

RESOLUTION NO. R-2002- 0506

RESOLUTION APPROVING ZONING PETITION DOA1984-159(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF CHRIS DOYLE  
BY CARLTON FIELD ET AL, AGENT  
(HATTIES LANDING)

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 DOA1984-159(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, contingent upon the approval of Small Scale Development Amendment No. 01-SCA 26 COM 1;
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 DOA1984-159(B), the petition of Chris Doyle, by Carlton Field et al, agent, for a Development Order Amendment to add land area and 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 April 4, 2002, 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 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	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 01-SCA 26 COM 1 (PGA/ELLISON WILSON A.K.A. HATTIES LANDING) is effective.

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

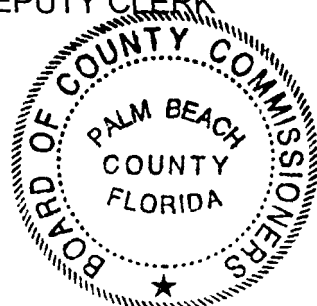


EXHIBIT A  
LEGAL DESCRIPTION

TRACT "A"

Parcels 507 and 507.1

A parcel of land in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

The North one-quarter (N-1/4) of the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4) East of the Florida Inland Navigation District Canal in Section 5, Township 42 South, Range 43 East, less the South 150 feet thereof, said property lying 187.13 feet on Ellison Wilson Road and being more particularly described as that part of the Easterly 192.75 feet of said parcel lying West of Ellison Wilson Road and South of P.G.A. Boulevard, less Road Rights-of-Ways as conveyed to the State of Florida in Official Record Book 1324, page 147 and Official Record Book 2934, Page 1821.

LESS THE FOLLOWING DESCRIBED PROPERTY conveyed to Palm Beach County by deed recorded in Official Record Book 4683, page 1854, Public Records of Palm Beach County, Florida:

A 7 foot wide strip of land extending the right-of-way of Ellison Wilson Road from an existing 33 foot right-of-way to a 40 foot right-of-way lying in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida; more particularly described as follows:

The West 7 feet of the East 40 feet of the North one-quarter (N-1/4) of the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4) of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida; Less the South 150 feet thereof all lying South of the Right-of-way for P.G.A. Boulevard.

TOGETHER WITH:

A 6 foot wide strip of land lying South of the Existing Right-of-way of PGA Boulevard as recorded in Road Plat Book 5, page 19, together with a 6 feet strip of land taken at the Southwest intersection of PGA Boulevard and Ellison Wilson Road for additional safe corner requirements all lying in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 5, Township 42 South, Range 43 East; thence S 01° 22' 26" E, along the East line of said Southeast Quarter, a distance of 82.75 feet; thence S 88° 37' 34" W, a distance of 33.00 feet to the West Right-of-way of Ellison Wilson Road and the POINT OF BEGINNING; thence N 41° 16' 29" W, along the existing right-of-way; a distance of 25.66 feet; thence continue along the existing Southerly Right-of-way of PGA Boulevard, bearing N 81° 10' 32" W, a distance of 93.26 feet, to the Point of Curvature of a curve concave South having a radius of 1392.69

EXHIBIT A

LEGAL DESCRIPTION

feet; thence Westerly along said curve through a central angle of 02° 47' 21", and arc distance of 71.85 feet; thence S 83° 59' 58" W, a distance of 30.76 feet to a point 6 feet South of the said Southerly Right-of-way of PGA Boulevard said point lies on a curve concave to the South having a radius of 1386.69 feet; thence Easterly along said curve through a central angle of 04° 11' 59", an arc distance of 101.64 feet to the point of tangency thence S 81° 10' 32" E, a distance of 91.08 feet; thence S 41° 16' 29" E, a distance of 19.74 feet; thence N 80° 38' 28" E, a distance of 7.07 feet to the POINT OF BEGINNING.

Parcels 508 and 509

Begin at the Northeast corner of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, thence South 0° 56' 14" East along the East line of said Section 5, a distance of 187.13 feet, thence North 88° 24' 27" West a distance of 40.04 feet for a POINT OF BEGINNING, thence continue North 88° 24' 27" West, a distance of 220 feet to a point, thence South 0° 56' 14" East, a distance of 85 feet to a point; thence South 88° 24' 27" East a distance of 220 feet to a point, thence North 0° 56' 14" West, a distance of 85 feet to POINT and PLACE OF BEGINNING.

Parcel 1

Beginning at the Northeast corner of the Southeast quarter of Section 5, Township 42 South, Range 43 East; thence South 0° 56' 14" East along the East line of Section 5, a distance of 187.13 feet; thence North 88° 24' 27" West a distance of 40.04 feet to the POINT OF BEGINNING; thence continue North 88° 24' 27" West a distance of 100.00 feet; thence South 0° 56' 14" East a distance of 85.00 feet; thence South 88° 24' 27" East, a distance of 100.00 feet; thence North 0° 56' 14" West a distance of 85.00 feet to the POINT OF BEGINNING.

Parcel 2

Lots 3 and 4 of an unrecorded map, dated March 5, 1955, of the North one hundred (100) feet of the South one hundred fifty (150) feet of the North ¼ of the Northeast ¼ of the Southeast ¼ of Section 5, Township 42 South, Range 43 East, lying between the Easterly right-of-way of Intracoastal Waterway and the East line of said Section 5, (Ellison Wilson Road), Palm Beach County, Florida, more particularly described as follows:

Begin at the Northeast corner of the Southeast ¼ of Section 5, Township 42 South, Range 43 East; thence South 0° 56' 14" East along the East line of said Section 5, a distance of 187.13 feet to a point; thence N. 88° 24' 27" W. a distance of 140.04 feet to a POINT OF BEGINNING; thence continue North 88° 24' 27" West a distance of 120.00 feet to a point; thence South 0° 56' 14" East a distance of 85 feet to a point; thence South 88° 24' 27" East a distance of 120.00 feet to a point; thence North 0° 56' 14" West a distance of 85 feet to a POINT AND PLACE OF BEGINNING.

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TRACT "B"

Parcel 510

Begin at the 1/4 Section corner on the East line of Section 5, Township 42 South, Range 43 East, thence S 0° 56' 14" E, along the East line of Section 5, 187.13 feet, thence N 88° 24' 27" W, a distance of 380.04 feet for a POINT OF BEGINNING, thence continue N 88° 24' 27" W, a distance of 120.25 feet to the East Right-of-way line of the Intracoastal Waterway, thence S 2° 13' 54" E along said Right-of-way line 90.11 feet, thence S 88° 24' 27" E, a distance of 118.21 feet, thence N 0° 56' 14" W, a distance of 90.00 feet to the POINT and PLACE OF BEGINNING.

Parcel 511

The South 50 feet of the South 150 feet of North 1/4 of Northeast 1/4 of Southeast 1/4, lying East of Intracoastal Waterway, in Section 5, Township 42 South, Range 43 East, running from Ellison Wilson Road to the Intracoastal Waterway.

Parcel 3

Begin at the Northeast corner of the Southeast Quarter of Section 5, Township 42 South, Range 43 East; thence run South 0° 56' 14" East, along the East line of the Southeast Quarter of said Section 5, a distance of 187.13 feet to a point; thence North 88° 24' 27" West a distance of 260.04 feet for a POINT OF BEGINNING; thence continue North 88° 24' 27" West a distance of 60 feet to a point; thence South 0° 56' 14" East, a distance of 90 feet to a point; thence South 88° 24' 27" East, a distance of 60 feet to a point; thence North 0° 56' 14" West, a distance of 90 feet to the POINT AND PLACE OF BEGINNING.

Lying and being in the North 100 feet of the South 150 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, East of Intracoastal Waterway, Palm Beach County, Florida.

Parcel 515

Begin at the Northeast corner of the Southeast quarter of Section 5, Township 42 South, Range 43 East, thence run South 0° 56' 14" East, along the East line of the Southeast Quarter of said Section 5, a distance of 187.13 feet to a point; thence North 88° 24' 27" West, a distance of 260.04 feet for a POINT OF BEGINNING; thence continue North 88° 24' 27" West, a distance of 60 feet to a point; thence South 0° 56' 14" East, a distance of 85 feet to a point; thence South 88° 24' 27" East a distance of 60 feet to a point; thence North 0° 56' 14" West, a distance of 85 feet to the POINT and PLACE OF BEGINNING.

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Lying and being in the North 100 feet of the South 150 feet of the North quarter of the Northeast quarter of the Southeast quarter of Section 5, Township 42 South, Range 43 East, East of Intracoastal Waterway, Palm Beach County, Florida.

Parcel 527

The West 80 feet of the East 313 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Parcel 548

The West 100 feet of the East 233 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter; and the West 100 feet of the East 233 feet of the North 85 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter all in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with an easement over the North 20 feet of the South 65 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, between the Intracoastal Waterway and Ellison Wilson Road.

Together with:

The West 100 feet of the East 133 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter and the West 100 feet of the East 133 feet of the North 85 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter all in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Less and excepting the following described parcel:

The West 200 feet of the East 233 feet of the South 65 feet of the North 85 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with easements for road and public utilities over the following parcels:

The South 15 feet of the East 200 feet of the North 100 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 5.

The North 20 feet of the South 65 feet of that part of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5 lying between the Intracoastal Waterway and Ellison Wilson Road.

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The West 10 feet of the East 143 feet of the South 45 feet of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5; and

The West 10 feet of the East 143 feet of the North 20 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 5.

Subject to restrictions, reservations, limitations, easements of record and taxes for the year 1991 and subsequent years.

Parcel 591

Begin at the Northeast corner of the Southeast quarter of Section 5, Township 42 South, Range 43 East, thence run South 0° 56' 14" East along the East line of the Southeast quarter of said Section 5, a distance of 187.13 feet to a point; thence North 88° 24' 27" West, a distance of 320.04 feet for a POINT OF BEGINNING, thence continue North 88° 24' 27" West, a distance of 60 feet to a point; thence South 0° 56' 14" East, a distance of 90 feet to a point; thence South 88° 24' 27" East, a distance of 60 feet to a point; thence North 0° 56' 14" West, a distance of 90 feet to the POINT and PLACE OF BEGINNING. Lying and being in the North 100 feet of the South 150 feet of the North quarter of the Northeast quarter of the Southeast quarter of Section 5, Township 42 South, Range 43 East, East of Intracoastal Waterway, Palm Beach County, Florida.

Together with a right-of-way and easement for ingress and egress the South 10 feet of the North 100 feet of the South 150 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter lying East of the Intracoastal Waterway in Section 5, Township 42 South, Range 43 East.

Parcel 4

The West 100 feet of the East 233 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter; and the West 100 feet of the East 233 feet of the North 85 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter all in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with an easement over the North 20 feet of the South 65 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, between the Intracoastal Waterway and Ellison Wilson Road.

Together with:

The West 100 feet of the East 133 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter and the West 100 feet of the East 133 feet of the North 85 feet of the South half of the North half of the Northeast

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Quarter of the Southeast Quarter all in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Less and excepting the following described parcel:

The West 200 feet of the East 233 feet of the South 65 feet of the North 85 feet of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with easements for road and public utilities over the following parcels:

The South 15 feet of the East 200 feet of the North 100 feet of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5.

The North 20 feet of the South 65 feet of that part of the North  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5, lying between the Intracoastal Waterway and Ellison Wilson Road.

The West 10 feet of the East 143 feet of the South 45 feet of the North  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5; and

The West 10 feet of the East 143 feet of the North 20 feet of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5.

Parcel 5

The West 80 feet of the East 313 feet of the South 50 feet of the North Quarter of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

TOGETHER WITH an easement over the South 15 feet of the North 292.13 feet of the North  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5, Township 42 South, Range 43 East, East of the right of way of the Intracoastal Waterway, for ingress, egress and public utilities.

Parcel 6

The North 10 feet of the South 60 feet of the South 150 feet of the East 260 feet of the North one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 5, Township 42 South, Range 43 East, lying between the East Right-of-way line of the Intracoastal Waterway and the West Right-of-way line of Ellison Wilson Road, Palm Beach County, Florida.



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Parcel 7

The North 5 feet of the South 65 feet of the South 150 feet of the East 260 feet of the North one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 5, Township 42 South, Range 43 East, lying between the East Right-of-way line of the Intracoastal Waterway and the West Right-of-way line of Ellison Wilson Road, Palm Beach County, Florida.

Parcel 8 (O.R.B. 5261, PG 952)

The West 200 feet of the East 233 feet of the South 65 feet of the North 85 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

TOGETHER WITH an easement for road and public utilities over the following:

The South 15 feet of the East 200 feet of the North 100 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter of Section 5.

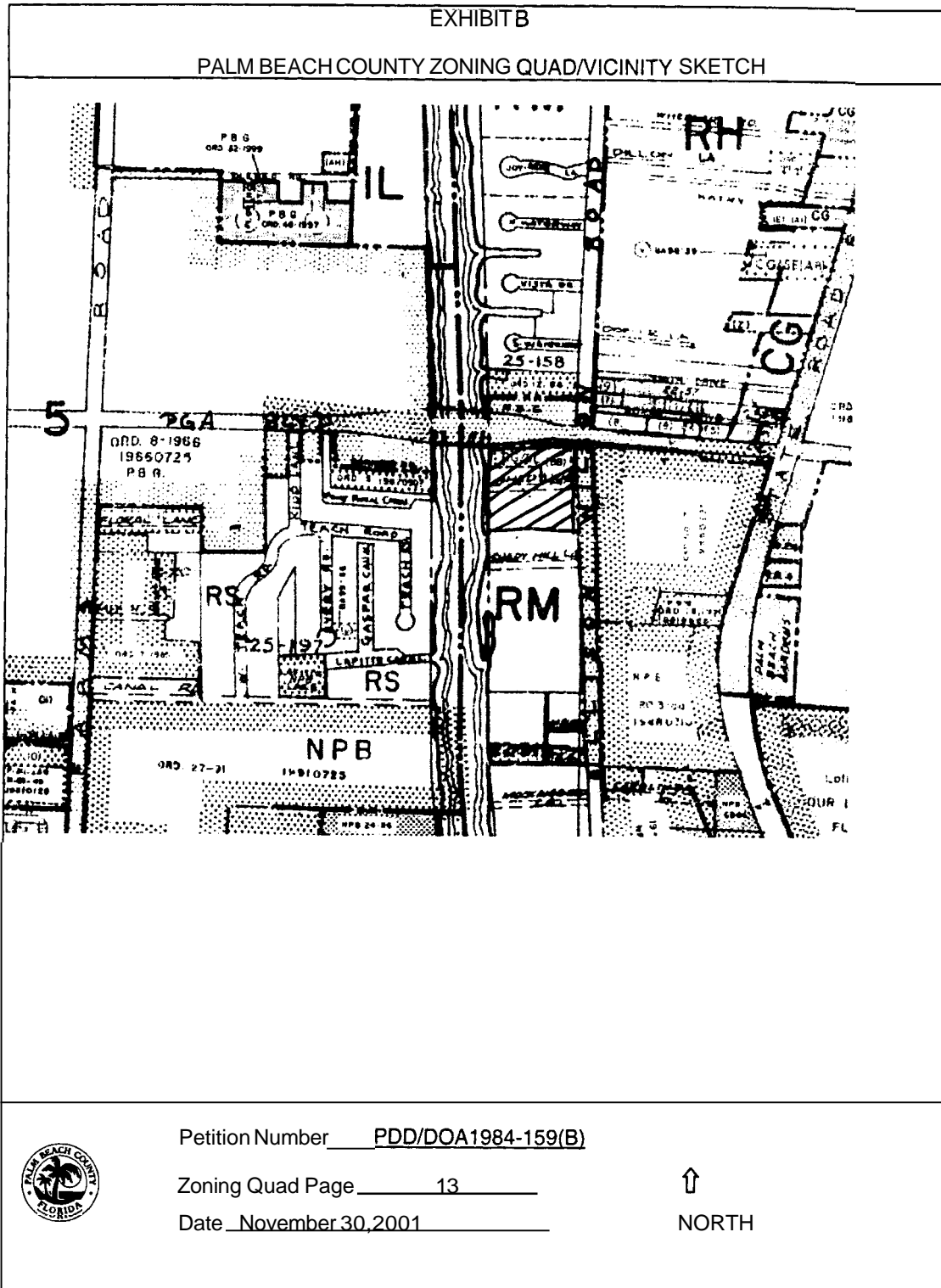
Parcel 9 (O.R.B. 3536, PG 1633)

The North 100 feet of the South half of the North Half of the Northeast Quarter of the Southeast Quarter, lying East of the Intracoastal Waterway, in Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida, LESS the East 200 feet thereof, TOGETHER with an easement for road purposes over the South 15 feet of the said East 200 feet.

Parcel 10

The South 15 feet of the East 200 feet of the North 100 feet of the South half of the North half of the Northeast Quarter of the Southeast Quarter of Section 5, Township 42 South, Range 43 East, Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

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

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-569, R-85-570, R-86-324, R-86-325, (Petition 84-159) and R-87-17 (Petition 84-159A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development (PDP)/site plan is dated February 21, 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 final DRC certification of the preliminary development /site plan, the petitioner shall revise Concurrency application to be consistent with Condition C.1. (DRC: CONCURRENCY-Zoning)
4. Condition 1 of Resolution R-87-17, Petition 84-159(A) which currently states:

**The petitioner shall comply with all previous conditions of approval (Petition No. 84-159), unless modified herein.**

Is hereby deleted. Reason: [replaced by Condition A.1]

5. Previous Condition 1.a of Resolution R-85-570, Petition 84-159 which currently states:

**Prior to certification by Site Plan Review Committee:**

- a) **variance relief shall be obtained from the Board of Adjustment with respect to the front setback requirements, or the site plan shall be amended to reflect the required setbacks.**

Is hereby amended to read:

Prior to final DRC certification of the PDP/site plan, the petitioner shall revise the PDP/site plan to meet the building setback requirement. Open space reduction may be applied pursuant to ULDC. (DRC:ZONING)

Condition 1.b of Resolution R-85-570, Petition 84-159 which currently states:

- b) **the site plan shall be amended to reflect the correct directional flow of traffic from the garage to the easement.**

Is hereby deleted. Reason: [previous site plan has been replaced by a new site plan]

Condition 1.c of Resolution R-87-17, Petition 84-159(A) which currently states:

- c) **the site plan shall be amended to reflect a minimum seven (7) foot wide landscape strip along the south and easternmost west property line. This landscape strip shall include one 10-12 foot high canopy tree planted 20 feet on center and a continuous shrub hedge six (6) feet in height.**

Is hereby deleted. Reason: [previous site plan has been replaced by a new site plan]

B. ARCHITECTURAL CONTROL

- 1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
- 2. At the time of submittal for final DRC certification of the preliminary development plan/site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for 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: **BLDG** PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

- 1. Total gross floor area shall be limited to a maximum of 38,920 square feet, and to the following breakdown:
  - a. a maximum of 18,000 square feet of restaurant(s) with a total of 595 seats, this limitation shall apply to the overall outdoor and indoor eating area of the site;
  - b. a maximum of 6,500 square feet of retail. This limitation shall apply to the overall outdoor (kiosks) and indoor retail uses of the site;
  - c. a maximum of 14,420 square feet of office; and
  - d. Future expansion shall be subject to BCC approval. (DRC: ZONING-Planning)
- 2. The maximum height for all structures including architectural focal elements, decorative towers, air conditioning, mechanical equipment and satellite dishes shall not exceed forty (40) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
- 3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes 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, the petitioner shall revise the site plan to clearly define and provide a breakdown of the floor area for the following:
  - a. outdoor seating area related to restaurant uses;
  - b. retail kiosk located at the west or any façade of the building(s); and,
  - c. total square feet of each use shall comply to Condition C.1. (DRC/BLDG. PERMIT: ZONING/BLDG - Zoning)

5. Prior to final DRC certification of the preliminary development plan/site plan, the petitioner shall submit an executed copy of the shared parking agreement between property owners/ tenants. Should the Traffic Division find the shared parking agreement unsatisfactory, the petitioner shall revise the agreement or reduce development intensity. (DRC: ZONING/TRAFFIC/CTY ATTY- Zoning)

6. Condition 1. of Resolution R-85-570, Petition 84-159 which currently states:

**The dumpster shall be placed along the northern portion of the site, away from adjacent residential uses.**

Is hereby amended to read:

All dumpsters shall be located internal to the buildings. (BLDG. PERMIT: BLDG-Zoning)

7. In the event the ULDC is amended to allow residential units with an MUPD. The petitioner may be allowed to convert the second and third floor office space to a maximum of 20 residential units of work/loft apartments, and subject to final DRC approval. (DRC:ZONING – Zoning)

D. LANDSCAPING - STANDARD

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet . Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length;
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk; ten (10) feet clear trunk for specimen palms; and fourteen (14) feet clear trunk for palms along the west property line;
- 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. (CO: LANDSCAPE - Zoning)

4. Prior to final DRC certification of the site plan, the existing or relocated location of the native Ficus tree shall be shown the site plan. Relocation of this tree is subject to Vegetation Permit review. (DRC:LANDSCAPE/ERM -ERM)

5. Should this native Ficus tree die after the relocation process, replacement of this tree shall consist of the following:

- a. one (1) native, specimen canopy tree with a minimum height of twenty-six (26) feet (ONGOING:LANDSCAPE – Zoning)

6. Prior to the issuance of the first Certificate of Occupancy, the new location of this native Ficus tree shall meet the thirty (30) foot setback from all proposed/existing structures and underground utilities. (CO: LANDSCAPE – Zoning)
7. Plant materials for the north, south and east property lines shall consist of
  - a. a minimum of sixty (60) percent of the following:
    - i. Canopy trees (Buttonwood/Seagrapes species); and
    - ii. Shrubs – Seagrapes, Saw palmetto and Buttonwood species. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. Prior to June 1, 2002 the property owner shall convey to Florida Department of Transportation a perpetual easement, which will provide for 60 feet of right of way for PGA Blvd along the Projects frontage. Form for the easement shall be approved by the Florida Department of Transportation. (DATE: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along PGA Blvd & Ellison Wilson Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)
3. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Ellison Wilson Road 40 feet from centerline on or before September 1, 2002 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)

4. LANDSCAPING WITHIN PGA BOULEVARD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide both:
  - Concrete median cut out strips
  - Median Landscaping

All within the Median of PGA Blvd. contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall, consist of Landscape Material approved by the County Engineer. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG. PERMIT: MONITORING - Eng)

- B. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. **All** new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng)
- C. If the County does not assume maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG. PERMIT: MONITORING-Eng)

- 5. Condition 3 of Resolution R-85-570, Petition 84-159 which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. Reason: [code requirement].

- 6. Condition 4 of Resolution R-85-570, Petition 84-159 which currently states:

The property owner shall convey for the ultimate right of way of:

- (A) **PGA Boulevard**, 60 feet from centerline,
- (B) Ellison Wilson Road, 40 feet from centerline,

all within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

Is hereby amended deleted. [REASON: Replaced with new conditions E.1 and E.3.]

- 7. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, a Left Turn Lane, South approach on Ellison Wilson Road at the project's entrance road. (Previously Condition 5 of Resolution R-85-570, Petition 84-159) [COMPLETED]

- 8. Condition 6 of Resolution R-85-570, Petition 84-159 which currently states:

The Developer shall be permitted only one turnout onto Ellison Wilson Road per the County Engineer's approval.

Is hereby deleted. Reason: [turn-out locations will be identified in the final DRC site plan]

9. Condition 7 of Resolution R-85-570, Petition 84-159 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. Presently, the Fair Share Fee for this project is \$14,313.00.**

Is hereby deleted. Reason: [code requirement]

10. Prior to DRC approval the final site plan shall be modified to reflect only one entrance onto Ellison Wilson Road at the project's south property line. Location of this entrance shall be approved by the County Engineer. (DRC APPROVAL - ENGINEERING)
11. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane north approach on Ellison Wilson Road at the project's entrance road. This right-of-way shall be a minimum of **280** feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the-property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
12. The Property owner shall construct a right turn lane north approach on Ellison Wilson Road at the project's entrance road and a right turn lane west approach on PGA Blvd. At Ellison Wilson Road. Right-of-way required for the right turn lane on PGA Blvd. Shall include additional right-of-way from this site.
- A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- D) Cost of the construction (excluding right-of-way) shall be eligible for traffic impact fee credit.

F. LANDSCAPING ALONG THE NORTH PROPERTY LINES (FRONTAGE OF PGA BOULEVARD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip. Width of this buffer may be reduced to ten (10) feet along the west 260 feet of the north property line;
- b. one (1) canopy tree planted for each thirty (30) feet linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line;



- d. one (1) native small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- e. one (1) native medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- f. one (1) native large shrub for each six (6) linear feet of frontage. Shrub shall be thirty-six (36) inches high at installation; and,
- g. all shrub materials shall be planted in overlapping, continuous masses. Shrub materials shall be continuously maintained to achieve the following heights:
  - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - ii. twenty-four (24) to thirty-six (36) inches – medium shrub; and,
  - iii. forty-eight (48) to sixty (60) inches – large shrub.(CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINES (FRONTAGE OF ELLSION WILSON BOULEVARD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction except for a five (5) foot easement encroachment may be permitted;
  - b. a minimum of two (2) foot high continuous berm measured from the top of curb;
  - c. one (1) canopy tree planted for each thirty (30) feet linear feet of the property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line;
  - e. one (1) native small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
  - f. one (1) native medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
  - g. one (1) native large shrub for each six (6) linear feet of frontage. Shrub shall be thirty-six (36) inches high at installation; and,
  - h. all shrub materials shall be planted in overlapping, continuous masses. Shrub materials shall be continuously maintained to achieve the following heights:
    - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
    - ii. twenty-four (24) to thirty-six (36) inches – medium shrub; and,
    - iii. forty-eight (48) to sixty (60) inches – large shrub.(CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO RESIDENTIAL)

- 1. Landscaping and buffering along the south 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) foot high continuous berm, measured from top of the curb;
  - c. a six (6) foot high vinyl-coated chain link to be installed on the plateau of the berm.
  - d. one (1) native canopy tree for each twenty (20) linear feet of the property line to be planted in a staggered manner, alternating on both sides of the fence; and,

- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters to be planted in a staggered manner, alternating on both sides of the fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the both sides of the required fence:
- a. one (1) native medium shrub for each two (2) linear feet of frontage. Shrub shall be twenty-four (24) inches high at installation;
  - b. one (1) native large shrub for each four (4) linear feet of frontage. Shrub shall be thirty-six (36) inches high at installation.
  - c. all shrub materials shall be planted in overlapping, continuous masses. Shrub materials shall be continuously maintained to achieve the following heights:  
twenty-four (24) to thirty-six (36) inches – medium shrub; and,  
forty-eight (48) to seventy-two (72) inches – large shrubs.  
(CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE WEST PROPERTY LINE (ADJACENT TO INTRACOASTAL WATERWAY)

1. The following landscaping requirements shall be installed on the west property line and in the adjacent pedestrian plaza:
- a. one (1) palm or native canopy tree for each twenty (20) linear feet of the property line;
  - b. appropriate ground cover or small shrub; and
  - c. one (1) palm or native canopy tree for each thirty (30) linear feet of the property line in the pedestrian plaza. (CO: LANDSCAPE - Zoning)
2. At time of submittal for final Development Review Committee certification of the preliminary development/site plan(s), an Alternative Landscape Plan shall be submitted for landscaping along the west property line for review and approval. (DRC: LANDSCAPE-Zoning)

J. LANDSCAPING - INTERIOR

1. A shaded structure/trellis shall be provided along the pedestrian access way at the parking deck. The structure shall have a minimum accumulative length of eighty (80) feet. Vines shall be installed at each section of the structure. Prior to final DRC certification of the PDP/site plan, the plan shall be revised to show the location of the shade structures. (DRC/CO:LANDSCAPE-Zoning)
2. Landscaping for terminal island in the open-air parking lot and on the parking deck shall consist of the following:
- a. a minimum of one (1) canopy for each twenty linear feet of the island for the open-air parking lot; and a minimum of one (1) canopy for each eighteen (18) linear feet of the island for the parking deck; and
  - b. One (1) shrub for each two (2) linear feet of the island, and shall be maintained at a maximum height of twenty-four (24) inches. (CO: LANDSCAPE)
3. Special planting treatment shall be provided on both sides of the access point of Ellison Wilson Road. Planting shall consist of the following:
- a. a minimum of one (1) specimen palm (Medjool or Canary);
  - b. a minimum of three (3) flowering trees;
  - c. shrub or hedge materials; and
  - d. the specimen palm may satisfy the requirement of one palm for the eastern buffer along Ellison Wilson Road and one palm for the south buffer. (CO: LANDSCAPE)

4. Special planting treatment shall be provided at the intersection of PGA Boulevard and Ellison Wilson Road. Planting shall consist of the following:
  - a. a minimum of three (3) specimen palms (Medjool or Canary);
  - b. a minimum of three (3) flowering trees;
  - c. shrub or hedge materials; and,
  - d. one specimen palm may satisfy the requirement of one palm for the northern buffer along PGA Boulevard; and,
  - e. an architectural design feature consists of a wall fountain, or a planter. The wall fountain or planter shall be a minimum of six (6) feet in height and sixty (60) square feet in face area. (CO:LANDSCAPE)
5. Planters shall be installed along the south and west facades of the parking deck where applicable. The planter box shall consist of groundcover, vines or seasonal flowers. Prior to final DRC certification of the PDP/site plan, the plan shall be revised to show the location of the planters. (DRC/CO:LANDSCAPE- Zoning)
6. **The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction, i.e., the large Banyan in the southern quarter of the site.** (Previous Condition 1. of Resolution R-85-570, Petition 84-159)

K. LIGHTING

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 lighting fixtures, except within one hundred (100) feet of the south property line, shall not exceed twenty-five (25) feet in height. Outdoor lighting fixtures within one hundred (100) feet of the south property line, shall not exceed fifteen (15) feet in height. All heights shall be measured from finished grade to highest point. (CO: BLDG - Zoning)
3. Outdoor lighting within one hundred (100) feet of the south property line shall be setback a minimum of thirty (30) feet from the south property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after closing, excluding security lighting only. (ONGOING: CODE ENF)
5. 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)
6. Condition 1. of Resolution R-85-570, Petition 84-159 which currently states:  
**All outdoor lighting shall be directed away from adjacent residential uses.**

Is hereby deleted. Reason: [replaced by Condition I.1]

L. MASS TRANSIT

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

M. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/CO ATT - Zoning)
2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/CO ATT - Zoning)

N. PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF-Zoning)
2. Prior to site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate the parking deck. (DRC: ZONING-Zoning)

O. PLANNING

1. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be revised to reflect that non-residential uses on the 2.22 acre southern portion of the site are limited to office, restaurant uses and a maximum of 6,500 square feet of ancillary retail space. (DRC: PLANNING-Planning)
2. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to indicate the existing or proposed/future location of sidewalks along Ellison Wilson Road. (DRC: PLANNING-Planning)
3. Building permits for no more than 19,320 square feet shall be issued until proof of the demolition of the 2-story office building fronting Ellison Wilson Road has been provided to the Planning Division. (BLDG. PERMIT: MONITORING/PLANNING-Planning)

P. SIGNS

1. New freestanding point of purchase signs or replacement of existing signs fronting on PGA Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet;
  - b. Maximum sign face area per side - one hundred (100) square feet;
  - c. Maximum number of signs – one for each road frontage;
  - d. Style - monument style only. (CO: BLDG-Zoning)
2. New freestanding point of purchase signs or replacement of existing signs fronting on Ellison Wilson Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point – eight (8) feet;
  - b. Maximum sign face area per side - eighty (80) square feet;
  - c. Maximum number of signs – one for each road frontage;
  - d. Style - monument style only. (CO: BLDG-Zoning)
3. Wall signs shall be limited to twenty-four (24) inches high for all buildings and shall be limited to the north and west facades of the buildings. (CO: BLDG-Zoning)

Q. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/COUNTY ATTY - Zoning)

R. USE LIMITATION

1. Retail and office business activity, excluding the restaurant, shall not be allowed on site, including deliveries, prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. Hours of operation for the restaurants, including deliveries, shall be limited to the following:  
  
Hours for outdoor use - 7:00 a.m. to 11:00 p.m. daily;  
Hours for interior use: 7:00 a.m. to 12:00 a.m. Monday through Thursday, and Sundays, and, may remain open until 2:00 a.m. Fridays, Saturdays and legal holidays. (ONGOING: CODE ENF - Zoning)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear or sides of the facility. (ONGOING: CODE ENF - Zoning)
3. Dumpsters shall be located interior to the buildings. (ONGOING: CODE ENF - Zoning)
4. Outdoor retail business activities shall not be allowed on site, except for kiosks located at the western façade of the building(s) and inside the courtyard. This condition shall not apply to delivery activities. (ONGOING: CODE ENF - Zoning)
5. Restaurants (indoor) shall be setback a minimum of one hundred (100) feet from the south property line and a minimum three (3) foot high fence/gates or barricades which shall consist of, but not limited to bollards/chains or planters with gates, and shall be installed at the southernmost outdoor eating and at the southeast corner of the southern building. These gates/barricades shall be closed/provided at 10 p.m. daily to prevent pedestrian circulation along that southwestern portion of the site. (ONGOING: CODE ENF - Zoning)
6. All outdoor eating areas adjacent to the 6,000 square foot restaurant (north building) shall be limited to one thousand square (1,000) feet as defined on the PDP/site plan dated February 21, 2002. No other areas shall be permitted adjacent to the west façade of the proposed north building. (ONGOING: CODE ENF - Zoning)
7. No outdoor music/live bands, loudspeakers or any public announcement systems shall be permitted on site. Indoor music shall not be audible from the adjacent properties. This condition is applicable to all non-enclosed area, including but not limited to awnings, canopies, courtyard areas of the site. (ONGOING: CODE ENF - Zoning)
8. A maximum of seventeen (17) existing slips shall be permitted. (ONGOING: MONITORING-Zoning)
9. Transient moorings shall be limited to the existing water taxis landing located at the north end of the site. (ONGOING: MONITORING-Zoning)
10. All retail uses shall be restricted to nautical, marine and arts and crafts related only. (ONGOING: PLANNING-Zoning/Planning)

S. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of 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)