

## TOWN OF LOXAHATCHEE GROVES

### RESOLUTION NO. 2008-032

#### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING THE SITE PLAN FOR FIRST HOLINESS CHURCH OF THE LIVING GOD, CONTROL NO. CA-2002-00057; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AND EFFECTIVE DATE.**

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans for development on property within the Town and

**WHEREAS**, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

**WHEREAS**, the Site Plan Application for the Community of Hope, Control No. CA-2002-00057 was presented to the Council at a public hearing conducted on November 4, 2008; and

**WHEREAS**, the Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of Town staff; and

**WHEREAS**, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner.

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

**Section 1.** Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town Council has considered the findings in the staff report and makes the following findings of fact:

1. This Site Plan is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

2. This Site Plan complies with relevant and appropriate portions the applicable local land development regulations. This Site Plan, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Town of Loxahatchee Groves Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Site Plan, as adopted, is compatible as defined in the Town of Loxahatchee Groves 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 Site Plan, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Site Plan, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Site Plan, with conditions as adopted, is consistent with applicable Neighborhood Plans.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Site Plan for the First Holiness Church of the Living God, Control No. 2002-00057 for the parcel of land legally described in EXHIBIT "A", attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT "B", attached hereto and made a part hereof subject to the conditions of approval, which are attached hereto as EXHIBIT "C", and incorporated herein by reference. A copy of the approved site plan, subject to the approved conditions, is attached hereto as Exhibit "D".

**Section 4.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 5.** If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

DNT:lfm

H:\2007\070240.LOX\RESO 2008\Reso 2008-032 (First Holiness Church).doc

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND IN TRACT 33, BLOCK "F", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**THE WEST 386.2 FEET OF TRACT 33, BLOCK "F", LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29 , SAID PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.**

CONTAINING 5.00 ACRES.

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

EXHIBIT B  
VICINITY SKETCH

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous Condition A.1 of Palm Beach County Resolution R-2003-0754, Control No. 2002-057 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 February 18, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is here by amended to read:

Development of the site is limited to the uses and site design as approved by the Town Council. The approved site plan is dated February 14, 2008. All modifications must be approved by the Town council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous Condition C.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

At time of submittal for final DRC approval of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.D and Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRC: ZONING - Zoning)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Place of Worship 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)

BUILDING AND SITE DESIGN

1. Previous Condition D.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred (100) feet of the south and west property lines and shall be confined to the areas designated on the site plan dated February 18, 2003. (DRC / ONGOING: ZONING / CODE ENF - Zoning)

Is hereby amended to read:

All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred (100) feet of the south and west property lines. (DRO:

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be by the County Engineer prior to final acceptance. (Previous Engineering Condition E.1 of Zoning Resolution R-2003-0754, Control No. 2002-057) (BLDG. PERMIT:MONITORING - Eng)
2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Okeechobee Boulevard, 60 feet from centerline on or before, December 15, 2003, or prior to the issuance of first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Thoroughfare Plan Road rightof-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and Corner Clips. (Previous Engineering Condition E.2 of Zoning Resolution R-2003-0754, Control No. 2002-057) (DATE/BLDG. PERMIT:MONIOTORING - Eng) [Note: Completed].
3. Previous Engineering Condition E3 of Zoning Resolution R-2003-0754, Control No. 2002-057 which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 31, 2004. A time extension for this condition may be approved by the County engineer only if 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 Section 5.8 Article of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

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 28, 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)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (Previous Condition F.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (ONGOING: ERM - ERM)

LANDSCAPING - ALTERNATIVE LANDSCAPE PLAN

1. Previous Condition B.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Prior to final DRC approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north, south, east and west property lines and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning / Planning)

Is hereby deleted: [Reason: No Longer Applicable – Revised Plan]

2. Previous Condition B.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Prior to final DRC approval of the site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE - Zoning / Planning)

Is hereby deleted: [Reason: Code requirement]

#### LANDSCAPING -STANDARD

3. Prior to the issuance of a building permit the property owner shall submit a 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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous Condition G.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: LANDSCAPE - Zoning)

6. Previous Condition G.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

All shrub or hedge materials shall be planted in continuous masses, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub; and,
- c. forty-eight (48) to seventy-two (72) inches - large shrub. (CO: LANDSCAPE - Zoning)

Is hereby deleted: [Reason: Code Requirement]

7. Previous Condition G.3 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

All trees, pines and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

Is hereby deleted: [Reason: Code Requirement]

8. A group of five (5) or more pine trees may not supersede the requirement for canopy trees. (Previous Condition G.4 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: LANDSCAPE - Zoning)
9. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (Previous Condition G.5 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: LANDSCAPE - Zoning)
10. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/mulch paths/bike paths and to accommodate transverse utility or drainage easements crossings. (Previous Condition G.6 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF OKEECHOBEE BOULEVARD)

11. Previous Condition H.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

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

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
- c. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5);
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Code requirements landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5) with average height of 12 feet. (CO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

12. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum fifty (50) foot wide buffer strip;
  - b. a six (6) foot high opaque wood fence; and,
  - c. one (1) native canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence. (Previous Condition I.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: LANDSCAPE - Zoning)
13. Previous Condition I.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

The following landscaping requirements shall be installed on the exterior side of the

required fence:

- a. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5);
- b. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- c. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Code requirements the following landscaping requirements shall be installed on the exterior side of the required fence:

- a. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5) with an average height of 12 feet. (CO: LANDSCAPE - Zoning)
14. Previous Condition I.3 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Along the interior side of the required fence, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

Is hereby deleted: [Reason – Code Requirement]

#### LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING ACTS II ASSEMBLY OF GOD CHURCH)

15. Previous Condition J.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) native canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5);
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- d. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Code requirements landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) native canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5). (CO: LANDSCAPE - Zoning)

#### LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

16. Previous Condition K.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a continuous two (2) foot high berm measured from grade; and,
- c. a six (6) foot high opaque wood fence shall be located on the plateau of the berm;
- d. one (1) native canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
- e. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5) and shall be planted on the exterior side of the fence;
- f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and be planted on both sides of the fence; and
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and be planted on both sides of the fence. (Previous Condition K.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Code requirements landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a six (6) foot high opaque wood fence;
- c. one (1) native canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
- d. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5) and shall be planted on the exterior side of the fence with an average height of 12 feet. (CO: LANDSCAPE - Zoning)

#### LANDSCAPING INTERIOR

17. Previous Condition L.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning)

Is hereby deleted: [Reason – Code Requirement]

18. Previous Condition L.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

Landscaped divider medians shall be provided at every second row of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb, and shall consist of the following:

- a. one (1) flowering tree for each twenty-five (25) linear feet of the median;
- b. one (1) native canopy tree for each thirty-five (35) linear feet of the median; and,
- c. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches (DRC: LANDSCAPE - Zoning)

Is hereby deleted: [Reason – No longer applicable, due to site redesign]

19. Previous Condition L.3 of Palm Beach County Resolution R-2003-0754, Control

2002-057 which currently states:

Foundation planting or grade level planters shall be provided along the north, south and west facades of the church building to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than eighty (80) percent of the total length of each applicable side of the church building, excluding the canopy area along the west facade; and,
- d. Landscape areas shall be planted with a minimum equivalent of one (1) tree for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE - Zoning)

Is hereby deleted: [Reason – Code Requires a photometric plan]

- 20. Previous Condition L.4 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

Landscaping for terminal islands in the parking area shall consist of the following:

- a. one (1) canopy tree for each island; and,
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

Is hereby deleted: [Reason – Code Requirement]

#### LIGHTING

- 1. Previous Condition M.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

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

Is hereby deleted: [Reason – Code Requirement]

- 2. All outdoor, freestanding lighting fixtures along the perimeter of the property shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (Previous Condition M.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (CO: BLDG - Zoning)

- 3. Previous Condition M.3 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

All outdoor, freestanding lighting fixtures shall be setback a minimum twenty (20) feet from the west property line. (CO: BLDG - Zoning)

Is hereby deleted: [Reason – Code Requirement]

- 4. All outdoor lighting shall be extinguished no later than 9:30 p.m. excluding security lighting only. (Previous Condition M.4 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (ONGOING: CODE ENF - Zoning)
- 5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous Condition M.5 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (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 issuance of the first Building Permit, 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 limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT: MONITORING-Palm Tran).

#### PLANNING

1. Previous Condition O.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Prior to final Development Review Certification, per Recommendation 1 of the Loxahatchee Groves Neighborhood Plan and Policy 1.4.i of the Future Land Use Element, the Planning Division shall determine whether the site plan complies with the site plan dated February 18, 2003, regarding parking placement, amount of grass parking, and the two (2) mulch pathways that lead from the parking area to the church building. (DRC: PLANNING - Planning)

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

2. Previous Condition O.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

Prior to final site plan certification by the Development Review Committee (DRC), per Policy 1.4-i of the Future Land Use Element, the petitioner shall submit to the Planning Division a detail of the depth and slope of the dry detention areas to the north and east of the church building for the purposes of using this area for church functions. (DRC: PLANNING - Planning)

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

#### PARKING

1. Previous Condition N.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057, which currently states:

All parking spaces located south of the church building, excluding those spaces that are adjacent to the building's south facade, shall be limited to grassed parking only unless required for average daily traffic. (DRO: LANDSCAPE - Zoning)

Is hereby deleted: [Reason – No longer applicable]

#### SIGNS

1. Freestanding signs shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side thirty-six (36) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. location - within thirty (30) feet on the east side of the entrance only.
  - f. Signs shall be limited to identification of tenant and hours of service only.

#### USE LIMITATIONS

1. All services shall be held within the church, and the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. excluding holiday services. (Previous Condition Q.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (ONGOING: CODE ENF - Zoning)
2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of fifty (50) feet from the north, south and west property lines. No temporary amusements or special events are permitted on the property. (Previous Condition Q.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (ONGOING / SPECIAL PERMIT: CODE ENF - Zoning)
3. No outdoor or amplified music shall be audible from the property lines. (Previous Condition Q.3 of Palm Beach County Resolution R-2003-0754, Control 2002-057) (ONGOING: CODE ENF - Zoning)

#### UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD)

#### COMPLIANCE

1. Condition R.1 of Palm Beach County Resolution R-2003-0754, Control 2002-057 which currently states:

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)

Is hereby amended to read:

In granting this approval, the Town Council of Loxahatchee Groves 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 Town Council of Loxahatchee Groves for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Condition R.2 of Palm Beach County Resolution R-2003-0754, Control 2002-057 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; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested

- Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of 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. (ONGOING: MONITORING - Zoning)

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 Town Council 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 Town Council decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

# Exhibit D Approved Site Plan

