

RESOLUTION NO. R-94- 106

RESOLUTION APPROVING ZONING PETITION DOAgO-30(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FOUNTAINS OF BOYNTON ASSOCIATES, LTD.

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

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

WHEREAS, Zoning Petition **DOA90-30(B)** was presented to the Board of County Commissioners at a public hearing conducted on January 27, 1994; 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 Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 **DOA90-30(B)** the petition of Fountains of Boynton Associates, Inc., for a DEVELOPMENT ORDER AMENDMENT in the General Commercial (CG) Zoning District, to allow general repair (requested use) and amend Condition F.1, Resolution R-92-1813 (limit children in day care), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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

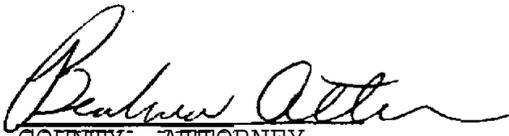
The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of January, 1994.

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

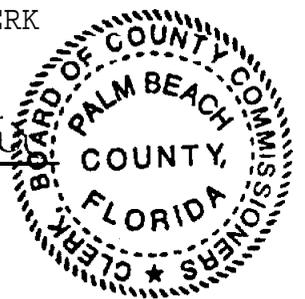


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF BLOCK 48 OF "PALM BEACH FAHMS COMPANY'S PLAT NO. 3", AS RECORDED IN PLAT BOOK 2 AT PAGES 46 THROUGH 54, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF "STRATHMORE ESTATES AT BOYNTON BEACH PLAT 1" AS RECORDED IN PLAT BOOK 49, PAGES 26 AND 27 OF SAID PUBLIC RECORDS, THENCE NORTH 45°57' 00" WEST ALONG THE EASTERLY BOUNDARY OF SAID PLAT OF "STRATHMORE ESTATES AT BOYNTON BEACH PLAT 1" SAID EASTERLY BOUNDARY ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF LAKESIDE BOULEVARD, A DISTANCE OF 35.36 FEET; THENCE CONTINUE ALONG SAID EASTERLY BOUNDARY OF SAID "STRATHMORE ESTATES AT BOYNTON BEACH PLAT 1" NORTH 00°57' 00" WEST, A DISTANCE OF 925.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 450.42 FEET; THENCE NORTHERLY AND NORTHWESTERLY 182.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23° 10' 40" ; THENCE NORTH 89°34' 27" EAST, A DISTANCE OF 993.41 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 7462 AT PAGE 1685 AND OFFICIAL RECORD BOOK 4224, PAGE 780 AND OFFICIAL RECORD BOOK 7462, PAGE 1685 OF THE AFORESAID PUBLIC RECORDS; THENCE, ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 00° 10' 27" EAST, A DISTANCE OF 638.58 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 02° 41' 31" WEST, A DISTANCE OF 79.68 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 04° 36' 09" WEST, A DISTANCE OF 80.53 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 00°31'57" EAST, A DISTANCE OF 260.30 FEET; THENCE SOUTH 44° 15' 32" WEST ALONG A SAFE SIGHT RIGHT OF WAY LINE AS RECORDED IN OFFICIAL RECORD BOOK 7462, PAGE 1685 OF THE SAID PUBLIC RECORDS, A DISTANCE OF 56.36 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BOYNTON WEST ROAD AS RECORDED IN OFFICIAL RECORD BOOK 4251, PAGE 575 AND OFFICIAL RECORD BOOK 7462, PAGE 1685; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH BY 03' 00" WEST, A DISTANCE OF 528.14 FEET; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 00° 57' 00" EAST, A DISTANCE OF 13.45 FEET; THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 86° 11' 02" WEST, A DISTANCE OF 131.00 FEET; THENCE CONTINUE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE SOUTH 89° 03' 00" WEST, A DISTANCE OF 209.64 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 24.133 ACRES MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

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** compliance with time certain conditions, unless expressly modified. (MONITORING) (Previously Condition A.1 of Resolution 92-1813 Zoning Petition 90-30(A).
2. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil, used tires and batteries. (SWA/ERM)
3. To ensure that the automotive service center does not create negative visual impacts to the surrounding commercial uses all automotive repairs shall be confined to indoor service bays. No outdoor repairs shall be permitted. (CODE ENFORCEMENT)
4. To ensure that the automotive service center does not create negative visual impacts to the surrounding area all vehicles being stored on site after **bussines** hours shall be within the enclosed automotive facility no overnight parking or vehicle storage shall be permitted. (CODE ENFORCEMENT)

B SITE DESIGN

1. To ensure the proposed site plan internal circulation system minimizes internal traffic conflicts in front of the service bays of the auto service center on the north and south side of the proposed automotive repair facility the petitioner shall amend the site plan to remove/relocate the parking on the south of the auto service center bay door openings and provide a minimum of twenty (20) feet of queuing in front of each bay door opening that abuts any vehicular parking area to the north prior to DRC approval of the Final Site Plan. (ZONING)

C. AUTO SERVICE STATION (Gas Station Only)

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water **for** minor vehicle maintenance to the public at no charge. Previously Condition **No. C.1.** of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING-CODE ENFORCEMENT)

D. CONCURRENCY

1. The Concurrency Reservation for Case Number **90-07-25-007-C** shall be amended before August 29, 1992, to reserve capacity required to serve the approved uses. Previously Condition No. **D.1.** of Resolution No. R-92-1813, Zoning Petition 90-30(A). (PLANNING)
2. Prior to amending the certificate, a Concurrency Equivalency Determination, showing the capacity for the uses and square **footages** on the site plan submitted for the approved uses shall be submitted to and approved by the Planning Division. Previously Condition No. **D.2.** of Resolution No. R-92-1813, Zoning Petition 90-30(A). (PLANNING)

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 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. **E.1.** of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ENGINEERING)
2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. Previously Condition No. **E.2.** of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ENGINEERING)
3. Prior to June **1**, 1991 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for:
 - a. Jog Road, 60 feet from centerline.
 - b. Boynton Beach Boulevard, 60 feet from centerline.
 - c. Sufficient right-of-way to provide for an expanded intersection at Jog Road and Boynton Beach Boulevard.
 - d. The construction of a right turn lane on Jog Road and the project's main entrance and at Boynton Beach Boulevard and the project's main **entrance** road, in addition to the right-of-way **for** the **six-**lane roadway.

This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of **180** feet.

All Road Right of Way shall be free of 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. Right-of-way conveyances shall also include "**Safe** Sight Corners" where appropriate at intersections as determined by the County Engineer. Previously Condition No. **.E.3.** of Resolution No. R-92-1813, Zoning Petition 90-30(A). (**MONITORING-ENGINEERING**)

4. The Property owner shall construct:
 - a. at the project's main entrance onto Boynton Beach Boulevard:
 - 1)** right turn lane, east approach, and

Turn lanes identified in "a" shall be constructed concurrent with the **4/6-laning** of Boynton Beach Boulevard by the Florida Department of Transportation.

- b. at the **project's main** entrance onto Jog Road:
 - 1) left turn lane, south approach, and
 - 2) right turn lane, north approach (this turn lane may be part of the third lane construction by the developer).
- c. at the project's entrance road and Lakeside Boulevard:
 - 1) left turn lane, north approach. This construction shall be completed prior to the issuance of a Certificate of Occupancy.
- d. at the project's north and south entrance onto Jog Road:
 - 1) right turn lane, north approach (this turn lane may be a part of the third lane construction by the developer).

Turn lanes identified in "b", "c" "d", shall be constructed concurrent with **onsite** paving and drainage permits issued from the office of the County Engineer.

All turn lanes construction shall be completed prior to the issuance of the first Certificate of Occupancy. Previously Condition No. E.4. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING-ENGINEERING)

- 5. Access onto Jog Road from the project's south entrance shall not be permitted until **Jog** Road has been constructed as a 4 lane median divided section north of the project's entrance road. **When** this section of Jog Road has been **4-laned** no median opening shall be permitted on Jog Road at this entrance. Previously Condition No. E.5. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ENGINEERING)
- 6. 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**. Credit for road construction of Jog Road may be credited toward the fair share fee as approved by the County Engineer. Previously Condition E.6. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (ENGINEERING)
- 7. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. Previously Condition No. E.9. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ENGINEERING)
- 8. Prior to site plan approval, the property owner shall submit a separate Signing and Pavement Marking Plan to the County Engineer. This Signing and Pavement Marking Plan shall be approved prior to a Paving and Drainage Permit. Previously Condition No. E.10. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ENGINEERING)

9. 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 the proposed retail tire store at the time of the Building Permit presently is \$22,440 (408 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. DAY CARE

1. Condition No. F.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A), which states:

"**The** day care center shall be limited to a maximum of 130 students."

Is hereby amended to state:

The day care center shall be limited to a maximum of 252 students. (CODE ENFORCEMENT)

2. The petitioner shall provide a minimum of one native canopy tree per 750 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area. Previously Condition No. F.2. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING)
3. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees placed twenty (20) feet on center and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center. Previously Condition No. F.3. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING)
4. The site plan shall be amended to reflect five (5) **drop-off** stalls a minimum of twelve (12) feet wide by twenty (20) feet in length. The required drop off spaces shall be located adjacent to the building. Previously Condition No. F.4. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING)
5. The site plan shall be amended to reflect a four (4) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance. Previously Condition No. F.5. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING)

G. DUMPSTER

1. Receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation shall not be located within seventy (70) feet of the north property line. Previously Condition No. G.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING)
2. All areas or receptacles (i.e. dumpsters) for the storage and disposal of trash, garbage or vegetation shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable **wood** or steel. The open end of the enclosure shall have an obscuring opaque gate. 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. G.2. of Resolution No. R-92-1813, zoning Petition 90-30(A). (BUILDING-Zoning)

H. ENVIRONMENTAL RESOURCES MANAGEMENT

1. 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. Previously **Condition No. H.1.** of Resolution No. R-92-1813, Zoning Petition **90-30(A)**. (ERM)
2. The proposed car wash shall have a 100% water recycling system. Previously Condition No. H.2. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ERM)
3. Plans for any underground storage tanks must be signed off 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. Previously Condition No. H.3. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ERM)
4. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to Site Plan certification. Previously Condition No. **H.4.** of Resolution No. R-92-1813, Zoning Petition **90-30(A)**. (ERM)
5. A pollutant storage tank closure assessment shall be performed by a qualified party at the location of the former underground storage tanks. The closure assessment shall be conducted in accordance with Chapter 17-761, Florida Administrative Code (F.A.C.) and shall conform to the Florida Department of Environmental Regulation (**DER**) Closure Policy. The closure assessment shall be reviewed and approved by the Department of Environmental Resources Management prior to site plan certification. If soil or groundwater contamination is documented by the closure assessment, it will be necessary to complete a contamination assessment in accordance with Chapter 17-770, F.A.C. Previously Condition No. H.5. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (**ERM**)
6. Prior to site plan approval, the extent of soil contamination in the northwest corner of the property shall be defined in accordance with Chapter 17-770, F.A.C. Prior to the issuance of building permits, all contaminated soil shall be removed and properly disposed. A written report which includes manifests or receipts for soil disposal, shall be provided to the Department of Environmental Resources Management within 3 working days of completion of soil removal activities. Previously Condition No. H.6. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING-ERM)

I. HEALTH

1. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. **Previously** Condition No. 1.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (HEALTH)

2. Sewer service is available to the property. Therefore, **no** septic tank shall be permitted on the site. Previously Condition No. 1.2. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 1.3. of Resolution No. **R-92-1813**, Zoning Petition 90-3(A). (HEALTH)
4. The owner, occupant **or** tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal **of** the waste oil. Previously Condition No. 1.4. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (HEALTH)
5. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter **10D-6**, F.A.C. Previously Condition No. 1.5. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (HEALTH)

J. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. Previously Condition No. J.1. of Resolution No. R-92-**1813**, Zoning Petition 90-30(A) (UTILITIES)

K. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions **of** approval. (ZONING)
2. All required trees in landscape buffer strips and interior parking areas shall meet at a minimum the following standards:
 - a. Tree species: 100% native canopy.
 - b. Tree height: fourteen (14) feet minimum.
 - c. Trunk diameter: 3.5 inches at 4.5 feet above grade.
 - d. Canopy diameter: **seven** (7) feet minimum. The 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. (ZONING)

L. LANDSCAPING - INTERIOR

- 1. a.** One landscape island shall be provided for **every** ten (**10**) parking spaces. Each landscape island shall be planted with a minimum of one native canopy tree or native palm tree and appropriate ground cover. The maximum spacing between landscape islands shall not exceed one hundred linear feet.

- b. Prior to site plan certification, the site plan shall be amended to indicate grade level tree planting areas consistent with Section 500.35 Zoning Code, subject to approval by the Zoning Division. Previously Condition No. **L.1.** of Resolution No. R-92-1813, Zoning Petition 90-30(A) (ZONING)

M. LANDSCAPING ALONG ALL PROPERTY LINES

1. Prior to site plan certification, the landscape buffer strip plan (Exhibit **41**) shall be upgraded to identify the tree, palm, and hedge plant species, specifications and spacing. Planting of all buffers shall be **done** in accordance with the certified landscape buffer plan. At a minimum, this plan shall include the equivalent of:
 - 1) One native canopy tree planted every twenty (20) linear feet of frontage.
 - 2) One native palm tree for each thirty (30) linear feet of frontage.
 - 3) Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center.

Previously Condition No. M.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (ZONING)

N. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES

1. Landscaping along north and west property lines shall be upgraded to include a minimum fifteen (15) foot wide landscape buffer strips to include:
 - a. Fourteen (14) foot tall native canopy trees placed twenty (20) foot on center.
 - b. Thirty-six (36) inch high hedge.
 - c. One (1) interior island, planted with one (1) fourteen (14) foot tall native canopy tree, shall be provided for **every** eight (8) parking stalls abutting these property lines.

Previously Condition No. N.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (ZONING)

O. LANDSCAPING WITHIN THE MEDIAN

1. FDOT maintained rights-of-way: Prior to site plan certification, the petitioner shall complete and submit to Palm Beach County, on a form provided by the Florida Department of Transportation (**FDOT**), a **request** for permission to landscape the medians of all abutting **FDOT** maintained rights-of way. The petitioner shall be responsible for any additional information requested by the Florida Department of Transportation and any charges related to the submission and review of forms, application material and/or landscape plans.

Prior to issuance of a building permit, the Palm Beach County Engineering Department shall issue the applicant a secondary permit requiring the developer to complete the required construction and plantings, subject to the terms of the FDOT permit.

County maintained rights-of-way: On abutting roads which are maintained by Palm Beach County, the property owner shall complete and submit the required permit on the form provided by the Palm Beach County Engineering Department, prior to site plan certification.

Minimum landscaping and maintenance requirements within all medians: 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 from the following list.

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. 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 planting shall be done in accordance with detail planting plans and specifications to be submitted and approved by the Zoning Division 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 issuance of the first Certificate of occupancy or filing of the first plat whichever occurs first. 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. Previously Condition No. 0.1. of Resolution NO. R-92-1813, Zoning Petition 90-30(A) (**ENGINEERING-Building-Zoning**)

P. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. Lighting fixtures in the north and west portions within 100 feet of property line of the site shall not **exceed** twelve (12) feet in height. Lighting in the south and east portions within 50 feet **of** the right-of-way of the center shall not exceed thirty-five (35) feet in height. Previously Condition No. P.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (**CODE ENFORCEMENT-Building**) .

2. All outdoor lighting behind the shopping center and/or within one-hundred (100) feet of the north property line, shall be extinguished no later than 11:00 p.m. All other outdoor lighting shall be extinguished no later than 2:00 a.m. Security lighting only is excluded from this requirement. Previously Condition No. P.2. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (CODE ENFORCEMENT)

Q. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as **programs** are available. Previously Condition No. Q.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (SWA)

R. SIGNS

1. Signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Pole mounted or other freestanding signs:
 - 1) Maximum sign height = ten (10) feet.
 - 2) Maximum sign area per side = 100 square feet.
 - 3) Maximum number of signs = one (1).
 - b. Monument style signs:
 - 1) Maximum sign height = four (4) feet.
 - 2) Maximum sign area per side = 20 square feet.
 - 3) Maximum number of signs = one (1).

Previously Condition No. R.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (BUILDING)

2. Signs fronting on Jog Road shall be limited as follows:
 - a. Pole mounted **or** other freestanding signs:
 - 1) Maximum sign height = ten (10) feet.
 - 2) Maximum sign area per side = 100 square feet.
 - 3) Maximum number **of** signs = one (1).
 - b. Monument style signs:
 - 1) Maximum sign height = four (4) feet.
 - 2) Maximum sign area per side = 20 square feet.
 - 3) Maximum number of signs = one (1).

Previously Condition No. R.2. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (BUILDING)

3. Entrance signs from Lakeside Boulevard shall be limited as follows:
 - a. Maximum sign height = four (4) feet.

- b. Maximum sign area per side - **20** square feet.
- c. Maximum number of signs - one (1).
- d.** Directional sign only.

Previously Condition No. R.3. of Resolution No. R-92-1813, Zoning Petition 90-30(A) (BUILDING)

- 4. Prior to Site Plan certification, a Master Sign Program shall be submitted, which specifies: sign location, sign size, and unified graphics and color. Previously Condition No. R.4. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING)
- 6. In the event the Sign Code is amended prior to the issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code Previously Condition No. R.6. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING-Zoning)

S. SITE DESIGN

- 1. Building height shall be limited to a maximum **of** 35 feet, measured from finished grade to highest point. Previously Condition No. S.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING)
- 2. Total floor area for Alternative #1 shall be limited to a maximum of 188,790 square feet. Total floor area for Alternative **#2** shall be limited to a maximum **of** 156,307 square feet. Condition No. S.2. of Resolution No. R-92-1813, Zoning Petition No. 90-30(A) (BUILDING)
- 3. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area. Previously Condition No. S.3. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING)
- 4. The north and west sides **of** each building shall be given architectural treatment consistent with the front facade. Previously Condition No. S.4. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (BUILDING)
- 5. Back out parking spaces shall not be permitted in front of the main structure or into primary access aisles. Previously Condition No. S.5. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING-Building)
- 6. The number of outparcels on site shall be limited to six including the **daycare** center. Previously Condition No. S.6. of Resolution No. R-92-1813, Zoning Petition **90-30** (A). (ZONING)
- 7. Pedestrian access shall be provided from the adjacent PUD into the shopping **center**. Previously Condition No. 5.7. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (ZONING)

T. UNITY OF CONTROL

- 1. At the time of Site Plan Review Committee application, the petitioner shall submit two (2) copies of a recorded Unity of Control document in a form acceptable to the Palm Beach County Attorney's office. (Previously Condition No. T.1. of Resolution No. R-92-1813, Zoning Petition 90-30(A). (COUNTY ATTORNEY)

U. USE LIMITATION

1. No outdoor loudspeaker system audible off site shall be permitted (Previously Condition No. U.l. of Resolution No. R-92-1813, Zoning Petition 90-30(A) . (CODE ENFORCEMENT)

V. COMPLIANCE

1. As provided in the Palm Beach county Zoning Code, **Sections** 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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: and/or
 - b. The revocation of the 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; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

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 Commission decision, shall be by petition **for** writ of certiorari to the Fifteenth Judicial Circuit Previously Condition No. V.l. of Resolution No. R-92-1813, Zoning Petition **90-30(A)** (MONITORING)