

RESOLUTION NO. R-2004-0149

RESOLUTION APPROVING ZONING PETITION PDD1983-161D  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF GSM OF PALM BEACH, LTD; CLYDE & CATHERINE MOORE,  
PATRICIA NASON, HERBERT GILDAN AND ALBERT GODFREY  
BY JURAN CONSULTING INC, AGENT  
(PALM BEACH MERCEDES BENZ AKA GULFSTREAM MOTORS)

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 PDD1983-161D was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2004; 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 has considered the findings in the staff report and 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 PDD1983-161D, the petition of GSM of Palm Beach, LTD; Clyde & Catherine Moore, Patricia Nason, Herbert Gildan and Albert Godfrey by Juran Consulting Inc. agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Residential Medium Density and General Commercial with a Special Exception Zoning Districts to the Multiple Use Planned Development Zoning District with an existing vehicle sales and rental facility, auto paint and body shop, and to add a general repair and maintenance facility 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 January 29, 2004, 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 Newell 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	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on January 29, 2004.

Filed with the Clerk of the Board of County Commissioners on 15 day of March, 2004.

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

Existing Dealership Property

Parcel A

Parcel 1: The South 200 feet of the North 215 feet of the East Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County Florida; subject however, to an easement along the East 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; less the North 10 feet thereof as conveyed in Official Records Book 4386, Page 1557.

Parcel 2: The South 200 feet of the North 215 feet of the West Half of the east Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; subject to an easement along the West 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; less the North 10 feet thereof as conveyed in Official Records Book 4386, Page 1557.

Parcel B

The East 1/8<sup>th</sup> of the Northeast Quarter of Northeast Quarter of Section 25, Township 43 South, Range 42 East, Less the North 215 feet thereof and less the South 660 feet thereof in Palm Beach County, Florida.

Parcel C

The West Half of the East Quarter of the Northeast Quarter of the Northeast Quarter, less the South 660 feet thereof and less the North 215 feet thereof all in Section 25, Township 43 South, Range 42 East.

Parcel D

The West Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 42 South, Range 42 East, Palm Beach County, Florida, less the West 200 feet, also less the North 15 feet; excepting therefrom that certain parcel of land previously conveyed by the party of the first part of The Firestone Tire and Rubber Company, an Ohio corporation, by date of May 10, 1972 and recorded in Official Record Book 2013, Page 654, Public Records of Palm Beach County, Florida, and further excepting the West 10 feet thereof as conveyed in Official Records Book 4386, Page 1559.

Area 6.3793 acres

Expansion Property

A parcel of land situate in Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

All that part of the South 660 feet of the East one-half (E1/2) of the Southeast one-quarter (SE3) of the Northeast one-quarter (NE1/4) of the Northeast one-quarter (NE 3) of Section 25, Township 43 South, Range 42 East, lying northerly of the right-of-way of Westgate Avenue, as same as shown on Road Plat Book 2, Page 205, Public Records of Palm Beach County, Florida.

Containing 4.015 Acres, more or less.

Together with all that part of the West one-half (W 1/2) of the Southeast one-quarter (SE 3) of the Northeast oneBquarter (NE 3) of the Northeast oneBquarter (NE 3) of Section 25, Township 43 South, Range 42 East, lying Northerly of the right-of-way of Westgate Avenue, as same as shown in Road Plat Book 2, Page 205, Public Records of Palm Beach County, Florida, less the West 200.00 feet thereof. Less the Right-of-Way for Indian Road as described in Official Record Book 4386, Page 1559 of the Public Records of Palm Beach County, Florida.

Containing 1.607 acres, more or less.

Total Expansion Property containing 244, 898.98 square feet or 5.622 acres, more or less

Total for Existing and Expansion Property containing 12.0013 acres more or less.



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-95-0711, Petition No. 1983-161(C) which currently states:

**Prior to site plan certification, the master site plan and the Phase I site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (ZONING)**

Is hereby deleted. REASON: [completed].

2. Condition A.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Development of the site is limited to the uses and site design shown on the master site plan approved by the Board of County Commissioners (Exhibit No. 37). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or the conditions of approval (ZONING)**

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 23, 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. Condition A.3 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**The petitioner shall submit the master site plan and the Phase I site plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee prior to September 1, 1991. (MONITORING)**

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

4. Condition A.4 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**All previous conditions of approval applicable to the subject property as indicated in Resolution R-84-358, Petition 83-161; Resolution R-91-1070, Petition 83-161(A); and Resolution R-95-434, Petition 83-161(B), have been consolidated as contained herein. All original conditions and time limitations remain in effect, except as modified. (MONITORING)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-1070 (Petition 83-161(A), R-95-434(Petition EAC83-161(B), R-95-0711(Petition EAC1983-161(C), and R-97-2088, 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)

5. Condition U.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**This site lies within the Westgate Community Re-development Area and is subject to the provisions of Zoning Code Section 627 (Westgate CRA Overlay District) in addition to other applicable zoning district, special exception and land development regulations. (WCRA-O)**

Is hereby deleted. REASON: [provisions in code]

6. Condition U.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Prior to site plan certification, the petitioner shall submit to the Zoning Division and the Westgate Community Redevelopment Agency for review and approval, conceptual elevations with all materials and colors specified, including but not limited to, roof, trim, awnings, walls, signs, fences and screening of mechanical equipment, utility structures and trash receptacles. ( WCRA-O/ZONING)**

Is hereby deleted. REASON: [replaced by Condition B.1]

7. The petitioner shall have three (3) years from adoption of the resolution approving Petition 83-161(D) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING-Zoning)

## B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Committee (DRC) approval, architectural elevations for the new/proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to meet the requirements of Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the DRC approved site plan. (DRC: ARCH REVIEW - Zoning)

2. Condition F.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Total floor area shall be limited to a maximum of 84,697 square feet. (BUILDING-Zoning)**

Is hereby deleted. REASON: [not applicable].

3. Condition F.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**The maximum height, from grade to roof line, for all structures shall not exceed thirty (30) feet.**

Is hereby amended to read:

The maximum height for the proposed automotive paint and body shop facility shall be limited to twenty-five (25) feet. All heights shall be measured from the highest point of the building to finished grade. (DRC/BLDG PERMIT: ZONING-Zoning)

4. Condition F.3 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**All air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure. (BUILDING-Zoning) (Previous Condition F.3 of Resolution R-95-0711, Petition No. 1983-161(C)).**

Is hereby deleted. REASON: [elevations are subject to Arch. Review].

5. Condition F.4 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**No building permit shall be issued prior to final approval of the Comprehensive Plan Amendment eliminating "cross hatching" from this site. However, the petitioner may proceed through site plan review prior to final approval of the Comprehensive Plan Amendment. (BUILDING-Planning)**

Is hereby deleted. REASON: [completed per Ordinance 97-43, adopted by the BCC on 11/17/97].

C. DUMPSTER

1. **All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, located outdoors:**
  - a. **shall not be located within 50 feet of any residentially zoned property,**
  - b. **shall be confined to areas designated on the site plan, and**
  - c. **shall be screened from view by an enclosure made of the same material as the principal building. The open end of the enclosure shall have an obscure, opaque gate. (DRO/BLDG PERMIT:ZONING/BLDG-Zoning) (Previous Condition G.1 of Resolution R-95-0711, Petition No. 1983-161(C)).**

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **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. (Previous Condition H.1 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:ERM-ERM)**
2. **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. (Previous Condition H.2 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:ERM-ERM)**
3. **All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM)**

E. ENGINEERING

1. Condition E.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:



**Petitioner shall retain on site 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. (ENGINEERING)**

Is hereby deleted. REASON: [Code requirement]

2. **Within 90 days of approval the property owner shall convey:**
  - a) **for the ultimate right-of-way for Okeechobee Boulevard, 70 feet from centerline approximately an additional 10 feet; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.**
  - b) **for the ultimate right-of-way for Indian Road, 40 feet from centerline approximately an additional 10 feet; conveyance must be accepted by Palm Beach county prior to issuance of the first building permit.**
  - c) **a drainage easement along the East property line to Palm Beach County as required by the county Engineer in accordance with the proposed Westgate Areawide Drainage Improvements Program for purposes of providing a piped legal positive outfall to serve the adjacent properties. The petitioner shall also be responsible for all costs incurred with the piping of this easement. Palm Beach County shall permit the petitioner the use of this easement for required parking purposes and the required ten (10) foot wide landscape strip. (ENGINEERING)**

(Previous Condition E.2 of Resolution R-95-0711, Petition No. 1983-161(C)).  
NOTE: completed.

3. **The developer shall construct concurrent with on site paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer:**
  - a) **an extension of the existing left turn lane, East approach, on Okeechobee Boulevard, at the project's existing west entrance road, per the County Engineer's approval.**
  - b) **right turn lane, West approach, on Okeechobee Boulevard at the project's existing West entrance road.**
  - c) **On Indian Road, at the project's entrance road, a left turn lane, north approach and a right turn lane, South approach. (ENGINEERING)**

(Previous Condition E.3 of Resolution R-95-0711, Petition No. 1983-161(C)).  
NOTE: completed.

4. **Condition E.4 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:**

**Under the provisions of Ordinance 81-6 this project has been reviewed as Category "B". This project will require roadway improvements to offset the project's impact at the intersection of Okeechobee Boulevard and Military Trail. Based upon the amount of Traffic generated by this development the contribution of Twenty-Four Thousand Dollars (\$24,000) toward Palm Beach County's programmed improvement of this intersection will be required. This money shall be in the form of a clean irrevocable Letter of Credit within 6 months of Special Exception approval, or contribute Twenty-Four Thousand Dollars (\$24,000) at the time of issuance of a building permit, which shall first occur. Palm Beach County may then call upon this letter of Credit 9 months after Special Exception approval. (ENGINEERING)**

Is hereby deleted. REASON: [completed]

5. Condition E.5 of Resolution R-95-0711, Petition No. 1983-161(C)) which currently states:

**Credit for the "Fair Share" impact fee shall be given for the road construction contribution, as outlined in Condition #4 above. (Previous Condition E.5 of Resolution R-95-0711, Petition No. 1983-161(C)). (ENGINEERING)**

Is hereby deleted. REASON: [completed]

6. **The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ENGINEERING) (Previous Condition E.6 of Resolution R-95-0711, Petition No. 1983-161(C)).**

7. **The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring properties. (ENGINEERING) (Previous Condition E.7 of Resolution R-95-0711, Petition No. 1983-161(C)).**

8. **Prior to certification, site plan shall be amended to reflect the following:**

- a) **The proposed drainage easement along the East property line and a ten (10) foot wide landscape strip along the East property line which abuts RM Zoned property and along the South property line. (ONGOING:ENGINEERING-Eng) (Previous Condition E.8.a of Resolution R-95-0711, Petition No. 1983-161(C)).**
- b) **Relocation of the proposed dumpster enclosure to the Western portion of the site. (ONGOING:ENGINEERING-Eng) (Previous Condition E.8.b of Resolution R-95-0711, Petition No. 1983-161(C)).**

9. Condition E.9 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**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 on-site 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 Code Enforcement Board for enforcement. (ENGINEERING)**

Is hereby deleted. REASON: [Drainage is a code requirement].

10. **If permitted by the Florida Department of Transportation (FDOT) and the County Engineer, the petitioner shall landscape the median of Okeechobee Boulevard consistent with FDOT Index Standard #546. Trees, if permitted, may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected and installed according to xeriscape principles. This landscaping shall be maintained by the developer for a period of eighteen (18) months from the time of planting and shall be installed prior to August 1, 1995. (MONITORING-Engineering) (Previous Condition O.1 of Resolution R-95-0711, Petition No. 1983-161(C)).**

(Previous Condition O.1 of Resolution R-95-0711, Petition No. 1983-161(C).  
NOTE: completed.

11. Prior to issuance of a Building Permit the developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
12. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Indian Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG.PERMIT: MONITORING-Eng)
13. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed for a 25 foot corner clip at the intersection of Westgate Avenue and Indian Road. Right of way conveyance shall free of all encumbrances and encroachments. The Developer 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees. Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG. PERMIT: MONITORING-Eng)
14. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 29, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
15. The Property owner shall replace Palm Beach County's existing Indian Road Drainage system along the exiting Car Dealership's south property line in accordance with the approval of the County Engineer.
  - A. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. Construction shall include the relocation of the existing drainage easement to eliminate the 2-90 degree bends within the site. The relocated drainage easement shall be shown on the final site plan.
  - B. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - C. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. 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.** (Previous Condition I.1 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:HEALTH-HEALTH)
2. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (Previous Condition I.2 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:HEALTH-HEALTH)
3. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previous Condition I.3 of Resolution R-95-0711, Petition No.1983-161(C)). (ONGOING:HEALTH-HEALTH)
4. **The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.** (Previous Condition I.4 of Resolution R-95-0711, Petition No. 1983-161(C)). ((ONGOING:HEALTH-HEALTH)
5. **No portion of this project is to be approved on well (except for irrigation and car washing) or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.** (Previous Condition I.5 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:HEALTH-HEALTH)
6. **Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans shall be submitted to the Health Department and the Department of Environmental Resources Management for approval prior to installation.** (Previous Condition D.7 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:HEALTH/ERM-HEALTH/ERM)
7. **Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, Florida Administrative Code.** (Previous Condition D.8 of Resolution R-95-0711, Petition No. 1983-161(C)). (ONGOING:HEALTH/ERM-HEALTH/ERM)
8. Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC.  
(ONGOING: HEALTH/CODE ENF- HEALTH)
9. Owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. (ONGOING: HEALTH/CODE ENF- HEALTH)
10. Owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. (ONGOING: MONITORING - HEALTH/CODE ENF.)

G. IRRIGATION QUALITY WATER

1. Condition J.1 of Resolution R-95-0711, Petition No. 1983-161(C)). Which currently states:

**When treated effluent water is available within 500 feet of the property on the south side of Okeechobee Boulevard, the petitioner shall connect to the system. The cost for connection shall be borne by the property**

owner, provided, however, that a pro-rata reimbursement (based on frontage) shall be provided by intervening property owners as a condition of development approvals (e.g. building permits, special exceptions, variances, etc.) issued subsequent to this petition. (ONGOING:UTILITIES-UTILITIES)

Is hereby deleted. REASON: [Not applicable].

#### H. LANDSCAPING - STANDARD

1. Condition K.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Prior to site plan certification, the petitioner shall amend the site plan to comply with the Westgate/Belvedere Homes Community Redevelopment Agency Streetscape Plan. The Streetscape Plan requirements shall supersede any conflicting landscape conditions of approval unless a Landscape Betterment Plan is approved by the Zoning Division. (ZONING)**

Is hereby deleted. REASON: [letter of support from WCRA ].

2. Fifty (50) percent of canopy trees to be planted in the perimeter landscape buffers shall be native, and meet the following minimum standards at installation (This condition is not applicable to areas adjacent to FPL easement):
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
3. All 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)
4. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
  - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
5. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
6. 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)

7. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place of guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
  8. 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)
  9. Prior to April 1, 2004, the property owner/petitioner shall replace all dead, missing plant materials on the parent tract (land area approved under 1983-161 through 1983-161C). (DATE:LANDSCAPE-Zoning)
- I. Condition M.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**LANDSCAPING ALONG PROPERTY LINES ABUTTING RIGHTS-OF-WAY**

1. **Landscaping within the required buffer along Okeechobee Boulevard shall be upgraded in accordance with a Landscape Betterment Plan. The petitioner shall submit the Plan, consistent with Exhibit No. 39, prior to site plan certification. The Plan shall include, at a minimum:**
  - a. **Three twelve (12) foot tall palm trees for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet.**
  - b. **Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center.**
  - c. **Appropriate ground cover and irrigation. (ZONING)**

Is hereby amended to read:

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

1. In addition to the existing Royal Palms, landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - c. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - d. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

**J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF WESTGATE AVENUE)**

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and

- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE - Zoning)
2. Condition M.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Landscaping within the required buffer along Indian Road shall be upgraded to include:**

- a. **One twelve (12) foot tall native canopy tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet.**
- b. **Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center.**
- c. **Appropriate ground cover and irrigation. (ZONING)**

Is hereby deleted. REASON: [replaced by new condition K.1]

**K. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF INDIAN ROAD)**

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. a minimum fifteen (15) foot wide landscape buffer strip along the south 560 linear feet of the west property line. No width reduction or easement encroachment shall be permitted;
  - b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE - Zoning)

**L. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)**

1. Landscaping and buffering along the south 520 linear feet of the east property line shall be upgraded to include:
- a. a minimum of fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted. A maximum of five (5) foot easement encroachment may be permitted;
  - b. an eight (8) foot high opaque concrete block or concrete panel wall to be located at the north end of the retention area, and shall extend a minimum of 270 linear feet northwards. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
  - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. In area where a wall is located, shrubs shall be planted on the both sides of the wall;
  - f. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. And

- g. one (1) climbing vine supported by decorative trellis shall be installed at ten (10) feet on center at the exterior side of the required wall. (CO: LANDSCAPE - Zoning)

- 2. Condition K.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape conditions of approval. (ZONING)**

Is hereby deleted. REASON: [completed].

- M. Condition N.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

LANDSCAPING ALONG PROPERTY LINES ABUTTING RESIDENTIAL LAND USE

- 1. **Landscaping and buffering along the east and south property lines, adjacent to residentially zoned land, shall be upgraded to include:**
  - a. **A minimum ten (10) foot wide landscape buffer strip.**
  - b. **A minimum six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.**

**The following landscaping requirements shall be installed on the exterior side of the required wall:**

- c. **Twelve (12) foot tall native canopy trees spaced twenty (20) feet on center.**
- d. **Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of sixty (60) inches within two years of installation. (ZONING)**

Is hereby amended to read:

LANDSCAPING ALONG THE NORTH 670 LINEAR FEET OF THE EAST PROPERTY LINE (ABUTTING COMMERCIAL AND RESIDENTIAL)

Landscaping and buffering along the north 670 feet of the east property line shall be upgraded to include:

- a. a minimum of ten (10) foot wide landscape buffer strip;
- b. a minimum eight (8) foot high opaque concrete or concrete panel wall, excluding the northernmost 200 linear feet. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development;
- c. plant materials shall be installed pursuant to the 2003 ULDC requirements. (DRC/CO:ZONING.-Zoning)

N. LANDSCAPING - INTERIOR

- 1. Condition L.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**One landscape island shall be provided for every ten (10) parking/storage spaces. The maximum spacing between landscape islands shall not exceed 120 linear feet. (ZONING)**

Is hereby amended to read:



One landscape island shall be provided for every twelve (12) parking/storage spaces. The maximum spacing between landscape islands shall not exceed 120 linear feet. (DRC/CO:ZONING/LANDSCAPE-Zoning)

2. Condition L.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**All trees within the interior parking area shall be a minimum of twelve (12) feet in height. (ZONING)**

Is hereby deleted. [Code requirement].

3. Condition L.3 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Prior to site plan certification, the site plan shall be amended to indicate typical landscape planting details, subject to approval by the Zoning Division. (ZONING)**

Is hereby deleted. [DRC requirement].

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

- a. A minimum of one (1) canopy tree for each island. Additional tree may be required in each island, subject to review and approval by the Landscape Section at final DRC approval,
- b. continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO:LANDSCAPE – Zoning)

5. Landscaping for divider median in the parking area (between the existing body shop/vehicle sales and the proposed body shop) shall consist of the following:

- a. the existing wall shall be renovated or painted to a color consistent with the principal structure;
- b. one (1) flowering or canopy tree for each twenty-five (25) linear feet of the median—Trees to be planted alternating on both sides of the wall;
- c. one (1) palm for each thirty-five (35) linear feet of the median. Palms may be planted in clusters and shall be planted alternating on both sides of the wall;
- d. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches; and
- e. one (1) climbing vine supported by decorative trellis shall be installed at ten (10) feet on center on both sides of the required wall. (DRC/CO: ZONING/LANDSCAPE - Zoning)

6. Condition D.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Service bay doors shall not be oriented toward the southern portion of the site. (DRC/BLDG. PERMIT:ZONING/BLDG.-Zoning)**

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee (DRC), an Alternative Landscape Plan (ALP) for the north side of the 1.38-acre dry detention area to the Landscape Section for review and approval. Bay door orientation towards the south of the automotive paint and body shop building shall be permitted subject to the approval of the ALP. (DRC/CO:LANDSCAPE-Zoning)

7. Prior to final DRC approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping in any portion of the property where existing trees may affect the proposed landscaping. (DRC: LANDSCAPE-zoning)
8. A concrete block wall or concrete panel wall with a minimum height of eight (8) feet shall be installed along the northern edge of the retention area. This wall shall connect to the wall as required pursuant to Condition L.1.b. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Planting shall include the following:
  - a. one (1) canopy tree planted for each twenty (20) linear feet of the wall, and shall be planted on the exterior side of the wall;
  - b. one (1) palm or pine tree for each thirty (30) linear feet of the wall with a maximum spacing of sixty (60) feet between clusters, and shall be planted on the exterior side of the wall;
  - c. one (1) small shrub for each two (2) linear feet of the wall. Shrub shall be a minimum height of twenty-four (24) inches at installation, and shall be planted on both sides of the wall;
  - d. one (1) medium shrub for each two (2) linear feet of the wall. Shrub shall be a minimum height of thirty-six (36) inches at installation, and shall be planted on both sides of the wall; and
  - e. one (1) climbing vine supported by decorative trellis shall be installed at ten (10) feet on center, and to be located on both sides of the walls. (CO: LANDSCAPE - Zoning)

O. LIGHTING

1. Condition P.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward away from adjacent properties and streets.** (ONGOING:CODE ENF-Zoning)

Is hereby amended to read:

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

2. Condition P.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Lighting fixtures shall not exceed twenty-five (25) feet in height.** (BUILDING-Zoning)

Is hereby amended to read:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

3. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the east property line. (CO: BLDG - Zoning)
4. **All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.** (ONGOING:CODE ENFORCEMENT-Zoning) (Previous Condition P.3 of Resolution R-95-0711, Petition No. 1983-161(C))

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

P. PARKING

1. Condition Q.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Upon completion of Phase II of the project, in accordance with the master site plan, a maximum of 333 parking/ storage/display spaces shall be permitted on-site. (BUILDING-Zoning)**

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

2. **Customer parking shall be marked with an above grade sign and shall be physically separated from the vehicle sales, storage and display areas. (Previous Condition Q.2 of Resolution R-95-0711, Petition No. 1983-161(C)) (BLDG. PERMIT:BLDG-Zoning)**
3. **The equipment yard shall be screened by a twelve (12) foot high wing wall consistent with the color and character of the principle structure. The open end shall have an obscure, opaque gate. (ARCH REVIEW/BLDG PERMIT: ZONING/BLDG-Zoning) (Previous Condition Q.3 of Resolution R-95-0711, Petition No. 1983-161(C))**
4. **Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING:CODE ENF-Zoning) (Previous Condition Q.4 of Resolution R-95-0711, Petition No. 1983-161(C))**
5. Condition Q.5 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:  
  
**Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (CODE ENFORCEMENT-Zoning)**  
  
Is hereby deleted. REASON: [Replaced by Condition S.5]

Q. RECYCLE

1. **The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING:SWA-SWA) (Previous Condition R.1 of Resolution R-95-0711, Petition No. 1983-161(C))**

R. SIGNS

1. **Signs fronting on Okeechobee Boulevard shall be limited as follows:**
  - a. **Maximum total sign height - twenty five (25) feet.**
  - b. **Maximum total sign area, per face - 100 square feet per face.**
  - c. **Maximum number of signs - one (1). (CO:BLDG-Zoning) (Previous Condition S.1 of Resolution R-95-0711, Petition No. 1983-161(C))**
2. **Signs fronting on Indian Road shall be limited as follows:**
  - a. **Maximum sign height - ten (10) feet.**
  - b. **Maximum total sign area, per face - 35 square feet per face.**
  - c. **Maximum number of signs - one (1). (CO:BLDG-Zoning) (Previous Condition S.2 of Resolution R-95-0711, Petition No. 1983-161(C))**

3. Condition S.3 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (ZONING)**

Is hereby amended to read:

Prior to final site plan approval of the Development Review Committee (DRC), the petitioner shall submit a Master Sign Program containing sign location and sign dimensions, all proposed details shall be in conformance to all sign related conditions of approval. (DRC:ZONING-Zoning)

4. **No signs shall encroach into the minimum required perimeter landscape buffers.** (DRC:ZONING-Zoning) (Previous Condition S.4 of Resolution R-95-0711, Petition No. 1983-161(C))
5. **All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.** (ONGOING:CODEENF-Zoning)(Previous Condition S.5 of Resolution R-95-0711, Petition No. 1983-161(C))
6. Condition S.6 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:
- 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 all sign-related conditions of approval. (BUILDING-Zoning)**
- Is hereby deleted. REASON: [the project has been reviewed under the current ULDC, and will be in compliance with all the recommended sign conditions].
7. **No advertising flags, foreign flags, pennants, banners, streamers, balloons, flashing signs, electronic message boards, signs upon any vehicles, prices or vehicle stock numbers or other information shall be displayed on vehicles for sale except as required to be posted on such vehicles by law and the year of the automobile.** (ONGOING:CODE ENF-Zoning) (Previous Condition B.1 of Resolution R-95-0711, Petition No. 1983-161(C))
8. **No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, except as may be permitted by the Sign Code.** (ONGOING:CODE ENF-Zoning) (Previous Condition B.2 of Resolution R-95-0711, Petition No. 1983-161(C))
9. **No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall only be parked or displayed in the approved areas designated on the certified site plan.** (ONGOING:CODE ENF-Zoning) (Previous Condition B.3 of Resolution R-95-0711, Petition No. 1983-161(C))
10. Wall signs shall be limited to south and west facades of the new auto paint and body building. Individual lettering size shall be limited to twenty-four\_\_ (\_24\_) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG - Zoning)

S. USE LIMITATIONS

1. Condition C.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**Use of the site shall be limited to the sale and rental of new and used automobiles (also see Condition D.1.). (CODE ENFORCEMENT-Zoning)**

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

2. Condition C.2 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**A maximum of 228 inventory vehicles shall be stored or displayed on site. (CODE ENFORCEMENT-Zoning)**

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

3. **When this facility is not open, the principal inventory parking areas shall be locked and gated. (ONGOING: CODE ENF-Zoning) (Previous Condition C.3 of Resolution R-95-0711, Petition No. 1983-161(C))**

4. Condition C.4 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**The petitioner shall provide an area on site to unload vehicles from car carriers. This area shall:**

- a. **be a minimum of fifteen (15) feet wide and sixty (60) feet in length,**
- b. **have sufficient maneuvering area,**
- c. **be located out of all vehicular circulation areas, and**
- d. **be located a minimum of fifty (50) feet from any residentially zoned property, or adequately buffered in a form acceptable to the Zoning Division. (ZONING)**

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

5. Condition C.5 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**If a specialized vehicular use area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division. (BUILDING-Zoning)**

Is hereby amended to read:

All display, inventory, parking, spaces, loading area and specialized vehicular use area, shall be limited to the locations as shown on the site plan dated December 23, 2003. (ONGOING:CODE ENF-Zoning)

6. **No vehicles, other than for customer/employee parking and those which are intended for sale and are in running condition, shall be stored or displayed outdoors on-site. (ONGOING:CODE ENF-Zoning) (Previous Condition C.6 of Resolution R-95-0711, Petition No. 1983-161(C))**

7. Condition D.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:

**An auto service/repair facility and auto paint and body shop may be provided as accessory uses. Service and repair facilities and paint and body shops shall be located a minimum of 50 feet from any residentially zoned property. (ZONING)**

Is hereby deleted. REASON: [the approval of the current request will allow 3 principal uses on the site].

8. **There shall be no outdoor repair of vehicles.** (ONGOING: CODE ENF – Zoning) (Previous Condition D.3 of Resolution R-95-0711, Petition No. 1983-161(C)).
9. **No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.** (ONGOING: CODE ENF –Zoning) (Previous Condition D.4 of Resolution R-95-0711, Petition No. 1983-161(C)).
10. **Vehicles shall not be tested off-site on residential streets.** (ONGOING: CODE ENF –Zoning) (Previous Condition D.5 of Resolution R-95-0711, Petition No. 1983-161(C)).
11. **Any automatic car wash facility on the site shall utilize a 100% water recycling system.** (ONGOING: CODE ENF –HEALTH) (Previous Condition D.6 of Resolution R-95-0711, Petition No. 1983-161(C)).
12. Condition T.1 of Resolution R-95-0711, Petition No. 1983-161(C)) which currently states:  
  
**Use of the site shall be limited to commercial sales, leasing and repair of new or used automobiles and accessory uses.** (CODE ENFORCEMENT-Zoning)  
  
Is hereby deleted. REASON: [uses are limited by site plan].
13. **No outdoor speaker or public address systems which are audible off-site shall be permitted.** (CODE ENFORCEMENT-Zoning) (Previous Condition T.2 of Resolution R-95-0711, Petition No. 1983-161(C))
14. **No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m., except deliveries to the "Dedicated Delivery Area" indicated on the master site plan.** (CODE ENFORCEMENT-Zoning) (Previous Condition T.3 of Resolution R-95-0711, Petition No. 1983-161(C))
15. **No storage or placement of any, refuse, equipment or debris shall be permitted in the rear of the facility.** (CODE ENFORCEMENT-Zoning) (Previous Condition T.4 of Resolution R-95-0711, Petition No. 1983-161(C))

T. COMPLIANCE

1. Condition V.1 of Resolution R-95-0711, Petition No. 1983-161(C) which currently states:  
  
**As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or**

- 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.**

**Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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. (MONITORING)**

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of

County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING:MONITORING-Zoning)

- 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)