

RESOLUTION NO. R-2004-1648

RESOLUTION APPROVING ZONING PETITION DOA1988-023B
DEVELOPMENT ORDER AMENDMENT
PETITION OF WALKER INVESTMENT PROPERTIES, LLC
BY ZPR, AGENT
(DISCOUNT RENTAL (AKA PALM BEACH KAWASAKI))

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1988-023B was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2004; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b 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 DOA1988-023B, the petition of Walker Investment Properties, LLC, by ZPR, agent, for a Development Order Amendment to modify a condition of approval and reconfigure site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 24 day of August, 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


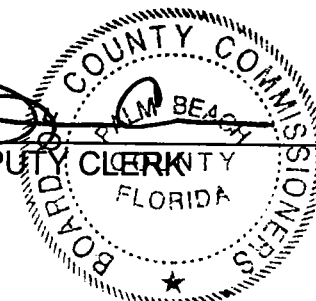
BY: 
DEPUTY CLERK


EXHIBIT A
LEGAL DESCRIPTION

THE NORTH 271.34 FEET OF THE WEST 300 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY FLORIDA, LESS THE NORTH 40 FEET OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 6, AND LESS THE RIGHT OF WAY OF CONGRESS AVENUE. ALSO KNOWN AS LOTS 1 & 2, PALM ACRES TRACT (UNRECORDED ASSESSORS MAP 72)

EXHIBIT B
VICINITY SKETCH

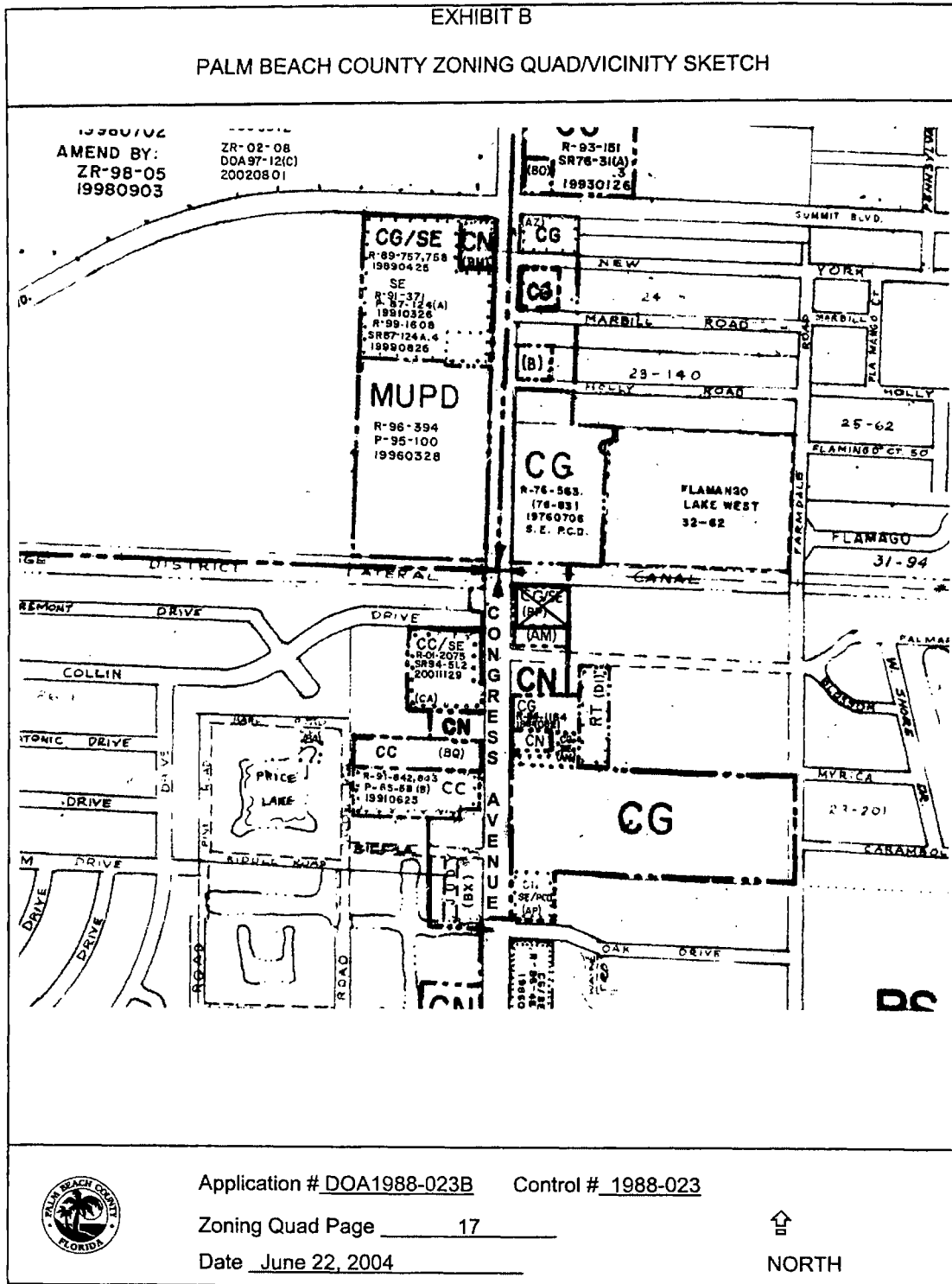


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-89-350 (Petition 88-23), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 24, 2004. 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)
3. **Prior to site plan certification, the petitioner shall provide documentation substantiating the existence of all structures on site prior to February of 1973, or obtain variance relief from the Board of Adjustment.** (DRO:ZONING-Zoning) (Previous Condition 2 of Resolution R-89-350 Petition 1988-23)

B. BUILDING AND SITE DESIGN

1. Condition 1 of Resolution R-89-350 Petition 1988-23) which currently states:
Prior to certification, the site plan shall be amended to indicate the following:
 - a. **Required clear back-up distance for all parking spaces.**
 - b. **Required hedge material within all perimeter landscape strips which abut vehicular use areas.**
 - c. **Required tabular identifying the amount of interior landscaping to be transferred to the perimeter.**
 - d. **The location and maximum number of boats on Site for display and storage.** (DRO: ZONING-Zoning)

Is hereby deleted: [REASON: Change of use on site.]
2. Condition 4 of Resolution R-89-350 Petition 1988-23 which currently states:
The display areas of the individual uses on site shall be segregated.

Is hereby deleted: [REASON: Change of use on site.]
3. **The petitioner shall provide an area on-site to unload inventory from carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation, and shall not be adjacent to residentially zoned lots.** (DRO/ONGOING:DRO/CODE ENF-Zoning) (Previous Condition 16 of Resolution R-89-350 Petition 1988-23)

4. Condition 17 of Resolution R-89-350 Petition 1988-23 which currently states:

Repair facilities and sales of parts may be provided as an accessory use. Repair facilities shall be located at least 100 feet from any residentially zoned lot. Service bay doors shall not be oriented toward any adjacent residentially zoned property, except where currently existing, unless it can be demonstrated to the Site Plan Review Committee that it not feasible to comply.

Is hereby deleted. [REASON: Code requirement.]

5. A minimum eight (8) foot high opaque metal fence/gate shall be installed at the main entrance of the facility, in the location indicated on the site plan dated May 24, 2004 and shall be subject to the review and approval by the Architectural Review Section prior to final DRO approval of the site plan. (CO/DRO: LANDSCAPE/ARCH REVIEW – Zoning)
6. The existing buildings shall be repainted to a color scheme that is consistent with the color of the required six (6) foot high wall in Condition F.2.c and acceptable to the Architectural Review Section. (CO: LANDSCAPE/ARCH REVIEW - Zoning)

C. HEALTH

1. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition 18 of Resolution R-89-350 Petition 1988-23)

2. Condition 19 of Resolution R-89-350 Petition 1988-23 which currently states:

Since sewer service is available to the property, Septic tank shall not be approved for use on the property.

Is hereby amended to read:

Sanitary sewer service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site after October 31, 2004. All existing OSTDS shall be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. (DATE: MONITORING-Health)

3. Condition 20 of Resolution R-89-350 Petition 1988-23 which currently states:

Because water service is available to the property, a well shall not be approved for potable water use.

Is hereby amended to read:

Water is available to the property. Therefore, no well shall be permitted on the site to provide potable water after October 31, 2004. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II. (DATE: MONITORING-Health)

4. **Reasonable precautions shall be exercised to ensure that unconfined particles (dust particles) from property do not become a nuisance to neighboring properties.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition 25 of Resolution R-89-350 Petition 1988-23)

5. The property owner or operator shall not cause, let, permit or allow the discharge of any hazardous waste into the sanitary sewer system 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 any person generating such waste. (ONGOING: HEALTH/CODE ENF-Health)
6. The property 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)
7. The property owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. (ONGOING: HEALTH/CODE ENF-Health)
8. The property owner or operator shall maintain at the facility records or documentation that can be used to ascertain the types and quantities of hazardous or toxic wastes generated at the facility, the methods of disposal, and the dates that each type of waste was removed from the facility for off-site disposal. Disposal records for used oil, waste gasoline, waste batteries, spent parts washer solvent, waste antifreeze, waste oily water, waste tires, and any other regulated waste generated at the facility shall be made available to the Palm Beach County Health Department upon request. (ONGOING: HEALTH/CODE ENF-Health)
9. Prior to October 1, 2004, the owner or operator shall complete and submit to the Palm Beach County Health Department a comprehensive Spill Prevention Control and Countermeasures (SPCC) Plan for review and approval. (DATE: MONITORING –Health)

D. LANDSCAPING-STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. 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 where a single row of hedge is required on one or both sides of a fence. (CO: LANDSCAPE - Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 5. 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)
 6. 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" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
 7. Field adjustment of plant materials and berms may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)
 8. Prior to final DRO approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the property lines and any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Condition 17 of Resolution R-89-350 Petition 1988-23 which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.

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

2. **The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ONGOING:ENGINEERING-Eng) (Previous Condition 22 of Resolution R-89-350 Petition 1988-23)**
3. **The property owner shall convey to Palm Beach County by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. (ONGOING:MONITORING-Eng) (Previous Condition 23 of Resolution R-89-350 Petition 1988-23)**
4. **The property owner shall construct a left turn lane, north approach on Congress Avenue at the project's entrance road. This construction shall include modifications to the existing bridge structure over the Lake Worth Drainage District Canal No. 6 as required concurrent with onsite paving and drainage improvements. Permits for this construction shall be obtained from the Lake Worth Drainage District and the Florida**

Department of Transportation. (Previous Condition 23 of Resolution R-89-350 Petition 1988-23) [COMPLETE]

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE)

1. Condition 9 of Resolution R-89-350 Petition 1988-23 which currently states:

The petitioner shall upgrade the landscaping along the eastern and western perimeters to include native canopy trees, ten to twelve feet high, spaced 20 feet on center, supplemented with hedge material 36 inches high, spaced 24 inches on center.

Is hereby deleted: [REASON: Condition G.2 and Condition H.1 updates this condition.]

2. Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. A maximum five (5) feet Palm Tran or any other easement encroachment pursuant to ULDC requirements shall be permitted. In area where affected by the Palm Tran easement, this buffer shall be shifted eastward to provide the required width of 20 feet. Prior to final site plan approval by the Development Review Officer (DRO), this plan shall be revised to indicate this amendment. (CO: LANDSCAPE/ARCH REVIEW - Zoning)
- b. a continuous two (2) foot high berm measured from top of curb;
- c. a minimum of six (6) foot high opaque concrete wall to be located on the plateau of the berm. The concrete wall shall be connected to the opaque entry gates and shall be extended to the north and south property lines. Both sides of the wall shall be given a finished architectural treatment and a color scheme acceptable to the Architectural Review Section;
- d. one (1) native canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall;
- e. 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, alternating on both sides of the wall;
- f. 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, alternating on both sides of the wall;
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on both sides of the wall.
- h. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on the exterior side of the wall.
(CO: LANDSCAPE/ARCH REVIEW - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINES (ABUTTING RESIDENTIAL PROPERTY)

1. Landscaping and buffering along the east 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. a continuous two (2) foot high berm measured from finished grade; and,
- c. a minimum of six (6) foot high opaque concrete panel wall to be located on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment and a color scheme acceptable to the Arch Review Section;

- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. 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, alternating on both sides of the wall;
- f. 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, alternating on both sides of the wall; and,
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, alternating on exterior side of the wall.
(CO: LANDSCAPE/ARCH REVIEW - Zoning)

H. LANDSCAPING - INTERIOR

- 1. Foundation planting or grade level planters shall be provided along the facades of all structures as shown on the site plan dated May 24, 2004 to consist with the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (CO: LANDSCAPE - Zoning)
- 2. Landscaping for terminal islands in the parking area shall consist of the following:
 - a. one (1) canopy 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. (CO: LANDSCAPE - Zoning)

I. SIGNS

- 1. **No off-premises signs shall be permitted On site.**
(ONGOING:CODE ENF-Zoning)
- 2. **No advertising flags, foreign flags, pennants, banners, streamers, or balloons shall be permitted on site. NO gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window, or as may be permitted by the Sign Code.** (ONGOING:CODE ENF-Zoning)
- 3. Freestanding signs shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. maximum sign face area per side - 100 square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. location - within twenty (20) feet of the entrance of Congress Avenue; and,
 - f. Signs shall be limited to identification of tenants only. (CO: BLDG PERMIT- Zoning)
- 4. Existing pole sign shall be removed by December 20, 2004 or prior to the issuance of first building permit for new sign, whichever occurs first.
(DATE/BLDG PERMIT: BLDG PERMIT/CODE ENF-Zoning)

J. USE LIMITATIONS

1. Condition 3 of Resolution R-89-350, Petition 1988-23 which currently states:

Use of the site shall be limited to the retail sale and minor repair of motorcycles and boats. (ONGOING: CODE ENF-Zoning)

Is hereby amended to read:

Use of the site shall be limited to rental of construction equipment only. All other uses shall not be permitted. (ONGOING: CODE ENF-Zoning)

2. Condition 5 of Resolution R-89-350 Petition 1988-23 which currently states:

Outside stacking of boat racks shall be limited to fifteen (15) feet.

Is hereby deleted: [REASON: Change of use on site, and is replaced by Condition J.5.]

3. Condition 6 of Resolution R-89-350 Petition 1988-23 which currently states:

Storage of motorcycles or boats shall not be permitted on the lawn area or the landscape strips.

Is hereby deleted: [REASON: Change of use on site.]

4. Condition 7 of Resolution R-89-350 Petition 1988-23 which currently states:

Outside storage of disassembled vehicles, inoperative motorcycles, boats, or parts thereof, shall not be permitted on site. (ONGOING: CODE ENF-Zoning)

Is hereby amended to read:

Outside storage of disassembled/inoperative motorized-vehicles/ equipment, or parts thereof, shall not be permitted on site. (ONGOING: CODE ENF-Zoning)

5. **No outdoor loudspeaker system shall be permitted on site. (ONGOING: CODE ENF-Zoning)** (Previous Condition 8 of Resolution R-89-350 Petition 1988-23)

6. **Customer vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior driveways. (ONGOING:CODE ENF-Zoning)** (Previous Condition 10 of Resolution R-89-350 Petition 1988-23)

7. Condition 11 of Resolution R-89-350 Petition 1988-23 which currently states:

If a Specialized Vehicular Use Area is utilized for display of motorcycles and boats, 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.

Is hereby deleted. [REASON: Change of use on site.]

8. Condition 12 of Resolution R-89-350 Petition 1988-23 which currently states:

Vehicles shall not be tested off-site on Streets in residential neighborhoods.

Is hereby amended to read:

Motorized vehicles/equipment shall not be tested off-site on streets in residential neighborhoods. (ONGOING: CODE ENF-Zoning)

9. Condition 14 of Resolution R-89-350 Petition 1988-23 which currently states:

No stock loading or dumpster pickup will be permitted between the hours of 9:00 P.M. and 7:00 A.M. (ONGOING:CODE ENF-Zoning)

Is hereby amended to read:

No stock loading or dumpster pickup shall be permitted between the hours of 9:00 P.M. and 7:00 A.M. (ONGOING:CODE ENF-Zoning)

10. Only the following minor repair or maintenance to motorized vehicles or equipment shall be permitted on the property and shall be conducted within indoors or enclosed outdoor areas that are not visible from any adjacent properties:

- a. Adding and changing oil and other fluids, but not flushing of such fluids. The fluids shall be disposed of at collection centers;
- b. Adding air to and changing tires;
- c. Washing and waxing; and,
- d. Changing of an air filter, fuel filter, spark plugs, batteries. (ONGOING: CODE ENF – Zoning)

11. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m. on weekdays and Saturdays. (ONGOING: CODE ENF-Zoning)

12. Open storage or placement of any inventory shall only be permitted on the designated outdoor storage areas as indicated on the site plan dated May 24, 2004. No outdoor display of any equipment shall be permitted. (ONGOING: CODE ENF-Zoning).

13. Inventory and equipment or part thereof, including but no limited to the (arm extension of boons, cranes), shall not be visible above the height of the enclosing walls. (Total eight (8) foot screening height which consists of a combination of a two (2) foot berm and a six (6) foot wall, pursuant to Conditions F.2 and G.1). (ONGOING: CODE ENF-Zoning)

K. 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. Condition 26 of Resolution R-89- 35001, Petition 1988-23 which currently states:

Failure to comply with the conditions herein may result in the denial or revocation of a building permit: the issuance of a stop work order: the denial of a Certificate of Occupancy on any building or structure: or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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 Article 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)