

RESOLUTION NO. R-2008-0007

RESOLUTION APPROVING ZONING APPLICATION DOA2007-981  
(CONTROL NUMBER 1983-121)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF GERALD BARBARITO  
BY COLOME AND ASSOCIATES, AGENT  
(LAKES AT BOCA RATON 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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-981 was presented to the Board of County Commissioners at a public hearing conducted on January 3, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA2007-981, the application of Gerald Barbarito, by Colome and Associates, agent, for a Development Order Amendment to delete land area 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 3, 2008, 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 Jeff Koons and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	-	Aye
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Absent
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Absent

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 3, 2008.

Filed with the Clerk of the Board of County Commissioners on January 3rd, 2008

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

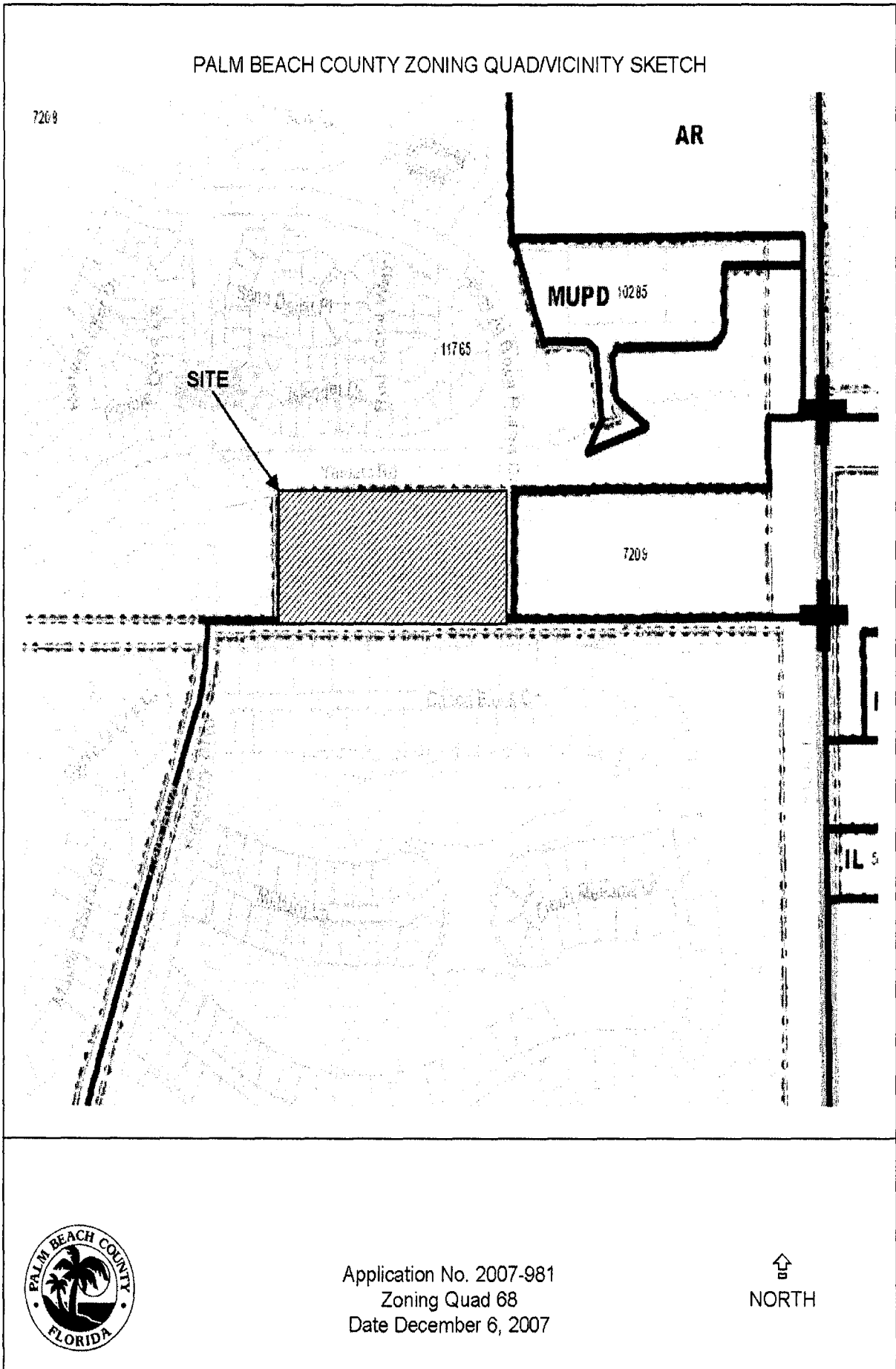
A PORTION OF SECTIONS 1 AND 2, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 1, SAID POINT BEING THE NORTHWEST CORNER OF LAKES AT BOCA RATON - PHASE IV, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 71, PAGES 193 AND 194 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°29'26"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 2,655.73 FEET TO THE NORTHEAST CORNER OF LAKES AT BOCA RATON - PHASE III, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGES 1 THROUGH 3 OF SAID PUBLIC RECORDS; THENCE S.01°10'07"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 374.36 FEET; THENCE N.89°26'43"E. ALONG THE NORTH LINE OF LAKES AT BOCA RATON - PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, PAGES 139 THROUGH 141 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,325.27 FEET TO THE NORTHEAST CORNER OF TRACT 3 OF SAID LAKES AT BOCA RATON - PHASE I; THENCE S.01°07'05"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 1,500.32 FEET TO THE NORTHWEST CORNER OF YAMATO ROAD COMMERCIAL CORNER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 80, PAGES 197 AND 198 OF SAID PUBLIC RECORDS; THENCE S.22°58'26"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 357.17 FEET; THENCE N.71°05'23"E., A DISTANCE OF 25.33 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 55.00 FEET AND A CENTRAL ANGLE OF 18°29'00"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 17.74 FEET; THENCE N.89°34'23"E., A DISTANCE OF 149.24 FEET; THENCE S.48°50'10"E., A DISTANCE OF 33.19 FEET; THENCE S.07°14'43"E., A DISTANCE OF 201.56 FEET; THENCE S.32°45'44"W., A DISTANCE OF 32.14 FEET; THENCE N.72°46'11"E., A DISTANCE OF 132.00 FEET; THENCE N.57°14'16"W., A DISTANCE OF 38.30 FEET; THENCE N.07°14'43"W., A DISTANCE OF 163.20 FEET; THENCE N.41°09'50"E., A DISTANCE OF 37.40 FEET; THENCE N.89°34'23"E., A DISTANCE OF 418.96 FEET; THENCE N.44°37'14"E., A DISTANCE OF 56.52 FEET; THENCE N.00°19'55"W., A DISTANCE OF 179.00 FEET; THENCE N.89°34'23"E., A DISTANCE OF 184.51 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS SHOWN ON REPLAT OF A PORTION OF LAKES AT BOCA RATON - PHASE I ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, PAGES 101 THROUGH 103 OF SAID PUBLIC RECORDS (THE PREVIOUS FIFTEEN COURSES AND DISTANCES BEING ALONG THE BOUNDARY OF SAID YAMATO ROAD COMMERCIAL CORNER); THENCE S.00°57'55"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 651.38 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LAKES AT BOCA RATON - PHASE I; THENCE S.89°38'13"W. ALONG SAID SOUTH LINE, A DISTANCE OF 1,097.84 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF ST. JOHN THE EVANGELIST CATHOLIC CHURCH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 87, PAGES 172 AND 173 OF SAID PUBLIC RECORDS; THENCE N.01°06'07"W. ALONG SAID EAST LINE, A DISTANCE OF 4.42 FEET TO THE NORTHEAST CORNER OF SAID ST. JOHN THE EVANGELIST CATHOLIC CHURCH, AND THE POINT OF CURVE OF A NON TANGENT CURVE, CONCAVE TO THE NORTH, OF WHICH THE RADIUS POINT LIES N.00°27'23"W., A RADIAL DISTANCE OF 1,114.51 FEET; THENCE WESTERLY ALONG THE ARC OF THE NORTH LINE OF SAID ST. JOHN THE EVANGELIST CATHOLIC CHURCH, THROUGH A CENTRAL ANGLE OF 00°07'28", A DISTANCE OF 2.42 FEET; THENCE S.89°40'05"W. ALONG SAID NORTH LINE, A DISTANCE OF 778.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 2,231.83 FEET AND A CENTRAL ANGLE OF 06°16'44"; THENCE WESTERLY ALONG THE ARC OF SAID NORTH LINE, A DISTANCE OF 244.58 FEET TO THE NORTHWEST CORNER OF SAID ST. JOHN THE EVANGELIST CATHOLIC CHURCH; THENCE S.01°13'33"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 366.58 FEET TO THE SOUTHWEST CORNER OF SAID ST. JOHN THE EVANGELIST CATHOLIC CHURCH;

THENCE S.89°45'05"W. ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 299.91 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE S.89°44'50"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2,637.40 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE CONTINUE S.89°44'50"W, A DISTANCE OF 170.04 FEET; THENCE N.01°31'26"W. ALONG A LINE 170.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 2,639.02 FEET; THENCE N.89°45'15"E., A DISTANCE OF 170.04 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 1; THENCE N.01°31'26"W. ALONG SAID WEST LINE, A DISTANCE OF 344.29 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 11,960,733 SQUARE FEET/274.58 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

#### ALL PETITIONS

1. 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) (Previous All Petition Condition 1. of RESOLUTION NO. R-99-1613.1)
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-Zoning) (Previous All Petition Condition 2. of RESOLUTION NO. R-99-1613.1)

Is hereby amended to read:

Development of the site for the PUD is limited to the uses as approved on the Master Plan dated October 15, 2007 by the Board of County Commissioners. 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)

#### 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-99-1613.1, Petition 83-121(D)) (ONGOING: Engineering)
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-99-1613.1, Petition 83-121(D)) (ONGOING: Engineering)
3. Condition E.3 of Resolution R-99-1613.1, Petition 83-121(D)), 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) [NOTE: COMPLETED]
4. Condition E.4 of Resolution R-99-1613.1, Petition 83-121(D)), 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. [NOTE: COMPLETED]

5. Condition E.5 of Resolution R-99-1613.1, Petition 83-121(D)), 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) [NOTE: Completed]

6. Condition E.6 of Resolution R-99-1613.1, Petition 83-121(D)), 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) [NOTE: COMPLETED]

7. The developer shall install signalization at the intersection of SR7 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-99-1613.1, Petition 83-121(D)) (ENG)

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

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-99-1613.1, Petition 83-121(D)) (ONGOING:ENGINEERING)

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-99-1613.1, Petition 83-121(D)) (ONGOING)

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-99-1613.1, Petition 83-121(D)) (DATE/ ONGOING: ENG-Eng) ONGOING

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 BI along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Yamato Road, Cain BI, 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-99-1613.1, Petition 83-121(D)) (DATE ONGOING MONITORING-Eng)

12. Condition E.12 of Resolution R-99-1613.1, Petition 83-121(D), 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) [NOTE: COMPLETED]

13. The property owner shall dedicate to the Palm Beach County Parks Department the 8 acre "Municipal Site" prior to July 1, 1988.(Previously Condition E.13 of Resolution R-99-1613.1, Petition 83-121(D)) (ENG) ONGOING

14. The petitioner 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-99-1613.1, Petition 83-121(D)) (ONGOING/DATE: MONITORING-Eng) ONGOING

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) (Previous Condition E.15 of Resolution R-99-1613.1, Petition 83-121(D)) [NOTE: COMPLETED]

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.) (Previous Condition E. 16 of Resolution R-99-1613.1, Petition 83-121(D))

17. Condition E 17 of Zoning Resolution R-99-1613.1, Petition 83-121(D) which currently reads:

**“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.)

Is hereby deleted. Reason Median Cut outs are no longer required conditions of approval.

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.) (Previous Condition E.18 of Resolution R-99-1613.1, Petition 83-121(D) ONGOING

#### ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST PROPERTY LINES

1. Prior to site plan certification by the Development Review Officer (DRO) 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.(BLDG PERMIT: LANDSCAPE - Zoning) (Previously Condition C.1 of Resolution R-96-1364, Petition 83-121(C) (Previous Landscaping Condition C.1 of RESOLUTION NO. R-99-1613.1)

#### ZONING - LANDSCAPING-PLACE OF WORSHIP: LANDSCAPING ALONG NORTH PROPERTY LINE (YAMATO ROAD FRONTAGE)

2. 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.(BLDG PERMIT: LANDSCAPE - Zoning)(Previous PLACE OF WORSHIP: LANDSCAPING ALONG NORTH PROPERTY LINE Condition G.1 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted: Reason: No longer applicable.]

#### ZONING - LANDSCAPING-PLACE OF WORSHIP: LANDSCAPING ALONG SOUTH PROPERTY LINE

3. 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-Zoning)(Previous PLACE OF WORSHIP: LANDSCAPING ALONG SOUTH PROPERTY LINE Condition H.1 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted: Reason: No longer applicable.]

## PARKS

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

## SIGNS-PLACE OF WORSHIP

- 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-Zoning)(Previous PLACE OF WORSHIP: SIGNS Condition I.1 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted: Reason: No longer applicable.]

## SIGNS

- 2. 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. CO:BLDG-Zoning)(Previously Condition J.1 of Resolution R-99-1613.1)

## USE LIMITATIONS-PLACE OF WORSHIP

- 1. Landscaped divider medians shall be provided between all rows of abutting 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. (DRO: ZONING-Zoning)(Previous PLACE OF WORSHIP: USE LIMITATIONS Condition F.1 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason No longer part applicable.]

- 2. A minimum of one (1) interior 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. (DRO: ZONING-Zoning)(Previous PLACE OF WORSHIP: USE LIMITATIONS Condition F.2 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

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)(Previous PLACE OF WORSHIP: USE LIMITATIONSCondition F.3 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

4. The church sanctuary shall be limited to a maximum of 700 seats. (DRO: ZONING-Zoning)(Previous PLACE OF WORSHIP: USE LIMITATIONSCondition F.4 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

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. (DRO: PLANNING-Planning)(Previous PLACE OF WORSHIP: USE LIMITATIONSCondition F.5 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

#### USE LIMITATIONS

5. Condition F.5 of Resolution R-99-1613.1, Control No. 1983-121, which currently states:

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)

Is hereby deleted. [No longer applicable.]

#### USE LIMITATIONS-PLACE OF WORSHIP

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)(Previous PLACE OF WORSHIP: USE LIMITATIONSCondition F.6 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

7. Exterior bells shall be prohibited. (BLDG PERMIT: BLDG - Zoning)(Previous PLACE OF WORSHIP: USE LIMITATIONSCondition F.7 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

8. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)(Previous PLACE OF WORSHIP: USE LIMITATIONS Condition F.8 of RESOLUTION NO. R-99-1613.1)

[Is hereby deleted. Reason: No longer applicable.]

#### COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission 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 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)