

RESOLUTION NO. R-99- 1606

RESOLUTION APPROVING ZONING PETITION DOA89-041(C)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF ST. PATRICK CATHOLIC CHURCH  
BY KEVIN MCGINLEY, AGENT  
(ST. PATRICK CHURCH)

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

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

WHEREAS, Zoning Petition DOA89-041(C) was presented to the Board of County Commissioners at a public hearing conducted on August 26, 1999; and

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

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

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

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



8. This Development Order Amendment has a concurrency determination and complies with Article 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 DOA89-041(C), the petition of St. Patrick Catholic Church, by Kevin McGinley, agent, for a Development Order Amendment (DOA) to modify conditions in Resolution R-97-2075 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 26, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner 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	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

Petition DOA89-041 (C)  
Project No. 9999-999

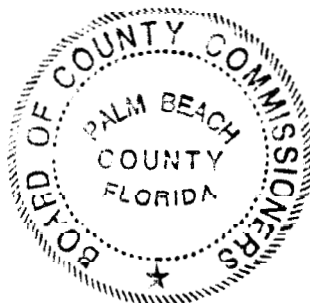


EXHIBIT A  
LEGAL DESCRIPTION

PARCEL 1: A portion of the southeast quarter of the northwest quarter of Section 29, Township 41 South, Range 43 East, described as follows: Beginning at a monument marking the southeast corner of the northwest quarter of said Section 29; thence run in a northerly direction along a quarter section line 300 feet to the point of beginning of the herein conveyed **property**; thence run in a westerly direction parallel to the south line of the northwest quarter of said Section 29 a distance of 150 feet to a point marking the northwest corner of the herein conveyed property; thence **run** in an easterly direction parallel to the south line of the northwest quarter of said Section 29 a distance of **1326.06** feet to a point marking the northeast corner of the herein conveyed property; thence in a southerly direction along the east line of the northwest quarter of said Section 29 a distance of 150 feet *to* the point of beginning.

PARCEL 7: The north 150 feet of the south 600 feet of the east one-half of the northwest quarter of Section 29, Township 41 South, Range 43 East.

PARCEL 3: The north 80 feet of the south 680 feet of the east half of the northwest quarter of Section 29, Township 41 South, Range 43 East.

EXHIBIT B

VICINITY SKETCH

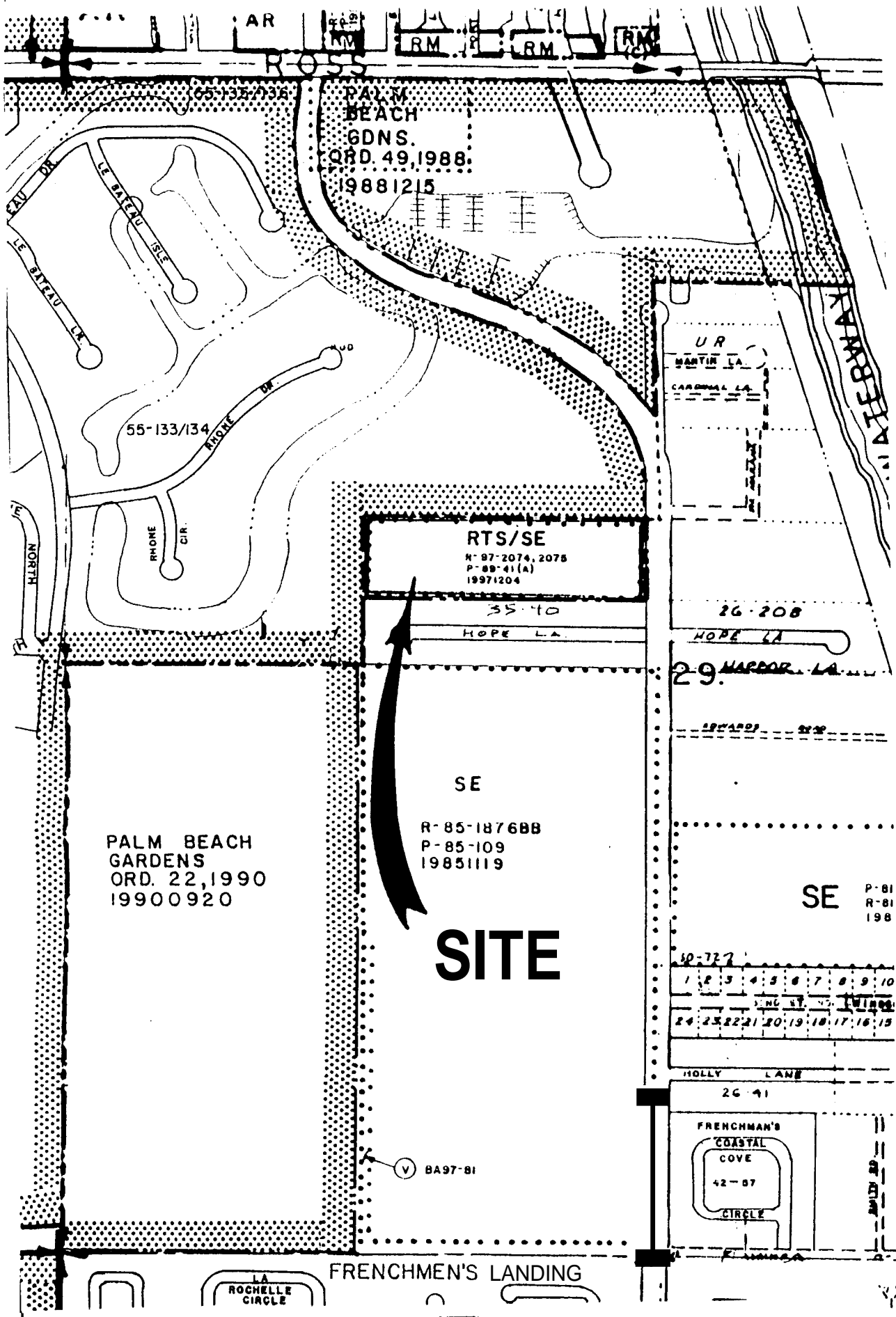


EXHIBIT C

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 A.1 of Resolution R-97-2075, Petition 89-041(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions **R-89-1630** (Petition 8941) and **R-92-601 (CR 89-41/10.2)**, 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution **R-97-2075 (Petition 89-41 (A))**, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-97-2075, Petition 89-041(A) 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 August 29, 1997. 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.

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 June 9, 1999 and landscaping plan is dated July 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. **All** buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility shall mean utilizing similar elements such as materials, architectural details, or roof design. (Previously Condition B.1 of Resolution R-97-2075, Petition 89-41(A)) (BLDG PERMIT: BLDG - Zoning)

2. The architectural design of all new buildings shall create an overall unified image, utilizing, but not limited to, three (3) or more of the following common elements such as consistent forms, colors, materials, architectural details and landscape materials. (Previously Condition B.2 of Resolution R-97-2075, Petition 89-41 (A)) (BLDG PERMIT: BLDG - Zoning)
3. Similar architectural character and treatment shall be provided on all sides of the **building**. (Previously Condition B.3 of Resolution R-97-2075, Petition 89-41 (A)) (BLDG PERMIT: BLDG - Zoning)
4. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (Previously Condition B.4 of Resolution R-97-2075, Petition 89-41 (A)) (BLDG PERMIT: MONITORING - Bldg)
5. **All** air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (Previously Condition B.5 of Resolution R-97-2075, Petition 89-41 (A)) (CO: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The site shall be limited to the use of a total of 1,136 seats at any one time for all scheduled events. (Previously Condition C.1 of Resolution R-97-2075, Petition 89-41(A)) (ONGOING: CODE ENF)
2. The minimum setback for all structures, except for the Sanctuary, adjacent to the south property line shall be sixty-seven (67) feet. The minimum setback for the Sanctuary shall be one hundred (**100**) feet from the north and south property lines. (Previously Condition C.2 of Resolution R-97-2075, Petition 89-41 (A)) (DRC: ZONING)
3. The maximum height for all structures, except the Sanctuary, measured from finished grade to highest point, shall not exceed twenty-five (**25**) feet. The maximum height for the Sanctuary, measured from finished grade to highest point, shall not exceed fifty (**50**) foot in height from finished grade. (Previously Condition C.3 of Resolution R-97-2075, Petition 89-41 (A)) (BLDG PERMIT: BLDG - Zoning)
4. **All** areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be indicated on the site plan and shall not be located within one hundred (100) feet of the south property line. (Previously Condition C.4 of Resolution R-97-2075, Petition 89-41 (A)) (DRC/ ONGOING: ZONING /CODE ENF)
5. **A** maximum of one (1) satellite dish antenna shall be allowed **if** completely screened from view of all **right-of-ways** and adjacent residential zoning districts by an opaque wall or fence with similar architectural treatment as the church or equivalent landscaping materials. The satellite dish shall not be roof mounted. (Previously Condition C.5 of Resolution R-97-2075, Petition 89-41 (A)) (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

6. Prior to the issuance of a Certificate of Occupancy for the proposed Parish Hall or Rectory, the existing **10,400** square foot church building shall be removed. (Previously Condition C.6 of Resolution R-97-2375, Petition 89-41 (A)) (CO: BLDG)
7. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended indicate the relocation of landscaping islands within the grassed parking as indicated **on** the site plan dated August **29, 1997**. The relocation of the islands shall be coordinated with the tree survey to ensure maximum **preservation of** existing native vegetation. (Previously Condition C.7 of Resolution R-97-2075, Petition 89-41 (A)) (DRC: ZONING)
8. The designated grassed parking spaces located on the western **half** of the site shall be limited to grassed parking only. Proposed grade changes shall be minimal to incorporate existing native **vegetation**. (Previously Condition C.8 of Resolution R-97-2075, Petition 89-41 (A)) (DRC: ERM/LANDSCAPE)
9. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be amended to indicate the required **number** of parking spaces in accordance with the ULDC. (Previously Condition C.9 of Resolution R-97-2075, Petition 89-41 (A)) (DRC: ZONING /ENG)

D. HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition D.2 of Resolution R-97-2075, Petition 89-41 (A)) (ONGOING: CODE ENF- Health)

E. ENGINEERING

1. Condition 8 of R-89-1630, Petition 89-41, was deleted by Resolution R-97-2075, Petition DOA89-041(A).
2. Within **90** days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Prosperity Farms Road, **70** feet from centerline free 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously condition E.2 of Resolution R-97-2075, Petition 89-41(A)) [Note: Completed]
3. Previously condition E.3 of Resolution 97-2075, Petition 89-41 (A), which currently states:

The Property owner shall construct a left turn lane south approach on Prosperity Farms Road.

- a) This construction shall be concurrent with the building permit for the new sanctuary for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring - Eng)
- c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

A Police Officer or Sheriff Personnel shall be stationed at the project's entrance onto Prosperity Farms Road to serve as a traffic controller for all weekend services, Christmas services, Easter Services, and all other special events such as weddings and funerals, regardless of the day or time. (ONGOING: CODE ENF)

- 4. Condition 2 of R-92-601, Petition 89-41, was deleted by Resolution R-97-2075, Petition DOA89-041(A).
- 5. The petitioner 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 presently is **\$5,412.00 (202 trips X \$26.79 per trip)**. (Previously Condition E.5 of Resolution R-97-2075, Petition 89-41(A))
- 6. 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 petition, **89-41(A)**, to be paid at the time of issuance of the Building Permit presently is **\$4,400.00 (80 additional trips X \$55.00 per trip)** (Previous Condition E.6 of Resolution R-97-2075, Petition 89-41 (A)) (ONGOING: ACCOUNTING - Fair Share Fee Coordinator).
- 7. In addition the Developer shall contribute the amount of **\$541.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of **\$541.00** shall be paid prior to the issuance of the first Building Permit. (Previously Condition E.7 of Resolution R-97-2075, Petition 89-41(A)) (ONGOING: ACCOUNTING-Fair Share Fee Coordinator).
- 8. If the "Fair Share Contribution for Road Improvements Ordinance: is amended to increase the Fair Share Fee, this additional amount of **\$541.00** shall be credited toward the increased Fair Share Fee. (Previously Condition E.8 of Resolution R-97-2075, Petition 89-41(A)) (ONGOING: ACCOUNTING - Fair Share Fee Coordinator).

F. ERM

- 1. The Developer shall preserve all existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall



be limited to the developable areas, retention areas, driveways and other vehicular use areas. The areas for preservation shall receive appropriate protection from damage and disturbance in accordance with Sections 7.3 and 9.5 of the Unified Land Development Code (ULDC) during the site development and construction phase. Landscaping shall be installed as shown on the Landscape Plan on file, as approved by the Development Review Committee (DRC). Vegetation within the parking lot area shall consist of *Quercus virginiana* (live oak) or other native tree species. (Previously Condition F.3 of Resolution 97-2075, Petition 89-41 (A)) (DRC: ERM/ZONING - Landscape)

2. Documentation of the approval from the Florida Game and Freshwater Fish Commission with regard to the Gopher Tortoise issue shall be received by ERM prior to the issuance of the primary Vegetation Permit for the site. (Previously Condition F.4 of Resolution R-97-2075, Petition 89-41 (A)) (VEGETATION PERMIT: ERM)
3. Prior to final site plan certification by the Development Review Committee (DRC), a tree survey meeting the standards of Sections 3.2 and 7.3 of the ULDC shall be required for the affected area. The affected area shall consist of all areas west of the existing 10,400 square foot church, 620 feet west of the east property line. (Previously Condition F.5 of Resolution R-97-2075, Petition 89-41 (A)) (DRC: ERM/ZONING - Landscape)

#### G. LANDSCAPING - STANDARD

1. **All** canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) 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 3.5 feet in length.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Condition G.1 of Resolution R-97-2075, Petition 89-41 (A)) (CO: LANDSCAPE-Zoning)
2. **All** palms required to be planted on site by this approval, except on individual residential lots, 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. (Previously Condition G.2 of Resolution R-97-2075, Petition 89-41 (A)) (CO: LANDSCAPE-Zoning)
3. **A** group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (Previously Condition G.3 of Resolution R-97-2075, Petition 89-41 (A)) (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES  
{ABUTTING RESIDENTIAL}

1. Condition H.I of Resolution R-97-2075, Petition 89-41 (A), which currently states:

**Landscaping and buffering along the affected areas (620' from east property line for a distance of 636 feet to west property line) of the north and south property lines and along the entire west property line shall be upgraded to include:**

- a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
- b. **A one (1) three (3) foot high undulating berm with an average height of two (2) feet, measured from the top of the curb;**
- c. **Staggered and alternating double rows of canopy trees. One (1) canopy tree shall be planted every twenty (20) feet on center for each row; and,**
- d. **Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.**

Is hereby amended to read:

Landscaping and buffering along the affected areas (620' from east property line for a distance of 636 feet to west property line) of the north property line and along the entire west property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum six (6) foot high berm (existing) and hedge combination provide an opaque barrier at time of installation and to be maintained at a minimum height of six (6) feet. The six (6) foot height shall be measured from the top of the curb of the parking lot. Only the portion of the existing berm located within the subject property may be credited toward the overall six (6) height requirement. The minimum spacing of the shrub and hedge material shall be pursuant to provisions of the ULDC;
- c. Additional understory plantings shall be installed at a minimum height of eight (8) feet along the north property line consistent with the landscape plan dated July 27, 1999 and to be field adjusted for maximum screening;
- d. Staggered and alternating double rows of canopy trees. One (1) canopy tree shall be planted every twenty (20) feet on center for each row; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

2. Landscaping and buffering along the affected areas (620' from east property line for a distance of 636 feet to west property line) of the south property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum six (6) foot high native hedge and understory combination providing an opaque barrier at time of installation and maintained at a minimum height of six (6) feet. The six (6) foot height shall be measured from the top of the curb of the parking lot. The minimum spacing of the shrub and hedge material shall be pursuant to provisions of the ULDC;

- c. Additional understory plantings and/or relocation of existing vegetation shall be installed consistent with the landscape plan and photo exhibits of lots #4-10 dated July 27, 1999 and to be field adjusted for maximum screening;
- d. Staggered and alternating double rows of canopy trees. One (1) canopy tree shall be planted every twenty (20) feet on center for each row; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING PROSPERITY FARMS ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include supplementation of the existing landscaping with the following:
  - a. A minimum twenty-five (25) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center; and,
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (Previously Condition 1.1 of Resolution R-97-2075, Petition 89-41 (A)) (CO: LANDSCAPE)

J. LIGHTING

- 1. Condition **No. 4** of Resolution **R-89-1630**, Petition **No. 89-41**, which currently states:

**All** lighting shall be of **low** intensity, shielded, and directed away from surrounding residential properties and right-of-way.

**Is** hereby amended to read:

**All** outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previously Condition J.1 of Resolution 97-2075, Petition 89-41 (A)) (CO/ONGOING: BLDG/CODE ENF - Zoning)

- 2. **All** outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (Previously Condition J.2 of Resolution R-97-2075, Petition 89-41 (A)) (CO: BLDG - Zoning)
- 3. **All** outdoor lighting shall be extinguished no later than **9:00** p.m., excluding the lighting at holiday services and security lighting only. (Previously Condition J.3 of Resolution R-97-2075, Petition 89-41 (A)) (ONGOING: CODE ENF)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previously Condition J.4 of Resolution R-97-2075, Petition 89-41 (A)) (ONGOING: CODE ENF)

K. SIGNS

1. All signage, including directional, entrance wall and wall mounted signs, shall be limited to the existing permitted signs as approved by the previous building permits. Future signage or replacement of the existing sign shall be restricted to the following:
  - a. Maximum sign height, measured from finished grade to highest point - not to exceed height as indicated on the approved building permit;
  - b. Maximum sign face area per side - not to exceed area as indicated on the approved building permit of the freestanding signs (median and entrance wall signs);
  - c. Maximum number of signs - **two (2)** entrance wall signs, one **(1)** monument median sign along Prosperity Farms Road frontage;
  - d. Style - monument style only; and,
  - e. Maximum wall signs on buildings shall be limited to one **(1)**, **100** square foot sign per **building**. (Previously Condition K.1 of Resolution R-97-2075, Petition 89-41 (A)) (CO: BLDG)
2. **No** off-premise signs or relocated billboards shall be permitted on the site. (Previously Condition K.2 of Resolution R-97-2075, Petition 89-41 (A)) (ONGOING/DRC: CODE ENF/ZONING)

L. USE LIMITATION

1. Use of the site shall be limited to the following:
  - a. A 19,010 square foot Sanctuary. A maximum of five **(5)** percent or 1,000 square feet, whichever is less, may be relocated from the other buildings on the site;
  - b. A **6,400** square foot Parish Hall; and,
  - c. A **4,000** square foot Rectory.) (Previously Condition **L.1** of Resolution R-97-2075, Petition 89-41 (A)) (DRC: ZONING)
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. (Previously Condition L.2 of Resolution R-97-2075, Petition 89-41 (A)) (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. (Previously Condition L.3 of Resolution R-97-2075, Petition 89-41 (A)) (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)

M. 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 M.1 of Resolution R-97-2075, Petition 89-41 (A), which currently states:

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

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

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)

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)