

RESOLUTION NO. R-2009- 0353

RESOLUTION APPROVING ZONING APPLICATION Z/DOA-2007-01185
(CONTROL NUMBER 1985-00072)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF WINNERS CHURCH INTERNATIONAL
BY LAND RESEARCH MANAGEMENT, INC., AGENT
(WINNERS 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 Z/DOA-2007-01185 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 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 Z/DOA-2007-01185, the application of Winners Church International, by Land Research Management, Inc., agent, for a Development Order Amendment to to reconfigure the site plan, add land area, and add building square footage 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 February 25, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2009.

Filed with the Clerk of the Board of County Commissioners on March 3rd, 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 Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows:

BEGINNING at a point in a line parallel to and 440 feet North of (measured at right angles) the South line of Tract 13, Block 13, **PALM BEACH FARMS CO. PLAT NO. 3** as recorded in Plat Book 2, Pages 45 to 54 inclusive, and said point being 200 feet East of the West line of said Tract 13, run then East on said parallel line and its Easterly extension 428.07 feet MORE OR LESS to a point in the West right-of-way line of Jog Road; thence North on said right-of-way line 220.7 feet MORE OR LESS to a point in the Easterly extension of the North line of said Tract 13; thence run West along said Easterly extension and along the North line of said Tract 13, a distance of 433.74 feet MORE OR LESS to a point 200 feet East of the West line of said tract 13; thence South parallel to the West line of Tract 13, a distance of 220 feet to the **POINT OF BEGINNING**.

LESS THE FOLLOWING:

A parcel of land for road right-of-way purposes, being a part of the hiatus bounded on the West by **PALM BEACH FARMS COMPANY PLAT NO. 3** as recorded in Plat Book 2, Pages 45 through 54, inclusive of the Public Records of Palm Beach County, Florida and on the East by the existing right-of-way line of Jog Road (80 foot width) as now laid out and in use and also being a part of Tract 13 of Block 13 of said Plat of **PALM BEACH FARMS COMPANY PLAT NO. 3**, all lying in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 3; thence North 00 degrees 29' 20" East (Bearings shown hereon are based on the North/South Quarter Section line of Section 3, which bears North 00 degrees 29' 20" East along the North/South Quarter Section line of said Section 3, a distance of 3,386.06 feet; thence at right angles to the preceding course North 89 degrees 30' 40" West a distance of 40.00 feet to the point of intersection of said existing Westerly right-of-way line of Jog Road with the Easterly Prolongation of Line 440 feet North of and parallel with (as measured at right angles to) the Southerly tract line said Tract 13, Block, **PALM BEACH FARMS COMPANY PLAT NO. 3** and **POINT OF BEGINNING**:

Thence South 89 degrees 01' 23" West along said Easterly prolongation also being the Southerly property line of Lot 8 of the unrecorded Plat of the survey for Beatrice Black prepared by Weimer and Company, dated 11/6/69 a distance of 15.88 feet to the proposed Westerly right-of-way line of Jog Road; thence North 01 degree 50' 27" West along said proposed Westerly right-of-way line, a distance of 180.40 feet; thence North 46 degrees, 24' 32" West along the chord of a 25.00 foot radius curve, a distance of 35.09 feet to a line 15 feet South of and parallel with (as measured at right angles to) the Northerly tract line of said Tract 13 and Northerly property line of said line of said Lot 8; thence South 89 degrees 01' 23" West along said parallel line a distance of 130.45 feet; thence North 00 degree 58' 37" West, a distance of 15.00 feet to the Northerly Tract line of said Tract 13 and Northerly property line of said Lot 8; thence North 89 degrees 01' 23" East along said Northerly tract line of Tract 13 and said Northerly property line of Lot 8 a distance of 179.60 feet to said existing Westerly right-of-way line of Jog Road; thence South 00 degrees 29' 20" West along said existing Westerly right-of-way line of Jog Road a distance of 220.08 feet to the **POINT OF BEGINNING**.

PARCEL 2:

A parcel of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, described as:

BEGINNING at a point in a line parallel to and 220 feet North of (measured at right angles) the South line of Tract 13, Block 13, **PALM BEACH FARMS CO. PLAT NO. 3**, as recorded in Plat Book 2, Pages 45 to 54, inclusive, and said point being 200 feet East of the West line of said Tract 13; run thence East on said parallel line 422.40 feet, MORE OR LESS, to a point in the West right-of-way line of Jog Road; thence North on said right-of-way line 220.07 feet; MORE OR LESS, to a point in a line parallel to and 440 feet North of (measured at right angles) the South line of Tract 13; thence West on said parallel line 428.07 feet, MORE OR LESS to a point 200 feet East of the North line of Tract 13, thence South parallel to the West line of said Tract 13 a distance of 220 feet to the **POINT OF BEGINNING**.

PARCEL 3:

The West 200 feet of Tract 13, Block 13, **PALM BEACH FARMS COMPANY, PLAT NO. 3**, according to the plat thereof, recorded in Plat Book 2, Pages 45 to 54, LESS AND EXCEPT that part conveyed to Palm Beach County, Florida, as described in Book 9044, Page 809, of the Public Records of Palm Beach County, Florida.

PARCEL 4:

A part of Tract 14, Block 13, **PALM BEACH FARMS CO. PLAT NO. 3**, according to the Plat recorded in Plat Book 2, Page 45, as recorded in the Public Records of Palm Beach County, Florida, more particularly described as follows:

BEGINNING at a concrete monument marking the Southeast corner of said Tract 14; thence South 90 degrees 00' 00" West (assumed) 75.00 feet along the South line of Tract 14; thence North 00 degrees 02' 35" West 344.22 feet parallel to the East line of Tract 14; thence North 89 degrees 59' 23" West 585.13 feet parallel to the South right of way line of Pioneer Road to the West line of said tract 14; thence North 00 degrees 02' 35" West 290.80 feet along said West line to the South right of way of Pioneer Road, which line is 25 feet South and parallel to the original North line of said Tract 14; thence South 89 degrees 59' 23" East 660.13 feet along the South right-of-way line of pioneer road to the East line of said Tract 14; thence South 00 degrees 02'35" East 635.00 feet along said East line to the **POINT OF BEGINNING** and containing 5.00 acres, MORE OR LESS. Subject to all easements and restrictions of record.

PARCEL 5:

A parcel of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, described as:

BEGINNING at a point in the South line of Tract 13, Block 13, **PALM BEACH FARMS COMPANY, PLAT NO. 3**, as recorded in Plat Book 2, Pages 45 through 54, inclusive, and said point being 200 feet East of the Southwest corner of Tract 13 and run East on the South line of Tract 13 and its Easterly extension a distance of 416.73 feet, more or less, to a point in the West right of way line of Jog Road; Thence, North along said right of way line 220.07 feet, more or less, to a point in a line parallel to and 220 feet North of (measured at right angles) the South line of said Tract 13; Thence, West on said parallel line 422.40 feet, more or less, to a point 200 feet East of the West line of said Tract 13; Thence, South parallel to the West line of said Tract 13, a distance of 220 feet to the **POINT OF BEGINNING**.

PARCEL 6:

The North 130.00 feet of the following described parcel:

Tract 24, Block 13, **PALM BEACH FARMS COMPANY, PLAT NO. 3**, as recorded in Plat Book 2, Pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida; together with that portion of the West 1/2 of Section 3, Township 44 South, Range 42 East, lying Easterly of said Tract 24, Block 13, **PALM BEACH FARMS COMPANY, PLAT NO. 3**, LESS the Easterly 40 feet, thereof for road purposes.

EXHIBIT B
VICINITY SKETCH

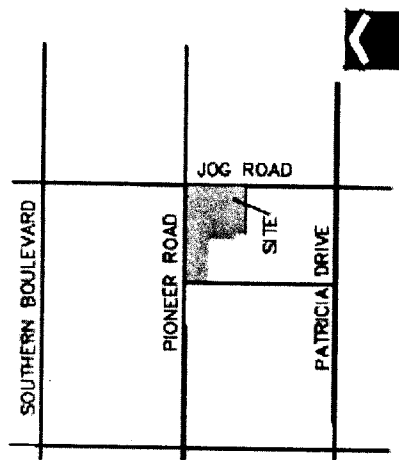


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-1993-0890 which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Section 5.8 of the ULDC, as amended, unless expressly modified. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1993-0890 (Control 1985-072), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved preliminary site plan is dated December 29, 2008. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

3. Condition A.4 of Resolution R-1993-890, Control 1985-072 which currently states:

Prior to obtaining a certificate of occupancy the existing frame buildings shall pass all inspections by the County Building Division. (CO: BUILDING - Zoning)

Is hereby deleted [REASON: superseded by new site plan]

4. Condition A.9 of Resolution R-1993-890, Control 1985-072, which currently states:

Permits shall not be issued for the expansion (Phase 11) from 300 seats to 600 seats, until the four laning of Jog Road in this area is complete. (BLDG PERMIT: BLDG - Engineering)

Is hereby deleted [REASON: superseded by current request]

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures 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)

2. The maximum height of the sanctuary building shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, and satellite dishes, but excluding steeples or other elements that are exempt from the height regulations of the ULDC. (DRO: ARCH REVIEW - Zoning)

BUILDING AND SITE DESIGN

1. Condition A.2 of Resolution R-1993-890, Control No. 1985-072, which currently states:

Prior to site plan certification by the Development Review Committee, the site plan shall be amended to include:

- a. Revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval; and,
- b. Reflect all previously approved Board of Adjustment variances granted. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: proposed plan meets code]

2. Condition A.10 of Resolution R-1993-890, control 1985-072, which currently states:

The petitioner shall apply for a grass parking special permit from the Development Review Committee concurrent with submittal of the site plan for certification. (DRO: ZONING-Zoning)

Is hereby deleted [REASON: the code no longer requires a special permit]

ENGINEERING

1. Engineering Condition E1 of Zoning Resolution R-1993-890 which currently states: The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. (ENGINEERING)

Is hereby deleted. Reason: Drainage is now a code requirement.

2. Engineering Condition E2 of Zoning Resolution R-1993-890 which currently states: The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may be from time to time be amended. Presently The Fair Share Fee for this project is \$1,165.00 for the first phase (300) seats and \$1,165.00 for the second phase (an additional 300 seats).

Is hereby deleted. Reason Impact fees are now a code requirement.

3. Engineering Condition E3 of Zoning Resolution R-1993-890 which currently states: The property owner shall construct a left turn lane south approach on Jog Road at the project's south entrance concurrent with the onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer.

Is hereby amended to read:

The Property owner shall lengthen the existing left turn lane south approach on Jog Road at the Project entrance road. This turn lane shall be lengthened subject to the approval of the County Engineer

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. (ONGOING)

a. Permits required for this construction shall be obtained from Palm Beach County prior to the issuance of the next building permit

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

4. Engineering Condition E4 of Zoning Resolution R-1993-890 which currently states: The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the issuance of a Building Permit. (ENGINEERING)

Is hereby deleted. Reason: Drainage is now a code requirement.

5. Engineering Condition E5 of Zoning Resolution R-1993-890 which currently states: The property owner shall obtain a Turnout Permit from the Palm Beach County

Engineering Department, Permit Section for access onto Jog Road. (Previously Condition Number E.5 of Resolution R-1993-890) (ENGINEERING)
Is hereby deleted. Reason: Permits are required to be obtained from Palm Beach County for all work within County Road rights of way.

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

A) No Building Permits for the site may be issued after April 24, 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, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

7. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 40 feet of right of way from centerline of Pioneer Road prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey when necessary. Road right of way conveyances shall include where appropriate as determined by the County Engineer additional right of way for corner clips. (BLDG PERMIT: MONITORING-Eng)

8. Prior to issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

9. Condition A.14 of Resolution R-1993-890, Control 1985-072, which currently states:

Petitioner shall comply with Conditions 6, and 15 as amended herein, of the original petition (Petition 85-72), prior to initiation of services in the existing structure. During services, traffic control personnel shall be utilized until the left turn lane required in Condition 7 of Petition 85-72 is installed. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

The property owner shall provide traffic control personnel to monitor/direct traffic for all church service hours in a manner considered appropriate by the County Engineer. (ONGOING: CODE ENF Zoning/Eng)

ENVIRONMENTAL

1. Condition A.3 of Resolution R-1993-890, control 1985-072 which currently states:

The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previous Condition Number A.3 of Resolution R-1993-890) (ERM - Zoning)

is hereby amended to read:

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

HEALTH

1. Condition B.1 of Resolution R-1993-890 which reads:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II (HEALTH)

Is Hereby DELETED: Reason --Completed.

2. Condition B.2 of Resolution R-1993-890 which reads:

Prior to site plan certification by the Development Review Committee, the petitioner shall illustrate the location of the existing septic tank system on the site plan. The plans and specifications required to modify the system, if necessary, must be submitted to the Palm Beach County Health Unit. (HEALTH)

Is Hereby Deleted: Reason- Completed

ZONING - LANDSCAPING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

2. A minimum of fifty (50) percent of all new and replacement trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

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

3. Field adjustment of berm and plant material locations may be permitted to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE - Zoning)

4. Prior to the issuance of a Building Permit for the new west sanctuary building, the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE - Zoning)

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

5. In addition to code requirements and existing vegetation required to remain, landscaping and buffer width along the north property line shall be upgraded, consistent with the December 29, 2008 preliminary plans, to include:

- a. a minimum thirty-three (33) foot width;
- b. two to three (2-3) foot high undulating berms; and
- c. provide a continuous visual screen a minimum of six (6) feet in height. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-RIGHT OF WAY BUFFER (ABUTTING JOG ROAD)

6. Condition Number A.11 of Resolution R-1993-890, Control 1985-072, which currently states:

The petitioner shall restore the subject fifty (50) buffer with native vegetation consisting of Wax Myrtle, Coco Plum, Saw Palmetto, among other species, acceptable to the Zoning Division. This restoration plan shall be subject to approval by the Zoning Division.

The required restoration plan shall be included in the revised landscape plan required to be submitted prior to site plan certification by the Development Review Committee.

All required restoration shall be maintained at a minimum of six (6) feet in height.

The intent of the landscape plan is to restore the noise and visual screen and site character that existed prior to land grubbing activity. (DRO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to the code requirements and existing vegetation required to remain, landscaping and buffer width along the east property line shall be upgraded to include:

- a. a minimum of fifty (50) foot wide buffer strip;
- b. two to three (2-3) foot high undulating berms; and
- c. provide a continuous visual screen a minimum of six (6) feet in height
- d. one (1) Slash Pine for each twenty (20) linear feet of the property line;
- e. Saw Palmetto shall replace the ULDC requirement for medium shrubs; and,
- f. A maximum of twenty-five percent (25%) of the required canopy trees may be replaced by a cluster of three (3) Cabbage Palms. (BLDG PERMIT: LANDSCAPE Zoning)

ZONING - LANDSCAPING-ALONG THE SOUTHWEST PROPERTY LINE (ABUTTING RESIDENTIAL)

7. In addition to the code requirements, landscaping and/or buffer width along the southwest property line shall be upgraded to include:

- a. a minimum six (6) foot high solid wood fence; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

2. All outdoor, freestanding lighting fixtures be setback seventy-five (75) feet from the north, southwest and west property lines. (BLDG PERMIT: BLDG - Zoning)

3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding holidays, and excluding security lighting only. (ONGOING: CODE ENF - Zoning)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not

not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG-PalmTran)

SIGNS

1. Any new or replacement freestanding signs fronting on Jog Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Condition A.12 of Resolution R-1993-890, Control No. 1985-072) which currently states:

No outdoor sales, revivals, carnivals or bingo shall be conducted on the premises. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

No outdoor sales, revivals, carnivals, bingo, temporary amusements or special events shall be conducted on the premises. (ONGOING: CODE ENF - Zoning)

2. Educational facilities shall not be used for a day-care operation. (ONGOING: CODE ENF - Zoning) (Condition A.13 of Resolution R-1993-890, Control No. 1985-072)

3. Condition A.14 of Resolution R-1993-890, Control 1985-072, which currently states:

Petitioner shall comply with Conditions 6, and 15 as amended herein, of the original petition (Petition 85-72), prior to initiation of services in the existing structure. During services, traffic control personnel shall be utilized until the left turn lane required in Condition 7 of Petition 85-72 is installed. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Traffic control personnel shall be utilized before and after hours of services. (ONGOING: CODE ENF - Zoning)

4. No accessory outdoor uses such as temporary sales events shall be permitted. No temporary amusements or special events are permitted on the property. (ONGOING / SPECIAL PERMIT: CODE ENF - Zoning)

5. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

6. Vehicular access, including construction traffic, is limited to the approved site plan access points only. (ONGOING: CODE ENF - Zoning)

7. Construction activities shall be limited to the hours of 8a.m. to 6p.m. Monday through Friday and 9a.m. to 5p.m. on Saturday. (ONGOING: CODE ENF - Zoning)

8. The outdoor basketball courts shall be fenced and screened with landscaping, and gates shall be locked when not in use. (ONGOING: CODE ENF - Zoning)

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)