

RESOLUTION NO. R-98- 16

RESOLUTION APPROVING ZONING PETITION CA96-52(A)
CLASS A CONDITIONAL USE
PETITION OF THE SOUTHLAND CORP.
BY GEORGE N. NEWHOUSE, AGENT
(MILITARY MELALEUCA 7-ELEVEN)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA96-52(A) was presented to the Board of County Commissioners at a public hearing conducted on January 8, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 **CA96-52(A)**, ~~the~~ petition of The Southland Corp., by George N. Newhouse, agent, for a Class A Conditional Use (CA) to allow a Convenience store with gas sales in the General Commercial (CG) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 1998.

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:

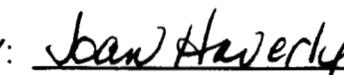

DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1;

BEGINNING AT AN IRON PIPE IN THE MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EASTERLY, ALONG THE CENTER LINE OF MELALEUCA LANE, A DISTANCE OF 40.00 FEET; THENCE RUNNING SOUTHERLY, ALONG THE EAST R.O.W. LINE OF SAID MILITARY TRAIL, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE RUN EASTERLY 123.96 FEET, ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, TO A POINT; THENCE SOUTHERLY 124.00 FEET ON A LINE PARALLEL TO THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25 TO A POINT; THENCE WESTERLY 132.96 FEET ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE NORTHERLY 124.00 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT AN IRON PIPE IN THE MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EASTERLY ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 40.00 FEET; THENCE RUNNING SOUTHERLY, ALONG THE EAST R.O.W. LINE OF SAID MILITARY TRAIL, A DISTANCE OF 149.00 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE RUN EASTERLY 212.96 FEET ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, TO A POINT; THENCE SOUTHERLY 123.00 FEET, ON A LINE PARALLEL TO THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25 TO A POINT; THENCE WESTERLY 212.95 FEET, ON A LINE PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL; THENCE NORTHERLY 123.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THAT PORTION OF THE ABOVE REAL PROPERTY DESCRIBED IN ROAD RIGHT-OF-WAY WARRANTY DEED DATED 10/10/96, AND RECORDED 6/3/87 IN O.R.B. 5298. PG. 1496, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, FOR ROAD RIGHT-OF-WAY PURPOSES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE IN THE MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUNNING EASTERLY, ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 40.00 FEET; THENCE RUNNING SOUTHERLY, ALONG THE EAST R.O.W. LINE OF SAID MILITARY TRAIL, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE RUN EASTERLY 132.96 FEET, ON A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID MELALEUCA LANE TO A POINT; THENCE SOUTHERLY 25.00 FEET, ON A LINE PARALLEL TO THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25 TO A POINT; THENCE WESTERLY 94.26 FEET, ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF SAID MELALEUCA LANE TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTH 47 DEGREES 13 MINUTES 32 SECONDS WEST ALONG THE CHORD OF SAID CIRCULAR CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 91 DEGREES 33

EXHIBIT A

LEGAL DESCRIPTION

MINUTES 00 SECONDS, A DISTANCE OF 35.83 FEET TO A POINT ON A LINE 53.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE CENTER LINE OF SAID MILITARY TRAIL; THENCE SOUTHERLY, ALONG A LINE 53.00 FEET EAST OF AND PARALLEL WITH THE CENTER LINE OF SAID MILITARY TRAIL, A DISTANCE OF 196.31 FEET; THENCE WESTERLY, ALONG A LINE PARALLEL WITH THE CENTER LINE OF SAID MELALEUCA LANE, A DISTANCE OF 13.00 FEET TO A POINT 40.00 FEET EAST OF THE CENTER LINE OF SAID MILITARY TRAIL; THENCE NORTHERLY ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE CENTER LINE OF SAID MILITARY TRAIL, A DISTANCE OF 247.00 FEET, MORE OR LESS TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

A PARCEL OF LAND IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE IN MILITARY TRAIL 1344.03 FEET NORTH OF THE SOUTH QUARTER SECTION CORNER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE RUNNING EASTERLY, ALONG THE CENTERLINE OF MELALEUCA LANE, A DISTANCE OF 332.96 FEET TO THE NORTHEAST CORNER OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN SOUTH A DISTANCE OF 396.00 FEET ON THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE RUN WEST, PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, A DISTANCE OF 292.35 FEET TO THE EAST R.O.W. LINE OF MILITARY TRAIL; THENCE RUN NORTH, ON SAID EAST R.O.W. LINE, A DISTANCE OF 124.00 FEET; THENCE RUN EAST, PARALLEL TO THE CENTERLINE OF SAID MELALEUCA LANE, A DISTANCE OF 292.35 FEET TO A POINT ON THE EAST LINE OF THE WEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN SOUTH A DISTANCE OF 124.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

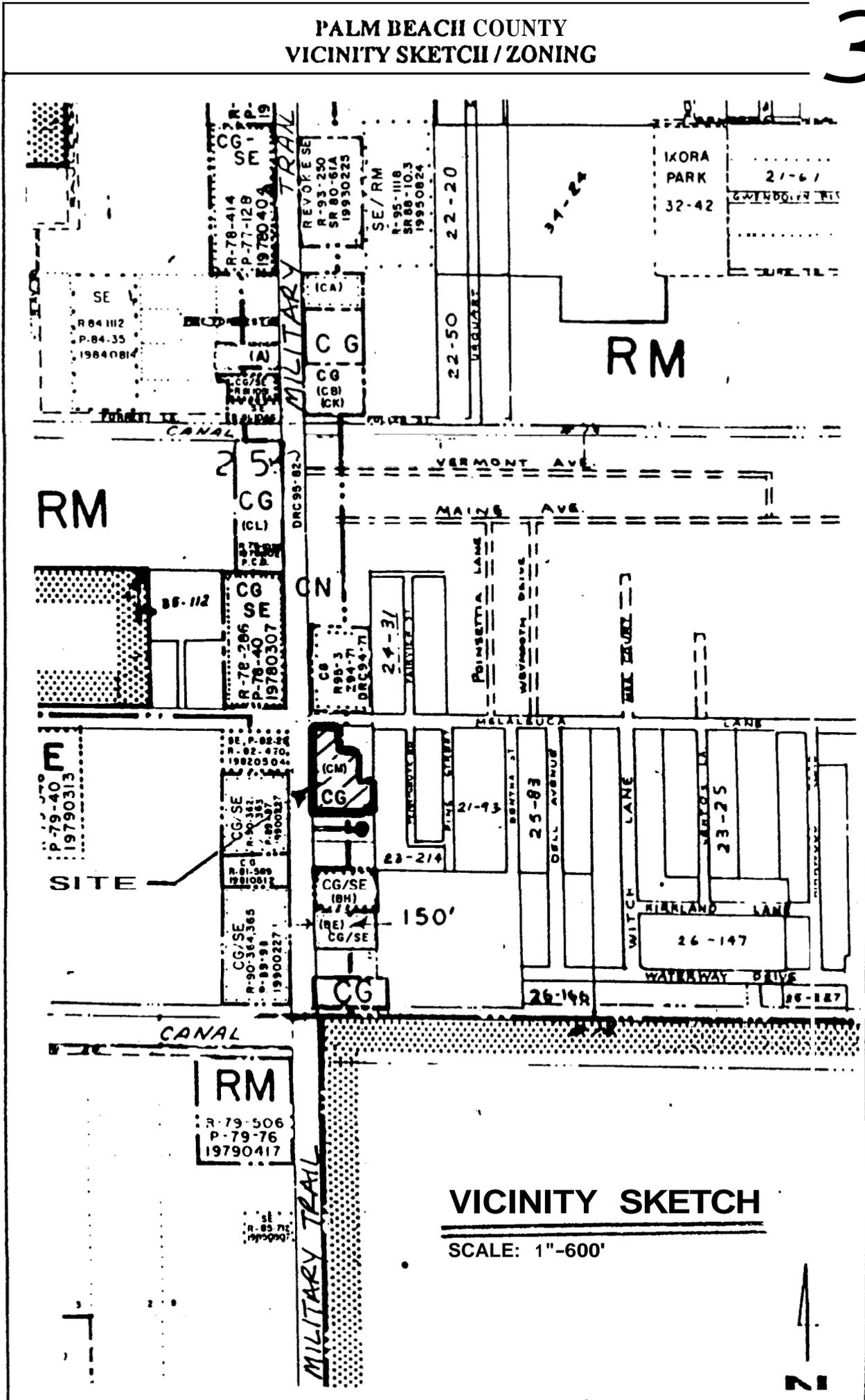
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE NORTH 01 DEGREES 27 MINUTES 02 SECONDS EAST, ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 947.12 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 58 SECONDS EAST, AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EXISTING EASTERLY R.O.W. LINE OF MILITARY TRAIL, AS RECORDED IN DEED BOOK 897, PAGE 224, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 27 MINUTES 02 SECONDS EAST, ALONG SAID EXISTING EASTERLY R.O.W. LINE OF MILITARY TRAIL, A DISTANCE OF 124.03 FEET; THENCE SOUTH 86 DEGREES 59 MINUTES 58 SECONDS EAST, DEPARTING SAID EXISTING EASTERLY R.O.W. LINE OF MILITARY TRAIL, A DISTANCE OF 13.00 FEET; THENCE SOUTH 01 DEGREES 27 MINUTES 02 SECONDS WEST, PARALLEL WITH AND 13.00 FEET EASTERLY OF SAID EXISTING EASTERLY R.O.W. LINE OF MILITARY TRAIL, A DISTANCE OF 77.95 FEET; THENCE SOUTH 03 DEGREES 31 MINUTES 26 SECONDS WEST A DISTANCE OF 46.07 FEET; THENCE NORTH 86 DEGREES 59 MINUTES 58 SECONDS WEST A DISTANCE OF 11.34 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

THIS SITE LIES IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

AREA OF THIS PROPERTY IS: 70,790 SQUARE FEET (1.6294 ACRES).

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



VICINITY SKETCH

SCALE: 1"-600'



Petition Number: 96-52A

Zoning Quad Page _____

Date: Nov. 21, 1997



EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous voluntary commitments applicable to the subject property, as contained in Resolutions R-96-1184 (Petition 96-52), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section **5.8** of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 24, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. **All** air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning)
2. **Overnight** storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF)

C. GAS SALES

1. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)

D. LANDSCAPING - STANDARD

1. **All canopy trees required by this approval to be planted on the perimeter of the site shall meet the following minimum standards at installation:**
 - a. **Tree height: fourteen (14) feet.**
 - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade.**
 - c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)**
 - d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Voluntary Commitment A.1 of Resolution R-96-1184, Petition 96-52) (CO: LANDSCAPE - Zoning)**

E. ENGINEERING

1. The property owner shall to convey a 40 foot corner clip to Palm Beach County Land Development Division by road right-of-way warrant!/ ~~deed~~ **prior** to the issuance of the first Building Permit free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section. (DATUBLDG PERMIT: MONITORING-Eng)
2. Prior to site plan approval by the DRC, petitioner shall submit a final drainage design addressing all minimum County and South Florida Water Management District Drainage criteria. Included in this design shall be an analysis of existing offsite surface flow onto the subject site. The final drainage design shall accommodate all drainage inflow onto this site for the three (3) year twenty-four (24) hour storm. (DRC: ENG)

F. LANDSCAPING ALONG NORTH PROPERTY LINE (MELALEUCA LANE)

1. Voluntary Commitment B.I R-96-1184, Pet.96-52 which currently states:

Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip;
 - b. One **(1)** canopy tree planted every thirty **(30)** feet on **center**;
 - c. One **(1)** palm **or** pine tree for each twenty **(20)** linear ~~feet~~ feet of frontage, with a maximum spacing of sixty **(60)** feet on **center**. A group **of** three **or** more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. 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 thirty-six **(36)** inches. (DRC / CO: ZONING / LANDSCAPE)

~~Is~~ hereby amended to state:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One **(1)** palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of ~~sixty~~ (60) feet on center. A group ~~of~~ three **or** more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- d. **An** undulating berm, with an average height of ~~two~~ (2) feet, measured from the top of the curb; and
- e. 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 thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

Voluntary Commitment C.I of Resolution R-96-1184, Petition 96-52 which currently states:

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip;
 - b. One **(1)** canopy tree planted every thirty **(30)** feet on center;
 - c. One **(1)** palm or pine tree for each twenty **(20)** linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. 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 thirty-six **(36)** inches.

Is hereby amended to state:

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip, a five foot overlap into the stormwater pond is permitted;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
 - d. An undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
 - e. 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 thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG EAST AND SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Voluntary Commitment D.1 of Resolution R-96-1184, Petition 96-52, which currently states:

Landscaping and buffering along the east and south property line shall be upgraded to include:

- a. A minimum ten **(10)** foot wide Alternative 3 landscape buffer strip;
- b. A 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. (DRC / CO: ZONING / LANDSCAPE)

Is hereby amended to state:

Landscaping and buffering along the east and south property line shall be upgraded to include:

- a. A minimum ten (10) foot wide Alternative 3 landscape buffer strip with native canopy trees twenty (20) feet on center;

- b. A 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;
 - c. Along the interior of the required wall a twenty-four (24) inch high shrub 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; and,
 - c. One (**1**) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (DRC / CO: ZONING / LANDSCAPE)
2. Voluntary Commitment D.2 of Resolution R-96-1184 which currently states:

Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub 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.

Is hereby deleted. [REASON: Condition included in amended condition H.1]

I. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and **away** from adjacent properties and streets. (CO / ONGOING: BLDG / CODE **ENF** - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting fixtures, excluding security lighting, shall be **setback** a minimum of fifteen (15) feet from all residential property lines. (DRC: ZONING - Bld Permit)

J. SIGNS

- 1. Voluntary Commitment E.1. of Resolution R-96-1184, Petition 96-52 which currently states:

Point of purchase and/or freestanding signs fronting on Military Trail site shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - twenty (20) feet; and,**
- b. **Maximum number of signs - one (1).** (CO: BLDG)

Is hereby amended to state:

Point of purchase and/or freestanding signs fronting on Military Trail site shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet; and,
- b. Maximum number of signs - one (1). (CO: BLDG)

2. Point of purchase **and/or** freestanding signs fronting on Melaleuca Lane site shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten **(10)** feet;
 - b. Maximum number of signs - one **(1)**; Voluntary Commitment E.2. of Resolution R-96-1184, Petition 96-52. (CO: BLDG)
3. The combined square footage of all point of purchase **and/or** freestanding signs on site shall be limited to a maximum sign face area per side of **180** square feet. Voluntary Commitment E.3. of Resolution R-96-1184, Petition 96-52. (CO: BLDG)

K. COMPLIANCE

1. Voluntary Commitment F.1 of Resolution R-96-1184, Petition 96-52 **which** currently states:

Failure to comply with any of the conditions **of** approval for the **subject** property at any time may result in:

- a. The issuance of a stop work order; the issuance **of** a **cease** and desist order; the denial **or** revocation of a building **permit**; the denial **or** revocation of a Certificate of Occupancy; the denial **of** any other permit, license **or** approval to any developer, **owner**, lessee, **or** user of the subject property; the revocation **of** any other permit, license **or** approval from any developer, **owner**, lessee, **or** user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, **and/or** any other zoning approval; and/or
- c. A requirement of the development to conform with the **standards** of the ULDC at the time of the finding **of** non-compliance, **or** the addition **or** modification **of** conditions reasonably related **to** the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; **and/or**
- e. Imposition of entitlement density **or** intensity.

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

Is hereby amended to read:

1. Failure to comply with any of the conditions of approval for the **subject** property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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