

RESOLUTION NO. R-2003-1399

RESOLUTION APPROVING ZONING PETITION DOA1978-154B  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF REICHEL REALTY & INVESTMENTS INC.  
BY CHIP CARLSON, AGENT  
(NORTHLAKE CORPORATE PARK)

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 DOA1978-154B was presented to the Board of County Commissioners at a public hearing conducted on September 17, 2003; 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 has considered the findings in the staff report and 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 DOA1978-154B, the petition of Reichel Realty & Investments Inc., by Chip Carlson, agent, for a Development Order Amendment to modify/delete conditions of approval, reconfigure site plan, and to add access 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 September 17, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 17, 2003.

Filed with the Clerk of the Board of County Commissioners on 3 day of November, 2003.

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

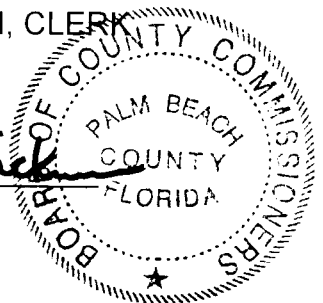
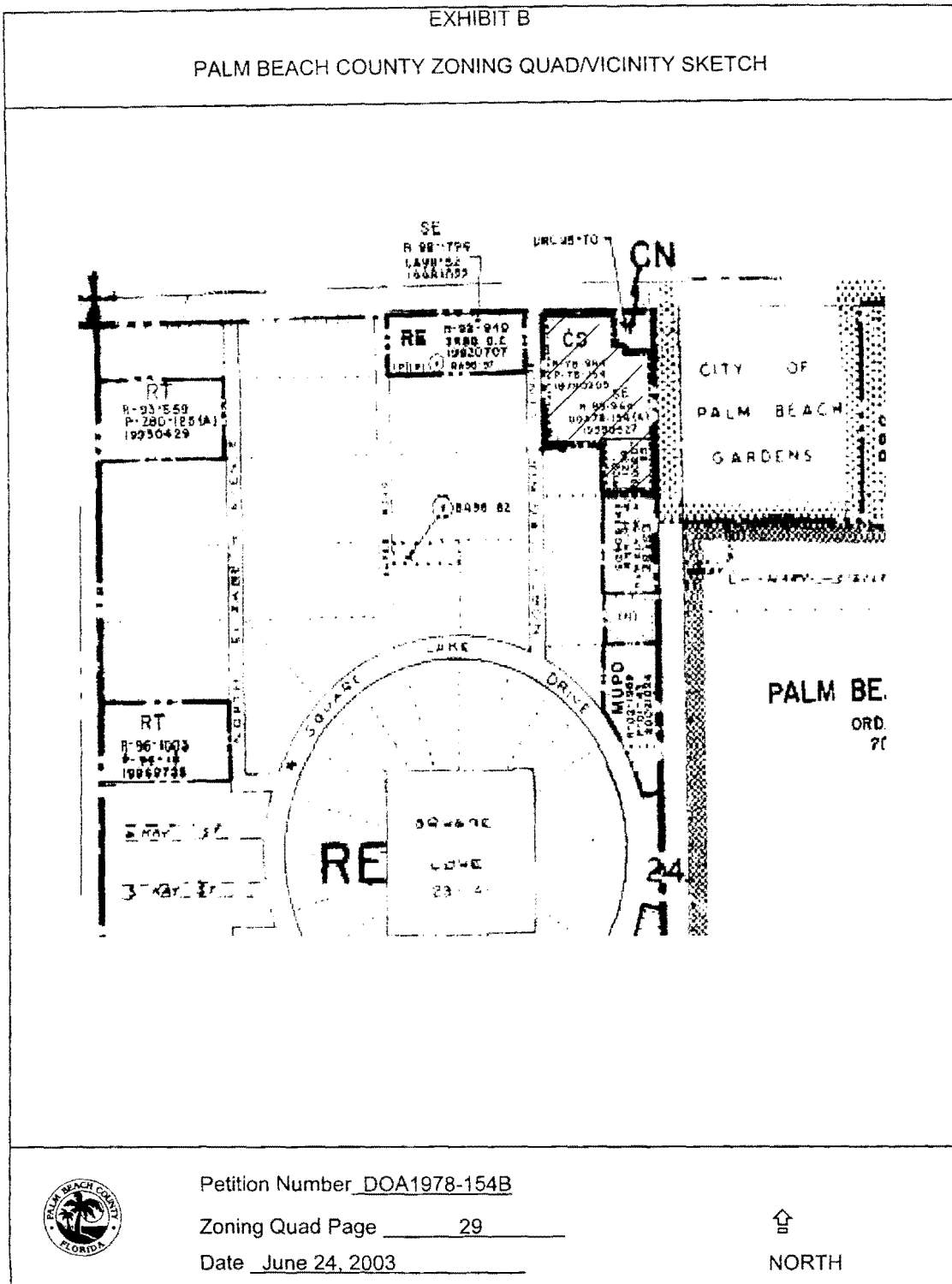


EXHIBIT A  
LEGAL DESCRIPTION

Lot 18, **SQUARE LAKE**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 23, Page 141.

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. Condition 1 of Resolution R-2002-1238, SR1978-154A which currently states:

**All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-964, Petition 1978-154(A) and R-2002-1238, SR-1978-154A 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 site plan is dated June 25, 2003. 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. The petitioner shall have three (3) years from adoption of the resolution approving Petition 1978-154B to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING-Zoning/Eng)
4. Prior to site plan approval by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control indicating that all common elements including, but not limited to, shared parking, shared access, cross access, landscape maintenance and drainage, if required by SFWMD, within the project are part of a single unified planned development, regardless of ownership for the entire subject property. The unity of control 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: COUNTY ATTY/ZONING - Zoning)
5. Prior to final DRC approval of the site plan, the dumpster shall be relocated to provide a minimum of thirty (30) feet setback from the west residential property line. (DRC:ZONING-Zoning)
6. Prior to final DRC approval of the site plan, the petitioner is required to obtain a variance from the Board of Adjustment (BofA) for the building setback (Building A) along the south property line or meet code requirements. (DRC: B of A/DRC-Zoning)
7. Prior to final DRC approval of the site plan, the petitioner shall revise concurrency for the affected area (Building A parcel) to allow a total of 12,000 square feet of office and medical office use. Expansion may only

be permitted if the proposed additional floor area does not exceed the total square feet pursuant to Condition M.1, and subject to approval from Traffic and DRC approval. (DRC:ZONING/ENG/PLANNING-Zoning)

8. Prior to final DRC approval of the site plan, the petitioner shall revise the plan to show the following:
  - a. reconfigure and add median as shown as Exhibit A presented to the-BCC on September 17, 2003.
  - b. delete the south ingress point as shown on the approved site plan dated June 25, 2003. (DRC:ZONING-Zoning)

**B. ARCHITECTURAL REVIEW**

1. Condition 2 of Resolution R-2002-1238, SR 1978-154A which currently states:

**Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for review and certification that the project is in compliance with Section 6.6.E of the palm Beach County Unified land development Code, "Architectural Guidelines." ( BLDG. PERMIT:MONITORING – Zoning)**

Is hereby amended to read:

At time of submittal for final DRC approval of the site plan, the architectural elevations for Building A shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.E. of the ULDC. Development shall be consistent with the approved architectural elevations and DRC approved site plan, but not be architecturally consistent with the existing buildings. (DRC: ZONING - Zoning)

**C. ENVIRONMENTAL RESOURCES MANAGEMENT**

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

**D. LANDSCAPING – STANDARD (AFFECTED AREA/ BUILDING A)**

1. Fifty (50%) of the canopy trees required to be planted by this approval shall be native species, and 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; and,
  - 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 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)
- 3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
  - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
- 4. All trees and pines shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
- 5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
- 6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)
- 7. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
- 8. Prior to final DRC approval of the site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation (specifically along the existing access driveway off Military Trail) is incorporated into the final site design. An Alternative Landscape Plan may be submitted for landscaping on any portion of the property where existing vegetation or easements may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)
- 9. Prior to final DRC approval of the site plan, the petitioner shall obtain a variance from the Board of Adjustment (BofA) on the provision of the landscape buffer along southern edge of the Palm Beach County 20-foot r.o.w. or meet code requirements for the landscape buffer. The petitioner may be exempt from this condition if r.o.w. is abandoned. (DRC: BofA/DRC –Zoning)

**E. ENGINEERING**

- 1. Condition 1 of Resolution R-78-984, Petition 78-154 which currently states:
 

**Petitioner shall construct a left turn lane, east approach, on Northlake Boulevard at Virginia Avenue.**

Is hereby deleted. REASON: [Not applicable].
- 2. Condition 2 of Resolution R-78-984, Petition 78-154 which currently states:

**Petitioner shall construct a left turn lane, south approach, on Military Trail at the property's east entrance.**

Is hereby amended to read:

The petitioner shall construct a left turn lane, south approach, on Military Trail at the property's south entrance. Note: [Completed.]

3. **Petitioner shall pave Virginia Avenue from Northlake Boulevard to the project's turnout.** (Previous Condition 3 of Resolution R-78-984, Petition 98-154) Note: [Completed.]

4. Condition 4 of Resolution R-78-984, Petition 98-154 which currently states:

**Petitioner shall construct a right turn lane, north approach, on Military Trail at the property's east entrance.**

Is hereby deleted. REASON: [Not Applicable].

5. **Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County a total of one hundred (100) feet from the centerline for Northlake Boulevard.** (Previous Condition 5 of Resolution R-78-984, Petition 98-154) Note: [Survey indicates compliance with this condition].

6. **Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County a total of sixty (60) feet from the centerline for Military Trail.** (Previous Condition 6 of Resolution R-78-984, Petition 98-154) Note: [Survey indicates compliance with this condition].

7. **There shall be a right turn access only at the easterly turnout on Northlake Boulevard.** (ONGOING-ENG-Eng). (Previous Condition 7 of Resolution R-78-984.

8. Condition 8 of Resolution R-78-984, Petition 98-154 which currently states:

**Petitioner shall contribute a fair share toward reducing the traffic impact for this project as shall be determined by the County Engineer provided, however, that if the County adopts a Fair Share Contribution" Ordinance the provisions of the Ordinance shall supersede this condition.**

Is hereby deleted. REASON: [Impact fees are Code Requirements].

9. Condition 9 of Resolution R-78-984, Petition 98-154 which currently states:

**The property owner shall reconstruct the existing entrance to the site from Military Trail to provide for a minimum of a thirty (30) foot pavement radius for the projects entrance road.**

- 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 any required relocation of existing utilities.**



- B. **Permits required from the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the next building permit. (BLDG PERMIT: MONITORING - Eng)**
- C. **Construction shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING - Eng)**

Is hereby amended to read:

The property owner shall reconstruct the existing entrance to the site from Military Trail to provide for a minimum of a thirty (30) foot pavement radius for the projects entrance road. This construction may be accomplished by either reconstruction the pavement radius or by relocating the existing median within the entrance road to provide for this required 30 foot pavement radius.

- 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 funded by the property owner. These costs shall include, but are not limited to any required relocation of existing utilities (excluding the lift station relocation cost if the developer elects to relocate the existing median within the project entrance drive).
  - b. Permits required from the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the next building permit. Reconstruction of this access way shall include the relocation of any existing landscape material within the median of the Military Trail Entrance (BLDG PERMIT: MONITORING - Eng)
  - c. Construction of the condition above, shall be completed prior to the issuance of the next Certificate of Occupancy. (CO: MONITORING - Eng)
10. Condition 10 of Resolution R-78-984, Petition 98-154 which currently states:

**Prior to the issuance of a building permit the Developer shall plat the entire 7.27 acre parcel in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)**

Is hereby amended to read:

Prior to October 1, 2004, the property owners shall boundary plat the entire 7.27 acre parcel in accordance with the provisions of Article 8 of the Unified Land Development Code as an MUPD. (DATE: MONITORING-Eng)

11. Condition 11 of Resolution R-78-984, Petition 98-154 which currently states:

**LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED OADWAYS**

- A. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Northlake Boulevard and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County**

Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

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

Is hereby deleted. [Reason: County Commissioner requested deletion of this condition at the August 28, 2003 Board of County Commissioners Meeting.]

- 12. Prior to DRC approval of the final site plan, the final site plan shall be amended to:
  - a. Remove the additional access from Military Trail into office building "A"
  - b. Redesign the median adjacent to office building "A" to permit:
    - single unit truck traffic to enter this office park from Military Trail
    - automobile traffic to leave this office site to turn left through the northern site onto Northlake Boulevard.

F. HEALTH

- 1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF-Health)

2. 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-Health)
3. Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC. (ONGOING: HEALTH / CODE ENFORCEMENT-Heath)

G. EXISTING LANDSCAPING (APPLICABLE TO PARENT TRACT)

1. **Prior to the issuance of any building permits, petitioner shall provide and have completed an effective opaque landscape screening on the west and south property lines as the first step in preparing the property**

**for development.** (Previous Condition 9 of Resolution 78-984, Petition 78-154) Note: [Completed].

H. LANDSCAPING ALONG THE EAST PROPERTY LINE OF THE AFFECTED AREA/BUILDING A (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip;
  - b. a minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
  - c. one (1) canopy tree for every twenty (20) linear feet of the property line;
  - d. one (1) pine tree for every twenty (20) linear feet of the property line. Pine trees shall be planted in a group consisting a minimum of three (3) pines;
  - e. one (1) small shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - f. one (1) medium shrub (Saw Palmetto) for every four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
  - g. one (1) large shrub for every six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE-Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE AFFECTED AREA/BUILDING A (ABUTTING COMMERCIAL, SELF SERVICE STORAGE FACILITY)

1. Landscaping and buffering along the south property line shall include:
  - a. a minimum five (5) foot wide landscape buffer strip;
  - b. the petitioner may have the options to either:
    - i. paint the existing louver wall with a color consistent with the principal structure; or
    - ii. to replace the existing louver wall with a new six (6) foot high concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; or
    - iii. to replace the existing louver wall with a six (6) foot high hedge along the entire south property line. Hedge to be a minimum height of forty-eight (48) inches at installation, and

shall be maintained at a minimum height of six (6) feet at maturity;

- c. any required tree and shrub planting shall be installed pursuant to the ULDC requirements for a compatibility buffer. (CO:LANDSCAPE-Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE AFFECTED AREA/BUILDING A (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. A maximum of five (5) feet easement encroachment shall be permitted subject to the submittal of a release agreement from the utility company prior to final DRC approval of the site plan;
  - b. a six (6) foot high opaque concrete panel wall shall replace the existing concrete louver wall, and shall be setback a minimum of ten (10) feet from the west property line. One (1) concrete column (minimum width of sixteen (16) inches) shall be provided and equally spaced at a maximum of seventy-five (75) feet on center, and at both ends of the wall. Both sides of the wall and columns shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. A minimum six (6) inch stucco band shall be provided along the top of the wall. This wall shall also run south and/or west to connect to the adjacent existing wall(s). Gates with locks may be permitted in any section of the wall for FPL maintenance and for connection to the adjacent existing walls;
  - c. one (1) paurotis palm for every fifteen (15) linear feet of the property line, and to be planted on the interior side of the wall;
  - d. one (1) shrub for every two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on the interior side of the wall;
  - e. one (1) shrub (Saw Palmetto) for every four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on the exterior side of the wall;
  - f. one (1) shrub (Areca Palm) for every two (2) linear feet of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation, and to be planted on the exterior side of the wall;
  - g. prior to Issuance of the Certificate of Occupancy of Building A, the petitioner shall obtain approval from FPL for shrub planting within easement to satisfy requirements pursuant to Conditions J.1.e and J.1.f. The petitioner may be exempt from this condition should FPL object to the planting within the easement, and the petitioner may seek alternative to satisfy the intent of these conditions. (C O : LANDSCAPE-Zoning)

K. LANDSCAPING – INTERIOR OF THE AFFECTED AREA/BUILDING A

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING-Zoning)
2. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. the minimum width of the required landscape areas shall be five (5)

- feet;
  - b. the length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure;
  - c. landscape areas shall be planted with a minimum equivalent of one (1) small tree or small palm for each twenty (20) linear feet of building facade and appropriate groundcover. Tree or palm may exempt from meeting requirements pursuant to Conditions D.1 and D.2. (DRC/CO:ZONING/ LANDSCAPE)
- 3. Landscaping for terminal islands in the parking area shall consist of the following:
  - a. one (1) canopy tree for each island; and,
  - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)
- 4. Decorative pavers shall be provided at all pedestrian crossing(s). Width of each decorative paved crossing area shall be a minimum of five (5) feet. (DRC/CO:ZONING/LANDSCAPE-Zoning)

L. LIGHTING FOR THE AFFECTED AREA/BUILDING A

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point, and shall be setback a minimum of twenty-five (25) feet from the west residential property line. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 9:30 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. PLANNING

- 1. The maximum gross buildable area of commercial uses on the entire 7.27 acre site shall be limited to a maximum of 79,970 square feet, with 12,000 square feet on the affected area. This amount of square footage on this site can be exceeded in the future if this project is restricted to uses identified in Condition N.1.a.i, iv, v and vi. only. (DRC:PLANNING-Planning)

N. USE LIMITATIONS (AFFECTED AREA/BUILDING A)

- 1. Prior to final DRC approval of the site plan, the property owner shall record a restrictive covenant, including use limitations and hours of operation on the site. The restrictive covenant shall be subject to the review and approval by the County Attorney.
  - a. The covenant shall limit the site to the following uses:

- i. Office, business or professional;
  - ii. Personal services except for massage studios per ULDC Sec. 6.4.D.72);
  - iii. Printing & copying services;
  - iv. Government services;
  - v. Financial Institution; and
  - vi. Medical office or dental clinic. (DRC:CTY ATTY-Zoning)
- b. Prior to final DRC approval of the site plan, the petitioner shall indicate the above list of use limitations per Condition N.1 on the site plan. (DRC:CTY ATTY/PLANNING/ZONING - Planning/Zoning)
2. Hours of operation (open to the public), including deliveries and loading activities shall be limited to 8:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturdays, and no Sunday operations, except for Radio Broadcast studios. Hours of operation for Medical Offices (open to the public), including deliveries and loading activities shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Friday, 7:00 a.m. to 6 p.m. Saturdays, and no Sunday operations. (ONGOING: CODE ENF - Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)
4. No outdoor repair of vehicles or small motors shall be permitted on site. (ONGOING: CODE ENF - Zoning)

O. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of 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 majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other

zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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

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