

RESOLUTION NO. R-2002-0492

RESOLUTION APPROVING ZONING PETITION DOA1977-041(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF GREATER YAMAHA OF PALM BEACH  
BY RUSSELL SCOTT, AGENT  
(GREATER YAMAHA OF PALM BEACH)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1977-041(B) was presented to the Board of County Commissioners at a public hearing conducted on April 4, 2002; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

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

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

WHEREAS, Article 5 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 DOA1977-041(B), the petition of Greater Yamaha of Palm Beach, by Russell Scott, agent, for a Development Order Amendment to add square footage, to allow vehicle sales and rental and general repair and maintenance 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 April 4, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 4, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of May, 2002.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

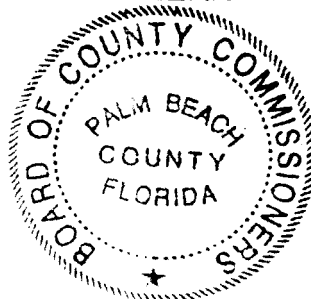


EXHIBIT A  
LEGAL DESCRIPTION

AFFECTED AREA:

The North 280 feet of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, Less the Westerly 53 feet for Road Right of Way for State Road 809, (Military Trail)

Containing 3.95 acres, more or less (Calculated 3.99 acres)

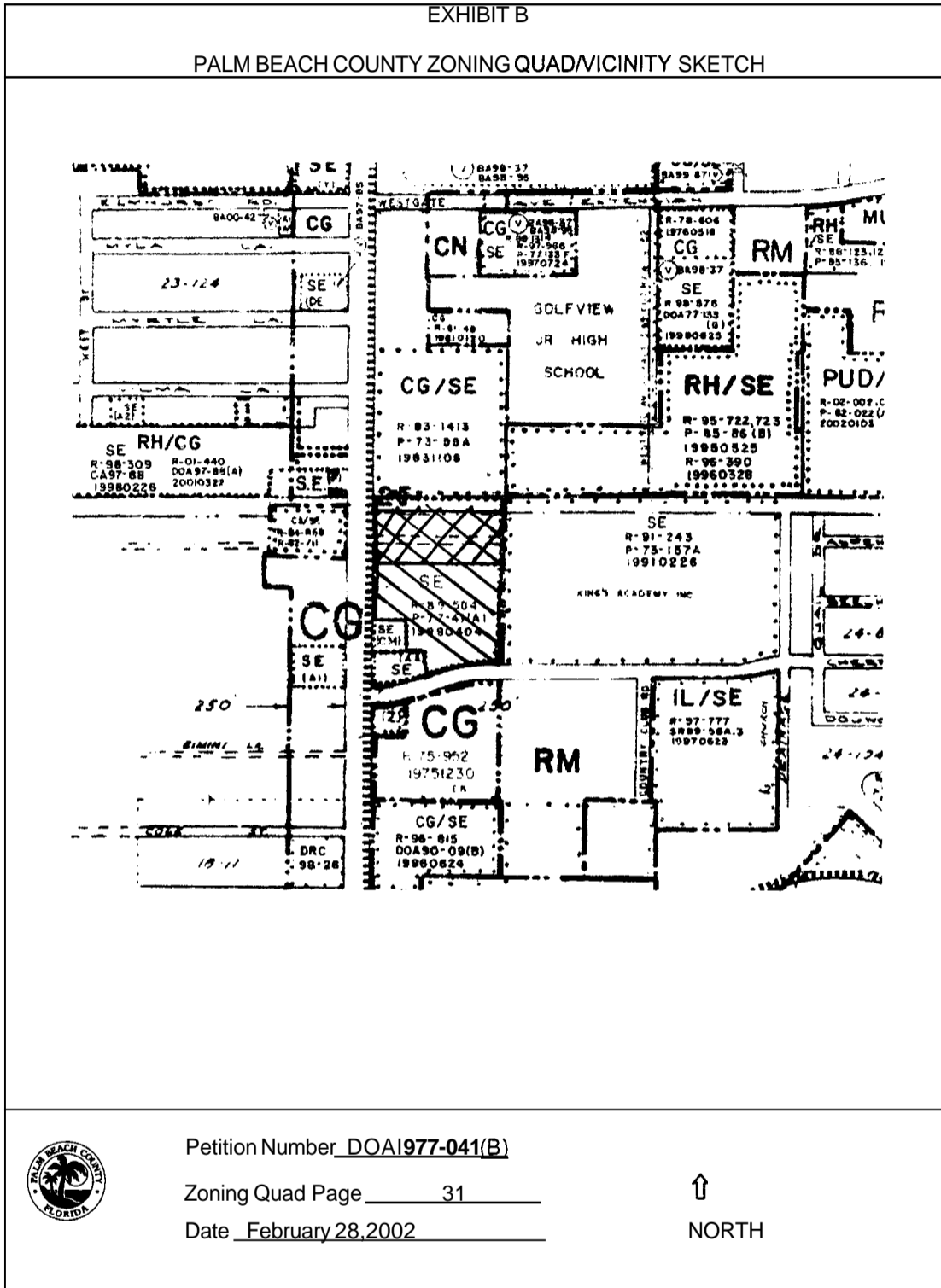
OVERALL LEGAL:

**LEGAL DESCRIPTION**

**The North 180 feet of the Northwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 25, Township 43 South, Range 42 East, less the right-of-way for State Road 809 (Military Trail), and the South 200 feet of the North 380 feet of the Northwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 25, less the right-of-way for State Road 809 (Military Trail), and a parcel of land in the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 25, being more particularly described as follows:**

**Beginning at the Northeast corner of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 25; thence Westerly along the North line of the South-west ¼ of the Northwest ¼ of the Southeast ¼ a distance of 369.8 feet, more or less, to a point in a line parallel with and 303 feet Easterly from the North-South Quarter Section line of said Section 25; thence Southerly along said parallel line, a distance of 125.66 feet, more or less, to the Northerly right-of-way line of Cherry Road extension, as shown on Map by Palm Beach County Engineer; said point on the North right-of-way line of Cherry Road extension being in the arc of a curve concave to the North and having a radius of 770 feet; thence Easterly along the North right-of-way line of Cherry Road extension and the arc of said curve a distance of 35.85 feet to a tangent to said curve; thence along said tangent, a distance of 117.62 feet to the P.C. of a curve concave to the South and having a radius of 830 feet; thence continue Easterly along the Northerly right-of-way line of Cherry Road extension and the arc to said curve, a distance of 202.81 feet, to the tangent to said curve; thence Easterly along the tangent, a distance of 20.15 feet, more or less, to the East line of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 25; thence Northerly along said East line, a distance of 63.25 feet, more or less, to the Point of Beginning; and also the South 280 feet of the Northwest ¼ of the Northwest ¼ of the Southeast ¼ lying East of Military Trail right-of-way, less the West 130 feet of the South 150 feet in said Section 25; containing 10.38 acres, more or less.**

EXHIBIT B  
VICINITY SKETCH



Petition Number DOA1977-041(B)

Zoning Quad Page 31

Date February 28, 2002



NORTH

## EXHIBIT C

### CONDITIONS OF APPROVAL

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

#### A. ALL PETITIONS

1. Condition 1 of Resolution R-89-584, Petition 77-41(A) which currently states:

**The developer shall comply with all conditions of previous approval unless expressly modified herein. (ONGOING: MONITORING)**

Is hereby amended to read:

All previous conditions of approval applicable to the 9.89 acre subject property (Phases 1 and 2), as contained in Resolutions R-77-476 (Petition 77-41) and R-89-584 (Petition 77-41(A)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Development of the site is limited to the uses and site design for Phase 1 as approved by the Board of County Commissioners. The approved master plan for the overall site and site plan for Phase 1 are dated January 14, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. **Prior to site plan certification, the petitioners shall submit a revised legal description of the property, Phase I and Phase II, inclusive. (DRC: ZONING)** (Previous Condition 4 of Resolution R-89-584, Petition 77-41(A))

#### B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings in Phase 1 shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT - Zoning)
2. **In order to avoid an incompatible appearance upon adjacent residential areas, the rear facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center. (ONGOING: BLDG - ZONING)** (Previous Condition 7. of Resolution R-89-584, Petition 77-41(A)) Applicable to Phase 2 only.

#### C. BUILDING/ SITE DESIGN

1. Condition 2 of Resolution R-89-584, Petition 77-41(A) which currently states:

**Prior to site plan certification, the site plan shall be amended to indicate the following:**

- a. **Interior landscape data.**
- b. **Phase I parking, landscaping, and site data. (DRC: ZONING)**

Is hereby deleted. Reason: [the revised site plan satisfied the above condition].

2. Condition 3 of Resolution R-89-584, Petition 77-41(A) which currently states:

The petitioner shall incorporate the Phase I parcel in the site plan. (DRC: ZONING)

Is hereby deleted. Reason: [the revised site plan satisfied the above condition].

3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes for Phase 1 shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG-Zoning)
4. Prior to final DRC certification of the site plan for Phase 1, the petitioner shall provide and meet parking calculation for the entire MUPD. (DRC: ZONING-Zoning)
5. Parking spaces for Phase 1 (adjacent to the north property line) which are located on the LWDD easement may count towards the required parking per the Parking, Piping and Paving Agreement between the property owner/petitioner and the LWDD. Should this agreement terminate or become invalid, the petitioner shall comply to the development regulations for parking. (ONGOING: LWDD/ZONING - Zoning)
6. Display areas located on both sides of the access driveway shall be setback approximately fifty (50) feet from the southern edge of the right-of-way (west property line) buffer. (DRC: ZONING-Zoning) Applicable to Phase 1 only.
7. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area. (CO: BLDG) (Previous Condition 8. of Resolution R-89-584, Petition 77-41(A)) Applicable to Phase 2 only.

#### D. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH) (Previous Condition 18 of Resolution R-89-584, Petition 77-41(A))
2. Since sewer service is available to the property, a potable water well shall not be approved for use on said property. (ONGOING: HEALTH) (Previous Condition 19 of Resolution R-89-584, Petition 77-41(A))
3. Since water service is available to the property, a potable water well shall not be approved for use on said property. (ONGOING: HEALTH) (Previous Condition 20 of Resolution R-89-584, Petition 77-41(A))
4. Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT) Applicable to Phase I only.
5. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF) Applicable to Phase 1 only.

E. ENGINEERING

1. Within ninety (90) days of the Special Exception approval the Developer shall convey to Palm Beach County the additional right-of-way required to provide sixty (60) feet from the center-line for the ultimate right-of-way for Military Trail (S.R. 809). (Previous Condition 1 of Resolution R-77-476, Petition 77-41) (COMPLETED)
2. Developer shall provide a left turn lane at the North approach on Military Trail into the Shopping Center entrance. (Previous Condition 2 of Resolution R-77-476, Petition 77-41) (COMPLETED)
3. Developer shall modify the existing left turn lane on Military Trail at Cherry Road to provide adequate storage length. (Previous Condition 3 of Resolution R-77-476, Petition 77-41) (COMPLETED)
4. Condition 4 of Resolution R-77-476, Petition 77-41 which currently states:  
  
Developer shall construct a continuous dual left turn lane on Cherry Road from Military Trail to the development's east entrance.  
  
Is hereby amended to read:  
  
Prior to the issuance of the Certificate of Occupancy for the 34,600 square foot auto retail center or any portion thereof, the Property owner shall construct side by side left turn lanes on Cherry Road from Military Trail to the development's east entrance.
  - A) This construction shall be concurrent with the paving and drainage improvements for the 34,600 square foot auto retail center or any portion thereof. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the building permit for 34,600 square foot auto retail center, or any portion thereof, for the site. (BLDG PERMIT: MONITORING-Eng)
  - C) Construction shall be completed prior to the issuance of the Certificate of Occupancy for the 34,600 square foot auto retail center for the site. (CO: MONITORING-Eng)
5. Condition 5 of Resolution R-77-476, Petition 77-41 which currently states:  
  
Developer shall provide a four (4) lane entrance road at Military Trail.  
  
~~Is hereby deleted. [REASON: No longer required due to median configuration on Military Trail.]~~
6. Developer shall align Cherry Road entrance with the approved entrances for Pebb Enterprises Shopping Center on the south side of Cherry Road. (Previous Condition 6 of Resolution R-77-476, Petition 77-41) (COMPLETED)
7. Developer shall redesign the site plan to accommodate the Cherry Road entrance relocation. (Previous Condition 7 of Resolution R-77-476, Petition 77-41) (COMPLETED)

8. Developers shall provide necessary intersection improvements including signing for dual left turn at the east approach on Cherry Road at the intersection with Military Trail when warranted, as determined by the County Engineer. (Previous Condition 8 of Resolution R-77-476, Petition 77-41)
9. Cost for improvements in conditions numbers 3 & 4 shall be proportioned between this developer and the developer of Pebb Enterprises Shopping Center based on traffic volumes. Developers shall pay the entire cost if Pebb Enterprises fails to proceed with their Shopping Center. (Previous Condition 9 of Resolution R-77-476, Petition 77-41)
10. Prior to the commencement of any work, including site preparation, the developer shall construct a six **(6)** foot wall along the east property line.

Is hereby deleted. Reason: [Revised site plan, and there is existing vegetation on the east end of the site.]

11. Condition 13 of Resolution R-89-584, Petition 77-41(A) which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain **onsite** three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the code Enforcement Board for enforcement. (ONGOING:ENG-Eng)

Is hereby deleted. Reason: [Drainage requirements are code requirements.]

12. Condition 14 of Resolution R-89-584, Petition 77-41(A) which currently states:

The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ENG/HEALTH-Eng)

Is hereby deleted. Reason: [Drainage requirements are code requirements.]

13. Condition 15 of Resolution R-89-584, Petition 77-41(A) which currently states:

The developer 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 **\$3,616.65 (135 trips X \$26.79 per trip)**.

Is hereby deleted. Reason: [Impact fees are code requirements.]

14. Prior to October 1, 2002 the Developer of the Greater Yamaha of Palm Beach shall contribute the amount of \$7,245.00 to be used toward the construction of the side by side left turn lane on Cherry Road identified above. This money shall be provided to the County Engineer in the form of a Cash Bond. This cash bond shall then be made available to the developer of



the 34600 square foot auto center at the time of the construction of the required side by side left turn lane. (DATE: MONITORING-Impact Fee Coordinator)

F. LANDSCAPE (PHASE 2)

1. **All sabal palms shall be preserved or relocated on site.** (ONGOING: LANDSCAPE) (Previous Condition 5. of Resolution R-89-584, Petition 77-41(A))
2. **Additional trees planted to supplement existing and relocated trees shall be native species.** (ONGOING: LANDSCAPE) (Previous Condition 6. of Resolution R-89-584, Petition 77-41(A))
3. **Petitioner shall install ten (10) foot to twelve (12) foot canopy trees within the perimeter landscape strip.** (CO: LANDSCAPE) (Previous Condition 21. of Resolution R-89-584, Petition 77-41(A))

G. LANDSCAPE STANDARD – (PHASE 1)

1. Trees to be planted in the right-of-way buffer shall be native canopy trees and shall meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length;
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (CO: LANDSCAPE - Zoning)
3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern, except for the five-(5) foot wide compatibility buffer. (CO: LANDSCAPE - Zoning)
4. All shrubs shall be planted in overlapping, continuous masses, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
  - a. eighteen (18) to twenty-four (24) inches –small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub; and
  - c. forty-eight (48) inches – large shrub. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING – INTERIOR (PHASE 1)

1. Foundation planting or grade level planters shall be provided adjacent to the display area for the front facade of the principal structure, and to consist of the following:
  - a. The minimum width of the required landscape areas shall be eight (8) feet;

- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE-Zoning)
2. Along both sides of the main access driveway, a planting strip of a minimum of 100 feet in length shall be provided and with the following planting treatment:
- a. a minimum of five (5) palms (Royal or Medjool); and,
  - b. a minimum of five (5) flowering trees. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL) PHASE 1

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
  - c. one (1) native canopy tree planted for each thirty (30) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
  - f. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.
  - g. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING ALONG THE NORTH 105 FEET OF THE EAST PROPERTY LINE (ABUTTING KING'S ACADEMY) PHASE 1

1. A minimum of five (5) foot wide compatibility landscape buffer shall be provided along the remaining portion of the site. (CO: LANDSCAPE – Zoning)

K. LANDSCAPING ALONG THE REMAINING PORTION OF THE EAST PROPERTY LINE (ABUTTING KING'S ACADEMY) PHASE 1

1. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the remaining portion of the east property line and/or any portion of the site where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)
2. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)

L. LIGHTING (PHASE 1)

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty 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 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
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-Zoning)

M. MUPD (PHASE 1)

1. To ensure consistency with the site plan dated January 14, 2002 presented to the Board of County Commissioners, no more than twenty-five (25) percent of the total approved square footage for Phase 1 or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered except to comply with a condition of approval. (DRC: ZONING-Zoning)

N. SIGNS (PHASE 1)

1. Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. maximum sign face area per side - 100 square feet;
  - c. maximum number of signs - one (1) ;
  - d. style - monument style only;
  - e. location - forty-five (45) feet north of the access drive. Distance shall be measured from the centerline of the access drive;
  - f. signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)
2. Wall signs shall be limited to north, south and west facades of the building and individual lettering size shall be limited to thirty-six (36) inches high for the west façade, and thirty (30) inches for the north and south facades. Wall signs shall be limited to only identification of tenants only. (CO: BLDG-Zoning)

O. USE LIMITATION (PHASES 1&2)

1. **The furniture store located on the southern 5.90 acres shall not be changed to another use which requires more parking spaces, without an amendment to the Special Exception through the Board of County Commissioners.** (ONGOING: ZONING) (Previous Condition 17 of Resolution R-89-584, Petition 77-41(A)) Applicable to Phase 2 only.
2. **No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 AM.** (ONGOING: CODE ENF) (Previous Condition 9. of Resolution R-89-584, Petition 77-41(A)) Phases 1 & 2

3. **No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.** (ONGOING: CODE ENF) (Previous Condition 10. of Resolution R-89-584, Petition 77-41(A)) Phases 1 & 2
4. Total gross floor area shall be limited to a maximum of 40,970 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING- Zoning) Applicable to Phase 1 only.
5. **No off-premises, or billboard-style, signs shall be permitted on the site.** (ONGOING: Code ENF) (Previous Condition 11. of Resolution R-89-584, Petition 77-41(A)) Phases 1 & 2
6. Condition 16 of Resolution R-89-584, Petition 77-41(A) which currently states:

**Uses on the site shall be restricted to the number of vehicle trips as set forth in the traffic impact analysis.** (ONGOING: ENG)

~~Is~~ hereby deleted. Reason: [Uses are now shown on the site plan and are tracked through Concurrency Section].

**P. VEHICLE SALES OR RENTAL (PHASE 1)**

1. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning)
2. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG -Health)
3. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
4. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
5. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning)
6. All parking spaces required for employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces. (DRC / ONGOING: ZONING / CODE ENF)

**Q. COMPLIANCE**

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
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or 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 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)

- 2. 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)