

RESOLUTION NO. R-2003-1122

RESOLUTION APPROVING ZONING PETITION DOA1973-043F
DEVELOPMENT ORDER AMENDMENT
PETITION OF SHADOWOOD SQUARE LTD.
BY KILDAY AND ASSOCIATES, AGENT
(SHADOWOOD SQUARE)

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 DOA1973-043F was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2003; 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 has considered the findings in the staff report and 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 DOA1973-043F, the petition of Shadowood Square Ltd., by Kilday and Associates, agent, for a Development Order Amendment to reconfigure the site plan, add square footage and modify/delete conditons of approval 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 July 24, 2003, 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 Aaronson and, upon being put to a vote. the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 2003.


Filed with the Clerk of the Board of County Commissioners on 22 day of August , 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

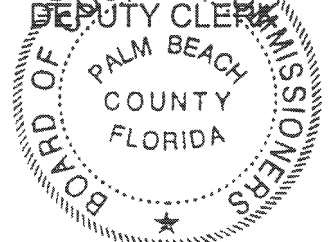


EXHIBIT A
LEGAL DESCRIPTION

All of the Plat of, SHADOWOOD SQUARE, as recorded in Plat Book 74,
Pages 68 and 69, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

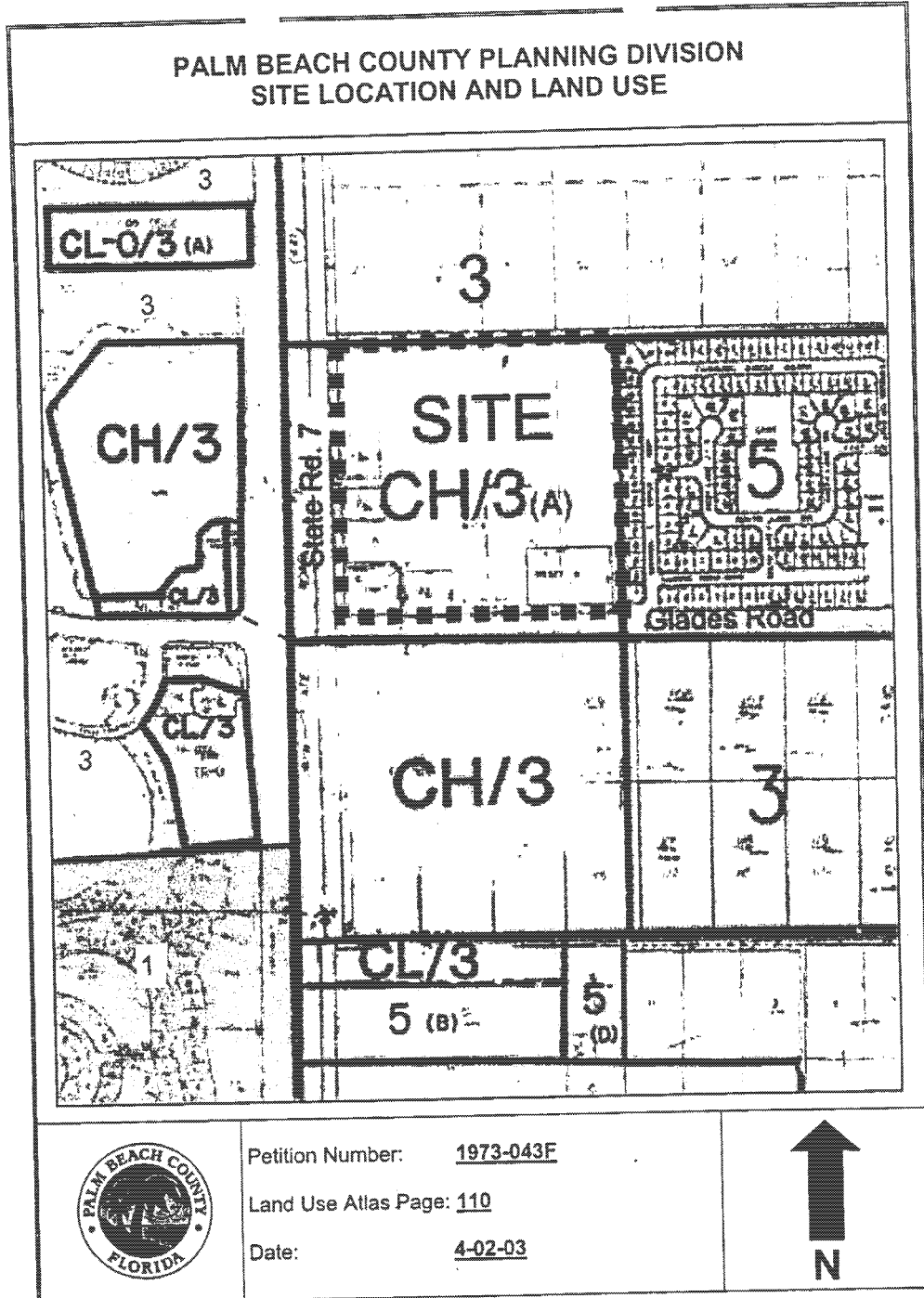


EXHIBIT C

CONDITIONS OF APPROVAL

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

A ALL PETITIONS

1. Condition A.1 of Resolution R-96-0258, Petition DOA1973-043(E), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-73-400 (Petition 73-43), R-85-1427 (Petition 73-43(A), R-87-89 (Petition 73-43(B), R-91-591 (Petition 73-43(C), and R-95-523 (Petition 73-43(D) 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 Resolutions R-96-0124, Petition DOA1973-043D and R-96-0258, Petition DOA1973-043E, 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 Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 22, 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)
- 3 Prior to final DRC approval of the site plan, conceptual approval from FPL must be granted for relocation or removal of the FPL service line shown underlying building M. Documentation of this approval shall be submitted in a form acceptable to the Zoning Division. (DRC: ZONING - Zoning)
- 4 Condition G.1 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (ONGOING: WATER UTILITIES - Water Utilities)

Is hereby deleted. [REASON: Not applicable.]

- 5 Condition L.1 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

- 6 Condition L.2 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

Prior to Site Plan Review Committee approval, the site plan shall be revised to reflect a 50 foot front yard setback. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Completed.]

7. Condition N.1 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

Development of the site is limited to a maximum of 307,325 square feet and the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 6.8.a and 6.8.E of the ULDC. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by Condition A.2.]

B ARCHITECTURAL CONTROL (AFFECTED AREA ONLY)

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for building M 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.E. and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC approved site plan. (DRC: ZONING - Zoning)

C AUTO REPAIR - BUILDING C

1. **No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition B.1 of Resolution R-96-0258, Petition 1973-43(E))**
2. **Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (ONGOING: CODE ENF - Zoning) (Previous Condition B.2 of Resolution R-96-0258, Petition 1973-43(E))**
3. **The property owner shall participate in a tire recycling program. (ONGOING: SWA - SWA) (Previous Condition B.3 of Resolution R-96-0258, Petition 1973-43(E))**
4. **Office uses shall not commence business activity prior to 7:00 a.m. nor continue after 8:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous Condition B.4 of Resolution R-96-0258, Petition 1973-43(E))**
5. **All other activities, including deliveries, garbage pickup, repairs, and use of pneumatic tools shall not commence prior to 8:00 a.m. nor continue after 6:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous Condition B.5 of Resolution R-96-0258, Petition 1973-43(E))**
6. **No activity shall occur on this parcel on Sundays. (ONGOING: CODE ENF - Zoning) (Previous Condition B.6 of Resolution R-96-0258, Petition 1973-43(E))**
7. **Future expansion areas**
 - a. **No bay door openings shall be permitted on the east side of any structure. (BLDG PERMIT: BLDG - Zoning) (Previous Condition K.1 of Resolution R-96-0258, Petition 1973-43(E))**

- 8 **Building height shall be limited to one-story on the tire store parcel, except the southwest corner of the structure may contain second story office space to a maximum of twenty-five (25) feet in height and a maximum of 1,112 square feet in area. (BLDG PERMIT: BLDG - Zoning) (Previous Condition K.2 of Resolution R-96-0258, Petition 1973-43(E))**
- 9 **Prior to Site Plan Certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the auto service facility shall provide air and water for minor vehicle maintenance to the public at no charge. (DRC: ZONING / CODE ENF - Zoning) (Previous Condition K.3 of Resolution R-96-0258, Petition 1973-43(E)) [NOTE: Completed.]**
- 10 **Prior to site plan certification, the site plan shall be amended to indicate the location of the proposed storage area adjacent to the dumpster site along the west wing of the proposed structure. (DRC: ZONING - Zoning) (Previous Condition K.4 of Resolution R-96-0258, Petition 1973-43(E)) [NOTE: Completed.]**

D DUMPSTER (FOR THE ENTIRE SITE)

1. **Receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall not be located within seventy-five (75) feet of the north or east property lines. (CO: BLDG - Zoning) (Previous Condition C.1 of Resolution R-96-0258, Petition 1973-43(E))**
- 2 **All areas or receptacles for the storage and disposal of trash, garbage or vegetation (i.e., dumpsters) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure opaque gate. All exterior sides, except the open end, shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. (CO: BLDG - Zoning) (Previous Condition C.2 of Resolution R-96-0258, Petition 1973-43(E))**

E ENGINEERING

- 1 **The Developer shall provide discharge control and treatment for the storm-water runoff in accordance with all acceptable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the storm-water runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (ONGOING: ENG - Eng)**

(Previous Condition D.E1 of Resolution R-96-124, Resolution amending R-95-523, Petition DOA73-43D)

Is hereby deleted. [REASON: Code requirement.]

- 2 **The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from storm-water runoff from the remainder of the site.** (Previous Condition E.1 of Resolution R-96-0258, Petition 1973-43(E). (ONGOING: ENG - Eng)

Is hereby deleted. [REASON: Code requirement.]

- 3 **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.** (Previous Condition E.2 of Resolution R-96-0258, Petition 1973-43(E) (BLDG PERMIT: IMPACT FEE COORDINATOR - Eng)

Is hereby deleted. [REASON: Code requirement.]

- 4 **Landscape Within Median**

If permitted by the Florida State Department of Transportation or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way on State Road 7. This landscaping shall consist of one ten (10) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the petitioner. Landscaping shall be completed concurrent with the widening of State Road 7 by the Florida Department of Transportation. (ONGOING: ENG - Eng) (Previous Condition E.3 of Resolution R-96-0258, Petition 1973-43(E) [Note: Plans have been submitted for this landscaping to the Land Development Division.]

- 5 **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 zoning petition number 73-43(D), the 18,410 square foot theater expansion, shall be paid at the time of issuance of the Building Permit. This amount presently is \$15,895.00 (289 additional trips X \$55.00 per trip) (BLDG PERMIT: ACCOUNTING - Impact Fee Coordinator) (Previous Condition E.4 of Resolution R-96-0258, Petition DOA1973-043(E)**

Is hereby deleted. [REASON: Code requirement.]

- 6 **The Fair Share Fee for this project, Zoning Petition 73-43(D) which permits a car wash addition, to be paid at the time of issuance of the Building Permit presently is \$9,130.00 (166 trips X \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Impact Fee Coordinator) (Previous Condition E.5 of Resolution R-96-0258, Petition DOA1973-043(E)**

Is hereby deleted. [REASON: Code requirement.]

F **ENVIRONMENTAL RESOURCE MANAGEMENT**

- 1 **Condition D.1 of Resolution R-96-0258, Petition 1973-43(E), which currently states:**

Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures. (ONGOING: ERM - ERM)

Is hereby deleted [REASON: Completed.]

2. Condition D.2 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (CO: BLDG - ERM)

Is hereby deleted. [REASON: Completed.]

- 3 Condition D.3 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

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: ERM - ERM)

Is hereby deleted [REASON: Code requirement.]

G HEALTH

- 1 **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH - Health) (Previous Condition F.1 of Resolution R-96-0258, Petition 1973-43(E))**

- 2 Condition F.2 of Resolution R-96-0258, Petition DOA73-43(E), which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH - Health)

Is hereby deleted. [REASON: Code requirement.]

- 3 Condition F.3 of Resolution R-96-0258, Petition DOA1973-43(E), which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH - Health)

Is hereby deleted. [REASON: Code requirement.]

- 4 **No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C. (ONGOING: HEALTH - Health) (Previous Condition F.4 of Resolution R-96-0258, Petition 1973-43(E))**

- 5 Condition F.5 of Resolution No. R-96-0258, Petition 1973-43(E), which currently states:

The automated car wash facility shall use a 100% water recycling system. (CO: BLDG / HEALTH - Health)

Is hereby deleted. [REASON: Not applicable.]

H. LANDSCAPING - STANDARD

- 1 All replacement and newly planted trees 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 replacement and newly planted palms required to be planted on the property 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)
- 3 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)
- 4 Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE ABUTTING AGRICULTURAL)

1. **The north property line shall be landscaped with Alternative 3 landscape buffer including native canopy trees planted at heights of:**

50% 14 feet tall; 25% 12 feet tall; 25% 10 feet tall; all to be installed concurrent with the development of the northern portions of the shopping center, prior to the issuance of a Certificate of Occupancy. (CO: LANDSCAPE - Zoning) (Previous Condition H.2.b of Resolution R-96-0258, Petition 1973-43(E))

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1 **The east property line shall have a ten (10) foot wide perimeter landscape buffer including a six (6) foot high CBS wall and one twelve foot tall tree planted for every 20 linear feet. Both sides of the wall shall be painted a color which coordinates with the shopping center.** (CO: LANDSCAPE - Zoning) (Previous Condition H.2.a of Resolution R-96-0258, Petition 1973-43(E))

K. LANDSCAPING - INTERIOR

1. Condition H.1.a of Resolution R-96-0258, Petition DOA1973-43(E), which currently states:
 - a **One landscape island shall be provided for every eight (8) parking spaces for all parking areas yet to be constructed on the site. The Master Plan shall be amended prior to Site Plan certification to meet this requirement.**

Is hereby deleted. [REASON: Not applicable.]

- 2 **Fifty (50) percent of all trees within the interior parking area shall be fourteen (14) feet in height or greater; twenty five (25) percent shall be twelve (12) feet tall or greater; and the remainder shall be ten (10) feet in height or greater.** (CO: LANDSCAPE - Zoning) (Previous Condition H.1.b of Resolution R-96-0258, Petition DOA1973-43(E))

- 3 Condition H.1.c of Resolution R-96-0258, Petition DOA1973-43(E), which currently states:

c Landscape tabular data shall be revised to reflect conformance to all landscape conditions and Zoning Code requirements.

Is hereby deleted. [REASON: Not applicable.]

- 4 Condition H.1.d of Resolution R-96-0258, Petition DOA1973-43(E), which currently states:

d Fifty (50) percent of all new trees shall be native to Palm Beach County, Florida. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Not applicable.]

- 5 Foundation planting or grade level planters shall be provided along all facades of building M to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet along the north and south facades, six (6) feet along the west façade, and ten (10) feet along the east facade;
- b. The length of the required landscaped areas shall be no less than eighty (80) percent of the total length of each side of the structure, excluding the east façade, where the required landscape area shall be no less than forty (40) percent of the total length 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 feet of building facade and appropriate ground cover. Tree height within the required landscape area along the east façade shall be no less than eight (8) feet below the parapet of the building at installation. (DRC / CO: ZONING / LANDSCAPE - Zoning)

L. LANDSCAPING FOR BUILDING C

1. **Tire Store Landscaping: The north and west parcel boundaries of the tire store site shall have landscape strips, a minimum of five (5) feet in width, containing one twelve (12) foot tall native canopy tree for every 30 linear feet of each boundary line.**

Landscaping on the parcel frontage on Glades Road shall contain one (1) twelve (12) foot tall native canopy tree for every thirty (30) linear feet and one (1) fourteen (14) foot tall native canopy tree for every thirty (30) linear feet and a continuous opaque native hedge three (3) feet in height at planting the length of the parcel frontage. (CO: LANDSCAPE - Zoning) (Previous Condition H.3 of Resolution R-96-0258, Petition 1973-43(E))

M. LIGHTING

1. **All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets.** (CO / ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition I.1 of Resolution R-96-0258, Petition 1973-43(E))

- 2 Condition I.2 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

All outdoor lighting shall be extinguished no later than 10:00 p.m Security lighting only is excluded from this requirement. (ONGOING CODE ENF - Zoning)

Is hereby amended to read:

All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)

N SIGNS

1. Condition J.1 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

A maximum of one (1) ground sign may be permitted on this out parcel, as follows:

- a The sign shall be limited to six (6) feet in height
- b Maximum sign area shall be one-hundred (100) square feet
- c No roof or pole signs shall be permitted on this out parcel, only a monument sign shall be allowed. (CO: BLDG - Zoning)

Is hereby amended to read:

A maximum of one (1) ground sign may be permitted on the building C parcel, as follows:

- a The sign shall be limited to six (6) feet in height
- b Maximum sign area shall be one-hundred (100) square feet
- c. No roof or pole signs shall be permitted on this out parcel, only a monument sign shall be allowed. (CO: BLDG - Zoning)

- 2 Condition J.2 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies sign location, site, color and graphic representation for the subject out parcel only. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: Completed.]

- 3 **If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign related conditions of approval. (BLDG PERMIT: BLDG - Zoning) (Previous Condition J.3 of Resolution R-96-0258, Petition 1973-43(E))**

- 4 New or replacement freestanding signs for the building M parcel fronting on State Road 7/U.S. 441 shall be limited as follows:

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

- e location - within fifty (50) feet of the north parcel boundary.
- f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

O UNITY OF TITLE

- 1. **Prior to site plan approval, petitioner shall provide a Unity of Title agreement covering the entire site.** (DRC: CTY ATTY - Zoning) (Previous Condition M.1 of Resolution R-96-0258, Petition 1973-43(E) [NOTE: Completed.]

P COMPLIANCE

- 1. Condition O.1 of Resolution R-96-0258, Petition 1973-43(E), which currently states:

Failure to comply with any of these conditions of approval at any time may result in:

- a **The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or**
- b **The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;**
- c **A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;**
- d **Referral to code enforcement; and/or**
- e **Imposition of entitlement density or intensity**

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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (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 Executive Director of PZ&B or the 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)

- 2 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)