

RESOLUTION NO. R-98- 424

RESOLUTION APPROVING ZONING PETITION PDD97-96
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THE ORDRE AND GERTRUDE WINSBERG
BY TIM SHARP, AGENT
(WINSBERG FARM 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 5 (Development Review ~~Procedures~~) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-96 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with ~~the~~ requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) 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) 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) 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) 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 **PDD97-96**, the petition of **Theodore and Gertrude Winsberg** by **Tim Sharp**, agent, for an Official Zoning Map Amendment (PDD) Rezoning from AR to MUPD on a parcel of land legally described in **EXHIBIT A**, attached hereto and made a part hereof, and generally located as **indicated on** a vicinity sketch attached as **EXHIBIT B**, attached hereto and made a part hereof, was **approved on** March 26, 1998, subject to the conditions of approval described in **EXHIBIT C**, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 26, 1998.

APPROVED AS TO **FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard C. Allen*
COUNTY ATTORNEY

BY: *Joan Newell*
DEPUTY CLERK

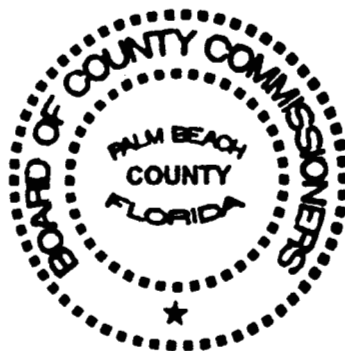


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION: (COMMERCIAL PARCEL)

A parcel of land lying within Section 3, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

BEGINNING at the point of intersection of the Southerly right-of-way line of the Lake Worth Drainage District Right-of-way for the Canal L-29, in accordance to that Right-of-way width referred to in the Chancery No. 407, recorded in Official Records Book 6495, Page 761, Public Records of Palm Beach County, Florida and the Westerly right-of-way line of Jog Road, in accordance to those lands described in Official Records Book 5867, Page 561 through 563, Public Records of Palm Beach County, Florida; thence **S 00' 33' 45" E**, along said Westerly right-of-way line of Jog Road, a distance of 621.56 feet; thence **S 00' 42' 29" W**, a distance of 370.34 feet; thence **S 06' 57' 03" W**, a distance of 101.62 feet; thence **S 00' 33' 45" E**, a distance of 280.00 feet; thence **S 54' 31' 44" W**, a distance of 66.38 feet; thence **N 70' 23' 51" W**, a distance of 316.95 feet; thence **N 71' 18' 51" W**, a distance of 127.77 feet (the previous three courses and distances are along the Northerly right-of-way line of "Flavor Pict Road", as shown on Palm Beach County Drawing No. 88539); thence **N 00' 30' 34" W**, a distance of 1259.60 feet to a point of intersection with said Southerly right-of-way line of the Lake Worth Drainage District Right-of-way for the Canal L-29; thence **N 89' 29' 26" E** along said Southerly right-of-way line, a distance of 492.89 feet to the POINT OF BEGINNING.

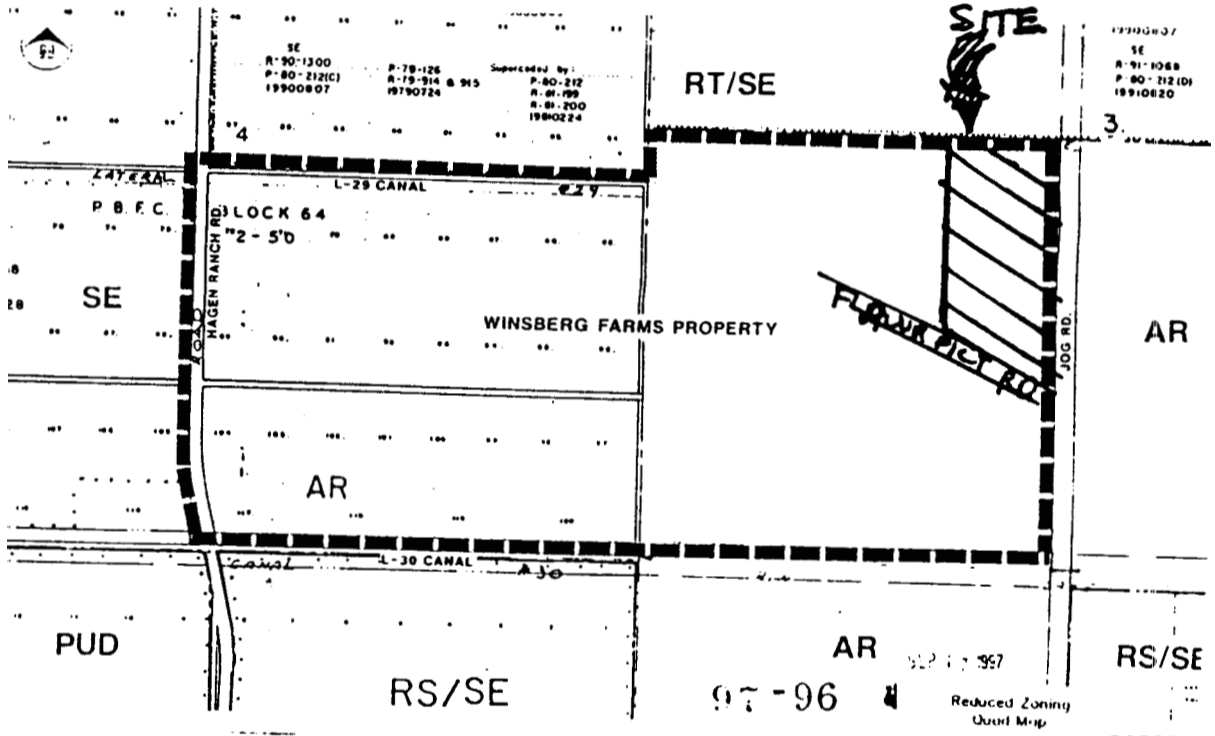
Said lands situate in Palm Beach County, Florida.

Containing 15.00 Acres, more or less.

Subject to Easements, Restrictions, Reservations, Covenants, and Rights-of-way of Record.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-96
 Zoning Quad Page _____
 Date: 9/17/97



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 29, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

D. LANDSCAPING - GENERAL

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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)

E. ENGINEERING

1. Prior to July 1, 1998 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a. Flavor Pict Road, a total of **120** feet on an alignment approved by the County Engineer,
 - b. **Expanded** intersection right of way at Jog Road and Flavor Pict Road, ~~All~~ rights of way **be** free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with **sufficient documentation acceptable** to the Right of Way Acquisition Section to ensure that ~~the~~ property is free of all encumbrances and encroachments. Right-of-way conveyances ~~shall~~ also include "Corner Clips" where appropriate at intersections as determined by ~~the~~ County Engineer. Expanded intersections shall **be** in accordance with Palm Beach County's expanded intersection detail.
 - c. The property owner may lease back any and all property contained in the right of way described above. The terms of the lease ~~back~~ shall **be** as provided for in the property owners purchase contract.
(DATE: MONITORING-Eng)
2. Prior to the issuance ~~of~~ a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty ~~deed~~ additional right of way for ~~the~~ construction of a right turn lane:
 - a. ~~on~~ Jog Road at the projects north entrance onto Jog Road.
 - b. ~~on~~ Flavor Pict Road at the projects entrance onto Flavor Pict Road.

This right-of-way **shall** be a minimum of **280** feet in storage length, twelve feet in width and a taper length of **50** feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where ~~appropriate~~ as determined by the County Engineer. Property owner shall provide Palm Beach County with **sufficient** documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)

3. Prior to July 1, 1998 ~~the~~ property owner shall convey a temporary roadway construction easement along Hagen Ranch Road and Flavor Pict 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. (DATE: MONITORING-Eng)
4. On or before **December 1, 1998**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hagen Ranch Road, Flavor Pict Road and Jog Road along the property ~~frontage~~; and a maximum **800** feet of these adjacent roadway(s). **The limits** of this additional **800** feet of drainage shall be determined by ~~the~~ County Engineer. Said easements shall be no less than **20** feet in width. **Portions** of such system not included within roadways or waterways ~~dedicated~~ for drainage purposes ~~will be specifically~~ encumbered by said minimum **20** foot drainage easement from the point of origin, to the point of legal positive outfall.

The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng)

5. Prior to Master Plan approval by the DRC the petitioner shall relocate the access drive onto Flavor Pict Road to the west property line, subject to the approval of the County Engineer. (DRC: ENG)
6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building permits for no more than 180 multi-family housing units or 16,400 square feet of commercial (919 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Boynton Beach Boulevard to Woolbright Road.
 - b. Building permits for no more than 346 multi-family housing units or 43,300 square feet of commercial (1997 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Flavor Pict Road to Lake Ida/Sims Road.
 - c. Building permits for no more than 423 multi-family housing units or 16,400 square feet of commercial (2619 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Pipers Glen Boulevard to Flavor Pict Road.
 - d. Building permits for no more than 434 multi-family housing units or 64,800 square feet of commercial (2692 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Woolbright Road to Pipers Glen Boulevard.
 - e. Building permits for no more than 182 multi-family housing units and 120,000 square feet of commercial (5495 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes north approach, and a separate right turn lane east approach at the intersection of Hagen Ranch Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).
 - f. Building permits for no more than 220 multi-family housing units and 120,000 square feet of commercial (5760 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes south approach and right turn lane west approach at the intersection of Jog Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).

- g. Building permits for no more than 346 multi-family housing units and 120,000 square feet of commercial (6701 daily project trips) shall be issued until construction has commenced for the 6-lane widening of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Developer to assure construction as per "h" below).
- h. Developer shall assure construction of improvements in Condition Nos. e, f, and g above by having Board Of County Commissioners adopt a resolution in conjunction with the final development order for this project whereby the Board would agree to include the cost of design, right-of-way acquisitions, and construction for these improvements in fiscal year 2002-2003 of the Palm Beach County 5-Year Road Program at the time of the next Program adoption. These improvements shall be included in the 5-Year program in such a manner that they may only be considered assured for the Winsberg Farm PUD and Winsberg MUPD until such time as construction has commenced on these projects or surety has been established as defined in the Traffic Performance Standards Ordinance .
- i. Prior to issuance of any building permits for Winsberg Farms PUD or Winsberg Farms MUPD after the date of October 1, 2002, the Developer shall pay all of the remaining impact fees for the unfunded portion of any of the improvements listed above, which have not been paid prior to this date. The funding of the remaining impact fees shall be based upon the latest approved Master Plan for the MUPD and the PUD. These Impact Fee Funds shall be used for improvements which have not been funded by some other developer prior to October 1, 2002.

The mix of allowable uses as permitted by the Zoning Division for Zoning Petition 97-95 and Zoning Petition 97-96, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING-Eng)

- 7. Prior to the issuance of a building permit for the MUPD the property owner shall provide approved construction plans for Flavor Pict Road as a 3 lane section (expandable to six lanes) from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. Turn lanes for the entrance into the commercial site, and for Jog Road intersection shall be as required by the County Engineer. No Impact Fee credit shall be given for completion of these construction plans. (BLDG PERMIT: MONITORING - Eng)
- 8. The Property owner shall construct Flavor Pict Road as a 3 lane section (expandable to six lanes) from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. This construction shall be concurrent with the paving and drainage improvements for the Commercial 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. Turn lanes for the FOD

entrances, the entrance into the commercial site, and for the Hagen Ranch and Jog Road intersections shall be constructed as required by the County Engineer. No impact Fee credit shall be given for this construction. Construction of Flavor Pict Road may be phased as follows:

- a. If Hagen Ranch Road 5 laning adjacent to the site has been completed, then prior to the issuance of the first Certificate of Occupancy for the main center the property owner shall construct Flavor Pict Road from Hagen Ranch Road to Jog Road plus appropriate turn lanes as determined by the County Engineer. (CO: MONITORING/Eng)
- b. If Hagen Ranch Road 5 laning adjacent to the site has not been completed, then prior to the issuance of the Certificate of Occupancy for the main center the property owner shall construct Flavor Pict Road from Jog Road to the commercial entrance plus appropriate turn lanes as determined by the County Engineer. The developer shall commence construction of the section from the project entrance to Hagen Ranch Road within ninety (90) day of receipt of notification, from the County Engineer, that the Hagen Ranch Road 5 laning adjacent to the site has been completed. Acceptable surety for the remainder of the Flavor Pict Road construction shall then be provided to the Land Development Division based upon 110% of a certified cost estimate by the Developer's Engineer and approved by the County Engineer. (CO: MONITORING/Eng.)

9. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the north property line shall include:
 - a. a minimum forty (40) foot wide landscape buffer strip;
 - b. a continuous six (6) foot high berm measured from top of curb;
 - c. one (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (40) feet on center,
 - d. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for a perimeter canopy tree; and,
 - e. twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE-Planning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING FLAG/OR PICT ROAD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
 - c. one (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of forty (40) feet on center,
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,
 - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING JOG ROAD)

1. Landscaping and buffering along the east property line shall include:
 - a. a minimum forty (40) foot wide landscape buffer strip;
 - b. a continuous six (6) foot high berm measured from top of curb;
 - c. one (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (40) feet on center,
 - d. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for a perimeter canopy tree; and
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE- Planning)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. A 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. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE EEIF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)

2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)
3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

L. MUPD

1. Total gross floor area shall be limited to a maximum of 120,000 square feet with no single user tenant to exceed 20,000 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING Planning)
2. The following uses shall be prohibited for the MUPD:
 - a. gas stations;
 - b. fast food restaurants;
 - c. adult entertainment enterprises; and,
 - d. communication towers. (DRC/ONGOING: PLANNING-Zoning)
3. No out-parcels shall be permitted on site. (DRC: ZONING)

M. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)
2. Prior to site plan certification by the Development Review Committee (DRC), the site plans shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (DRC: ZONING)

N. SIGNS

1. Freestanding point of purchase signs fronting on Jog Road 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 (2); and,
 - d. Style - monument style only. (CO: BLDG)
2. Freestanding point of purchase signs fronting on Flavor Pict Road or the outparcel shall be limited as follows:

- a. **Maximum** sign height, measured from finished grade to highest point - six **(6)** feet;
 - b. Maximum sign face area per side - **80** square feet;
 - c. Maximum number of signs - one **(1)**; and,
 - d. Style - monument style only. (CO: BLDG)
3. **Freestanding point of purchase** signs fronting on Flavor Pict Road shall be limited to **directional signage** only. (CO: BLDG)

O. 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 ~~those~~ 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 standard of ~~the~~ ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

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