

RESOLUTION NO. R-95-711

RESOLUTION APPROVING ZONING PETITION EAC83-161(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF RICHARD E. & MARY LEE BASTIN

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 EAC83-161(C) was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; and

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

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

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

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

8. This Development Order Amendment has a concurrency exemption and therefore 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 **EAC83-161(C)**, the petition of Richard E. & Mary Lee Bastin for a Development Order Amendment to amend Condition S.I. (Signs) of Resolution R-91-1070, previously approved 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 June 29, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

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

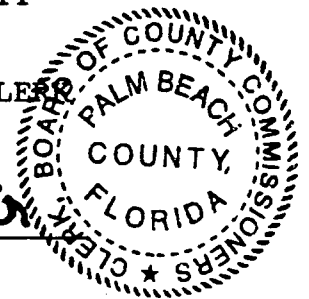


EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

Parcel 1: The South 200 feet of the North 215 feet of the East Quarter of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; subject, however, to an easement along the East 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North 10 feet thereof as conveyed in Official Records Book 4386, Page 1557.

Parcel 2: The South 200 feet of the North 215 feet of the West Half of the East Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42, Palm Beach County, Florida; subject to an easement along the West 15 feet thereof, which is expressly reserved for rights of ingress and egress to adjoining lands; LESS the North 10 feet thereof as conveyed in Official Records Book 4386, Page 1557.

PARCEL B:

The East 1/8th of the Northeast Quarter of Northeast Quarter of Section 25, Township 43 South, Range 42 East, LESS the North 215 feet thereof and LESS the South 660 feet thereof in Palm Beach County, Florida.

PARCEL C:

The West Half of the East Quarter of the Northeast Quarter of the Northeast Quarter, LESS the South 660 feet thereof and LESS the North 215 feet thereof all in Section 25, Township 43 South, Range 42 East.

PARCEL D:

The West Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, LESS the West 200 feet, also LESS the North 15 feet; EXCEPTING THEREFROM that certain parcel of land previously conveyed by the party of the first part to The Firestone Tire and Rubber Company, an Ohio corporation, by date of May 10, 1972, and recorded in Official Records Book 2013, Page 654, Public Records of Palm Beach County, and further excepting the West 10 feet thereof as conveyed in Official Records Book 4386, Page 1559.

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EXHIBIT B
VICINITY SKETCH

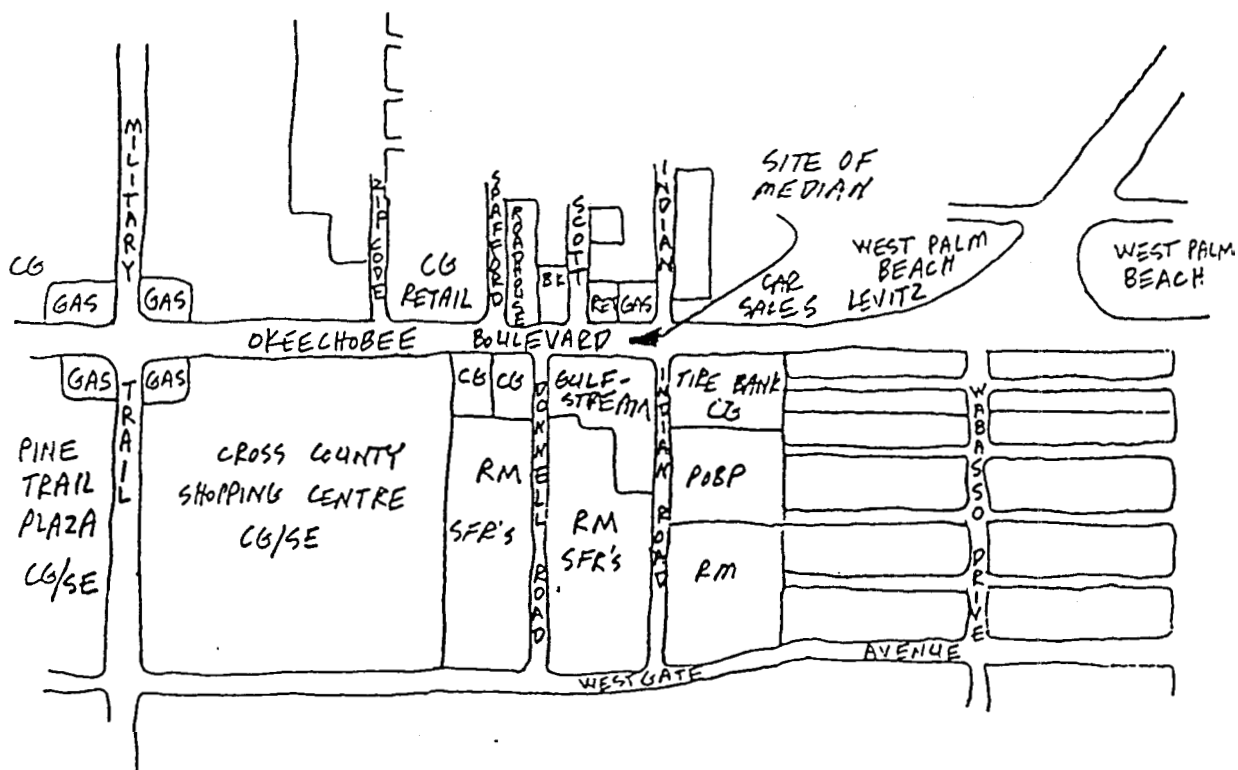


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. Prior to site plan certification, the master site plan and the Phase I site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition A.1 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
2. Development of the site is limited to the uses and site design shown on the master site plan approved by the Board of County Commissioners (Exhibit No. 37). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or the conditions of approval. (Previously Condition A.2 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
3. The petitioner shall submit the master site plan and the Phase I site plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee prior to September 1, 1991. (Previously Condition A.3 of Resolution R-91-1070, Petition No. 83-161(A)). (MONITORING)
4. All previous conditions of approval applicable to the subject property as indicated in Resolution R-84-358, Petition 83-161; Resolution R-91-1070, Petition 83-161(A); and Resolution R-95-434, Petition 83-161(B), have been consolidated as contained herein. All original conditions and time limitations remain in effect, except as modified. (MONITORING)

B. ADVERTISING

1. No advertising flags, foreign flags, pennants, banners, streamers, balloons, flashing signs, electronic message boards, signs upon any vehicles, prices or vehicle stock numbers or other information shall be displayed on vehicles for sale except as required to be posted on such vehicles by law and the year of the automobile. (Previously Condition B.1 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)
2. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, except as may be permitted by the Sign Code. (Previously Condition B.2 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)
3. No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall only be parked or displayed in the approved areas designated on the certified site plan. (Previously Condition B.3 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)

C. AUTO SALES OR RENTING

1. **Use of the site shall be limited to the sale and rental of new and used automobiles (also see Condition D. 1.) .** (Previously Condition C.1 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
2. **A maximum of 228 inventory vehicles shall be stored or displayed on site.** (Previously Condition C.2 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
3. **When this facility is not open, the principal inventory parking areas shall be locked and gated.** (Previously Condition C.3 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
4. **The petitioner shall provide an area on site to unload vehicles from car carriers. This area shall:**
 - a. **be a minimum of fifteen (15) feet wide and sixty (60) feet in length,**
 - b. **have sufficient maneuvering area,**
 - c. **be located out of all vehicular circulation areas, and**
 - d. **be located a minimum of fifty (50) feet from any residentially zoned property, or adequately buffered in a form acceptable to the Zoning Division.** (Previously Condition C.4 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
5. **If a specialized vehicular use area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.** (Previously Condition C.5 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
6. **No vehicles, other than for customer/employee parking and those which are intended for sale and are in running condition, shall be stored or displayed outdoors on-site.** (Previously Condition C.6 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)

D. AUTO SERVICE

1. **An auto service/repair facility and auto paint and body shop may be provided as accessory uses. Service and repair facilities and paint and body shops shall be located a minimum of 50 feet from any residentially zoned property.** (Previously Condition D.1 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
2. **Service bay doors shall not be oriented toward the southern portion of the site.** (Previously Condition D.2 Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING/ZONING)
3. **There shall be no outdoor repair of vehicles.** (Previously Condition D.3 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)
4. **No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site.** (Previously Condition D.4 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)

5. **Vehicles shall not be tested off-site on residential streets.** (Previously Condition D.5 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT)
6. **Any automatic car wash facility on the site shall utilize a 100% water recycling system.** (Previously Condition D.6 of Resolution R-91-1070, Petition 83-161(A)). (HEALTH)
7. **Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans shall be submitted to the Health Department and the Department of Environmental Resources Management for approval prior to installation.** (Previously Condition D.7 of Resolution R-91-1070, Petition No. 83-161(A)). (HEALTH/ERM)
8. **Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, Florida Administrative Code.** (Previously Condition D.8 of Resolution R-91-1070, Petition NO. 83-161(A)). (HEALTH/ERM)

E. ENGINEERING

1. **Petitioner shall retain on site 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.** (Previously Condition 1 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
2. **Within 90 days of approval the property owner shall convey:**
 - a) **for the ultimate right-of-way for Okeechobee Boulevard, 70 feet from centerline approximately an additional 10 feet; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.**
 - b) **for the ultimate right-of-way for Indian Road, 40 feet from centerline approximately an additional 10 feet; conveyance must be accepted by Palm Beach county prior to issuance of the first building permit.**
 - c) **a drainage easement along the East property line to Palm Beach County as required by the county Engineer in accordance with the proposed Westgate Areawide Drainage Improvements Program for purposes of providing a piped legal positive outfall to serve the adjacent properties. The petitioner shall also be responsible for all costs incurred with the piping of this easement. Palm Beach County shall permit the petitioner the use of this easement for required parking purposes and the required ten (10) foot wide landscape strip.** (Previously Condition 2 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
3. **The developer shall construct concurrent with on site paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:**
 - a) **An extension of the existing left turn lane, East approach, on Okeechobee Boulevard, at the project's existing west entrance road, per the County Engineer's approval.**

- b) right turn lane, West approach, on Okeechobee Boulevard at the project's existing West entrance road.
 - c) On Indian Road, at the project's entrance road, a left turn lane, north approach and a right turn lane, South approach. (Previously Condition 3 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
4. Under the provisions of Ordinance 81-6 this project has been reviewed as Category "B". This project will require roadway improvements to offset the project's impact at the intersection of Okeechobee Boulevard and Military Trail. Based upon the amount of Traffic generated by this development the contribution of Twenty-Four Thousand Dollars (\$24,000) toward Palm Beach County's programmed improvement of this intersection will be required. This money shall be in the form of a clean irrevocable Letter of Credit within 6 months of Special Exception approval, or contribute Twenty-Four Thousand Dollars (\$24,000) at the time of issuance of a building permit, which shall first occur. Palm Beach County may then call upon this letter of Credit 9 months after Special Exception approval. (Previously Condition 4 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
 5. Credit for the "Fair Share" impact fee shall be given for the road construction contribution, as outlined in Condition #4 above. (Previously Condition 5 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
 6. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 6 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
 7. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring properties. (Previously Condition 7 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
 8. Prior to certification, site plan shall be amended to reflect the following:
 - a) The proposed drainage easement along the East property line and a ten (10) foot wide landscape strip along the East property line which abuts RM Zoned property and along the South property line.
 - b) Relocation of the proposed dumpster enclosure to the Western portion of the site. (Previously Condition 8 of Resolution 84-358, Petition No. 83-161.) (ENGINEERING)
 9. 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 on-site 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 E.1 of Resolution R-91-1070, Petition No. 83-161(A)). (ENGINEERING)

F. BUILDING AND SITE DESIGN

1. Total floor area shall be limited to a maximum of 84,697 square feet. (Previously Condition F.1 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
2. The maximum height, from grade to roof line, for all structures shall not exceed thirty (30) feet. (Previously Condition F.2 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
3. All air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure. (Previously Condition F.3 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
4. No building permit shall be issued prior to final approval of the Comprehensive Plan Amendment eliminating "cross hatching" from this site. However, the petitioner may proceed through site plan review prior to final approval of the Comprehensive Plan Amendment. (Previously Condition F.4 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Planning)

G. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, located outdoors:
 - a. shall not be located within 50 feet of any residentially zoned property,
 - b. shall be confined to areas designated on the site plan, and
 - c. shall be screened from view by an enclosure made of the same material as the principal building. The open end of the enclosure shall have an obscure, opaque gate. (Previously Condition G.1 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING/ZONING)

H. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures. (Previously Condition H.1 Resolution R-91-1070, Petition No. 83-161(A)). (ERM)
2. Plans for 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 H.2 of Resolution R-91-1070, Petition 83-161(A)). (ERM)

I. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (Previously Condition 1.1 of Resolution R-91-1070, Petition No. 83-161(A)). (HEALTH)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition 1.2 of Resolution R-91-1070, Petition No. 83-161(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 1.3 of Resolution R-91-1370, Petition No. 83-161(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 waste oil. (Previously Condition 1.4 of Resolution R-91-1070, Petition No. 83-161(A)). (HEALTH)
5. No portion of this project is to be approved on well (except for irrigation and car washing) or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.R.C. (Previously Condition 1.5 of Resolution R-91-1370, Petition No. 83-161(A)). (HEALTH)

J. IRRIGATION QUALITY WATER

1. When treated effluent water is available within 500 feet of the property on the south side of Okeechobee Boulevard, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner, provided, however, that a pro-rata reimbursement (based on frontage) shall be provided by intervening property owners as a condition of development approvals (e.g. building permits, special exceptions, variances, etc.) issued subsequent to this petition. (Previously Condition J.1 of Resolution R-91-1070, Petition No. 83-161(A)). (UTILITIES)

K. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall amend the site plan to comply with the Westgate/Belvedere Homes Community Redevelopment Agency streetscape Plan. The Streetscape Plan requirements shall supersede any conflicting landscape conditions of approval unless a Landscape Betterment Plan is approved by the Zoning Division. (Previously Condition K.1 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
2. 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 conditions of approval. (Previously Condition K.2 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)

L. LANDSCAPING - INTERIOR

1. **One** landscape island shall be provided for every ten **(10)** parking/storage spaces. The maximum spacing between landscape islands shall not exceed **120** linear **feet**. (Previously Condition L.1 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
2. All trees within the interior parking area shall **be** a minimum of twelve **(12)** feet in height. (Previously Condition L.2 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
3. Prior to site plan certification, the site plan shall be amended to indicate typical landscape planting details, subject to approval by the Zoning Division. (Previously Condition L.3 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)

M. LANDSCAPING ALONG PROPERTY LINES ABUTTING RIGHTS-OF-WAY

1. Landscaping within the required buffer along Okeechobee Boulevard shall **be** upgraded in accordance **with** a Landscape Betterment Plan. The petitioner shall **submit** the Plan, consistent with Exhibit **No. 39**, prior to site plan certification. The Plan shall include, at a minimum:
 - a. Three twelve **(12)** foot tall palm trees for each thirty **(30)** linear feet of frontage, with a maximum spacing of sixty **(60)** feet.
 - b. Twenty-four **(24)** inch tall hedge or shrub material planted twenty-four **(24)** inches **on** center.
 - c. Appropriate ground cover and irrigation. (Previously Condition M.1 of Resolution R-91-1370, Petition No. 83-161(A)). (ZONING)
2. Landscaping within the required buffer along Indian Road shall be upgraded to include:
 - a. **One** twelve **(12)** foot tall native canopy tree for each thirty **(30)** linear feet of frontage, with a maximum spacing of sixty **(60)** feet.
 - b. Twenty-four **(24)** inch tall hedge or shrub material planted twenty-four **(24)** inches **on** center.
 - c. Appropriate ground cover and irrigation. (Previously Condition M.2 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)

N. LANDSCAPING ALONG PROPERTY LINES ABUTTING RESIDENTIAL LAND USE

1. Landscaping and buffering along the east and south property lines, adjacent to residentially zoned land, shall be upgraded to include:
 - a. **A** minimum ten **(10)** foot wide landscape buffer strip.
 - b. **A** minimum six **(6)** foot high opaque concrete wall. The exterior side of the wall shall **be** given a finished architectural treatment which **is** compatible and harmonious with abutting development.

The following landscaping requirements shall be installed on the exterior side of the required wall:

- c. Twelve (12) foot tall native canopy trees spaced twenty (20) feet on center.
 - d. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of sixty (60) inches within two years of installation. (Previously Condition N.1 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
2. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrubs or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previously Condition N.2 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)

O. LANDSCAPE WITHIN MEDIAN

1. If permitted by the Florida Department of Transportation (FDOT) and the County Engineer, the petitioner shall landscape the median of Okeechobee Boulevard consistent with FDOT Index Standard #546. Trees, if permitted, may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected and installed according to xeriscape principles. This landscaping shall be maintained by the developer for a period of eighteen (18) months from the time of planting and shall be installed prior to August 1, 1995. (Previously Condition O.1. of Resolution R-95-95-434, Petition 83-161B.) (MONITORING-Engineering)

P. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward away from adjacent properties and streets. (Previously Condition P.1 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
2. Lighting fixtures shall not exceed twenty-five (25) feet in height. (Previously Condition P.2 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (Previously Condition P.3 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)

Q. PARKING

1. Upon completion of Phase II of the project, in accordance with the master site plan, a maximum of 333 parking/storage/display spaces shall be permitted on-site. (Previously Condition Q.1 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
2. Customer parking shall be marked with an above grade sign and shall be physically separated from the vehicle sales, storage and display areas. (Previously Condition Q.2 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)

3. The equipment yard shall be screened by a twelve (12) foot high wing wall consistent with the color and character of the principle structure. The open end shall have an obscure, opaque gate. (Previously Condition Q.3 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
4. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (Previously Condition 4.4 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
5. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (Previously Condition Q.5 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)

R. RECYCLE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (Previously Condition R.1 of Resolution R-91-1070, Petition 83-161(A)). (SWA)

S. SIGNS

1. Signs fronting on Okeechobee Boulevard shall be limited as follows:
 - a. Maximum total sign height - twenty five (25) feet.
 - b. Maximum total sign area, per face - 100 square feet per face.
 - c. Maximum number of signs - one (1). (BUILDING-Zoning)
2. Signs fronting on Indian Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign area, per face - 35 square feet per face.
 - c. Maximum number of signs - one (1). (Previously Condition S.2 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
3. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (Previously Condition S.3 of Resolution R-91-1070, Petition No. 83-161(A)). (ZONING)
4. No signs shall encroach into the minimum required perimeter landscape buffers. (Previously Condition S.4 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)

5. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site. (Previously Condition S.5 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)
6. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (Previously Condition S.6 of Resolution R-91-1070, Petition No. 83-161(A)). (BUILDING-Zoning)

T. USE LIMITATION

1. Use of the site shall be limited to commercial sales, leasing and repair of new or used automobiles and accessory uses. (Previously Condition T.1 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
2. No outdoor speaker or public address systems which are audible off-site shall be permitted. (Previously Condition T.2 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
3. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m., except deliveries to the "Dedicated Delivery Area" indicated on the master site plan. (Previously Condition T.3 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)
4. No storage or placement of any, refuse, equipment or debris shall be permitted in the rear of the facility. (Previously Condition T.4 of Resolution R-91-1070, Petition No. 83-161(A)). (CODE ENFORCEMENT-Zoning)

U. WESTGATE CRA CONDITIONS

1. This site lies within the Westgate Community Redevelopment Area and is subject to the provisions of Zoning Code Section 627 (Westgate CRA Overlay District) in addition to other applicable zoning district, special exception and land development regulations. (Previously Condition U.1 of Resolution R-91-1070, Petition No. 83-161(A)). (WCRA-0)
2. Prior to site plan certification, the petitioner shall submit to the Zoning Division and the Westgate Community Redevelopment Agency for review and approval, conceptual elevations with all materials and colors specified, including but not limited to, roof, trim, awnings, walls, signs, fences and screening of mechanical equipment, utility structures and trash receptacles. (Previously Condition U.2 of Resolution R-91-1070, Petition No. 83-161(A)). (WCRA-0/ZONING)

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 V.1 of Resolution R-91-1070, Petition No. 83-161(A)). (MONITORING)