

RESOLUTION NO. R-96- 1016

RESOLUTION APPROVING ZONING PETITION DOA89-131(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF J M PROPERTIES
BY ROBERT BENTZ, AGENT
(JOG & HYPOLUXO PCD)

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

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

WHEREAS, Zoning Petition DOA89-131(B) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA89-131(B), the petition of J M Properties, by Robert Bentz, agent, for a Development Order Amendment (DOA) to revise the site plan; and add building square footage (+9,490), 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 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Allen*
COUNTY ATTORNEY

BY: *Joan Haverly*
DEPUTY CLERK

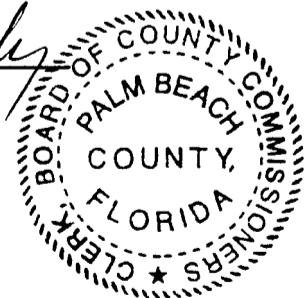


EXHIBIT A
LEGAL DESCRIPTION

PARCEL A:

The East 170.00 feet of the North half (N $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida. less the North 75 feet thereof.

PARCEL B:

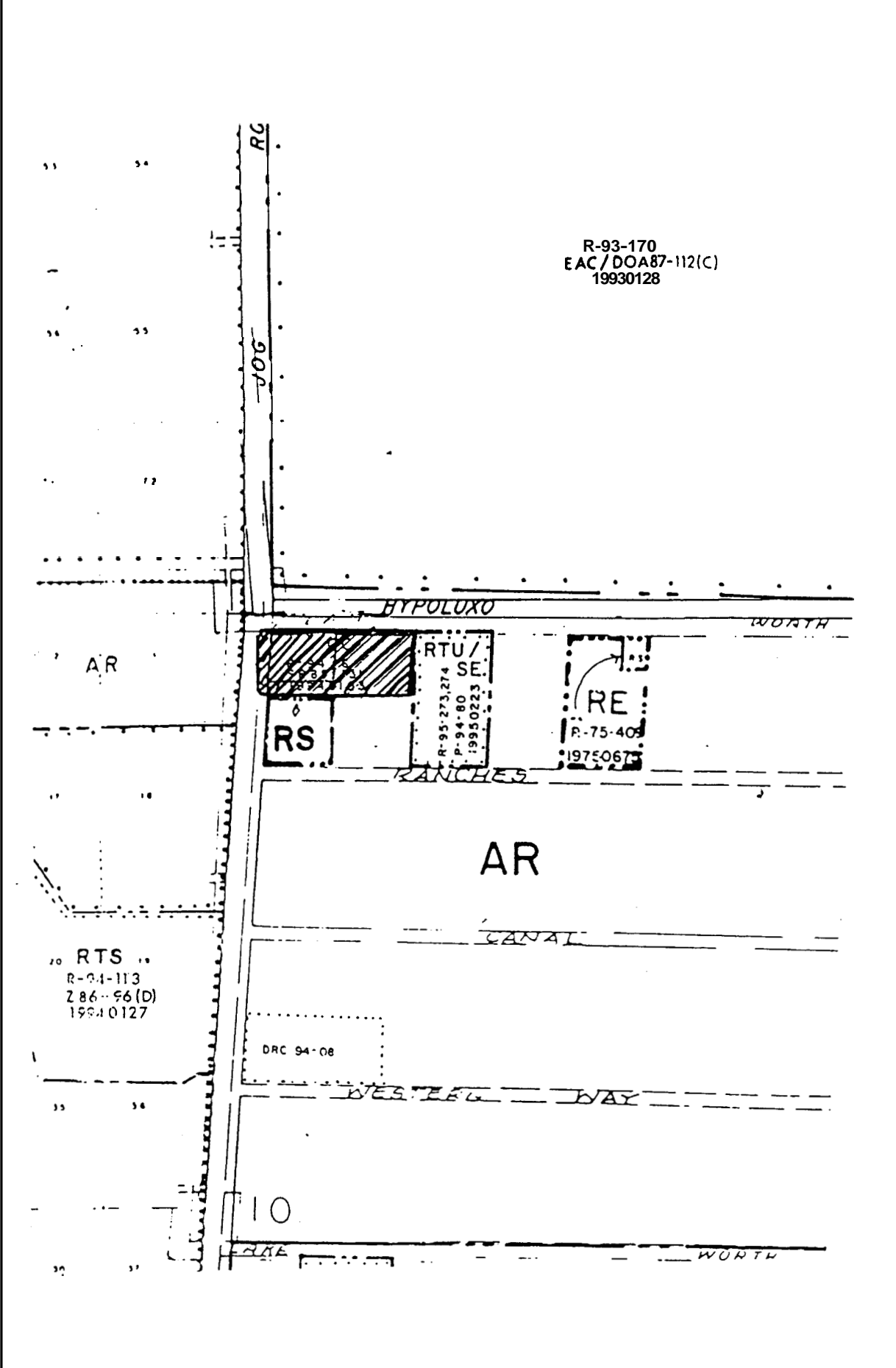
North half (N $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, less the West 330.00 feet thereof; less the North 75.00 feet thereof; and less the East 170.00 feet thereof.

AND

The South 60.00 feet of the East 290.00 feet of the West 330.00 feet of the North half (N $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida. less the right-of-way shown in Official Record Book 6261, Page 843, Public Records of Palm Beach county, Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 89-131B
 Zoning Quad Page _____
 Date: _____



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. Petition 89-131(B) and the modified conditions apply to the northwest portion of the original Planned Commercial Development.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-251 (Petition 81-131(A)), have been consolidated as contained herein. The petitioner shall comply with all **previous** conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated May 24, 1996). All modifications **must be** approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the **ULDC**. (ONGOING: ZONING)

B. USE LIMITATIONS

1. **Total gross floor area shall not exceed 16,310 square feet. Additional floor area must be approved by the Board of County Commissioners, sitting as the Zoning Authority, unless the proposed addition is permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) of the Zoning Code. All additional floor area shall require a concurrency reservation prior to certification.** (Previously Condition B.1 of Resolution R-91-251, Petition No. 89-131(A)).

Is amended to read:

Total gross floor area shall not exceed 21,374 square feet. (DRC: ZONING)

2. **The retail uses permitted on the site shall be limited to those commercial activities of a convenience nature designed primarily to provide services to adjacent residential areas.** (Previously Condition 10 of Resolution R-90-857, Petition No. 89-131). (ONGOING: ZONING)
3. **no stock loading or dumpsters pickup will be permitted between the hours of 8:00 p.m. and 8:00 a.m.** (Previously Condition 11 of Resolution R-90-857, Petition No. 89-131). (ONGOING: CODE ENF)
4. **no outdoor loud speaker system shall be permitted on site.** (Previously Condition 13 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: ZONING)
5. **Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation.** (Previously Condition 15 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: no longer applicable)

C. **BUILDING AND SITE DESIGN**

1. **In order to avoid an incompatible appearance upon adjacent residential areas, all the facades of the structures shall be given equal architectural treatment.** (Previously Condition 4 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: superceded by new condition).
2. **All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.** (Previously Condition 5 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: superceded by new condition).
3. **Yo storage or placement of any stock materials, refuse equipment or accumulated debris, shall be permitted behind the Planned Commercial Development.** (Previously Condition 6 of Resolution R-90-857, Petition No. 89-131). (ONGOING: CODE ENF)
4. **All trash receptacles shall be completely screened by a six (6) foot high solid wooden fence or landscaping.** (Previously Condition 9 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: ZONING)
5. **Yo parking of any vehicle8 shall be permitted along the rear of the center except in designated spaces or loading areas.** (Previously Condition 12 of Resolution R-90-857, Petition No. 89-131). (ONGOING: CODE ENF)
6. **All site lighting shall be of low intensity, shielded and directed away from residentially zoned property. Lighting fixtures on the south side of the building shall be limited to a maximum of twelve (12) feet in height.** (Previously Condition 8 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: BLDG)
7. **The proposed building shall be designed to be compatible with the character of surrounding residential areas.** (BLDG PERMIT: BLDG-Zoning)
8. **Similar architectural character and treatment shall be provided on all sides of the proposed building.** (BLDG PERMIT: BLDG - Zoning)
9. **All mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.** (BLDG PERMIT: BLDG - Zoning)
10. **Interior and exterior storage and loading areas shall be screened from view and integrated into the building design.** (BLDG PERMIT: BLDG - Zoning)

D. **SIGNAGE**

1. **Condition No. 14 of Zoning Petition No. 89-131 which currently states:**

"A maximum of four (4) point of purchase signs shall be permitted on site. These signs shall not exceed twenty (20) feet in height and a total of three hundred (300) square feet in the area."

Is hereby modified to state:

~~"A maximum of four (4) point of purchase signs shall be permitted on site. These signs shall not exceed twenty (20) feet in height and a total of three hundred (300) square feet in the area."~~

"Point of purchase signs permitted on site shall be as follows:

a. Along Hypoluxo Road: A maximum of three (3) signs not exceeding three hundred seventeen (317) square feet in total area and not exceeding fifteen (15) feet in height.

To be amended as follows:

Along Hypoluxo Road: A maximum of two (2) signs not exceeding two hundred twenty-seven (227) square feet in total area and not exceeding fifteen (15) feet in height.

b. Along Jog Road: A maximum of two (2) signs not exceeding one hundred seventy one (171) square feet in total area and not exceeding fifteen (15) feet in height.

To be amended as follows:

Along Jog Road: A maximum of one (1) sign not exceeding eight-one (81) square feet in total area and not exceeding fifteen (15) feet in height.

c. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies: sign location, sign size, unified color and graphic representation."

d. In the event the Sign Code is amended prior to issuance of a building permit for the project to be restrictive than the conditions of approval, the petitioner shall comply with the revised sign regulations.

e. In addition to the signs listed above, the northwest corner of the approved site plan shall be limited to a maximum of one (1) sign not exceeding sixty (60) square feet in total area and not exceeding eight (8) feet in height. (BLDG PERMIT: BLDG - Zoning)

2. ~~No off-premise signs shall be permitted on site. (Previously Condition 7 of Resolution R-90-857, Petition No. 89-131). (ONGOING: CODE ENF)~~

3. ~~A maximum of four (4) point of purchase signs shall be permitted on site. These signs shall not exceed twenty (20) feet in height and a total of three-hundred (300) square feet in the area. (Previously Condition 14 of Resolution R-90-857, Petition No. 89-131).~~

~~Is hereby deleted. (REASON: superceded by new condition)~~

E. ENGINEERING

1. Prior to the issuance of the first certificate of occupancy, this project shall have paved access from both Hypoluxo Road and Jog Road. (CO: MONITORING - Eng.)
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 89-131 (B), to be paid at the time of issuance of the Building Permit presently is
 - a) \$46,225 for the fast food restaurant (1,682 trips X \$27.50 per trip),
 - b) \$55,055 for the general retail (1,001 trips X \$55.00 per trip) and
 - c) \$72,545 for the bank and drive in (1,319 trips X \$55.00 per trip
(BLDG PERMIT: BLDG. DEPARTMENT - Fair Share Fee Coordinator).
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for the 5,236 square foot bank or the 4,938 square foot restaurant shall not be issued until the contract has been let for the construction of eastbound and westbound right turn lanes at the intersection of Military Trail and Gateway Boulevard, plus the appropriate paved tapers. The length of this turn lane shall be determined by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

The mix of the square footage listed above may be adjusted 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. (MONITORING - Eng)

4. Prior to the issuance of any building permits the Developer shall record the plat of the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)
5. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, 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 and 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. (BLDG PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - En3)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: Monitoring - Eng)

6. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater 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 Cod8 Enforcement Board. for enforcement. (Previously Condition 21 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: ENG)

7. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Previously Condition 22 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: no longer applicable)

8. Prior to March 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Jog road, an additional 4.9 feet as shown on Palm Beach County's Proposed Right-of-Way Map #87098 free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate. 8t

intersections as determined by the County Engineer.
(Previously Condition 23 of Resolution R-90-857, Petition
No. 89-131). (DATE/BLDG PERMIT: ENG)

9. The Property owner shall pay a Pair Share Fee in the amount and manner required by the "Pair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Pair Share Fee for this project presently is \$138,105.00 (2,511 trips X \$55.00 per trip). (Previously Condition 24 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: superceded by new condition).

10. The property owner shall convey to the Lake Worth Drainage District the North 75 feet of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 10, Township 45 south, Range 42 East for the required right-of-way for Lateral Canal No. 18, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to March 1, 1990. (Previously Condition 25 of Resolution R-90-857, Petition No. 89-131). (DATE: LWDD)

F. LANDSCAPING STANDARDS FOR NORTHWEST PARCEL ONLY

1. All trees required to be planted shall be native species and meet the following minimum standards at time of installation:
- a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade; and
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
 - d. Credit may be given for existing or relocated native trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
- a. Palm heights: twelve (12) feet clear trunk;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE - Zoning)
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. Prior to site plan certification, the site plan shall be amended to indicate:
- a. The native species, such as, slash pines, wax myrtle, shall be preserved and incorporated into the project design to the greatest extent possible.

- b. A minimum of one (1) wax myrtle shall be planted or preserved for each ninety (90) square feet of perimeter buffer along the eastern and southern property line. These plants shall be a minimum of thirty-six (36) inches in height.
- a. The perimeter landscaping strips along the east and south boundaries of the site, shall be supplemented by a six (6) foot tall solid masonry wall or a double row of hedge material thirty six (36) inches in height. Both sides of the wall shall receive equal architectural treatment.
- d. The landscape strip along the eastern property line shall be a minimum of fifteen (15) feet in width, and the landscape strip along the southern property line a minimum of twenty (20) feet in width.
- e. Landscaping shall be upgraded to include:
 - 1) Canopy trees, minimum twelve (12) feet tall, placed twenty (20) feet on center, supplemented with one (1) native palm, a minimum of fifteen (15) feet high placed an average of forty (40) feet on center, and existing or relocated wax myrtle forming a continuous hedge on the outside of the wall where provided towards the residential areas.
 - 2) A row of canopy trees ten (10) feet tall, shall be planted twenty-five (25) feet on center inside the wall.
- f. The landscaping along the northern and western perimeter of the lot shall be upgraded with ten (10) feet tall canopy trees placed twenty (20) feet on center, and shall be supplemented by a thirty-six (36) inch continuous hedge. (Previously Condition 1 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: superceded by new condition).

G. LANDSCAPING ALONG NORTH PROPERTY LINE (HYPOLUXO ROAD)

- 1. Landscaping and buffering along the north property line of the northwest parcel shall include:
 - a. minimum fifteen (15) foot wide landscape buffer strip;
 - b. continuous two (2) foot high berm with the height of the berm measured from the top of curb. The location of the berm shall be coordinated with Environmental Resource Control to minimize impact to significant native vegetation;
 - c. one (1) canopy tree for each twenty (20) feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.

- e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING:LANDSCAPE/CODE ENF - Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE (JOG ROAD)

1. Landscaping and buffering along the west property line of the northwest parcel shall include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip that is inclusive of an existing ten (10) foot utility easement;
 - b. continuous two (2) foot high berm with the height of the berm measured from the top of curb. The location of the berm shall be coordinated with Environmental Resource Control to minimize impact to significant native vegetation;
 - c. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
 - d. one (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters;
 - e. the property owner 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/ONGOING:LANDSCAPE/CODE ENF - Zoning)

I. LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINE (INTERNAL TO PLANNED DEVELOPMENT)

1. Landscaping and buffering along the east and south property line internal to the planned development shall include:
 - a. A minimum five (5) 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, with a maximum spacing of sixty (60) feet on center; and
 - d. the property owner 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/ONGOING:LANDSCAPE/CODE ENF - Zoning)

J. TREE PRESERVATION

1. Proposed interior landscape islands adjacent to the north and western perimeter buffer areas shall be adjusted to maximize existing native vegetation. (IRC: ERM/LANDSCAPE)
2. A pre-clearing inspection shall be required prior to removal of any vegetation. All native vegetation within the perimeter landscape strips shall be identified and protective devices installed at the time of inspection. Protective barriers shall remain in place throughout the construction process. (Previously Condition 2 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: LANDSCAPE/ERM)

3. **The site shall be cleared of all prohibitive species prior to the issuance of building permit for each phase.** (Previously Condition 3 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: LANDSCAPE/ERM)

K. COUNTY ATTORNEY

1. The petitioner shall provide Palm Beach County with an agreement indemnifying the County for the cost of defending any legal actions and for any damages that may arise out of the approval of this petition. The indemnification agreement shall be approved by the County Attorney's office prior to final site plan certification. (DRC: CO ATTORNEY)
2. Prior to certification of the final certification by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATTORNEY)
3. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney. (Previously Condition 26 of Resolution R-90-857, Petition No. 89-131). (DRC: CO ATTORNEY - Zoning)

L. 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 (PDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition 16 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: HEALTH)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition 17 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition 18 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: HEALTH)
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. (Previously Condition 20 of Resolution R-90-857, Petition No. 89-131). (BLDG PERMIT: HEALTH)

M. SWA

1. 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. (Previously Condition 19 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: Code requirement).

N. COMPLIANCE

1. **Failure** to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure, or the denial or revocation of my permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. (Previously Condition 27 of Resolution R-90-857, Petition No. 89-131).

Is hereby deleted. (REASON: superceded by new condition).

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

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