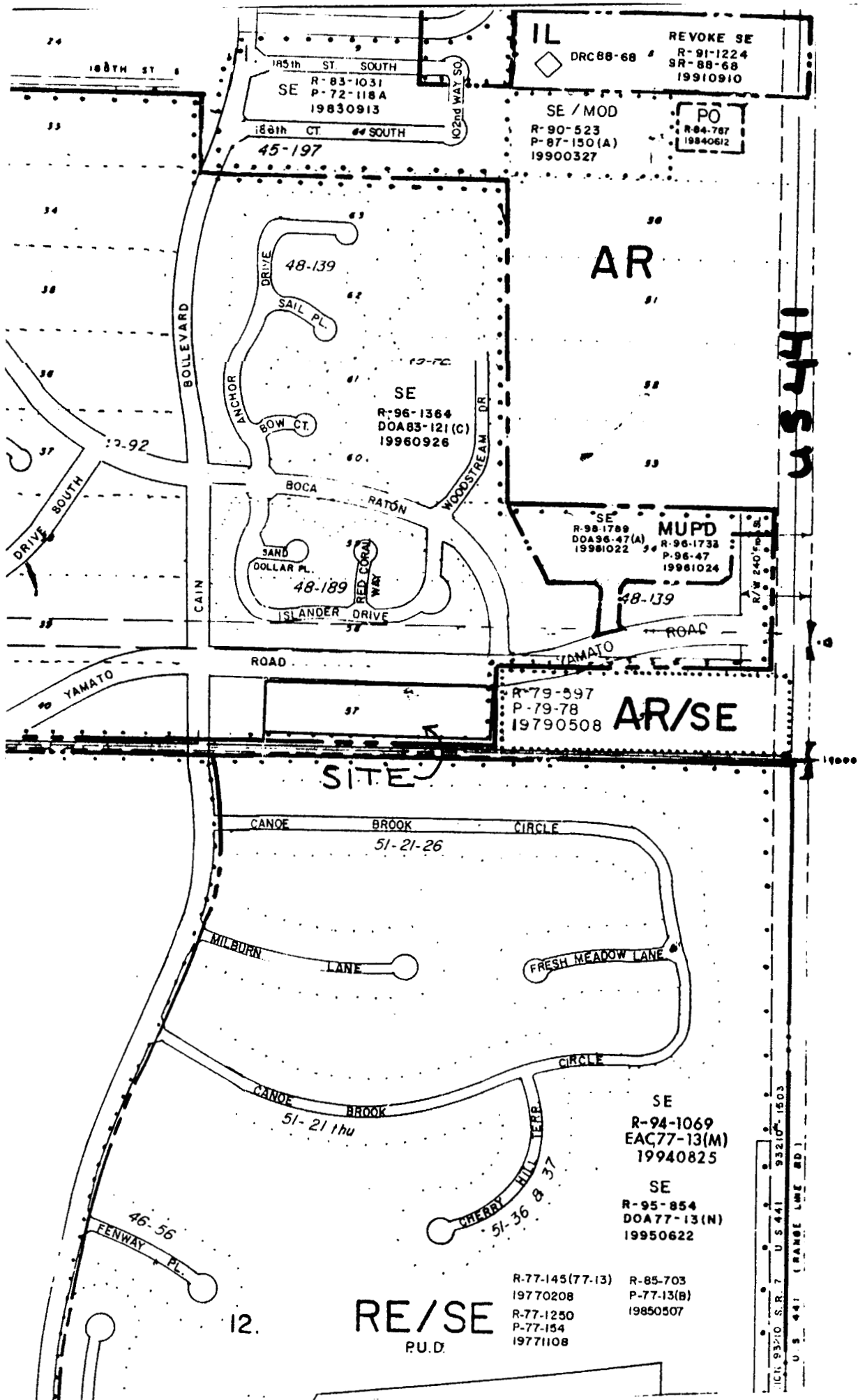


EXHIBIT C

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. Previous condition A.I of Resolution R-96-1364, Petition 83-121(C), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution **R-93-401** (Petition **83-121(B)**), 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)

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1364 (Petition 83-121(C), 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. Development of the site for the place of worship within Parcel B is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 30, 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)

B. HEALTH

1. Sewer service is available to the property. Therefore, no septic **tank** shall be permitted on the site. **All** existing on-site sewage disposal systems must be abandoned in accordance with Chapter IOD-6, FAC and Palm Beach County ECR-I. (Previously Condition B.1 of Resolution R-96-1364, Petition 83-121(C) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. **All** existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (Previously Condition B.2 of Resolution R-96-1364, Petition 83-121(C) (HEALTH)

C. LANDSCAPING ALONG THE EAST PROPERTY LINES

1. Prior to site plan certification by the Development Review Committee (DRC) the petitioner shall submit a landscape plan that **is acceptable** to the zoning division for the required landscape buffer along SR7. The required landscaping shall, at a minimum include the following:

- a. An additional twenty five **(25)** foot landscape buffer along the east boundary of the PUD were it abuts SR7;
- b. One (1) canopy tree for every thirty (30) linear feet of frontage along S.R.7. A canopy tree may be substituted by three (3) palms; and
- c. One **(1)** thirty inch shrub for every twenty four (24) inches of frontage along SR7.

The required plant material may be planted in clusters on the east and west perimeters of the adjacent lake. Landscaping along the **west** perimeter of the lake, in accordance with this condition, shall not be credited toward any other required buffer. (Previously Condition C.1 of Resolution R-96-1364, Petition 83-121(C) (ZONING))

D. PROPERTY OWNERS ASSOCIATION

1. All property included within the legal description of the petition shall be subjected to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, **provide** for: Formation of a single "master" property owner's association, automatic voting membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development (PUD), and assessment of all members of the "master" association for the cost of maintaining the **PUD's** common areas. The property shall not be subjected to the Declaration of Restriction; in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the recordation of the first plat of any portion of the Planned Unit Development. (Previously Condition D.1 of Resolution R-96-1364, Petition 83-121(C) (COUNTY ATTORNEY))

E. ENGINEERING

1. The developer shall acquire any necessary rights-of-way and shall construct any off-site canals necessary to accomplish connection to the Lake Worth Drainage District Canal System. (Previously Condition E.1 of Resolution R-96-1364, Petition 83-121(C) (ENG))
2. The Master Plan shall be amended to reflect the following:
 - a. realignment of the right of way for Yamato Road per the County Engineer's Approval.
 - b. Identification and preservation of areas of existing significant vegetation.
 - c. designation of the required **25** foot perimeter buffer. (Previously Condition E.2 of Resolution R-96-1364, Petition 83-121(C) (ENG))
3. Condition E.3 of Resolution R-96-1364, Petition **83-121(C)**, which states:

The petitioner shall provide the construction plans for SR7 as a **4-lane** median divided section, compatible with the Department of Transportation typical section from South of Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers' approval. These plans shall be completed within **6 months** of Special Exception approval or prior to the issuance of a **Certificate** of Occupancy, whichever first occurs. (ENG)

[Condition has been satisfied.]

4. Condition E.4 of Resolution R-96-1364, Petition 83-121(C), which states:

The developer shall acquire 200 feet of right-of-way for SR7 7 west of the west right-of-way line of Lake Worth Drainage District E-1 Canal, from south of Glades Road through Kimberly Boulevard including the appropriate tapers which will be required for the road construction for SR7 7 as outlined in the previous Condition. This right-of-way shall be acquired within 12 months of Special Exception approval, or prior to the issuance of a Certificate of Occupancy, whichever first occurs. Palm Beach County will acquire this right-of-way at the developer's expense. (ENG)

[Condition has been satisfied.]

5. Condition E.5 of Resolution R-96-1364, Petition 83-121(C), which states:

The developer shall construct SR7 7 as a 4-lane divided section from Glades Road through Kimberly Boulevard to include the appropriate tapers, per the County Engineers approval. The construction shall include an asphalt overlay of the two existing lanes on SR7 7, if required by the County Engineer. This construction shall be completed and accepted by Florida Department of Transportation prior to the issuance of 200 Certificates of Occupancy or within two (2) years of Special Exception approval, whichever first occurs. (ENG)

[Condition has been satisfied.]

6. Condition E.6 of Resolution R-96-1364, Petition 83-121(C), which states:

The developer shall construct at the project's entrance onto SR7 7 concurrent with the filing of the first plat:

- a) Right Turn Lane, North approach.
- b) Left Turn Lane, South approach. (ENG)

[Condition has been satisfied].

7. The developer shall install signalization at the intersection of SR7 7 and the project's entrance when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final Certificate of Occupancy. (Previously Condition E.7 of Resolution R-96-1364, Petition 83-121 (C)) (ENG)

[Developers cost of complying with this condition shall be credited toward the Traffic Impact Fees from this project]

8. The property owner shall convey the ultimate right-of-way for Cain Boulevard necessary to provide for an eighty (80) foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval, within 180 days of Special Exception approval. (Previously Condition E.8 of Resolution R-96-1364, Petition 83-121(C)) (ENG)

9. The property owner shall convey for the ultimate right-of-way of State Road 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of approval; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (Previously Condition E.9) of Resolution R-96-1364, Petition 83-121(C) (ENG)

10. Prior to December 15, 1994, or prior to the recordation of the next plat, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a) Yamato Road, 120 feet in width plus sufficient right-of-way to provide for the road relocation through the FPL easement along the project's west property line (a maximum of 15 feet in width plus a taper length of 600 feet). (Previously Condition E.10) of Resolution R-96-1364, Petition 83-121(C) (DATE: ENG)

11. Prior to December 15, 1993 or prior to the recordation of the next plat, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Yamato Road, SR 7, and Cain Bl along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Yamato Road, Cain Bl, and SR 7. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management: for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (Previously Condition E. 11 of Resolution R-96-1364, Petition 83-121(C) (DATE: MONITORING-Eng)

12. Condition E.12 of Resolution R-96-1364, Petition 83-121(C), which states:

 The developer shall construct 2-lane Cain Boulevard from the project's north property line south to the project's south property line. This construction shall be completed prior to December 1, 1989. One hundred (100) percent approved and permitted construction plans shall be submitted to the office of the County Engineer prior to March 1, 1989. Construction plans shall be in accordance with Palm Beach County's minimum construction plans as they presently exist or as they may from time to time be amended. (ENG)

Condition has been satisfied.

13. **The property owner shall dedicate to the Palm Beach County Parks Department the 8 ½ acre "Municipal Site" prior to July 1, 1988.** (Previously Condition E.13 of Resolution R-96-1364, Petition 83-121(C) (ENG))

14. **The petitioners shall include in all homeowners documents, as well as all written sales brochures, Master Plans and related site plans, a disclosure statement identifying all planned roadways adjacent or through the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program, currently Yamato Road. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of the Planning, Zoning, and Building Department beginning January 1, 1994 until all units within the development have been sold or the developer relinquishes control to the homeowners association.** (Previously Condition E.14 of Resolution R-96-1364, Petition 83-121(C) (ONGOING/DATE: MONITORING-Eng))

15. The Property owner shall construct a left turn lane east approach on Yamato Road at the projects east entrance road.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

16. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS**
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Yamato Road right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the 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 landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing and new landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
 - c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng.)
17. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF YAMATO 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 for landscape cutouts within the concrete median of Yamato 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 and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks or similar materials are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)
 - b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, and paver block or similar materials shall be funded at the property owners expense. All landscape material, and 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. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - c. Property Owners Documents or other restrictive covenant documents, evidencing this 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.)
18. Prior to issuance of a building permit, the property owner shall plat the subject property in accordance with the ULDC. (BLDG PERMIT: MONITORING - Eng.)

F. PLACE OF WORSHIP: USE LIMITATIONS

1. Landscaped divider medians shall be provided between all rows of at utting paved parking. The minimum width of this median shall be ten (10) feet. One tree 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. (DRC: ZONING)
2. A minimum of one (1) interior landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape island; shall not exceed one hundred (100) linear feet. (DRC: ZONING)
3. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
4. The church sanctuary shall be limited to a maximum of 700 seats. (DRC: ZONING)
5. The interior pedestrian connections and the pedestrian and vehicular cross access easement to the parcel adjacent to the east (Tract 56), shall remain as indicated on the site plan dated July 30, 1999. (DRC: PLANNING)
6. The maximum height for the church steeple measured from finished grade to highest point shall not exceed fifty-five (55) feet. The steeple shall not have lighting. (BLDG PERMIT: BLDG - Zoning)
7. Exterior bells shall be prohibited. (BLDG PERMIT: BLDG - Zoning)
8. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
9. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only, with the exception of holidays and special events. (ONGOING: CODE ENF)

G. PLACE OF WORSHIP: LANDSCAPING ALONG NORTH PROPERTY LINE (YAMATO ROAD FRONTAGE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
 - c. One (1) canopy tree planted every twenty-five (25) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
 - d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. PLACE OF WORSHIP: LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous three (3) foot high berm measured from top of curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum twenty-five (25%) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - d. One (1) additional palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

I. PLACE OF WORSHIP: SIGNS

1. Freestanding point of purchase signs fronting on Yamato Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

J. SIGNS

1. **Signage for Parcel A entry shall be limited to a maximum of two (2) signs mounted on the existing walls fronting on Yamato Road. Each wall sign shall be limited to forty-eight (48) inches in height and twenty (20) square feet of face area.** (Previously Condition F. of Resolution R-96-1364, Petition 83-121(C) (ZONING)

K. USE LIMITATION

1. **The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (clust particles) from this project do not become a nuisance to neighboring properties.** (Previously Condition G.4 of Resolution R-96-1364, Petition 83-121(C)
2. **The developer shall take reasonable precautions during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters.** (Previously Condition G.5 of Resolution R-96-1364, Petition 83-121(C)

L. COMPLIANCE

1. Previous condition H.1 of Resolution R-96-1364, Petition 83-121(C), 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; 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.

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 state:

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)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the 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)



Department of Planning,
Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000
www.co.palm-beach.fl.us



**Palm Beach County
Board of County
Commissioners**

Maude Ford Lee, Chair

Warren H. Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Burt Aaronson

Tony Masilotti

County Administrator

Robert Weisman

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

TO: Paula Hancock, Minutes Manager
FROM: William C. Whiteford, Zoning Director
DATE: September 1, 1999
RE: Amended Conditions from the August 26, 1999
BCC Hearing

WCLW
by me

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on August 26, 1999.

The following petitions were amended:

EAC83-121(D)
PDD99-035

St. John the Evangelist Church
Delray Funeral Homes, Ltd.

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