

RESOLUTION NO. R-2002-2196

RESOLUTION APPROVING ZONING PETITION DOAI979-148C
DEVELOPMENT ORDER AMENDMENT
PETITION OF THE CRAIG COLLECTION, INC.
BY KIERAN J. KILDAY, AGENT
(PALM BEACH ACURA)

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 DOAI979-148C was presented to the Board of County Commissioners at a public hearing conducted on December 9, 2002; 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 DOA1979-148C, the petition of The Craig Collection, Inc., by Kieran J. Kilday, agent, for a Development Order Amendment to modify/delete conditions of approval, add square footage, reconfigure site plan and to allow an automotive paint and body facility, 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 December 9, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 9, 2002.

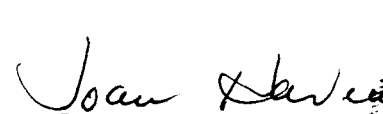
Filed with the Clerk of the Board of County Commissioners on 14 day of January, 2003.

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

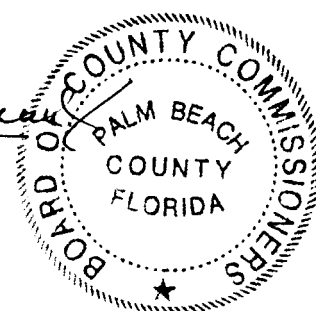


EXHIBIT A
LEGAL DESCRIPTION

Parcel 1:

Lot 24, Less the West 1/2 and Less the South 15 feet thereof, Block 1, PALM BEACH FARMS CO. PLAT NO. 9, according to the Plat recorded in Plat Book 5, page 58, as recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

Parcel 2:

A portion of the West 1/2 of Tract 24, Block 1, of the PALM BEACH FARMS CO. PLAT NO. 9, according to the plat thereof as recorded in Plat Book 5, page 58, of the current Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Tract 24, thence Northerly along the Westerly boundary of said Tract 24, 482.62 feet to the point of beginning (P.O.B.) thence continued Northerly along said Westerly boundary of Tract 24, 447.19 feet to the Southerly Right-of-way line of the Lake Worth Drainage District Canal No. L-1 as now established and in use. Thence Easterly along the Southerly Right-of-way Line of said canal L-1, 330.34 feet to the Easterly boundary of the West 1/2 of Tract 24. Thence Southerly along the Easterly boundary of the West 1/2 of Tract 24, 447.19 feet, thence Westerly parallel with the Southerly Right-of-way Line of said canal L-1, 330.34 feet to the Westerly boundary of said Tract 24 and Point of Beginning (P.O.B.).

EXHIBIT B
VICINITY SKETCH

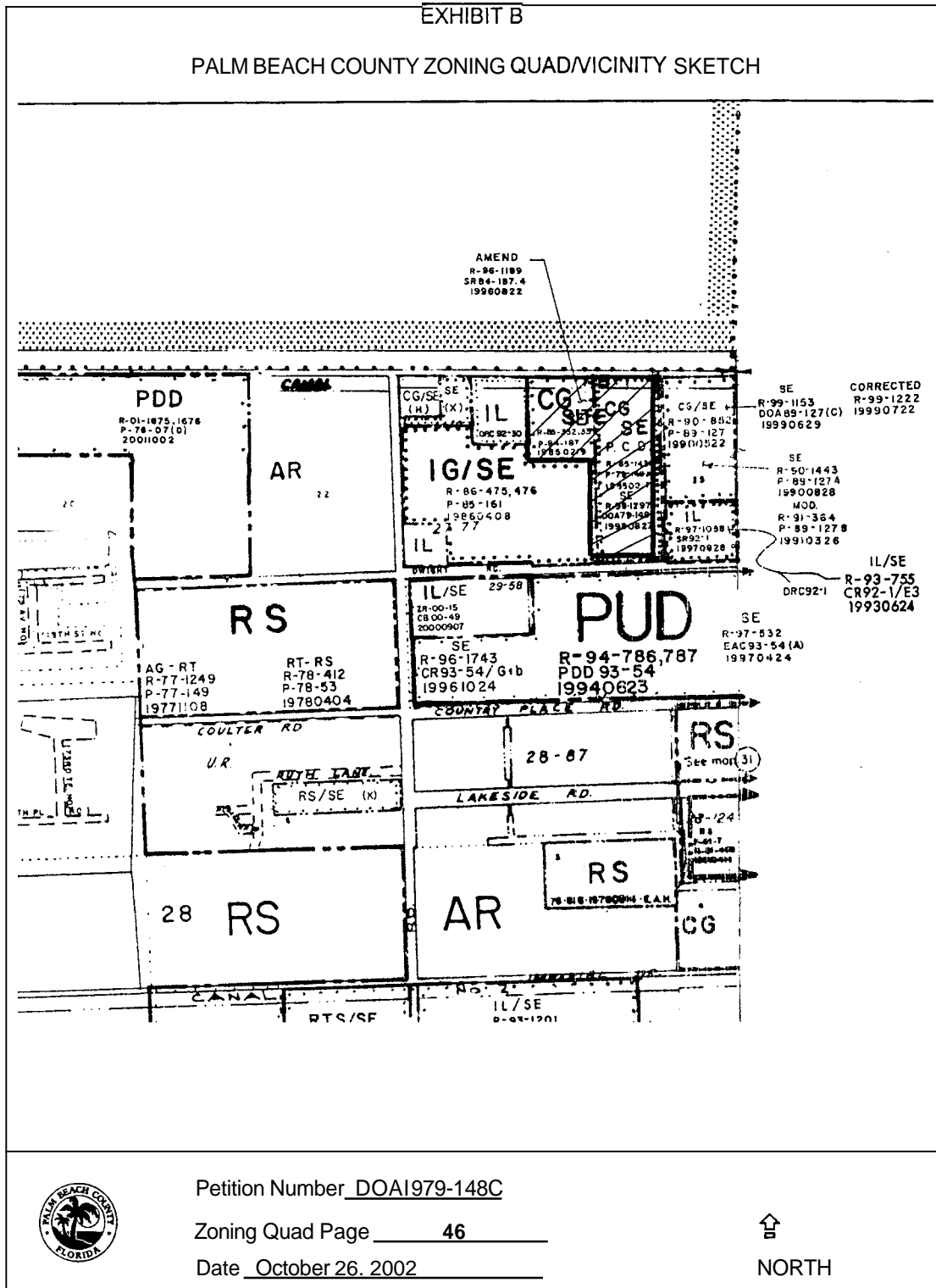


EXHIBIT C

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. Resolutions R-85-333, granting approval for a PCD of Petition 84-187, R-92-1658 approving status report (SR 84-187), are hereby revoked. (MONITORING: ZONING – Zoning) (Previous Condition A.1 of Resolution R-98-1297, Petition DOA 79-148B)

2. Resolution R-79-1097 granting a rezoning approval for (Petition 79-148), and R-85-0332 granting approval of (Petition 84-187), shall remain in full force and effect. (MONITORING: ZONING – Zoning) (Previous Condition A.2 of Resolution R-98-1297, Petition DOA 79-148B)

3. Condition A.3 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

All conditions of approval contained in Resolution R-79-1098 (Petition 79-148); and R-85-1431 (Petition 79-148(A) are hereby repealed.

Is hereby deleted. [Reason: No longer applicable, superseded by Condition A.5.]

4. The approval granted by Resolution R-79-1098 (Petition 79-148) (PCD) and, R-85-1431 (Petition 79-148(A), however, shall remain in full force and effect. (ONGOING: CODE ENF - Zoning) (Previous Condition A.4 of Resolution R-98-1297, Petition DOA 79-1486)

5. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1998-1297 (Petition DOA 1979-1488), 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)

6. Condition A.5 of Resolution R-98-1297, Petition DOA 79-148B 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 June 24, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 1, 2002. 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)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for the auto paint and body and the 1,080 square foot vehicle sales buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING – Zoning)
2. All new roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. Exceptions may be permitted for required roof mounted air ventilation equipment on the automotive paint and body facility. (DRC/CO: ZONING/BLDG – Zoning)

C. BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-98-1297, Petition DOA 79-148B which currently states:

Total gross floor area shall be limited to a maximum of 32,400 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

Is hereby deleted. [Reason: Code requirement.]

2. Condition B.2 of Resolution R-98-1297, Petition DOA 79-148B which currently states:

To ensure consistency with the site plan dated June 24, 1998 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)

Is hereby deleted. [Reason: Code requirement.]

3. Condition B.3 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

Prior to final site plan approval the petitioner shall amend the site plan to delete the 16,500 square feet of office warehouse use and associated parking.

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

4. Prior to final Development Review Committee (DRC) site plan certification, the petitioner shall enter into an agreement with the Lake Worth Drainage District to allow for development in the LWDD right-of-way, to include but not be limited to: signage, piping, paving and display parking and landscaping. If not approved, the used car facility may be relocated to the south to accommodate redesign of used car display areas. (DRC: ZONING – Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM – ERM) (Previous Condition F.1 of Resolution R-98-1297, Petition DOA 79-148B)

E. ENGINEERING

1. Condition E.1 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

The Property owner shall construct a right turn lane west approach on Okeechobee Boulevard at the projects entrance road subject to approval of the FDOT.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

~~Is hereby deleted. [Reason: Superseded by new condition.]~~

2. Prior to DRC Certification the property owner shall amend the existing concurrency approval for the site to delete the two 8250 square foot office warehouses as shown on the current site plan. (DRC:ENGINEERING – Engineering) (Previous Condition E.2 of Resolution R-98-1297, Petition DOA 79-148B)
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code prior to May 1, 1999. (DATE:MONITORING-Eng) (Previous Condition E.3 of Resolution R-98-1297, Petition DOA 79-148B)
4. LANDSCAPE WITHIN THE MEDIAN OF OKEECHOBEE BOULEVARD

- a. Prior to issuance of the an onsite Drainage Permit from the Palm Beach County Engineering Department, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (ONSITE DRAINAGE PERMIT: ENG – Eng) (Note: Completed.)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to February 1, 1999. (DATE: MONITORING – Eng) (Note: Completed.)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the an onsite Drainage Permit from the Palm Beach County Engineering Department. (ONSITE DRAINAGE PERMIT:ENG – Eng) (Note: Completed.)

5 The Property owner shall construct:

- a) a restricted median opening on Okeechobee Boulevard at the projects west entrance;
- b) a right turn lane on west approach on Okeechobee Boulevard at the projects west entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

Permits required by Florida Department of Transportation for this construction shall be obtained prior to the issuance of the next Building Permit. (BLDG PERMIT: Monitoring – Eng)

- 6. Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING – Eng)
- 7. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits shall be issued for the 14,000 square foot auto paint and body facility until construction has begun for Okeechobee Boulevard 8-laning from State Road 7 to the Florida Turnpike plus the appropriate paved tapers. (BLDG PERMIT: MONITORING – Eng)
- 8. 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 approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)

F. HEALTH

- 1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING:

HEALTH/CODE ENF – Health) (Previous Condition G .I of Resolution R-98-1297, Petition DOA 79-148B)

2. **The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.** (ONGOING: HEALTH – Health) (Previous Condition 1.1 of Resolution R-98-1297, Petition DOA 79-148B)

G. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of all new 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. (CO: LANDSCAPE – Zoning)
2. All new or replacement palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - 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) (CO: LANDSCAPE – Zoning)
3. All new shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, 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;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. This condition does not apply to the five (5) foot wide compatibility buffers or where a single row of hedge is required on one or both sides of a fence or wall. (CO: LANDSCAPE – Zoning)
4. All new trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF OKEECHOBEE BOULEVARD)

1. Condition D.I of Resolution R-98-1297, Petition DOA 79-148B, 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;**
- 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. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; 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 westernmost 328 feet of the north property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip.
- b. One (1) native canopy tree for each thirty (30) linear feet of the property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- 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 (30) inches at installation. (CO: LANDSCAPE – Zoning)

2. Landscaping and buffering along the easternmost 332 feet of the north property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. One (1) native canopy tree for each thirty (30) linear feet of the property line;
- c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- 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 (30) inches at installation. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (FRONTAGE OF DWIGHT ROAD)

1. Landscaping along the south property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide buffer strip along the south property line. No easement encroachment or width reduction shall be permitted;
- b. A continuous two (2) foot berm measured from finished grade to top of berm;
- c. A six (6) foot high black or green vinyl coated chain link fence;
- d. One (1) native canopy tree for each thirty (30) linear feet of property line, to be planted alternating on both sides of the fence; and
- e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on both sides of the fence. (CO: LANDSCAPE – Zoning)

2. The following landscaping shall be required along the exterior side of the required fence:
 - a. One (1) medium shrub for each six (6) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - b. One (1) large shrub for each two (2) linear feet of property line, planted twenty-four inches on center and maintained at a minimum height of seventy-two (72) inches, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING – INTERIOR

1. Condition C.1 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

One 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.

Is hereby amended to read:

One (1) landscape island shall be provided for every ten (10) parking, display or storage spaces. The maximum spacing between landscape islands shall not exceed one-hundred (100) linear feet for parking, display or storage spaces and fifty (50) linear feet for tandem display parking areas. (DRC: ZONING – Zoning)

2. Condition C.2 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be five (5) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center.

Is hereby amended to read:

Landscaped divider medians shall be provided between all rows of abutting parking and vehicle display areas, with exception to the first two (2) rows of service parking located south of the existing vehicle sales facility. The minimum width of this median shall be five (5) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC: ZONING – Zoning)

3. Foundation planting or grade level planters along the front and side facades of the used car facility shall be upgraded as follows:
 - a. The minimum width of the required landscape areas along the front façade shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/ LANDSCAPE – Zoning)

K. LIGHTING

1. 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. (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition H.1 of Resolution R-98-1297, Petition DOA 79-148B)
2. On the west 3.41 acre parcel, all outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG – Zoning) (Previous Condition H.2 of Resolution R-98-1297, Petition DOA 79-148B)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF – Zoning) (Previous Condition H.3 of Resolution R-98-1297, Petition DOA 79-148B)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning) (Previous Condition H.4 of Resolution R-98-1297, Petition DOA 79-148B)

L. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the proposed future location of sidewalks along Okeechobee Boulevard since this site is within two (2) miles of a school. (DRC: PLANNING – Planning)

M. SIGNS

1. Condition J.1 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

New freestanding point of purchase signs fronting on Okeechobee Boulevard adjacent to the 3.41 acre west auto display addition shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 125 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only.

Is hereby amended to read:

All new and/or relocated/replacement freestanding point of purchase signs fronting on Okeechobee Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: fifteen (15) feet;
- b. Maximum sign face area per side: Eastern sign – fifty (50) square feet; and Western sign – one-hundred (100) square feet;
- c. Maximum number of signs: two (2);
- d. Style: Monument only; and
- e. Location: Eastern sign – within eighty (80) feet of east property line, and Western sign – within three-hundred (300) feet of west property line. (CO: BLDG – Zoning)

2. Condition J.2 of Resolution R-98-1297, Petition DOA 79-148B, which currently states:

No off-premise signs or relocated billboards shall be permitted on the site.

Is hereby deleted. [Reason: Inconsistent with billboard settlement agreement.]

N. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF – Zoning) (Previous Condition K.1 of Resolution R-98-1297, Petition DOA 79-148B)
2. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF – Zoning) (Previous Condition K.2 of Resolution R-98-1297, Petition DOA 79-148B)
3. Vehicles shall be parked or displayed only in the areas designated on the certified site plan for parking/display. (ONGOING: CODE ENF – Zoning) (Previous Condition K.3 of Resolution R-98-1297, Petition DOA 79-148B)
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF – Zoning) (Previous Condition K.4 of Resolution R-98-1297, Petition DOA 79-148B)
5. Condition K.5 of Resolution R-98-1297, Petition DOA 79-148B which currently states:

A maximum of 182 cars shall be displayed on site at any time. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

A maximum of 241 cars shall be displayed on site at any time. (ONGOING: CODE ENF – Zoning)
6. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG – Health) (Previous Condition K.6 of Resolution R-98-1297, Petition DOA 79-1486)
7. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF – Zoning) (Previous Condition K.7 of Resolution R-98-1297, Petition DOA 79-148B)
8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF – Zoning) (Previous Condition K.8 of Resolution R-98-1297, Petition DOA 79-148B)
9. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF – Zoning) (Previous Condition K.9 of Resolution R-98-1297, Petition DOA 79-148B)
10. Vehicles shall not be test driven on residential streets. (ONGOING - CODE ENF – Zoning) (Previous Condition K.10 of Resolution R-98-1297, Petition DOA 79-148B)

11. All parking spaces required for employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces. (DRC/ONGOING: ZONING/CODE ENF – Zoning) (Previous Condition K.II of Resolution R-98-1297, Petition DOA 79-148B)

O. 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) (Previous Condition L.I of Resolution R-98-1297, Petition DOA 79-148B)
2. Condition L.2 of Resolution R-98-1297, Petition DOA 79-148B, 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 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.

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 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)