

RESOLUTION NO. R-93- 514

RESOLUTION APPROVING ZONING PETITION NO. 80-114(E)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF BOCA DEVELOPMENT ASSOCIATES, LTD.

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

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 80-114(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on September 24, 1992; and

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

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-114(E), the petition of BOCA DEVELOPMENT ASSOCIATES, LTD., BY F. MARTIN PERRY, ESQ., AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS (CONDITIONS NO. 2 AND 36 OF RESOLUTION 90-207), in a parcel of land lying in the southeast 1/4 of Section 24, Township 47 South, Range 41 East, and being more fully described as follows: Commence at the south 1/4 of said section, thence 89°59'54" E, along the southerly boundary of said section, 2082.11 feet to the Point of Beginning of the herein described parcel, thence continue along the previous course, 464.51 feet to a point of intersection with the existing westerly right-of-way line of State Road 7, thence N 1°58'47" E, along said West line, 2323.00 feet to a point, thence N 87°52'30" W, 853.73 to a point, thence S 01°52'11" W, 1314.00 feet to a point of curve to the left, having a radius of 839.35 feet, thence run southerly along said curve, thru an angle of 38°00'26", an arc length of 556.78 feet to a point of reverse curve to the right having a radius of 839.35 feet, thence run southerly along said curve thru an angle of 30°51'02", 451.94 feet to a point of intersection with the existing northerly right-of-way of Palmetto Park Roadm thence N 89°59'34" E, 30.12 feet to a point on a curve to the right having a radius of 660.35 feet, thence from

a tangent bearing S 5°06'14" E, run southerly along said curve, thru an angle of 6°35'51, an arc distance of 100.10 feet to the Point of Beginning: Less the rights-of-way for Palmetto Park Road and State Road 7 (U.S. 441), and less a triangular parcel for right distance, being 25 feet along the rights-of-way of Palmetto Park Road and State Road 7 (U.S. 441), and being located on the N.W. corner of US 441 (SR 7) and Palmetto Park Road., in the CG Zoning District, was approved on September 24, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Article 5.8 (Palm Beach County Land Development Code), as amended, unless expressly modified. (MONITORING)

B. ACCESS

1. **No more than three (3) access points shall be permitted.** (Previously Condition No. 25 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
2. **Contiguous access to all portions of the PCD for pedestrians, bicyclists, and the handicapped shall be provided.** (Previously Condition No. 26 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
3. **Access to mass transit facilities shall be provided.** (Previously Condition No. 27 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)

C. BUILDING & SITE DESIGN

1. All perimeter lighting along the west wall of the subject property shall be extinguished no later than 10:00 p.m. (CODE ENFORCEMENT)
2. Condition No. 2 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)), which states:

"The gross leasable area (GLA) of the entire PCD shall not exceed 300,000 square feet. At least ten percent (10%) of the total GLA shall be professional offices. The location of office space shall be clearly delineated on the site plan prior to approval."

Is hereby amended to state:

The gross leasable area (GLA) of the entire PCD shall not exceed 300,000 square feet. At least five percent (5%) of the total GLA shall be professional offices. The location of office space shall be clearly delineated on the site plan prior to approval.

3. **All out-parcels shall be no less than 3/4 acre in size.** (Previously Condition No. 3 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)

4. The minimum setback for structures, vehicular circulation and parking areas adjacent to residential uses shall be exceeded by at least twenty percent (20%). (Previously Condition No. 10 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
5. Receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of El Bosque Way. (Previously Condition No. 11 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/CODE ENFORCEMENT)
6. All areas or receptacles (i.e., dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by a gated four-sided enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. Enclosures shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. (Previously Condition No. 12 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
7. The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet. (Previously Condition No. 13 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
8. All mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure. (Previously Condition No. 14 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
9. The rear portion of all structures shall be stucco. Elevations shall be provided which show (minimal) architectural treatment. (Previously Condition No. 15 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/CODE ENFORCEMENT)
10. All outdoor lighting behind the center shall be directed away from residential areas through the use of reflective shields. Lighting fixtures in this portion of the site shall not exceed twelve (12) feet in height. Lighting in the eastern portion of the center shall not exceed thirty-six (36) feet in height. (Previously Condition No. 16 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/CODE ENFORCEMENT)
11. Solid waste collection from the subject site shall be limited to between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. (SWA - Code Enforcement)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification. (ERM)
2. Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all

necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BUILDING - ERM)

3. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BUILDING - ERM)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for 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 100% of the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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. (Previously Condition No. 30 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
2. No positive outfall shall be permitted into the Palmetto Park Road Drainage System unless approved by the County Engineer. Drainage from this project shall be contained onsite with outfall only being permitted into a drainage district subject to their permission and approval. (Previously Condition No. 31 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
3. Prior to March 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for State Road 7, 200 feet free of all encumbrances and encroachments on an alignment approved by the County Engineer. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 32 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
4. All trips traveling north when exiting the site shall turn left onto U.S. Highway 441. Traffic devices, to ensure that vehicles may safely cross the southbound lane of U.S. Highway 441, must be acceptable to the County Engineer and the Florida Department of Transportation. (Previously Condition No. 33 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
5. The Property owner shall construct on State Road 7 at the project's:

- a. north entrance a right turn lane, north approach
- b. middle entrance a right turn lane, north approach and a left turn lane, south approach
- c. south entrance a left turn lane, south approach and a right turn lane, north approach

all concurrent with the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition No. 34 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)

6. Condition No. 35 of Zoning Petition No. 80-114(B) presently states:

"The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$499,950.00 (9,090 trips X \$55.00 per trip). Credit for this impact fee may be applied toward for the 6 laning of Glades Road as outlined in the condition below.

Is hereby amended to state:

- a) The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$495,950. (9,090 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR)
- b) A traffic generation study in accordance with Article 10, Section 10.8 of the Palm Beach County Land Development Code (PBCLDC) shall be submitted and approved by the County Engineer prior to site plan certification in order to establish the appropriate impact fee for this project. Payment shall be made prior to December 1, 1992. (MONITORING/ENGINEERING)

7. Condition No. 36 of Zoning Petition No. 80-114(B), which presently states:

"In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a. A minimum of 30,000 square feet of the project shall remain in office use.
- b. No Building Permits shall be issued after December 31, 1991. (BUILDING)

Is hereby amended to read:

In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a. A minimum of 15,000 square feet of the project shall remain in professional office use.
 - b. No Building Permits shall be issued after December 31, 1992. (BUILDING)
8. In addition to the impact fee this developer shall contribute the amount of **\$1,000,000** toward roadway improvements in the project area. These funds shall be delivered to Palm Beach County prior to twenty (20) days after receipt of the resolution approving this project. (Previously Condition No. 37 of Resolution No. R-9C-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
 9. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance(s) and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition No. 38 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
 10. Planting within the Palmetto Park and 441 intersection shall be in conformance with the graphics presented at the Board of County Commissioners. All graphics shall be made a part of the record prior to Site Plan Review Committee. (Previously Condition No. 39 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
 11. No access shall be permitted onto El Bosque Way. Previously Condition No. 40 of Resolution No. R-9C-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
 12. Condition No. 41 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)), which currently states:

"The petitioner shall provide sod and irrigation within the right-of-way subject to County Engineering approval. All landscaping and irrigation shall be maintained in accordance with Palm Beach County standards."

Is hereby amended to state:

The petitioner shall provide sod and irrigation within all rights-of-way of SR7 and Palmetto Park Road) subject to County Engineering approval. All landscaping and irrigation shall be maintained in accordance with Palm Beach County standards." (ENGINEERING)

13. Subject to approval by County Engineer, the petitioner shall provide a pedestrian and bicycle access along Palmetto Park Road into the interior of the shopping center. Conceptual plans shall be submitted to the County Engineer and conceptually approved prior to site plan certification by the DRC. If necessary, an appropriate culvert shall be included by the property owner. This shall be constructed prior to April 30, 1993. (ENGINEERING)

F. HEALTH

1. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on site.** (Previously Condition No. 28 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
2. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previously Condition No. 29 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ENGINEERING)
3. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulations (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (UTILITY - Code Enforcement)
4. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (HEALTH - Building)

G. LANDSCAPING (GENERAL)

1. **All trees on site shall be permitted to reach and maintained at a mature height of a minimum of fifteen (15) feet. Maintenance shall conform to Arbor Society recommended practices.** (Previously Condition No. 18 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING)
2. **All landscape areas shall be fully irrigated.** (Previously Condition No. 19 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING)
3. **A complete set of landscape plans shall be submitted to the Zoning Division demonstrating conformance to all Landscape Code Requirements and conditions of approval.** (Previously Condition No. 20 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING)
4. **Prior to site plan approval, a tree survey shall be submitted which locates all oaks or slash pines found on site. Those trees within the perimeter buffer shall be incorporated into the project design.** (Previously Condition No. 21 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING)
5. All trees required by this petition, replacement material and/or subsequent plantings shall meet the following minimum standards:
 - 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 outelmost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

H. LANDSCAPING (INTERIOR)

1. The above noted perimeter landscape conditions shall be modified to accommodate special landscaping for the intersection of Palmetto Park and US 441 as reflected on Exhibit 47.

Parking shall be based upon a ninety-five percent (95%) net leasable floor area figure. All excess stalls shall be used to break up the expansive eastern parking area. One (1) additional tree shall be planted for each ninety (90) square feet of additional interior landscape area. (Previously Condition No. 23 of Resolution No. R-9C-207, Zoning Petition No. 80-114(B)) (ZONING)

2. Condition No. 24 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)), which presently states:

"Fifty percent (50%) of all trees within the interior parking area shall be twelve (12) feet in height or greater and the remainder shall be ten (10) feet in height or greater. One landscape island shall be provided for every ten (10) cars.

Is hereby amended to state:

One landscape island shall be provided for every twelve (12) parking spaces. (ZONING)

3. Prior to April 30, 1993, one (1) at grade planter a minimum of five (5) feet by five (5) feet shall be provided for every three (3) facing parking spaces. Each at grade planter shall be planted with one (1) native tree consistent with Condition G.6. and appropriate groundcover and an equal distance between the required landscape islands. (ZONING)
4. Prior to site plan certification, the site plan shall be amended to indicate all required at grade tree planters and a detail for said planters. (ZONING)

I. LANDSCAPING SOUTH & EAST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

1. Landscaping within the twenty-five (25) foot landscape buffers abutting rights-of-way shall be upgraded to include:
 - a. Native canopy trees an average of fifteen (15) feet on center.
 1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall; fifty percent (50%) of these trees shall be twelve (12) foot tall; twenty percent (20%) of these trees shall be ten (10) foot tall.
 - b. One (1) native palm for each thirty (30) linear feet of required buffer.
 - c. A landscape buffer a minimum of thirty-six (36) inches in height at installation to be maintained at forty-two (42) inches. (Previously Condition No. 17 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING)

2. Prior to site plan certification, the petitioner shall apply to the County Engineer and/or the Florida Department of Transportation for a permit for the installation of the following landscaping requirements which shall be installed on the exterior side of the existing retaining wall along SR7 (Highway 441, and Palmetto Park Road. All permitted landscaping required by this condition shall be installed prior to April 30, 1993:

- a. One (1) native canopy tree planted every twenty (20) feet on center.
- b. One (1) twelve (12) foot tall native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees shall supersede the requirement for a native canopy tree in that location.
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (MONITORING/ZONING)

J. LANDSCAPING WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping along the western property line shall include:

- a. An eight (8) foot tall concrete block and steel wall installed along the western edge of packing and loading area.
- b. A minimum thirty (30) foot wide landscape buffer along the entire western base building line.
- c. A minimum three (3) foot tall berm sloping from the wall to the western base building line.
- d. Native canopy trees shall be planted an average of fifteen (15) foot on center.
 - 1. Thirty percent (30%) of these trees shall be fourteen (14) foot tall;
 - 2. Fifty percent (50%) of these trees shall be twelve (12) foot tall;
 - 3. Twenty percent (20%) of these trees shall be ten (10) foot tall.

Trees shall be compatible with the adjacent pine flatwoods.

- e. One (1) native palm for each 30 linear feet.
- f. A double row of shrubs.
 - 1. Planted an average of thirty-six (36) inches on center (1,468 plants).
 - 2. Fifty percent (50%) shall be native.

3. Ten percent (10%) of these shrubs shall be forty-two (42) inches in height; Fifty percent (50%) of these shrubs shall be thirty-six (36) inches in height; forty percent (40%) of these shrubs shall be twenty-four (24) inches in height.
 4. An average height of forty-two (42) inches shall be reached within one (1) year of installation and shall be maintained at an average height of sixty (60) inches.
2. Ten foot tall native canopy (non-deciduous) trees shall be installed twenty (20) feet on center on top of the berm along the west property line. The trees shall be maintained with a minimum 6 to 8 foot diameter canopy spread. (ZONING)

K. LANDSCAPE WITHIN THE MEDIAN

1. Prior to site plan certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

<u>Trees:</u>	<u>Groundcover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or

before April 30, 1993. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits.
(ENGINEERING/BUILDING)

L. SHARED PARKING

1. **All uses shall utilize shared parking arrangements acceptable to the Planning, Zoning and Building Department. Appropriate cross access and parking agreements shall be submitted.** (Previously Condition No. 4 of Resolution NO. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING/ENGINEERING)

M. SIGNS

1. **No off-premise signs shall be permitted on site.** (Previously Condition No. 5 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
2. **Pole mounted signs shall not be permitted.** (Previously Condition No. 6 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
3. **Monument signs shall not exceed ten (10) feet in height nor a total of 1,000 square feet in area.** (Previously Condition No. 7 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
4. **One (1) point of purchase sign shall be permitted on Palmetto Park Road and a maximum of three (3) shall be permitted on U.S. 441.** (Previously Condition No. 8 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)
5. **A master signage program shall be submitted prior to site plan approval demonstrating conformance to these conditions.** (Previously Condition No. 9 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/BUILDING)

N. UNITY OF CONTROL

1. **The entire property shall be master planned as a single Planned Commercial Development (PCD) and subject to unity of control. The unity of control shall be approved by the County Attorney prior to site plan approval.** (Previously Condition No. 1 of Resolution No. R-90-207, Zoning Petition No. 80-114(B)) (ZONING/COUNTY ATTORNEY)

O. COMPLIANCE

1. **The petitioner and owner(s) of the subject property shall completely satisfy all previous conditions of approval and applicable code and land development regulations prior to the issuance of any subsequent certificate of occupancy and all other conditions prior to April 30, 1993.** (BUILDING)

2. Condition No. 42 of Resolution No. R-90-207, Zoning Petition No. 80-114(B), which currently states:

"Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Is hereby deleted. (REASON: Replaced by new standard condition)

3. As provided in Zoning Code Article 5.8, Palm Beach County Land Development Code (PBCLDC), failure to **comply** with any of these conditions of approval at any time may result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code. (MONITORING)
4. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County **Board** of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a **Board** of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)
5. **No** administrative time extensions to any conditions of approval shall be granted. Non-compliance with any time certain conditions **of** approval shall result in the initiation **of** a Status Report to the Board **of** County Commissioners in accordance with Article 5.8 of the Palm Beach County Land Development Code. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

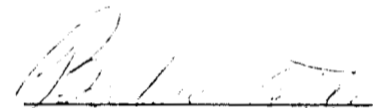
Mary McCarty, Chair	--	Aye
Ken Foster	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren H. Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 20 day of April, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

