

RESOLUTION NO. R-2009- 0169

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2008-01523  
(CONTROL NUMBER 1981-00115)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF Garden Shops at Boca Joint Venture  
BY Kilday & Associates, Inc., AGENT  
(Garden Shops at Boca II)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application ZV/DOA/R-2008-01523 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application ZV/DOA/R-2008-01523, the application of Garden Shops at Boca Joint Venture, by Kilday & Associates, Inc., agent, for a Development Order Amendment to to reconfigure the site plan and add square footage 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 January 29, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	- Aye
Commissioner Burt Aaronson, Vice Chairman	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Shelley Vana	- Aye
District 4	-
Commissioner Jess R. Santamaria	- Aye
Commissioner Addie L. Greene	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 29, 2009.

Filed with the Clerk of the Board of County Commissioners on February 17, 2009.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

SHARON BOCK, CLERK &  
COMPTROLLER

BY:

  
DEPUTY CLERK

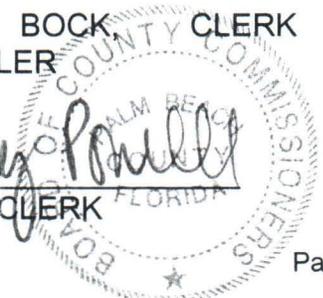


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT 21, BOCA DEL MAR NO. 6 AS RECORDED IN PLAT BOOK 30, PAGES 142 AND 143 OF THE PUBLIC RECORDS OF PALM

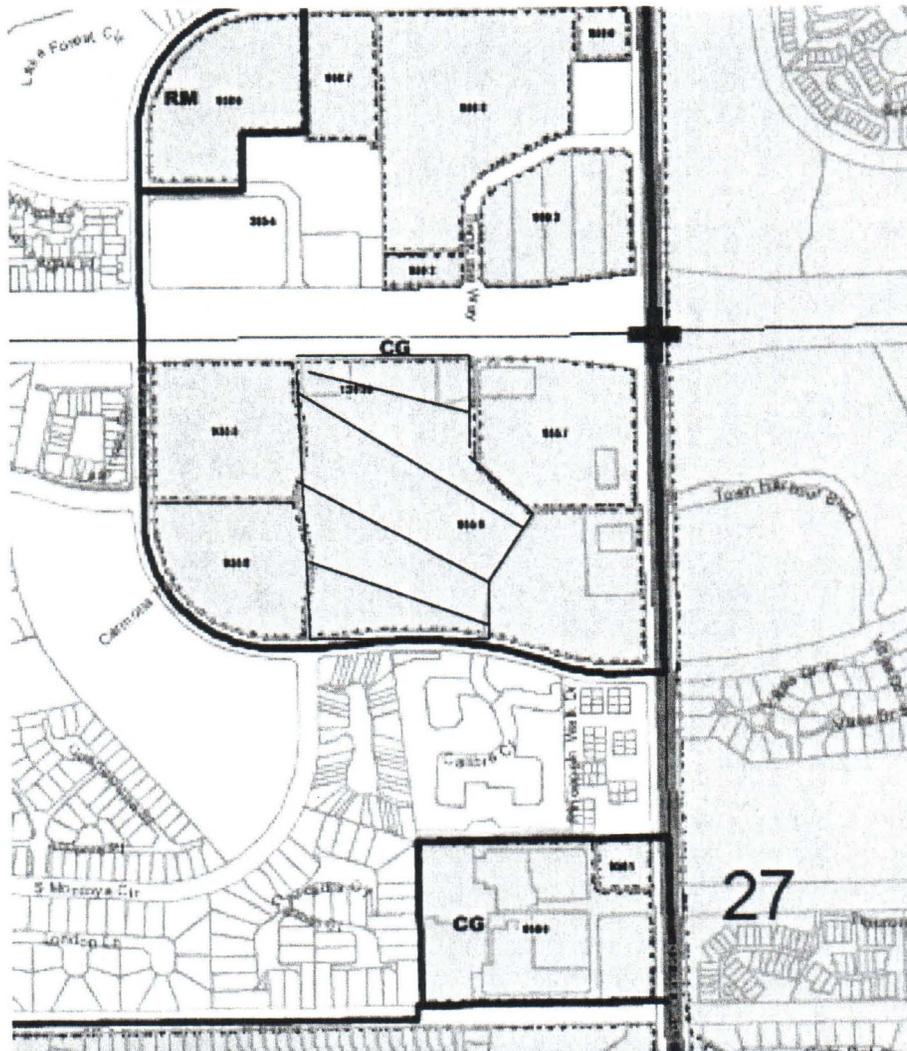
BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 21; THENCE WITH A BEARING OF N. 89°50'07"E. ALONG THE NORTH LINE OF TRACT 21, A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WITH A BEARING OF N. 89°50'07"E., ALONG SAID NORTH LINE OF TRACT 21, A DISTANCE OF 709.63 FEET TO A POINT; THENCE WITH A BEARING OF S. 01°03'02"E., A DISTANCE OF 420.00 FEET TO A POINT; THENCE WITH A BEARING OF S. 46°03'02"E., A DISTANCE OF 95.97 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 85.00 FEET, A CENTRAL ANGLE OF 45°00'00", AN ARC LENGTH OF 66.76 FEET, MORE OR LESS, TO A POINT; THENCE WITH A BEARING OF S. 01°03'02"E., A DISTANCE OF 61.08 FEET TO A POINT; THENCE WITH A BEARING OF N.88°56'58"E., A DISTANCE OF 140.30 FEET TO A POINT; THENCE WITH A BEARING OF S. 35°27'47"W., A DISTANCE OF 329.71 FEET TO A POINT; THENCE WITH A BEARING OF S. 09°13'58"W., A DISTANCE OF 230.00 FEET TO A POINT LYING ON A CURVE CONCAVE TO THE SOUTH, BEING COINCIDENT WITH THE SOUTHERLY BOUNDARY OF TRACT 21; THENCE ALONG SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N. 80°46'02"W., A RADIUS OF 1677.02 FEET, AN ARC LENGTH OF 450.73 FEET TO A POINT OF TANGENCY; THENCE WITH A BEARING OF S. 83°50'00"W., A DISTANCE OF 89.79 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1597.02 FEET, AN ARC LENGTH OF 155.31 FEET TO A POINT, THE LAST THREE COURSES BEING COINCIDENT WITH THE SOUTHERLY BOUNDARY OF TRACT 21; THENCE WITH A BEARING OF N. 00°10'00"W., A DISTANCE OF 125.00 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 49.84 FEET TO A POINT OF REVERSE CURVATURE; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 204.96 FEET TO A POINT OF TANGENCY; THENCE WITH A BEARING OF N.15°09'53" W., A DISTANCE OF 125.05 FEET TO A POINT OF CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.00 FEET, AN ARC LENGTH OF 117.81 FEET TO A POINT OF REVERSE CURVATURE; THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 324.63 FEET TO A POINT OF REVERSE CURVATURE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 45.81 FEET TO A POINT OF TANGENCY; THENCE WITH A BEARING OF N. 00°09'53"W., A DISTANCE OF 125.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 810,891 SQUARE FEET, 18.616 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1523  
Zoning Quad 54



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition A.1 of Resolution R-98-304, Petition No. 81-115(F) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-779 (Petition 81-115(E)), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-304, Petition No. 81-115(F), 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. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition No. A.2 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING: ZONING)

3. Condition A.3 of Resolution R-98-304, Petition No. 81-115(F) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 11, 1997. 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)

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved preliminary site plan is dated December 22, 2008. 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)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for building A, B, D and E as indicated on the site plan dated December 22, 2008 shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC and generally consistent with the elevations submitted by Marc Weiner and Associates and dated 11/14/2008. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to show a divider median between each drive thru lane of Building D2, and as follows:

A. Minimum width of five (5) feet, excluding curb;

B. A planting area shall be provided at each end of the median and shall have a minimum five (5) feet by five (5) feet of planting area extended beyond the boundary of the overhead canopy;

- C. One (1) palm tree with a minimum ten (10) feet of grey-wood and appropriate ground cover shall be installed in each planting area; and,
- D. The remaining portion of the median shall be paved with decorative paving such as pre-cast concrete pavers, stamped concrete or any other materials acceptable to the Landscape Section.

#### BUILDING AND SITE DESIGN

1.All air conditioning and mechanical equipment shall be screened from view on all sides. (Previously Condition No. B.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING: ZONING - Bldg)

2.Prior to certification of the site plan for Parcel D, the petitioner shall provide the following:

- a. The delineation of the required pedestrian/bikeway system integrated with the surrounding development.
- b. Surrounding land uses. (Resolution R-98-304, Petition No. 81-115(F) (DRO: ZONING)

3.Prior to site plan certification, receptacles for recycled material shall be designated on the site plan, located in the parking area or adjacent to the dumpster location. (Previously Condition No. O.2 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING-Zoning)

#### DUMPSTER

1.All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall include the following:

- a. Be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.
- b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. (Previously Condition No. C.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING: ZONING - Bldg)

#### ENGINEERING

1.Petitioner shall align the project's east entrance onto Palmetto Park road with the east entrance of Del Mar Shopping Village. (ENG)

(Previously Condition No. E.1 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

2.Petitioner shall construct at the intersection of Palmetto Park Road and the project's east entrance:

- a. left turn lane east approach. (ENG)  
(Previously Condition No. E.2 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

3.Petitioner shall construct at the intersection of Palmetto Park Road and the project's west entrance:

- a. left turn lane east approach. (ENG)

(Previously Condition No. E.3 of Resolution R-98-0304, Control No. 81-115)  
[Note: Complete]

4. Petitioner shall construct at the intersection of Palmetto Park Road and Boca Del Mar Drive:

- a. left turn lane north approach,
- b. right turn lane south approach, and
- c. left turn lane east approach. (ENG)

(Previously Condition No. E.4 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

5. Petitioner shall align the project's west entrance onto Boca Del Mar Drive with Montoya Circle South. (ENG)

(Previously Condition No. E.5 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

6. Petitioner shall construct at the intersection of Montoya Circle South and Boca Del Mar Drive:

- a. left turn lane west approach. (ENG)

(Previously Condition No. E.6 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

7. Petitioner shall construct at the project's east entrance and Boca Del Mar Drive:

- a. left turn lane west approach. (ENG)

(Previously Condition No. E.7 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

8. Petitioner shall align the project's north entrance onto Boca Del Mar Drive with Montoya Circle South. (ENG)

(Previously Condition No. E.8 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

9. Petitioner shall construct at the project's north entrance and Boca Del Mar Drive:

- a. left turn lane north approach. (ENG)

(Previously Condition No. E.9 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

10. Petitioner shall construct at the intersection of Boca Del Mar Drive and Powerline Road:

- a. left turn lane north approach,
- b. left turn lane south approach,
- c. right turn lane east approach,
- d. left turn lane west approach, and

e. right turn lane west approach. (ENG)

(Previously Condition No. E.10 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

11. Petitioner shall construct at the intersection of Powerline Road and the project's entrance road:

- a. right turn lane north approach, and
- b. left turn lane south approach. (ENG)

(Previously Condition No. E.11 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

12. Petitioner shall construct at the intersection of Palmetto Park Road and Powerline Road:

- a. right turn lane north approach,
- b. dual left turn lanes north approach,
- c. dual left turn lanes south approach,
- d. dual left turn lanes east approach,
- e. dual left turn lanes west approach, and
- f. modification of the existing signal when warranted as determined by the County Engineer. (ENG)

(Previously Condition No. E.12 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

13. Prior to the issuance of a certificate of occupancy for either Phase B (the shopping center) or Phase C (office complex) provide an additional two lane bridge over the Lake Worth Drainage District L-47 Canal on Powerline Road. Construction of this bridge shall commence 30 days after written notification by the County should the 4-laning of Powerline Road require it. (ENG)

(Previously Condition No. E.13 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

14. Petitioner shall not be issued building permits for Phases A (the financial plaza), Phase D (an office complex), or Phase E (the hotel/motel) until Powerline Road is four laned from the Hillsboro Canal north to the Lake Worth Drainage District L-47 Canal. (ENG)

(Previously Condition No. E.14 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

15. Petitioner shall contribute Two Hundred Thousand Dollars (\$200,000) to be paid at the time of the issuance of building permits on a square footage basis for Phases A, D and E as indicated on Exhibit No. 3 for this petition. This fee to be used in the implementation for Phase II of the area wide major thoroughfare road improvement program adopted by the County, OR for the four-laning of the Hillsboro Canal bridge on Powerline Road, at the County Engineer's discretion. (ENG - Impact Fee Coord)

(Previously Condition No. E.15 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

16. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.  
(ONGOING: CODE ENF-Eng)

(Previously Condition No. E.16 of Resolution R-98-0304, Control No. 81-115)

17. Petitioner shall provide for a pedestrian/bikeway system integrated with the surrounding development. (ENG - Zoning)

(Previously Condition No. E.17 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

18. Within thirty (30) days of this approval, the applicant shall enter into an agreement with Palm Beach County for the design and construction of roadway improvements as specified by the Board of County Commissioners. This resolution will become invalid unless said agreement is executed as specified above. (ENG)  
(Previously Condition No. E.18 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

19. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$32,670.00 (594 trips X \$55.00 per trip). (ENG - Impact Fee Coord)

(Previously Condition No. E.19 of Resolution R-98-0304, Control No. 81-115)

[Note: Complete]

20. Previous Condition No. E.20 of Resolution R-98-0304, Control No. 81-115, which currently states:  
The traffic control gates shown in the access drives on the east, south, and west sides of the property as shown on the proposed site plan shall remain open between the hours of 7:00 AM to 7:00 PM. (ONGOING: ENGINEERING- Eng)

is hereby amended to read:

The traffic control gates shown in the access drives on the east, south, and west sides of Parcel C as shown on the proposed site plan shall remain open between the hours of 7:00 AM to 7:00 PM. (ONGOING: ENGINEERING- Eng)

21. The Property owner shall fund the restriping of Boca Del Mar Drive to include a 175 foot left turn lane storage lane on the south approach to the Palmetto Park Road intersection, a 125 foot two way left turn lane, and a 50 foot left lane into the west driveway plus any appropriate paved tapers. Funds for this work shall be provided to the County Engineer prior to June 1, 1998. Amount of the funding shall be approved by the County Engineer. (DATE: MONITORING - Eng)

[Note: Turn lanes have been restriped so condition can be marked complete.]

(Previously Condition No. E.21 of Resolution R-98-0304, Control No. 81-115)

22. The developer shall install sod and irrigation on the south side of Palmetto Park Road from Boca Del Mar Drive to Montoya Circle South. The installation of the sod and irrigation is subject to Lake Worth Drainage District approval and will be completed prior to the final inspection for the new guard house on Boca Del Mar Drive. (CO: MONITORING -LWDD)  
(Previously Condition No. E.22 of Resolution R-98-0304, Control No. 81-115)

## HEALTH

1. Water service is available therefore no potable water system well shall be permitted on the site. ( ONGOING: HEALTH-Health) ( Previous condition Health 2. of Resolution R-92-056, Control number 1981-115)

2. Wastewater service is available, therefore no onsite septic system will be permitted. (ONGOING:HEALTH-Health) (Previous condition Health 1 of Resolution R-92-056, Control 1981-115)

## ZONING - LANDSCAPING-GENERAL (APPLICABLE TO PARCEL A ONLY)

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to Landscape Code requirements and all landscape conditions of approval. (Previously Condition No. H.1 of Resolution R-98-304, Petition No. 81-115(F) (DRO: ZONING)

## ZONING - LANDSCAPING-GENERAL (APPLICABLE TO PARCELS D AND C ONLY)

2. Prior to site plan certification, the petitioner shall provide tabular data on the site plan to reflect conformance to the landscape design standards for planned developments in Section 6.8.A.23.b.(7)(b) of the Palm Beach County Land Development Code and all landscape conditions of approval. (Previously Condition No. I.1 of Resolution R-98-304, Petition No. 81-115(F) (DRO: ZONING)

3. All 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. (Previously Condition No. I.2 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:LANDSCAPE - ZONING)

## ZONING - LANDSCAPING-LANDSCAPING ALONG BOCA DEL MAR DRIVE (PARCEL D AND C ONLY)

4. Landscaping within the required buffer along Boca Del Mar Drive shall be installed pursuant to Section 6.8.A, Table 6.8-3, Type D perimeter landscape area of the Palm Beach County Land Development Code and shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip.
- b. One (1) native canopy tree for every two hundred (200) square feet of landscape buffer area.
- c. Thirty (30) inch high shrub or hedge material for every one hundred fifty (150) square feet of landscape buffer area at installation, maintained at a minimum height of forty two (42) inches. (Previously Condition No. J.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:LANDSCAPE-Zoning)

## ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (PARCEL D ONLY)

5. Landscaping and buffering along the north and east property lines of Parcel D shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip measured from the edge of pavement along the north property line and a minimum twenty-five (25) foot wide landscape buffer strip measured from the edge of pavement along the east property line.
- b. A six (6) foot high opaque berm, hedge or combination thereof. (Previously Cond. No. K.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:LANDSCAPE - ZONING)

ZONING - LANDSCAPING-ALTERNATIVE LANDSCAPE BETTERMENT PLAN (PARCEL D ONLY)

6. The petitioner may submit, to the Development Review Committee for approval, an Alternative Landscape Betterment Plan (ALBP) to substitute for the condition of approval for landscaping requirements for parcel D only. At a minimum this ALBP shall demonstrate:

- a. The quality of plant material required by the applicable landscape and buffering conditions of approval is being utilized;
- b. The minimum specifications of all plant material sizes as indicated in the conditions of approval are utilized; and,
- c. That maximum spacing between planting groups does not exceed fifty (50) feet. (Previously Condition No. L.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING\BLDG))

ZONING - LANDSCAPING-INTERIOR (APPLICABLE TO PARCEL A ONLY)

7. The trees within the proposed parking area shall have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Previously Condition No. M.2 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING))

ZONING - LANDSCAPING-LANDSCAPING - INTERIOR (APPLICABLE TO PARCEL A ONLY)

8. Immediately upon planting, all trees within the proposed interior parking area shall be a minimum of fourteen (14) feet in height with a minimum diameter of three and one-half (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level. (Previously Cond. M.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING))

PARKING

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (Previously Condition No. N.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING-Code Enf))

SIGNS

1. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site. (Previously Condition No. P.1 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING - Bldg - Code Enf))

2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (Previously Condition No. P.2 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:ZONING-Bldg))

3. Signs for Parcel D shall be further limited and meet the following requirements:

- a. Maximum sign height, measured from crown of road - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1). (Previously Condition No. P.3 of Resolution R-98-304, Petition No. 81-115(F) (ONGOING:BLDG - Zoning))

4. Signage for Parcel C fronting on Boca Del Mar Drive shall be limited to one (1) entrywall sign with a maximum sign height, measured from finished grade to highest point of eight (8) feet and maximum sign face area per side of 60 square feet. (Previously Condition No. P.4 of Resolution R-98-304, Petition No. 81-115(F) (CO: BLDG-Zoning))

## 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)

1. 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
- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. 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
- c. Referral to code enforcement; and/or
- d. 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.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)