

RESOLUTION NO. R-99- 1150

RESOLUTION APPROVING ZONING PETITION EAC82-118(C)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF HNK ASSOC., HIN, LTD  
BY KILDAY & ASSOCIATES, AGENT  
(FOREST HILL PLAZA)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC82-118(C) was presented to the Board of County Commissioners at a public hearing conducted on June 29, 1999; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC82-118(C), the petition of HNK Assoc., HIN, Ltd, by Kilday & Associates, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to allow a Church or place of worship 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 June 29, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 1999.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

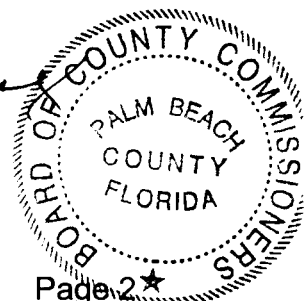
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### **Parcel I:**

A parcel of land situate in Section 12, Township 44 South, Range 42 East, Palm Beach County, Florida, being a portion of the boundary plat of lands in said Section 12, as recorded in Plat Book 28 at page 227 of the Public Records of said Palm Beach County, being more particularly described as follows:

Beginning at the intersection of the Southerly right-of-way line of Forest Hill Boulevard (a right-of-way line 120.00 feet in width) with the Easterly line of the Villas of Palm Beach Plat No. 1, all according to said Plat No. 1, as recorded in Plat Book 40, on pages 198 and 199 of the aforesaid Public records, thence South 88° 46' 16" East along the proposed and existing right-of-way line of said Forest Hill Boulevard, a distance of 532.24 feet to the East line of those lands described on Official Record Book 3485 on page 530 of the said Public Records; thence South 01° 13' 44" West, along said East line, a distance of 773.33 feet to the Southerly line of the aforesaid boundary plat; thence North 88° 48' 15" West, along said Southerly line, a distance of 495.42 feet to the aforesaid Easterly line of the Villas of Palm Beach Plat No. 1; thence North 01° 29' 44" West along said Easterly line, a distance of 774.50 feet to the Point of Beginning.

Less the following described parcel of land:

#### **Leaal Description:** Bay Bank Savings and Loan Site Revised

A Parcel of land situate in Section 12, Township 44 South, Range 42 East, Palm Beach County, Florida, being a portion of the boundary plat of lands in said Section 12, ~~as~~ recorded in Plat Book 28 at page 227 of the Public Records of said Palm Beach County, being more particularly described as follows:

Commencing at the intersection of the Southerly right-of-way line of Forest Hill Boulevard (a right-of-way line 120.00 feet in width) with the Easterly line of the Villas of Palm Beach Plat No. 1, all according to said Plat No. 1, as recorded in Plat Book 40 on pages 198 and 199 of the aforesaid Public Records, thence South 88° 46' 16" East along the proposed and existing right-of-way line of said Forest Hill Boulevard, a distance of 322.60 feet to the Point of Beginning.

From the Point of Beginning and continuing along the proposed and existing right-of-way line of said Forest Hill Boulevard, South 88° 46' 16" East, a distance of 209.64 feet to the East line of those lands described on Official Record Book 3485 on page 530 of the said Public Records; thence South 01° 13' 44" West, along said East line, a distance of 232.48 feet, thence North 88° 46' 16" West a distance of 209.64 feet; thence North 01° 13' 44" East a distance of 232.48 feet to the Point of Beginning.

SUBJECT TO ALL easements, reservations, restrictions and rights-of-way of record.

#### **Parcel II:**

All Mortgagors right, title and interest in and to that certain Reciprocal Easement and Development Agreement recorded in Official Record Book 3654, page 436, of the Public Records of Palm Beach County, Florida.

#### **Parcel III:**

All Mortgagors right, title and interest in and to that certain Property License Agreement contained in Official Record Book 4468, page 1468, of the Public Records of Palm Beach County, Florida.

#### **Parcel IV:**

All Mortgagors right, title and interest in and to that certain Easement contained in Official Record Book 4686, page 123, of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

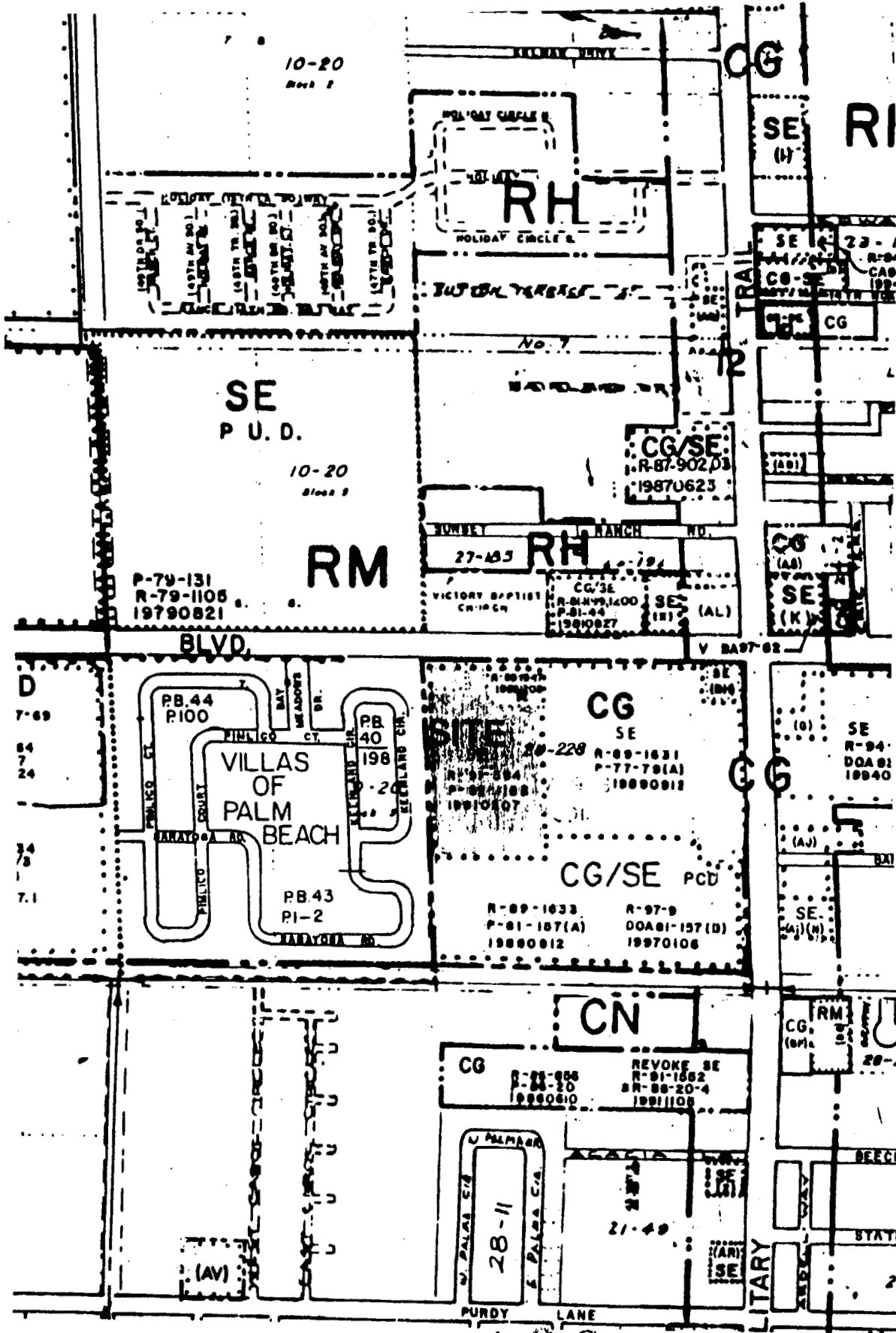


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition 5 of Resolution R-85-1947, Petition 82-118(A), which currently states:  
  
The Developer shall continue to comply with all previously **approved** conditions of zoning Petition **No. 82-118**.  
  
Is hereby deleted. [Reason: Duplicated condition]
2. Previously Condition 6 of Resolution R-85-1947, Petition 82-118(A), which currently states:  
  
The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.  
  
Is hereby deleted. [Reason: No longer applicable]
3. Condition A.1 of Resolution R-91-594, Petition 82-118(B), which currently states:  
  
The petitioner shall comply with all previous conditions of approval and all prior time certain conditions of approval, unless expressly modified herein.  
  
Is hereby amended to read:  
  
All previous conditions of approval applicable to the subject property, as contained in Resolutions R-83-119, (Petition 82-118), R-85-1947, (Petition 82-118(A)) and R-91-594 (Petition 82-118(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
4. Previously Condition A.2 of Resolution R-91-594, Petition 82-118(B), which currently states:  
  
The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.  
  
Is hereby deleted. [Reason: Code requirement and shopping center is built]
5. Condition A.3 of Resolution R-91-594, Petition 82-118(B), which currently states:  
  
Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (**Exhibit 49**). Any modifications must be approved by the Board of County

Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review).

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 May 27, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

**B. ARCHITECTURAL CONTROL**

1. The west side of the proposed development shall be given architectural treatment as not to present a backdoor appearance. (Previously Condition 15 of Resolution R-83-119, Petition 82-118) (BLDG PERMIT: ZONING)

**C. BUILDING AND SITE DESIGN**

1. Developer shall reduce restaurant square footage to widen parking lot to the required **65** feet. (Previously Condition 11 of Resolution R-83-119, Petition 82-118) [Completed - Restaurant built]
2. Condition 12 of Resolution R-83-119, Petition 82-118, which currently states:  
Developer shall include a by-pass lane at bank teller facility.  
~~Is~~ hereby deleted. [Reason: Code requirement]
3. Dumpsters and loading areas shall be screened from the west. (Previously Condition 14 of Resolution R-83-119, Petition 82-118) (DRC: ZONING)
4. Condition 16 of Resolution R-83-119, Petition 82-118, which currently states:  
Mechanical and air conditioning equipment shall be situated on the **roof** and screened with parapets.

Is hereby amended to read:

All new or renovated air conditioning and mechanical equipment and satellite dishes, which receive a building permit after June 29, 1999, shall be roof mounted and screened from view on all sides by parapets. (BLDG PERMIT: BLDG - Zoning)

5. Condition B.1 of Resolution R-91-594, Petition 82-118(B), which currently states:

The site plan shall be amended to indicate the following:

- a. **A** total of four (4) Loading spaces.
- b. The width of the driveway between the retention area and the southwest corner of the main structure shall be twenty-five (**25**) feet minimum.

Is hereby deleted. [Reason: Code requirement]

6. Prior to final site plan approval by the Development Review Committee (DRC) or August 29, 1999, whichever comes first, the drive thru lane west of the main retail building shall be deleted if it is not serving a current use or redesigned for safe internal circulation and to meet current ULDC requirements. (DRC/DATE: ZONING/MONITORING - Zoning)
7. Prior to the issuance of the Certificate of Completion or Certificate of Occupancy, whichever may be applicable, for any **unbuilt/proposed** areas within the southern portion of the existing main retail building, the existing curbing shall be extended to include the building expansion areas. (CC, CO: MONITORING - Zoning)

D. CROSS ACCESS

1. Developer shall provide documentation of cross **access/parking** agreement with the **Richway-Palm Springs Shopping Center**. (Previously Condition 13 of Resolution R-83-119, Petition 82-118) (DRC: ZONING)

E. ENGINEERING

1. Condition 3 of Resolution R-83-119, Petition 82-118, which currently states:

Developers shall retain **onsite 85%** of the stormwater runoff generated by a three **(3)** year storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [Reason: Code requirement]

2. Within ninety **(90)** days of approval of the ultimate right-of-way for Forest Hill Boulevard, **60** feet from centerline, shall be conveyed to Palm Beach County (approximately an additional ten feet of right-of-way). (Previously Condition 4 of Resolution R-83-119, Petition 82-118) [Completed]
3. Developer shall provide construction plans per the County Engineer's approval, for Forest Hill Boulevard within sixty **(60)** days of **Special** Exception approval from the project's west property line to a point **200** feet west of the west edge of the access pavement entrance to the Villas of Palm Beach including appropriate tapers. (Previously Condition 5 of Resolution R-83-119, Petition 82-118) [Completed]
4. Developer shall construct Forest Hill Boulevard as a four lane **median** divided section from the project's west property line to a point **200** feet west of the entrance **to** the Villas of Palm Beach. This construction is to take place concurrently with Palm Beach County's current Forest Hill Boulevard road widening project from Congress Ave. west to this project's west property line. The petitioner shall pay all costs **incurred** by a change order to the contract for Forest Hill Boulevard. (Previously Condition 6 of Resolution R-83-119, Petition 82-118) [Completed]
5. Developers shall provide construction **plans for** Forest Hill Boulevard as a four lane median divided section within six months of **zoning** approval from Haverhill Road east to the entrance to Palm Hill Villas per the County **Engineer's** approval. (Previously Condition 7 of Resolution R-83-119, Petition 82-118) [Completed]

6. Condition 8 of Resolution R-83-119, Petition 82-118, which currently states:
- Only one median opening on Forest Hill Boulevard shall be permitted, with a minimum distance of 260 feet west of the east property.
- Is hereby deleted. [Reason: Forest Hill Boulevard has been widened and all median openings are now existing]
7. Condition 9 of Resolution R-83-119, Petition 82-118, which currently states:
- The developer shall contribute the sum of One Hundred Six Thousand Seven Hundred and Seventy Five Dollars (\$106,775.00) toward the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of the Building Permit(s).
- Credit shall be applied toward the preparation and the construction of Forest Hill Boulevard as authorized in Conditions 7 & 8 above.
- Is hereby deleted. [Reason: Impact Fees are code requirement]
8. The Developer shall provide discharge control and treatment for the storm-water runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the storm-water runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition E.1 of Resolution R-91-594, Petition 82-118(B)) (BLDG PERMIT: MONITORING- Eng)
9. 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 from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$13,695.00 (249 trips x \$55.00 per trip). (Previously Condition E.2 of Resolution R-91-594, Petition 82-118(B))
10. The Developer shall fund the installation of signalization if warranted as determined by the County Engineer at Forest Hill Boulevard and the project's entrance. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E.3 of Resolution R-91-594, Petition 82-118(B))

F. ENVIRONMENTAL RESOURCE MANAGEMENT:

1. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals - is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures. (Previously Condition D.1 of Resolution R-91-594, Petition 82-118(B)) (ERM)



G. HEALTH:

1. The developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (~~dust~~ particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 1 of Resolution R-83-119, Petition 82-118) (ONGOING: CODE ENF)
2. The developer shall take necessary precautions to insure there **will** be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition 2 of Resolution R-83-119, Petition 82-118) (ONGOING: CODE ENF)
3. Condition 1 of Resolution R-85-1947, Petition 82-118(A), which currently states:  
  
Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this **property** do not become a nuisance to neighboring properties.  
  
Is hereby deleted. [Reason: Duplicated condition]
4. Condition 2 of Resolution R-85-1947, Petition 82-118(A), which currently states:  
  
Reasonable measures shall be employed during site **development** to insure that no pollutants from this property shall enter adjacent or nearby surface waters.  
  
Is hereby deleted. [Reason: Duplicated condition]
5. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be **submitted** to the Health Department for approval prior to installation. (Previously Condition 3 of Resolution R-85-1947, Petition 82-118(A)) (ONGOING: HEALTH)
6. Any toxic or hazardous waste generated at this site shall be **properly** handled and disposed of in accordance with Chapter **17-30, F.A.C.** (Previously Condition 4 of Resolution R-85-1947, Petition 82-118(A)) (ONGOING: HEALTH)
7. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or **owners** generating such effluents. (Previously Condition E.1 of Resolution R-91-594, Petition 82-118(B)) (ONGOING: HEALTH)
8. Sewer service **is** available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition E.2 of Resolution R-91-594, Petition 82-118(B)) (ONGOING: HEALTH)
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition E.3 of Resolution R-91-594, Petition 82-118(B)) (ONGOING: HEALTH)

H. LANDSCAPING - STANDARD

1. **The west property line shall be supplemented with additional native canopy trees, a minimum of twelve (12) feet in height, planted forty (40) feet on center.** (Previously Condition F.1 of Resolution R-91-594, Petition 82-118(B)) (CO: LANDSCAPE - Zoning)
2. **The parking area shall be upgraded to provide a minimum of twenty (20) square feet of curbed tree planting area for every ten (10) parking stalls. Trees shall be a minimum of ten (10) feet in height and shall be native canopy trees.** (Previously Condition F.2 of Resolution R-91-594, Petition 82-118(B)) (CO: LANDSCAPE - Zoning)
3. All new or replacement canopy trees required to be planted on site by this approval, Petition 82-118(C), shall meet the following minimum standards at installation:
  - a. Tree height: Twelve (12) feet;
  - b. Trunk diameter: 2-1/2 inches measured 4.5 feet above grade;
  - c. Canopy diameter: Six (6) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3 feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
4. All new or replacement palms required to be planted on site by this approval, Petition 82-118(C), shall meet the following minimum standards at installation:
  - a. Palm heights: Twelve (12) feet clear trunk;
  - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
5. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless otherwise stated herein. (CO: LANDSCAPE - Zoning)
6. Prior to April 29, 2000 or the issuance of the tenant improvement permit for the church, whichever comes first, landscaping plans shall be approved by the Landscape Section prior to installation of the landscaping as required by Condition H.7. (BLDG PERMIT/DATE: LANDSCAPE - Zoning/MONITORING - Zoning)
7. Prior to June 29, 2000 or the issuance of the Certificate of Completion for the church, whichever comes first, all existing and proposed landscaping shown on the site plan dated May 27, 1999 shall be installed. (DATE/CO: LANDSCAPE - Zoning)

I. LANDSCAPING - INTERIOR

1. Foundation plantings for the church, as required by the Unified Land Development Code, shall be located outside of the canopy area. (DRC: ZONING)

2. Prior to certification by the Development Review Committee (DRC), the site plan shall be amended to indicate the following:
  - a. Relocation of four required **(4)** handicap parking spaces to the parking aisles directly in front of the church tenant space; and,
  - b. Enlargement of the landscape islands directly in front of the main retail building by converting the access aisles of the excess handicap spaces into green space. Construction of the enlarged landscape islands shall be completed prior to the issuance of the Certificate of Completion for the church. (DRC/CC: ZONING/LANDSCAPE - Zoning)

J. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
 

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the certificate of completion for the church (CC). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CC: MONITORING - Eng)

K. MUPD

1. Prior to the issuance of a building permit for any major exterior renovations of the existing buildings or redevelopment on the site, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. For the purpose of this condition, major exterior renovations or redevelopment shall mean any improvements greater than or equal to 50% of the appraised current value of the affected building(s) or of the site, as determined by the Palm Beach County Property Appraiser's Office, at the time of improvement. (ONGOING/BLDG PERMIT: ZONING - Co Att)
2. Prior to the issuance of a building permit for any major exterior renovations of the existing buildings or redevelopment on the site, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The

covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. For the purpose of this condition, major exterior renovations or redevelopments shall mean any improvements greater than or equal to 50% of the appraised current value of the affected building(s) or of the site, as determined by the Palm Beach County Property Appraiser's Office, at the time of improvement. (ONGOING/BLDG PERMIT: ZONING - Co Att)

L. PARKING

1. Prior certification of the final site plan by the Development Review Committee (DRC), the petitioner shall revise the parking count to be consistent with the Site Data and the ULDC. (DRC: ZONING)

M. SIGNS

1. Replacement or renovation of any existing point of purchase signs with valid building permits along Forest Hill Boulevard after June 29, 1999, shall be limited to the following:
  - a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet for the main shopping center sign and ten (10) feet for the outparcels;
  - b. Maximum sign face area per side - 120 square feet for the main shopping center sign and 80 square feet for the outparcels;
  3. Maximum number of signs - Three (3) total with one (1) for the shopping center sign and one (1) each for the outparcels; and,
  - d. Style - monument style only. (CO: BLDG)
2. The signage for the church shall be limited to wall mounted signs on the building facade or a tenant sign within the main shopping center sign only. No additional point of purchase sign shall be permitted for the church. (CO: BLDG)

N. USE LIMITATION:

1. **Loading and the maintenance activities shall be limited to 6:00 a.m. to 10:00 p.m. along the western property line, where the site abuts residential use areas.** (Condition G.1 of Resolution R-91-594, Petition 82-118(B)) (ONGOING: CODE ENF)
2. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m., excluding holiday services. (ONGOING: CODE ENF)
3. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.), shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions, or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)
4. No overnight accommodations for the public or employees. Any future caretaker or priest/minister/church official's residence shall be within the approved building footprint, shall be limited to a maximum of 1,000 square feet and shall comply with all ULDC provisions. (ONGOING: CODE ENF)

5. The site shall be limited to the following:
  - a. Overall site total gross floor area - 86,900 square feet maximum. Expansion shall be limited to an increase 1,000 square feet subject to approval by the Traffic Division; and,
  - b. Church total gross floor area - 5,200 square feet maximum and a maximum of 51 occupants at any time, unless additional required parking or a shared parking agreement is approved by the Development Review Committee (DRC). (DRC/ONGOING: ZONING/CODE ENF - Zoning)
6. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated May 27, 1999). (DRC: ZONING)

O. UTILITY

1. Developer shall be required to obtain an agreement to pave **24'** utility easement. (Previously Condition 10 of Resolution R-83-119, Petition 82-118) (UTILITY)

P. 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. Condition H.1 of Resolution R-91-594, Petition 82-118(B), which currently states:

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

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

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

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC; in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)