

RESOLUTION NO. R-2004-0953

RESOLUTION APPROVING ZONING PETITION PDD2003-078
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LANTANA FARM ASSOCIATES, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(LANTANA FARMS MUPD)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-078 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 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 2.K.3.b (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 PDD2003-078, the petition of Lantana Farm Associates, Inc. by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Multiple Use Planned Development District with a veterinary clinic 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 May 27, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 2004.

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

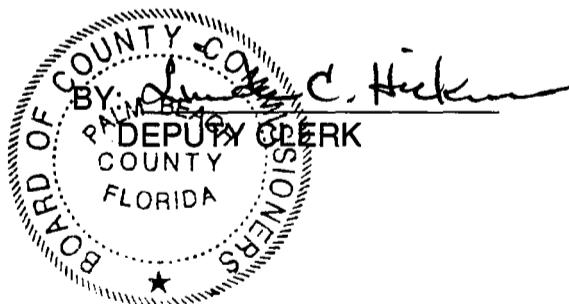


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF LOT 1, TRACT 41 AND LOT 4, TRACT 40, PALM BEACH FARMS COMPANY PLAT NO. 13, LYING WITHIN TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 4, TRACT 40; THENCE SOUTH 88°31'51" EAST, ALONG THE NORTH LINE OF SAID LOT 4, TRACT 40, A DISTANCE OF 141.17 FEET; THENCE SOUTH 01°28'09" WEST, A DISTANCE OF 67.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 12082, PAGE 626 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 43°31'51" EAST, A DISTANCE OF 35.35 FEET; THENCE SOUTH 01°28'09" WEST, A DISTANCE OF 425.62 FEET, TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET ; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°34'27", A DISTANCE OF 60.34 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 36°02'36" WEST, A DISTANCE OF 36.05 FEET; THENCE NORTH 88°30'40" WEST, A DISTANCE OF 196.97 FEET TO A POINT ON THE REQUIRED EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2-E CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1732, PAGE 612 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°00'14" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 546.09 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE SOUTH 74°19'31" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE DESCRIBED COURSES, A DISTANCE OF 34.76 FEET; THENCE SOUTH 88°27'51" EAST, A DISTANCE OF 58.74 FEET; THENCE SOUTH 88°31'51" EAST, A DISTANCE OF 141.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.01 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

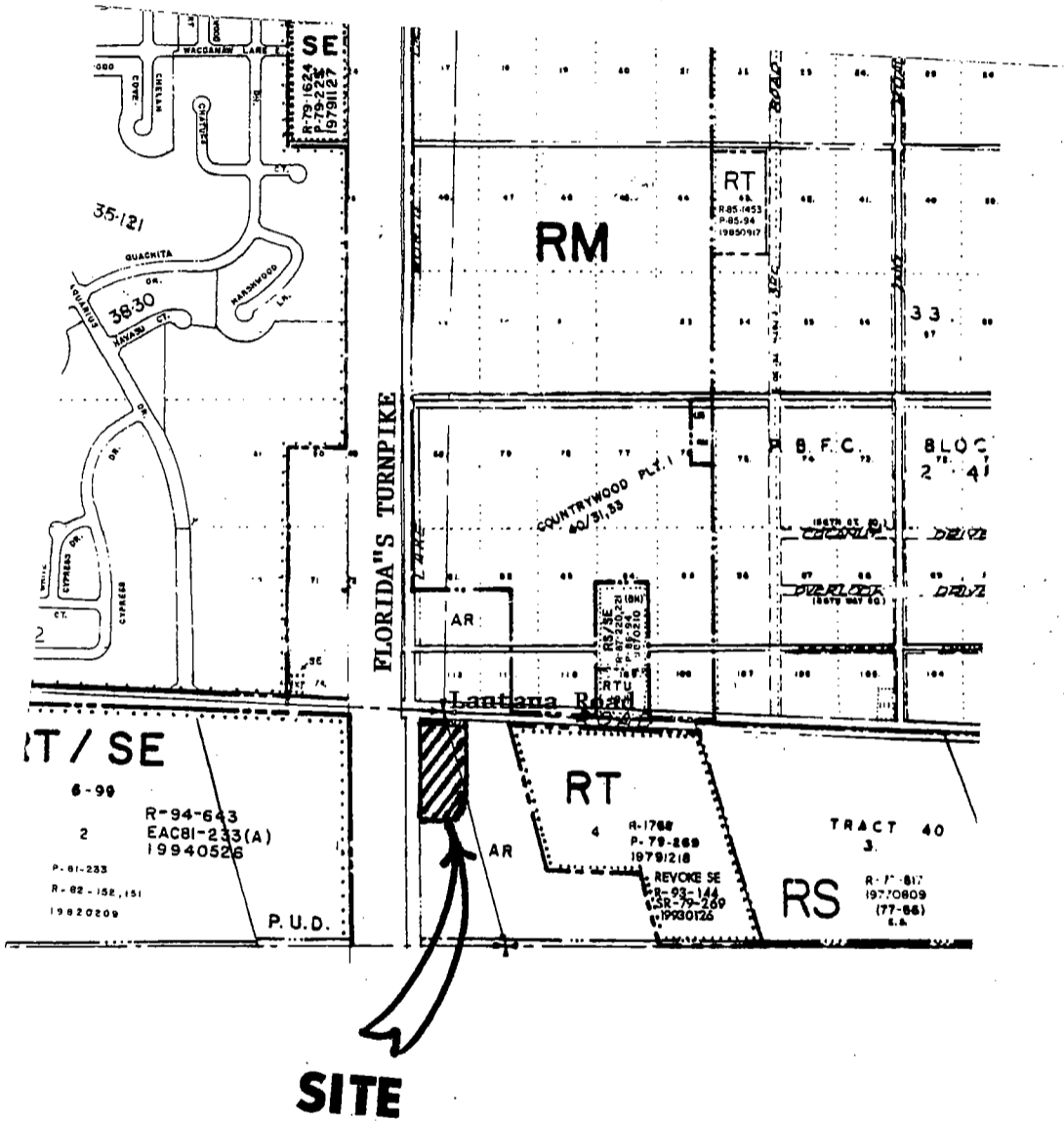


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the property is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 15, 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)

B. BUILDING AND SITE DESIGN

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sections 6.6.C. and 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ARCH REVIEW - Zoning)
2. The maximum height for all buildings shall be thirty-five (35) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. All heights shall be measured from finished grade to highest point, excluding decorative elements. (DRO/BLDG PERMIT: ZONING/BLDG - Zoning)
3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier that is consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT/CO: ARCH REVIEW/LANDSCAPE - Zoning)
4. Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (BLDG PERMIT: ARCH REVIEW - Zoning)
5. Prior to final approval by the DRO, the site plan shall be amended to indicate a minimum five (5) foot wide east-west linkage between the sidewalks at the southwest corner of building A. A minimum five (5) foot wide north-south linkage between the sidewalks to the south of building B shall be located adjacent to the parking spaces that front the open space area. (DRO: ZONING - Zoning)
6. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate decorative paving treatment (pre-cast concrete paver blocks and/or stamped concrete) for the following areas:
 - a. the entire surface area of both driveway throats and the adjoining intersections; and,
 - b. the entire surface area of all loading spaces. (DRO: ZONING - Zoning)
7. Prior to final approval by the DRO, the site plan shall be amended to indicate the following:
 - a. a landscape focal feature within the open space area to the south of building B;

- b. a fountain or other architectural element between buildings A and B. At a minimum, this area shall also include benches, shaded seating, trash receptacles, and a direct connection to the sidewalk system on the property; and,
- c. all focal features and architectural elements shall be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

- 1. A Phase 1 site assessment for all areas that have been under agricultural production shall be submitted to ERM prior to final site plan approval. (DRO: ERM - ERM)

D. HEALTH

- 1. Disposal of any hazardous waste into the sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department and the agency responsible for sewage works are provided and used by project tenants or owners generating such waste. (ONGOING: FDEP/HEALTH/CODE ENF - Health)

E. ENGINEERING

- 1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No building Permits shall be issued until construction commences for south approach dual left turn lanes at the intersection on Hagen Ranch Road and Lantana Road plus the appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING - Eng)
 - b. Building Permits for no more than Building A (9,000 square foot General Office; and 9,000 square foot General Retail, a max. of 98 net peak hour trips) shall be issued until the construction commences for Lyons Road 4 laning from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
 - c. No Building Permits for the site may be issued after January 1, 2011. 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 Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Eng)
 - d. The Concurrency for the project is required to be included with the adjacent PUD parcel to the east (zoning petition PDD2003-034). The mix of allowable uses between this MUPD and the adjacent PUD 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. (ONGOING: MONITORING - Eng)
- 2. Acceptable surety required for the offsite road improvements as outlined in Condition E.1.a. and E.1.b shall be posted with the Office of the Land Development Division on or before October 24, 2004.
 - a. This surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Eng)

- b. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)
3. Prior to issuance of a Building Permit, paved access to this site shall be provided from Lantana Road along this projects east property line. (BLDG PERMIT: MONITORING - Eng)
4. LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD
 - a. The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - d. At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENGINEERING - Eng)
 - e. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING - Eng)
5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng)

6. Prior to the issuance of the first building permit, the property owner shall obtain a drainage and access easement from the adjacent PUD to the east. Location of the easement shall be approved by the County Engineer; content shall be approved by the County Attorney. (BLDG PERMIT: MONITORING - Eng)
7. Prior to December 1, 2004, the property owner shall provide for the acquisition by funding the cost of the right-of-way and all associated costs for Lyons Road from Lantana Road to Hypoluxo Road plus the appropriate paved tapers as a 108-foot right-of-way within the limits referenced in the Phasing Condition above. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2004. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng)
8. On or before June 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING - Eng)
9. Prior to December 1, 2005, the property owner shall commence the construction of Lyons Road as a 4-lane facility (expandable to 6 lanes) from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng)
10. The Property owner shall construct intersection improvements at Hagen Ranch Road and Lantana Road to provide for:
 - south approach dual left turn lanes and sufficient width for receiving lanes; and,
 - signal modifications as required by the County Engineer
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first building Permit. (BLDG PERMIT: MONITORING - Eng)
 - c. Construction of turn lanes and installation of all traffic signal modifications shall be completed prior to the issuance of the first Certificate of Occupancy regardless whether the Property Owner or some other party administers this construction. (CO: MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - 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. (BLDG PERMIT: 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. (BLDG PERMIT: LANDSCAPE - Zoning)
 - 3. 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; and,
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub. (BLDG PERMIT: LANDSCAPE - Zoning)
 - 4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)
 - 5. A group of three (3) or more palm trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
 - 6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list as suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG PERMIT: LANDSCAPE - Zoning)
 - 7. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
- G. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (FRONTAGES OF LANTANA ROAD AND ACCESS ROAD)
- 1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
 - 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. one (1) canopy tree for each twenty-five (25) 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 eighteen (18) inches at installation;

- f. 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,
- g. 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. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-2-E CANAL AND FLORIDA'S TURNPIKE)

- 1. Landscaping and buffering along the west 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. 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. one (1) canopy tree for each thirty (30) 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 eighteen (18) inches at installation; and,
 - f. 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. (BLDG PERMIT: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING LANTANA FARMS PUD)

- 1. Landscaping and buffering along the south 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. a continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade, and at a maximum of 3:1 gradient. The plateau of the berm shall be located on the south property line, as shown on the cross-section prepared by Kilday and Associates, Inc. dated January 27, 2004;
 - 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 eighteen (18) inches at installation; and,
 - f. 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. (BLDG PERMIT: LANDSCAPE - Zoning)
- 2. Prior to final approval by the DRO, the site plan shall be revised to indicate:
 - a. a minimum twenty (20) foot wide landscape easement, which shall be recorded over the landscape buffer along the south property line;
 - b. this easement shall grant the adjacent property owner of the Lantana Farms PUD (Petition 2003-034) the right to install the berm indicated in Condition I.1.b.; and,
 - c. responsibility for installing the berm shall be assumed by the property owner, petitioner or developer of the development that occurs first. (DRO/ONGOING: ZONING/MONITORING - Zoning)

J. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning)
2. Foundation planting or grade level planters shall be provided along the north, south, east and west facades of all buildings, to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet, excluding the north façade of building A, where the minimum width shall be ten (10) feet, and the west façade of building B, where the minimum width 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 applicable facade; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning)
3. Landscaping for terminal islands in the parking area shall consist of the following, unless specified herein:
 - a. one (1) canopy or flowering tree for each island; and,
 - b. a 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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. Landscaping for the terminal islands at the east and west end of the loading space to the north of building A, and for the terminal islands in the northeast and southeast corner of the parking area (for a total of 4 islands) shall consist of the following:
 - a. one (1) flowering or canopy tree, subject to Landscape Section approval, per island. All four (4) trees shall be of the same variety; and,
 - b. one (1) medium shrub for each four (4) linear feet of curb and appropriate ground cover. Shrub shall be maintained at a maximum height of thirty (30) inches. (BLDG PERMIT: LANDSCAPE - Zoning)

K. LIGHTING

1. 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. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures shall be setback a minimum of thirty (30) feet from the south property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after business hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)
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)

L. MUPD

1. Prior to approval of the site plan by the DRO, 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 Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING/COUNTY ATTY - Zoning)
2. Prior to approval of the site plan by the DRO, the property owner shall record a covenant/unity of control 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/unity of control shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant/unity of control shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - Co Atty)

M. PLANNING

1. Prior to final site plan approval, the site plan shall be revised to include notations for two (2) vehicular and pedestrian cross access points with the Lantana Farms PUD, Petition 2003-034, which shall read "proposed vehicular and pedestrian cross access to be paved to the property line." The alignment of these access points shall be in accordance with the Lantana Farms PUD approved site plan. (DRO: PLANNING - Planning)
2. Prior to the issuance of a Certificate of Occupancy, the property owner shall pave the property to the edge of the eastern property lines at the locations shown on the site that will read "proposed vehicular and pedestrian cross access." (CO: MONITORING/PLANNING - Planning)
3. Prior to final site plan approval, the property owner shall record a cross access easement from the subject property to the parcel to east (Lantana Farms PUD, Petition 2003-034) in a form acceptable to the County Attorney. (DRO: COUNTY ATTY - Planning)

N. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - ten (10) feet for sign A and six (6) feet for sign B;
 - b. maximum sign face area per side - eighty (80) square feet for sign A and forty-eight (48) square feet for sign B;
 - c. maximum number of signs - two (2) for the entire site;
 - d. style - monument style only;
 - e. location - within one hundred twenty-five (125) feet to the north of the northern driveway for sign A, and within thirty (30) feet to the south of the northern driveway for sign B. The signs shall have a minimum separation of one hundred fifty (150) feet; and,
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)
2. Wall signs shall be permitted on all building facades, excluding the south facade of building B. Individual lettering size shall be limited to a maximum height of twenty-four (24) inches. Wall signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

O. USE LIMITATION

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
2. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
4. No outdoor business activities shall be allowed on site, excluding deliveries. (ONGOING: CODE ENF - Zoning)
5. Outdoor speaker or public address systems shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
6. Business hours of operation for all buildings, including deliveries, shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday, and 8:00 a.m. to 6:00 p.m. on Sundays, unless otherwise specified herein. This condition shall not apply to employees working overtime. (ONGOING: CODE ENF - Zoning)
7. Business hours of operation for any permitted restaurant use on the property shall be limited to 7:00 a.m. to 11:00 p.m. Monday through Saturday, and 8:00 a.m. to 10:00 p.m. on Sunday. (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 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 2.E 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)