

RESOLUTION NO. R-2009-0022

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA-2008-01192
(CONTROL NUMBER 1994-00080)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF ROYAL PALM PRESBYTERIAN CHURCH INC
BY MILLER LAND PLANNING, AGENT
(ROYAL PALM PRESBYTERIAN 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, 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 ZV/Z/DOA-2008-01192 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; 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 ZV/Z/DOA-2008-01192, the application of Royal Palm Presbyterian Church Inc, by Miller Land Planning, agent, for a Development Order Amendment to to modify the site plan, to add square footage, to modify conditions of approval (Engineering, Landscape, Signage, Lighting), and to add 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 8, 2009, 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 Greene and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4 Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2009.

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

PARCEL 1

A PARCEL OF LAND IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, EXCEPTING THEREFROM THE NORTHERLY 56 FEET AND THE SOUTHERLY 30 FEET, WHICH ARE SPECIFICALLY RESERVED FOR ROAD PURPOSES.

ALSO KNOWN AS LOT 6, BLOCK 1, PALM BEACH RANCHES, UNRECORDED PLAT.

PARCEL 2

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 45 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, RUN THENCE SOUTHERLY ON THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 684.68 FEET; THENCE RUN EASTERLY, ANGLING 86°04'29" FROM NORTH TO EAST, A DISTANCE OF 506.56 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, THENCE CONTINUE EASTERLY ON THE SAME COURSE A DISTANCE OF 166.56 FEET; THENCE RUN NORTHERLY, ANGLING 94°01'52" FROM WEST TO NORTH, A DISTANCE OF 342.21 FEET, THENCE RUN WESTERLY, ANGLING 85°53'38" FROM SOUTH TO WEST, A DISTANCE OF 167.30 FEET; THENCE RUN SOUTHERLY, PARALLEL TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 342.88 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, LESS AND EXCEPTING THEREFROM THE SOUTHERLY 30 FEET (WHICH SUCH PARCEL IS ALSO KNOWN AS THE EASTERLY 166.56 FEET OF LOT 8, BLOCK 1, PALM BEACH RANCHES, AN UNRECORDED PLAT [AM65]).

CONTAINING 5.827 ACRES, MORE OR LESS.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

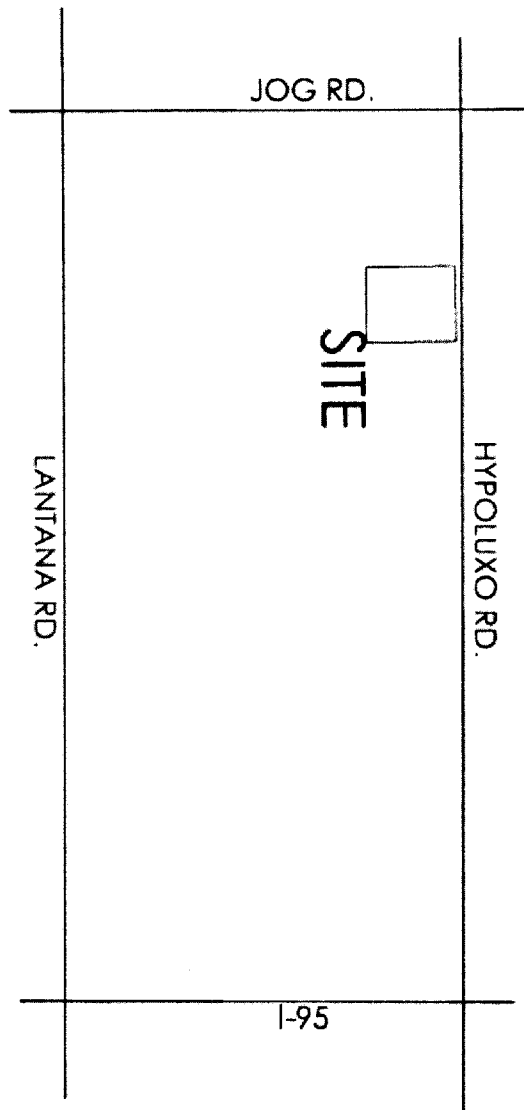


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous All Petitions Condition A.1 of Resolution R-2001-1860, Control No. 94-080 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-1224 (Petition 94-080(A)), and R-1995-0274 (Petition 94-080), 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 read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-1860, Control No. 94-080, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Previous All Petitions Condition A.2 of Resolution R-2001-1860, Control No. 94-080 which currently states:

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 September 20, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

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 September 15, 2008. 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)

ACCESS

1. Vehicular access to the site shall be prohibited from Ranches Road. (CO/ONGOING: ZONING-Code Enf) (Previous Access Condition 1 of Resolution R-2001-1860, Control No. 94-080)

2. Prior to final site plan approval by the Development Review Officer (DRO), the paved access points located along Ranches Road shall be removed. (DRO: ZONING-Zoning)

ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning) (Previous condition C.2. of Resolution R-2001-1860, Petition CA94-80)

2. Previous condition C.3. of Resolution R-2001-1860 which currently states:

Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed sanctuary, classrooms and daycare shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

3. Prior to final site plan approval by the Development Review Officer (DRO), the architectural elevations for the place of worship/daycare buildings shall indicate a standing seam flat metal roof or roof types that are consistent to buildings within the vicinity of the subject site, in accordance with Article 5.C. (DRO: ARCH REVIEW-Zoning)

BUILDING AND SITE DESIGN

1.All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within sixty (60) feet of the south, east and west property lines and shall be confined to the areas designated on the site plan. (ONGOING: CODE ENF- Zoning) (Previous Building and Site Design Condition C.1 of Resolution R-2001-1860, Control No. 94-080)

ENGINEERING

1.In order to comply with mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

a.No building permits for the site shall be issued after December 31, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

2.Condition E.3 of Resolution No. R-2001-1860, Control No. 1994-00080, which currently states:

The Property owner shall construct a right turn lane west approach on Hypoluxo Road at the Projects relocated 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 from the LWDD and/or any required piping of the LWDD L-18 Canal.

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)

is hereby deleted. [REASON: No longer applicable]

3.Previous Condition E.4 of Resolution R-2001-1860, Control No. 1994-080, which currently states: LANDSCAPING WITHIN THE MEDIAN OF HYPOLUXO 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: - concrete median landscape cutouts on Hypoluxo Road - median landscaping on Hypoluxo Road All within the median of Hypoluxo Road-right-of-way contiguous to the frontage. As part of this permit

process, the property owner shall enter into a Median Landscaping, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.) b. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng) c. If the County does not assume maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG. PERMIT: MONITORING - Eng)

Is hereby amended to read:

The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Hypoluxo Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

c. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING-Eng)

d. Alternately, at the option of the Property Owner, and prior to the issuance of the first Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Hypoluxo Road. This

payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: MONITORING -Eng)

4. The developer shall lengthen the existing left turn lane west approach on Hypoluxo Road, approximately 350 feet east of the Project's entrance road and the existing left turn lane east approach on Hypoluxo Road, approximately 75 feet west of the Project's entrance road. These turn lanes shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper. 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.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. Prior to issuance of the first building permit, the property owner shall combine the existing parcels into one legal lot of record in accordance with the plat or waiver of plat process as applicable with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

HEALTH

1. No food preparation will be allowed on site until the site connects to sewer service. (CO: HEALTH-Health) (Previous condition D.2 of Resolution R-2001-1860, Control Number 1994-0080)

2. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13, FAC. (BLDG: HEALTH-Health) (Previous condition D.3 of Resolution R-2001-1860, Control Number 1994-0080)

ZONING - LANDSCAPING

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

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Landscape Condition F.1 of Resolution R-2001-1860, Control No. 94-080)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk; and
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet.

Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F.2 of Resolution R-2001-1860, Control No. 94-080)

3. All shrub or hedge materials shall be planted in a hierarchy of layers, consisting of a minimum of three (3) varying heights, as follows:

- a. Eighteen (18) to twenty-four (24) inches ground cover and small shrubs;
- b. Twenty-four to thirty-six (36) inches medium shrubs; and
- c. Forty-eight (48) to seventy-two (72) inches large shrub.

These heights shall be continuously maintained to achieve the hierarchal effect. (CO: LANDSCAPE Zoning) (Previous Landscape Condition F.3 of Resolution R-2001-1860, Control No. 94-080).

4.All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. Landscaping shall be compatible with the rural nature of the surrounding community. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F.4 of Resolution R-2001-1860, Control No. 94-080)

5.A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F.5 of Resolution R-2001-1860, Control No. 94-080)

6.Previous Landscape Condition F.6 of Resolution R-2001-1860, Control No. 94-080 which currently states:

All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

Is hereby deleted [Reason: Code Requirement]

7.Existing native vegetation shall be incorporated into the site design where possible. (DRO: LANDSCAPE Zoning/Planning) (Previous Landscape Condition F.7 of Resolution R-2001-1860, Control No. 94-080)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING HYPOLUXO ROAD)

8.Previous Landscape Condition G.3 of Resolution R-2001-1860, Control No. 94-080 which currently states:

Landscaping along the north property line shall be upgraded to include:

- a. A minimum twenty (20) foot right-of-way buffer. No buffer reduction or easement encroachment shall be permitted;
- b. A continuous two and one-half (2.5) foot high berm (measured from top of curb);
- c. One (1) native canopy tree for each thirty (30) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet;
- e. One eighteen (18) inch high shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of twenty-four (24) inches; and
- f. One twenty-four (24) inch shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

In addition to code requirements, landscaping along the north property line shall be upgraded to include:

- a. A continuous two and one-half (2.5) foot high berm;
- b. One (1) palm or pine for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet.

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH PROPERTY LINE
(ABUTTING RANCHES ROAD)

9.Previous Landscape Condition H.1 of Resolution R-2001-1860 which currently states:

Landscaping and buffering along Ranches Road shall be upgraded to include:

- a. A minimum fifteen (15) foot right-of-way buffer. No buffer width reduction or easement encroachment shall be permitted;
- b. A two (2) foot high berm (measured from top of curb);
- c. One (1) native canopy tree for each twenty (20) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet;
- e. One eighteen (18) inch high shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of twenty-four inches;
- f. One twenty-four (24) inch high shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches; and
- g. One thirty (30) inch high shrub for each two (2) linear feet of frontage, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE-Zoning)

Is hereby amended to read

In addition to Code requirement, landscaping and buffering along Ranches Road shall be upgraded to include:

- a. A minimum twenty (25) foot right-of-way buffer with a maximum five (5) foot easement overlap shall be permitted;
- b. A three (3) foot high berm;
- c. One (1) native canopy tree for each twenty (20) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet;
- e. One eighteen (18) inch high shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of twenty-four inches;
- f. One twenty-four (24) inch high shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches;
- g. One thirty (30) inch high shrub for each two (2) linear feet of frontage, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches; and
- h. a six (6) foot high chain link vinyl coated fence. (CO: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND COMMERCIAL)

10.Previous Landscape Condition I.1. of Resolution R-2001-1860, Control No. 94-080 which currently states:

Landscaping along the east and west property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot right-of-way buffer. No buffer width reduction or easement encroachment shall be permitted;
- b. A continuous two (2) foot high berm (measured from top of curb);
- c. One (1) native canopy tree for each twenty (20) linear feet of property line;
- d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet;
- e. One eighteen (18) inch high shrub for each two (2) linear feet of property line, to be maintained at a minimum height of twenty-four inches;
- f. One twenty-four (24) inch high shrub for each four (4) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and
- g. One thirty (30) inch high shrub for each two (2) linear feet of property line, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping along the east and west property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot buffer. No buffer width reduction or easement encroachment shall be permitted;
- b. A continuous two (2) foot high berm;
- c. One (1) native canopy tree for each twenty (20) linear feet of property line;
- d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet. (CO: LANDSCAPE-Zoning)

LIGHTING

1. Previous Condition J.1 of Resolution R-2001-1860, Control No. 94-080 which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

Is hereby deleted: [Reason Superseded by Code Requirement]

2. Previous Lighting Condition J.2 of Resolution R-2001-1860, Control No. 94-080 which currently states:

All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: ZONING-Building)

Is hereby deleted [Reason: Code Requirement]

3. All outdoor lighting (including parking lot lighting) shall be extinguished no later than 10:00 p.m. or 30 minutes after the completion of evening services or special events. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition of Resolution R-2001-1860, Control No. 94-080)

4. The lighting condition above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 4. of Resolution R-2001-1860, Control No. 94-080)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from the District for Technical Compliance, or the issuance of any Lake Worth Drainage District permits, the owner shall convey to the District either by warranty deed or exclusive easement deed the North 75 feet of Section 10/45/42, less what the District owns.

PARKING

1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to delineate the minimum number of day care transient parking spaces required. (DRO: ZONING - Zoning) (Previous Parking Condition L.1 of Resolution R-2001-1860, Control No. 94-080)

2. Proposed grade changes shall be minimal to incorporate existing native vegetation. (CO: LANDSCAPE-Zoning) (Previous Parking Condition L.2 of Resolution R-2001-1860, Control No. 94-080)

SIGNS

1. Previous Landscape Condition K.1 of Resolution R-2001-1860, Control No. 94-080 which currently states:

Freestanding signs shall be limited as follows:

- a. Maximum sign height: Six (6) feet - measured from finished grade to highest point;
- b. Maximum sign face area per side: Sixty (60) square feet;
- c. Maximum number of signs: One (1);
- d. Style: Monument style only; and
- e. Location: Hypoluxo Road.

Is hereby amended to read:

Freestanding signs shall be limited as follows:

- a. Maximum sign height: Six (6) feet - measured from finished grade to highest point;
- b. Maximum sign face area per side: Sixty (60) square feet;
- c. Maximum number of signs: One (1);
- d. Style: Monument style only; and
- e. Location: Hypoluxo Road.
- f. Any replacement sign shall be subjected to the above (1.a-e). (CO: BLDG - Zoning)

USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., excluding holiday services. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation Condition M.1 of Resolution R-2001-1860, Control No. 94-080)

2. Hours of operation for the proposed day care shall be limited to weekdays between the hours of 7:00 a.m. and 7:00 p.m. (ONGOING: CODE ENF - ZONING) (Previous Use Limitation Condition M.2 of Resolution R-2001-1860, Control No. 94-080)

3. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF-Zoning) (Previous Use Limitation Condition M.3 of Resolution R-2001-1860, Control No. 94-080)

4. Maximum number of church seating shall be a total of 480 seats at anytime. (ONGOING: CODE ENF - ZONING) (Previous Use Limitation Condition M.4 of Resolution R-2001-1860, Control No. 94-080)

5. Day care shall be limited to a maximum of fifty (50) children. (ONGOING: CODE ENF - ZONING) (Previous Use Limitation Condition M.5 of Resolution R-2001-1860, Control No. 94-080)

6. No outdoor or amplified music shall be audible from the property lines. (ONGOING: CODE ENF- Zoning) (Previous Use Limitation Condition M.6 of Resolution R-2001-1860, Control No. 94-080)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

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

- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. 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
- c. Referral to code enforcement; and/or
- d. 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 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)