

RESOLUTION NO. R-2019- 1953

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA/CA-2019-00134  
(CONTROL NO. 2004-00471)  
a Development Order Amendment  
APPLICATION OF Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP  
BY Bowman Consulting Group, AGENT  
(Chick-Fil-A #4305 - Canyon Town Center)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 25, have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA/CA-2019-00134 was presented to the Board of County Commissioners at a public hearing conducted on December 19, 2019;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/ABN/DOA/CA-2019-00134, the Application of Chick-Fil-A, Inc., Boynton Beach Associates XVIII LLLP, by Bowman Consulting Group, Agent, for a Development Order Amendment to reconfigure the Site Plan; reduce square footage and number of parking spaces; and, modify uses, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on December 19, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 19, 2019.

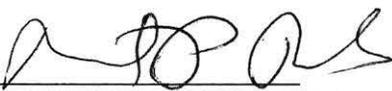
Filed with the Clerk of the Board of County Commissioners on January 13th, 2020

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



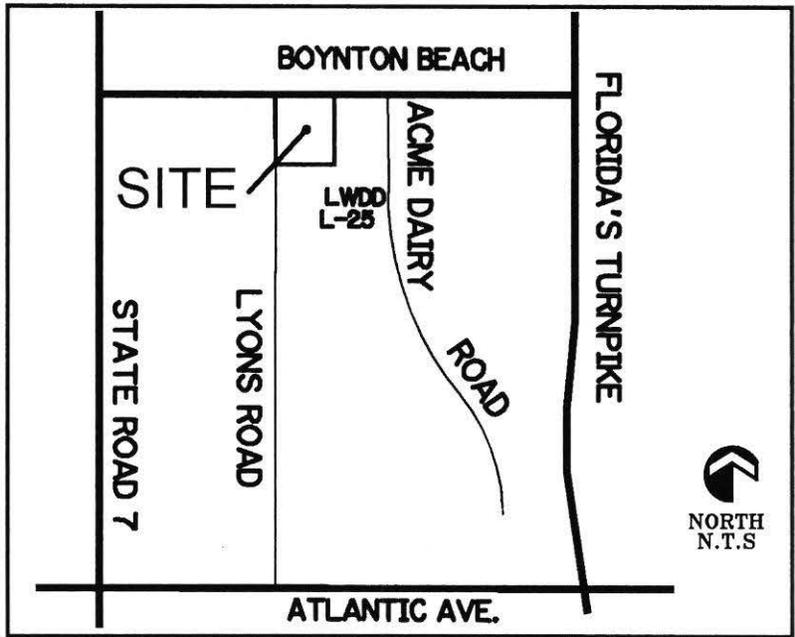
EXHIBIT A

LEGAL DESCRIPTION

ALL OF THE PLAT OF CANYON TOWN CENTER MUPD ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 200, PAGES 200 THROUGH 201 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 26.75 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment – Planned Development District

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 2 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

The approved Preliminary Site, Regulating, and Master Sign Plans are dated May 12, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

##### Is hereby amended to read:

The approved Preliminary Master and Site Plans are dated October 28, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 1 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2013-01343(Control 2004-471), have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

##### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2016-1078 (Control 2004-471), have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. At time of submittal of Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to add the required number of parking spaces for an MUPD. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. At time of Final Approval by the Development Review Officer, the PSP shall be revised to update the Parking and Variance Tables to reflect a minimum of 861 parking spaces provided for the overall MUPD, and a total a variance of 7 parking spaces for Building A-1. (DRO: Zoning - Zoning).

##### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations for all buildings and structures shall be submitted simultaneously with the Site Plan for final architectural review and approval. The elevations shall be designed to be consistent with ULDC Articles 5.C and shall reflect a character that is generally consistent with the elevations prepared by Scott Partnership dated December 22, 2006. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all conditions of approval, and all ULDC requirements. This condition shall apply to Pod A only. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous

ARCHITECTURAL REVIEW Condition 1 of Resolution R-2016-1078, Control No.2004-00471)

2. Prior to Final Approval by the Development Review Officer (DRO), the design and detail for the following amenities shall be subject to review and approval by the Architectural Review Section and reflected on the Regulating Plan:

- a. plazas;
- b. pedestrian gathering areas;
- c. water features;
- d. architectural focal points;
- e. bus shelters;
- f. trellis;
- g. entry features;
- h. signage;
- i. street furniture; and
- j. freestanding light fixtures for Pod A.

All amenities shall be designed to be compatible with the architectural character of the principle buildings and to establish a consistent theme for the project. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

3. Prior to the receipt of a building permit for Pod B, the amphitheater shall be reviewed by the Architectural Review Staff of the Zoning Division. (BLDGPM/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for General Daycare general 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. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

5. Prior to final approval by the Development Review Officer (DRO), architectural elevations for the multi-family building shall be revised to include:

- a. include on the main street facade additional design elements such as but not limited to medallions, finial, relief trims, etc.;
- b. provide similar architectural treatment that is generally consistent with the architectural character of the development; and,
- c. change the roof material for the same finish material and compatible color used on all towers of the development. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2016-1078, Control No.2004-00471)

6. Prior to building permit approval, the architectural elevations for building O1 shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Articles 5.C, of the ULDC and compatible with buildings architecture on the site. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable conditions of approval, and all ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 6 of Resolution R-2016-1078, Control No.2004-00471)

## **ENGINEERING**

1. No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. This build out condition

does not apply to government owned parcels. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2016-1078, Control No.2004-00471)

2. The mix of allowable uses and sizes as permitted by the Zoning Division, 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. Prior to issuance of the first building permit, the Property Owner shall reconfigure the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

5. Prior to issuance of a building permit for Building E, the Property Owner shall abandon or release, and relocate as necessary, the easement in conflict with the building. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2016-1078, Control No.2004-00471)

6. Prior to issuance of a building permit for Building F, the Property Owner shall abandon or release, and relocate as necessary, the easement in conflict with the building. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2016-1078, Control No.2004-00471)

#### **LANDSCAPE - GENERAL**

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native and meet the following minimum standards at installation:

a. Tree height: Fourteen (14) feet;

b. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

c. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2016-1078, Control No.2004-00471)

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. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. Field adjustment of wall, fence, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

5. At time of submittal for final approval by the Development Review Officer (DRO), a

landscape plan(s) for the Development Area shall be submitted for review and approval. All associated details shall be:

- a. generally consistent with those presented on the Regulating Plan dated May 12, 2016;
- b. add trees along the front facade of buildings D-1 and D-3 and the north facade of building D-2;
- c. Details including but not limited to plant species quantities shall be provided and subject to review and approval by the Landscape Sections.
- d. This condition shall also apply to Pod B at the time of submittal for Final approval by the Development Review Officer. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2016-1078, Control No.2004-00471)

#### **LANDSCAPE - INTERIOR**

6. A divider median shall be provided between each adjacent lane of any drive-thru as follows:

- a. A minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries on both ingress and egress sides of the canopy;
- b. The portion of this median that extends beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
- c. The portion of this median lying beneath the overhead canopy shall be surfaced with brick, pre-cast paver block, or other decorative paving surface. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2016-1078, Control No.2004-00471)

7. In addition to the ULDC requirements for plazas in the MUPD, Plaza 2 shall be revised prior final DRO review and approval to include:

- a) a focal point at the eastern portion of the pedestrian loop. The focal point shall be in the form of gazebo or pavilion and trellis that extend at least fifteen (15) feet on two sides;
- b) additional seating area in the form of benches with shrubs to be maintain at three (3) feet in height or seating planters on at least two sides of the plaza;
- c) decorative concrete pavers, stamped concrete, or any other material consistent with material already used in the development to be placed along pedestrian pathway; and,
- d) at least three (3) clustered palms of a minimum height of fourteen (14) feet to be placed at the main point of access to the plaza. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2016-1078, Control No.2004-00471)

#### **LANDSCAPE - PERIMETER-ALONG THE NORTH, SOUTH, AND EAST PROPERTY LINES**

8. In addition to ULDC requirements, landscaping for the north, south and east property lines of the development area shall be upgraded to include:

- a. a minimum of one (1) palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2016-1078, Control No.2004-00471)

#### **LANDSCAPE - PERIMETER-WEST PROPERTY LINE OF THE DEVELOPMENT AREA**

9. Landscaping for the west property line of the development area that are required by the ULDC shall be allowed to transfer as additional planting to the other perimeter landscape buffers or interior landscaping: a. subject to review and approval of an Alternative Landscape Plan by the Landscape Section. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2016-1078, Control No.2004-00471)

#### **LIGHTING**

1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. The twenty-five feet height restriction shall not apply to any lighting fixtures utilized to illuminate the baseball field or multi-purpose field. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-

2016-1078, Control No.2004-00471)

2. Previous LIGHTING Condition 2 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

All outdoor, freestanding lighting fixtures shall be extinguished no later than one (1) hour after operating hours, excluding security lighting only. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code requirement]

3. Previous LIGHTING Condition 3 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

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

**Is hereby deleted.** [REASON: Code requirement]

4. All outdoor free standing lighting fixtures adjacent to the multi-family building shall have a maximum illumination level of three (3) foot-candles at all time. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

#### **PLANNED DEVELOPMENT**

1. Prior to the recordation of the first plat, all property included in the legal description for the development area of this application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single master property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas;
- b. All indoor recreation space shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the POA/HOA, the indoor recreation space shall be turned over to the association at no cost to the residents;
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the traditional development. This Declaration shall be amended when additional units or square footage is added to the MUPD; and,
- d. This condition shall apply to Pod A only. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2016-1078, Control No.2004-00471)

2. The Property Owner shall include in homeowners documents as well as written sales brochures, sales contracts, and Site Plans a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on April 22, 2010, and shall continue on an annual basis until all residential units within the development have been sold or the Property Owner relinquishes control to a homeowners association. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

3. Prior to submittal for the first building permit for a principle use, structure or building within Pod B, architectural elevations for all buildings and structures within Pod B (with the exception of the amphitheater and the baseball field or multi-purpose field) shall be submitted to the Architectural Review Section for final approval. All buildings (with the exception of the amphitheater and the baseball field or multi-purpose field) shall be designed to be consistent with ULDC Articles 5.C., 3.F.4.D.3., and 3.F.4.D.9., and shall be generally consistent with the architectural character of Pod A. Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all

conditions of approval, and all ULDC requirements. (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. The Property Owner/Developer of Pod A shall be obligated to construct, at its sole cost and expense;

a. an interactive water fountain on Plaza Area #1 within Pod A;

b. an amphitheater on Plaza Area #1 within Pod B. The design of the amphitheater shall be completed by the Property Owner/Developer and acceptable to the Property and Real Estate Management Division of FD and O; and,

c. a fenced and irrigated youth athletic field (baseball or multi-purpose) as a temporary use within Pod B. The location and design shall be acceptable to the Palm Beach County Parks and Recreation Department and Property and Real Estate Management Division of FDO. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

5. The youth athletic field (baseball or multi-purpose) is a temporary use and may be removed by Palm Beach County, in its sole and absolute discretion, at any time without the obligation to amend the development order or any condition related thereto. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2016-1078, Control No.2004-00471)

6. The Property Owner/Developer's construction of and obligations relative to the amphitheater and youth athletic field (baseball or multi-purpose) shall be completed prior to receipt of the final Certificate of Occupancy for more than 50 percent or 99,823 square feet of the approved non-residential square footage of Pod A. The Property Owner/Developer's obligations relative to the interactive water fountain shall be completed concurrent with the other improvements within Plaza Area #1. [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2016-1078, Control No.2004-00471)

7. The future development of the Pod B is subject to the AGR MUPD code requirements, unless the BCC directs Staff to modify the ULDC. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Zoning) (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2016-1078, Control No.2004-00471)

8. The Property Owner/Developer of Pod A and the Property Owner of Pod B shall enter into a Joint Use Agreement, including but not limited to, the location and construction of infrastructure, utilization of shared parking, utilities, restrooms, access, programming, maintenance, and security. The Joint Use Agreement shall be completed prior to receipt of the final Certificate of Occupancy for more than 50 percent or 99,823 square feet of the approved non-residential square footage of Pod A. [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2016-1078, Control No.2004-00471)

9. Prior to final approval by the Development Review Officer (DRO) the Site Plan and regulating plan shall indicate a court yard area of at least 4,000 square feet adjacent to the multi-family building to be designed to include:

a. minimum four (4) benches;

b. decorative paving, stamped concrete, or any other paving material compatible with the development for the pedestrian pathways and gathering areas;

c. four (4) canopy trees to be fourteen (14) feet in height and seven (7) feet in diameter at time of installation;

d. eight (8) palms of at least twelve(12) feet clear trunk; and,

e. a planter of at least 100 square feet or central water fountain. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2016-1078, Control No.2004-00471)

## **PLANNING**

1. Prior to final plan approval by the Development Review Officer (DRO), the applicant shall update the approved Rural Parkway Landscape Plan for the portion of the plan bordering Canyons Town Center MUPD to indicate the location of plant material relocated from the MUPD landscape buffer. All new material shall include a minimum of 60% native

shrubs and a minimum of 90% native trees and palms. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2016-1078, Control No.2004-00471)

2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the site plan and include the following:

- a. The preservation areas approved as part of Application PDD/DOA 2006-1186 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture or equestrian purposes;
- 2) Civic purposes, such as schools, public parks, libraries or fire stations;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the AgR-MUPD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AgR-MUPD consistent with the Comprehensive Plan and the Unified Land Development Code. [located on PMP-2]

(ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

3. Prior to plat recordation for the Canyons Town Center MUPD development area, the conservation easements for all of the Preservation parcels (with the exception of any Preservation parcels owned by Palm Beach County) shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.

- a. The conservation easements for all of these preserve parcels shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;

- 2) a list of permitted uses, uses not permitted, and prohibited activities.

- b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. Should conservation easements not be recorded for the Preservation properties (with the exceptions of any Preservation parcels owned by Palm Beach County) in a form acceptable to the County Attorney prior to March 1st, 2010, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

5. Prior to the issuance of a Certificate of Occupancy for any buildings on site, the property owner shall complete construction of the Rural Parkway according to the approved landscape plan. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2016-1078, Control No.2004-00471)

6. Development of the MUPD parcel shall be limited to a maximum of 275,000 square feet of non-residential uses and 93 dwelling units per LGA-2013-002: ORD2013-009.

(ONGOING: PLANNING - Planning) (Previous PLANNING Condition 6 of Resolution R-2016-1078, Control No.2004-00471)

7. Density shall be distributed as follows: 34 units within POD A; 59 units within POD B. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 7 of Resolution R-2016-1078, Control No.2004-00471)

## **SIGNS**

1. Entrance sign for the subject property shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - five (5) feet;
- b. maximum sign face area per side seventy (70) square feet;
- c. maximum number of signs one (1) at any one access point for a total of two (2) for the entire development;
- d. location each sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive;
- e. signs shall be limited to project identification of the non-residential portion of the development only; and, shall be designed generally consistent with the detail as shown on the Canyons Town Center Master Sign Plan. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2016-1078, Control No.2004-00471)

2. Prior to DRO approval the Master Sign Plan for all Pod A signs shall be submitted for final review and approval. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

## **SITE DESIGN**

1. Previous SITE DESIGN Condition 1 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

To ensure consistency with the Site Plan presented to the Board of County Commissioners and dated May 12, 2016, no more than ten (10) percent of the total approved square footage for each building shall be relocated to portions of the site not previously covered. This condition shall apply to Pod A only.

### **Is hereby amended to read:**

To ensure consistency with the Site Plan presented to the Board of County Commissioners and dated August 5, 2019, no more than ten (10) percent of the total approved square footage for each building shall be relocated to portions of the site not previously covered. This condition shall apply to Pod A only. (DRO: ZONING - Zoning)

2. The loading area at south facade of Building D-1 shall be designed to include the following. This condition shall apply to Pod A only:

- a. A screening wall with a minimum height of eleven (11) feet measured from finished grade to highest point shall be provided for the entire length of the loading area. These walls shall be architecturally consistent with the building;
- b. A decorative door, gate, or other acceptable means of screening shall be provided along the entire length of the south side of this area, connected to the wall. This screening feature shall remain closed when this loading area is not in use;
- c. Planting areas with a minimum width of six (6) feet, excluding curb, shall be located between the loading area and the adjacent parking access isle to the south for the entire length of the screening wall;
- d. The final design and details including landscaping for this loading area shall be subject to review and approval by the Architectural Review and Landscape Section. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2016-1078, Control No.2004-00471)

3. All dumpsters and trash receptacles shall be screened with walls and decorative doors or other acceptable means of screening. These screening walls/features shall:

- a. Have a minimum height of eight (8) feet measured from finished grade to highest point;
- b. be architecturally consistent with the building;
- c. Remain closed when the service areas are not in use;
- d. Be subject to review and approval by the Architectural Review Section; and,

e. This condition shall apply to Pod A only. (BLDGPMT/DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2016-1078, Control No.2004-00471)

4. At the time a Site Plan is proposed for Pod B, the north/south Main Street shall be strongly encouraged to continue through the length of the site. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 4 of Resolution R-2016-1078, Control No.2004-00471)

#### **USE LIMITATIONS**

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property, with the exception of materials and equipment associated with the utilization of the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 5 (3).

#### **Is hereby amended to read:**

Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property, with the exception of materials and equipment associated with the utilization of the baseball field or multi-purpose field required pursuant to Planned Development Condition 5. (ONGOING: ZONING - Zoning)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. This condition shall not apply to permissible commercial vehicles associated with a residential dwelling unit. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2016-1078 Control No.2004-00471)

3. Previous USE LIMITATIONS Condition 3 of Resolution R-2016-1078, Control No.2004-00471, which currently states:

The storage of rental trucks/trailers or outside vendors shall not be permitted on the property excluding events authorized by Special Permit.

#### **Is hereby amended to read:**

The storage of rental trucks/trailers or outside vendors shall not be permitted on the property excluding Temporary Use Special Events approved by the Development Review Officer. (ONGOING: ZONING - Zoning)

#### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the 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 Unified Land Development Code 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 of Approval; 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.