

RESOLUTION NO. R-99- 525

RESOLUTION APPROVING ZONING PETITION PDD98-073(1)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF HERBERT KAHLERT & KARL KAHLERT TRUSTEES
BY KILDAY & ASSOC., AGENT
(SHOPPES OF NEW ALBANY)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD98-073(1) was presented to the Board of County Commissioners at a public hearing conducted on March 29, 1999; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.



WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD98-073(1), the petition of Herbert Kahlert & Karl Kahlert Trustees by Kilday & Assoc., agent, for an Official Zoning Map Amendment (Z) to a Planned Development District (PDD) to rezone from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 29, 1999, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 29, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

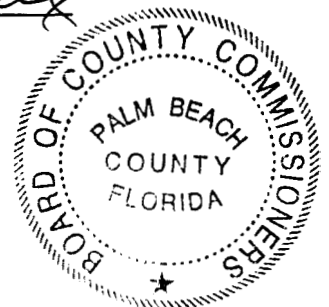


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN PARCEL **A-2**, BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**, AS RECORDED IN PLAT BOOK **79**, PAGES **152** THROUGH **155** OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL **A-2**, BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**, AS RECORDED IN PLAT BOOK **79**, PAGES **152** THROUGH **155** OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE **SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST** ALONG ~~THE~~ **WEST LINE** OF SAID PARCEL **A-2**, **SAID WEST LINE** ALSO BEING THE EAST LINE OF A LIMITED ACCESS RIGHT-OF-WAY AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**. A DISTANCE OF **289.75** FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF **527.50** FEET; THENCE SOUTHERLY ALONG SAID WEST LINE AND LIMITED ACCESS RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF **05 DEGREES, 27 MINUTES, 59 SECONDS**, A DISTANCE OF **50.33** FEET TO A NON-TANGENT INTERSECTION; THENCE NORTH **89 DEGREES, 25 MINUTES, 54 SECONDS EAST**, ALONG A LINE LYING **340.00** FEET **SOUTH** OF AND PARALLEL WITH THE NORTH LINE OF SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**, A DISTANCE OF **485.35** FEET; THENCE **SOUTH 00 DEGREES, 34 MINUTES, 06 SECONDS EAST**, ALONG A LINE **412.00** FEET WEST OF AND PARALLEL WITH THE **SOUTHERLY** EXTENSION OF THE WEST LINE OF ENTERPRISE CENTER BOULEVARD AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**, A DISTANCE OF **66.56** FEET, THENCE NORTH **89 DEGREES, 25 MINUTES, 54 SECONDS EAST**, A DISTANCE OF **53.00** FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF **53.00** FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF **54 DEGREES, 52 MINUTES, 06 SECONDS**, A DISTANCE OF **50.75** FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF **25.00** FEET, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF **49 DEGREES, 56 MINUTES, 50 SECONDS**, A DISTANCE OF **21.79** FEET TO THE POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE TO THE SOUTHEAST AND A RADIUS OF **960.00** FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF **4 DEGREES, 55 MINUTES, 16 SECONDS**, A DISTANCE OF **82.45** FEET TO THE POINT OF TANGENCY; THENCE NORTH **89 DEGREES, 25 MINUTES, 54 SECONDS EAST** ALONG A LINE **370.00** FEET **SOUTH** OF AND PARALLEL WITH SAID NORTH LINE OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**, A DISTANCE OF **215.00** FEET, THENCE NORTH **00 DEGREES, 34 MINUTES, 06 SECONDS WEST** ALONG THE **WEST** LINE OF ENTERPRISE CENTER BOULEVARD AND THE **SOUTHERLY** EXTENSION THEREOF, AS SHOWN ON BOYNTON BEACH ENTERPRISE CENTER, AS RECORDED IN PLAT BOOK **78**, PAGES **40** AND **41** OF SAID PUBLIC RECORDS, A DISTANCE OF **80.00** FEET; THENCE **SOUTH 89 DEGREES, 25 MINUTES, 54 SECONDS WEST** ALONG THE SOUTHLINE OF PARCEL **B** OF SAID BOYNTON BEACH ENTERPRISE CENTER, A DISTANCE OF **215.00** FEET; THENCE NORTH **00 DEGREES, 34 MINUTES, 06 SECONDS WEST** ALONG THE WEST LINE OF SAID PARCEL **B** OF BOYNTON BEACH ENTERPRISE CENTER, A DISTANCE OF **215.00** FEET; THENCE NORTH **89 DEGREES, 25 MINUTES, 54 SECONDS EAST** ALONG THE NORTH LINE OF SAID PARCEL **B** OF BOYNTON BEACH ENTERPRISE CENTER A DISTANCE OF **215.00** FEET, THENCE NORTH **00 DEGREES, 34 MINUTES, 06 SECONDS WEST** ALONG SAID WEST RIGHT-OF-WAY LINE OF ENTERPRISE CENTER BOULEVARD, A DISTANCE OF **50.00** FEET, THENCE NORTH **45 DEGREES, 34 MINUTES, 06 SECONDS WEST** ALONG SAID WEST RIGHT-OF-WAY LINE OF ENTERPRISE CENTER BOULEVARD, A DISTANCE OF **35.36** FEET; THENCE **SOUTH 89 DEGREES, 25 MINUTES, 54 SECONDS WEST** ALONG SAID NORTH LINE OF BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2** AND THE SOUTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS SHOWN ON SAID BOYNTON BEACH ENTERPRISE CENTER PLAT NO. **2**, A DISTANCE OF **869.95** FEET TO THE POINT OF BEGINNING.

CONTAINING **273,601.7** SQUARE FEET OR **6.28** ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

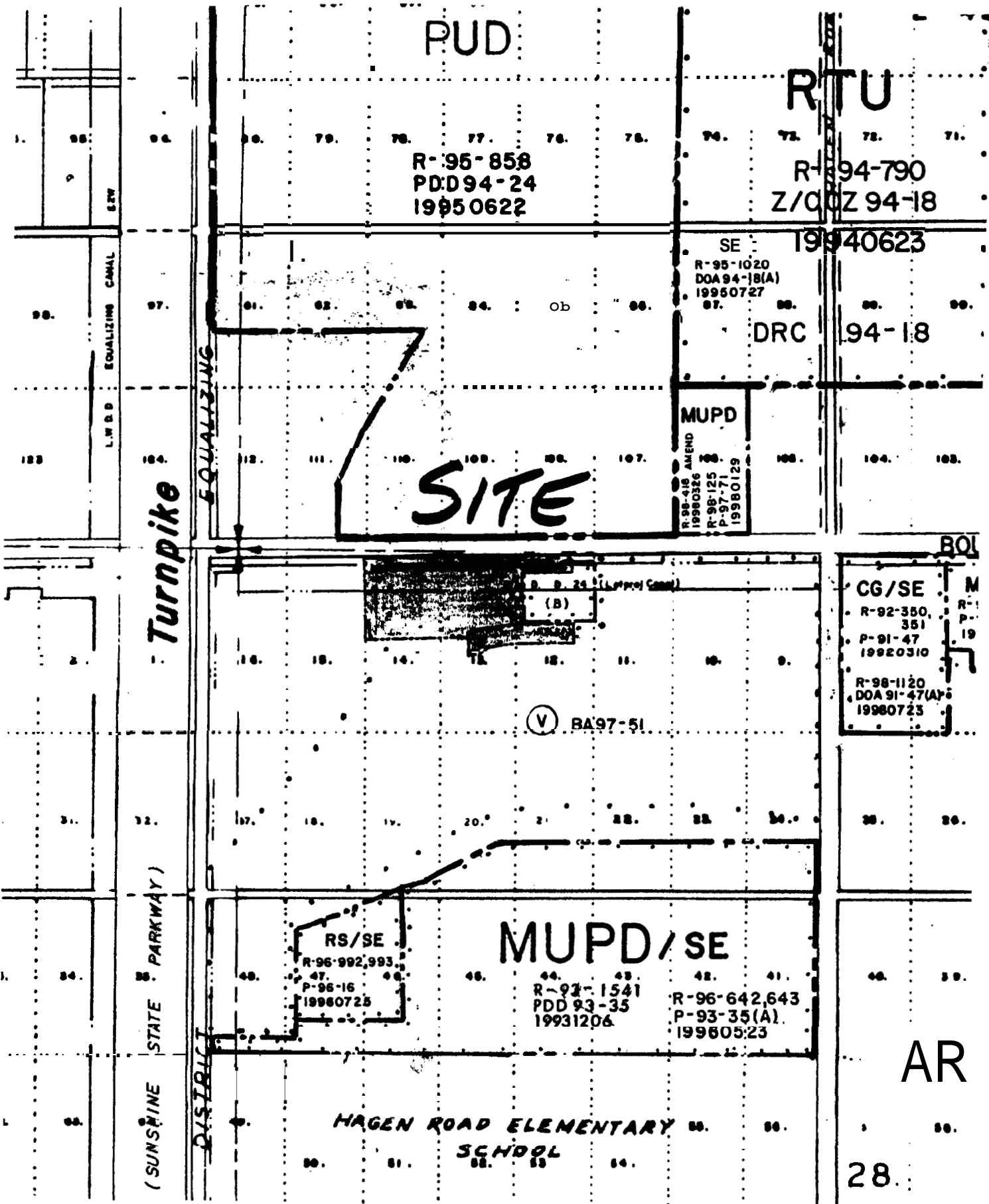


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated January 24, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 and shall be a Spanish Mission or Mediterranean style. (BLDG PERMIT: BLDG - Zoning - Planning)

C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All 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)
3. All landscaping shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (ONGOING: PLANNING)
4. All trees within the perimeter landscape buffers shall be provided at a maximum of twenty-five (25) feet on center. (CO: LANDSCAPE - Planning)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING BOYNTON BEACH BOULEVARD)

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

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet, measured from top of curb;
- c. Two staggered rows of canopy trees, each to be planted every twenty-five (25) feet on center;
- d. One (1) palm for each forty (40) linear feet of frontage with a maximum spacing of 40 feet between clusters. A group of three or more palm trees may not supersede the requirement for a canopy tree in that location; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

- 1. Prior to the issuance of a building permit the Developer shall plat the MIJD parcel in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
- 2. In order to comply with the mandatory Traffic Performance Standards the Developer shall be restricted to the following phasing schedule:
 - a. In accordance with concurrency approval for the entire sixty-one (61) acres of which Pod B is a part of, building permits for no more than the equivalent of 2652 trips per day shall be issued until construction has commenced on a second left turn lane (dual left turn lanes) and exclusive right turn lane, east approach, Boynton Beach Boulevard/Hagen Ranch Road intersection. (BLDG PERMIT: MONITORING-Eng)
 - b. No building permits after September 30, 1999 unless a new traffic study is submitted by the applicant and approved by the County Engineer's Office which justifies a longer buildout time frame. No further administrative time extensions may be granted as, this project has already received one administrative time extension. (BLDG PERMIT: MONITORING-Eng)
 - c. Prior to DRC approval the Developer shall provide an approved phasing plan acceptable to the Traffic Division identifying compliance with the square footage and associated trips identified above. (DRC: ERG)
- 3. The mix of allowable use uses, as permitted by the Zoning Division, listed in Planning Condition M.1. may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING: Eng)
- 4. LANDSCAPE WITHIN MEDIAN OF STATE ROADS
 - 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 the adjacent median of Boynton Beach Boulevard Road Right-of-Ways. 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. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system, 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 the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
 - 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 a building permit. (BLDG PERMIT: MONITORING - Eng)
5. Prior to the issuance of a building permit, the property owners shall include in the landscape median permit application, landscaping details/specifications meeting the standards as set forth in Section 2B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: MONITORING - ENG-Planning)
 6. Prior to final site plan approval, the site plan shall be amended to include landscaping along the existing sidewalk system adjacent to Boynton Beach Boulevard, subject to FDOT approval, in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE - Planning - Eng)
 7. Prior to final site plan approval by the Development Review Committee (DRC) the site plan shall be amended to indicate continuous pedestrian connections including but not limited to the PUD to the south, Boynton Beach Boulevard and on site circulation. The pedestrian connections shall comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan.

The applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the pedestrian connections subject to approval of the County Engineer. (DRC: PLANNING-Eng)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping and buffering along the west 480 feet of the south property line shall include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty-five (25) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters. A group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees 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. (CO: LANDSCAPE)

G. LANDSCAPING ALONG EAST PROPERTY LINE

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty-five (25) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three (3) 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. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING TURNPIKE RIGHT-OF-WAY)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty-five (25) feet between clusters;
 - c. One (1) palm or pine tree for each thirty (30) linear feet. 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. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. Landscaped divider medians shall be provided every three (3) 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 between clusters. (DRC: ZONING)

2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than fifty (50%) percent of the total length of each required 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)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Palm Beach County Security Code, and shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning - Planning)
3. 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)

K. MASS TRANSIT

1. Prior to final certification of the site plan by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO : MONITORING - Eng - Planning)

L. MUPD

1. Total gross floor area shall be limited to a maximum of 19,200 square feet. Expansions shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)

2. To ensure consistency with the site plan dated March 26, 1999 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)
3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
4. Prior to certification of the preliminary development plan 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: ZONING - Co Att)

M. PLANNING

1. The underlying commercial land uses for the LS/MU designation for the entire subject property shall be as follows:

Land Use	Minimum Acreage	Maximum sq ft/ units	Maximum Acreage
Commercial High (CH) ---Hotel/Motel	5 acres --- 3 acres	300,000 sq. ft. -- 160 units plus ancillary facilities	30 acres -- 10 acres
Commercial High Office (CH-O)	3 acres	65,340 sq. ft. min. 200,000 sq. ft. max	30 acres

Based on the above information, if Petition 98-73(1) is approved, additional commercial development can still be permitted. In addition, all future pods of development must comply with the mix of other uses as specified in Ordinance 96-66. (DRC: PLANNING)

N. SIGNS

1. All signage along Boynton Beach Boulevard shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (BLDG PERMIT: BLDG - Planning)
2. Freestanding point of purchase signs fronting on Boynton Beach Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs -; two (2);
 - d. Style - monument style only; and,
 - e. An additional free-standing point of purchase sign shall be permitted should the property owner wish to relocate to Boynton Beach Boulevard the point of purchase sign facing the Florida Turnpike. The relocated sign shall comply with Conditions N.2.a, b and d. (CO: BLDG)
3. Freestanding point of purchase signs facing the Florida Turnpike shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only; and,
 - e. This sign may be eliminated and relocated to Boynton Beach Boulevard at the applicant's discretion and shall comply with the design criteria in Condition N.2.a, b, and d. (CO: BLDG)
 4. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
 5. Prior to final preliminary development plan approval by the DRC the regulating plan shall be amended to include directional signage internal to the overall New Albany Planned Development to guide vehicles to the Florida Turnpike and main arterials. (DRC: Zoning)
 6. All lighted signage including wall signage and freestanding point of purchase signs shall be extinguished upon termination of business each operating day. (ONGOING/DRC: CODE ENF/ZONING)

O. USE LIMITATIONS

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
2. There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)
3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within 200 feet of the front property line and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF)
4. Deliveries shall not commence prior to 7:00 a.m. nor occur after 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of

County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

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

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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