

RESOLUTION R-98- 573

RESOLUTION AMENDING RESOLUTION R-98-4
RESOLUTION APPROVING ZONING PETITION OF ALLAN MURRAY NURSERY
PETITION DOA85-149(C)

WHEREAS, Allan Murray Nursery, petitioned the Palm Beach County Board of County Commissioners on December 4, 1997 for a Development Order Amendment to allow a Temporary Wholesale Nursery on 12.53 acres (requested use) within a Planned Unit Development; and

WHEREAS, Resolution R-984, adopted on January 8, 1998 confirming the action of the Board of County Commissioners inadvertently contained an error in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-984 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-98-4 is hereby amended.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on April 23, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

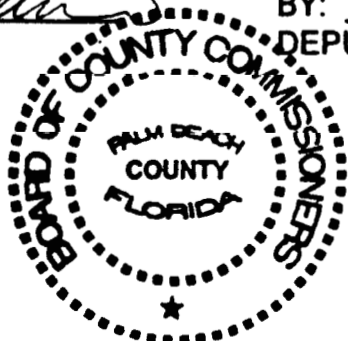


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Condition 1 of Resolutions R-89-1039, R-93-145, **and** R-94-944, Petitions **85-149(A)**, **SR85-149**, and **SR85-149.3**, ~~which~~ currently states:

The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

Are hereby deleted. [Reason: New conditions]

2. All previous conditions **of** approval applicable to the subject property, as contained in Resolutions R-86-132 (Petition **85-149**), **R-89-1039** (Petition **85-149(A)**), **93-145 (SR85-149)**, and **R-94-944 (SR85-149.3)** 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)
3. 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 1, 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 (FOR THE TEMPORARY WHOLESALE NURSERY OPERATION)

1. Condition 1 of Resolution ~~R-86-132~~, Petition ~~85-149~~, ~~which~~ currently states:

Prior to site plan certification, the Master Plan will be revised to correspond to the designated housing categories of Section 402.7.3.2. of the Zoning Code.

Is hereby deleted. [Reason: Code requirement]

2. Prior to **December 4, 2002**, the temporary access for the wholesale nursery **shall be** removed. (DATE: MONITORING - Zoning)
3. All ~~shadehouses~~ **shall be setback** a minimum of twenty-five **(25)** feet from the north **and** east property lines. (DRC: ZONING)
4. The **existing** pond ~~shall be~~ limited to a maximum area of .8 acre. (ONGOING: CODE ENF)

5. The maximum height for all enclosed or partially enclosed accessory structures of ~~the~~ temporary wholesale nursery (i.e. shadehouses, ~~stuppyhouses~~, greenhouses, etc.) shall ~~be~~ fifteen (15) feet, measured from finish grade to the highest point. (DRCIBLDG PERMIT: ZONING/BLDG - Zoning)
6. **All air conditioning and** mechanical equipment **shall be** screened from view ~~on~~ all sides by a visually opaque barrier. (BLDG PERMIT: BLDG-Zoning)
7. **All areas or receptacles** for ~~the~~ storage and disposal of trash, garbage, **recyclable** material ~~or cut~~ vegetation, **such as** dumpsters and trash compactors, shall not ~~be~~ located within ~~one-hundred~~ (100) feet of the east property ~~line~~. (DRCIBLDG PERMIT: ZONING/BLDG - Zoning)

C. HEALTH

1. Reasonable precautions shall be exercised during ~~the~~ site development **to** insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition **2** of Resolution R-86-132, Petition 85-149) (ONGOING: CODE ENF)
2. Condition **3** of Resolution R-86-132, Petition **85-149**, which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants **from** this property shall enter adjacent **or** nearby surface waters.

~~Is~~ hereby deleted. [Reason: Code requirement]
3. Condition **7** of Resolution R-89-1039, Petition **85-149(A)**, which currently states:

Sewer service is available to the **property**. Therefore, no septic tank shall be permitted on the site.

~~Is~~ hereby amended to read:

Sewer service is available to ~~the~~ **property**. Therefore, no septic tank **shall** be permitted ~~on~~ the site for the PUD. (ONGOING: CODE ENF/HEALTH)
4. Condition **8** of Resolution R-89-1039, Petition **85-149(A)**, which currently states:

Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water.

~~Is~~ hereby amended to read:

Water service is available to the property. Therefore no well shall be permitted ~~on the~~ site to provide potable water for the PUD. (ONGOING: CODE ENF/HEALTH)

5. For the ~~temporary~~ wholesale nursery operation, application and engineering plans to ~~construct~~ an onsite sewage treatment and disposal system (OSTDS) ~~in accordance~~ with Rule 10D-6FAC and Palm Beach County ECR-I must ~~be~~ submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)
6. For the temporary wholesale *nursery* operation, application and engineering plans to ~~construct a~~ limited use ~~commercial well~~ in accordance with Rule ~~10D-4~~ FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)
7. For ~~the~~ temporary wholesale nursery operation, all necessary precautions ~~will be~~ taken to prevent leaching into the soil or ground water of any toxic or ~~hazardous~~ materials ~~such~~ as pesticides, fertilizers and herbicides. Any such materials shall ~~be~~ stored ~~on~~ an impervious surface sufficiently bermed to prevent runoff. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING - STANDARD

1. Condition 20 of Resolution R-86-132, Petition ~~85-149~~, which currently states:

The petitioner shall comply with prospective amendments to the Palm Beach County Landscape Code, shall those amendments be enacted prior to the issuance of a building permit for this project.

Is hereby amended to read:

All canopy trees required to be planted on site by this approval, except on individual residential lots, 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.
 - d. Credit may ~~be~~ given for existing ~~or~~ relocated **trees** provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. **All palms** required to ~~be~~ planted ~~on~~ site by this approval, except ~~on~~ individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (**18**) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
 3. A group of ~~three~~ or ~~more~~ palm ~~or~~ pine trees may not supersede ~~the~~ requirement for a perimeter canopy *tree* in that location. (CO: LANDSCAPE - Zoning)

4. ~~All~~ native vegetation within the common open space areas and buffers shall be preserved and incorporated into the project design. (Previously Condition 3 of Resolution R-89-1039, Petition 85-149(A)) (DRC: ZONING)

5. Condition 4 of Resolution R-89-1039, Petition 85-149(A), ~~which~~ currently states:

All prohibited species located onsite shall be removed prior to the issuance of any building permits.

~~Is~~ hereby deleted. [Reason: Code requirement]

E. ENGINEERING

1. Condition 4 of Resolution ~~R-86-132~~, Petition 85-149, which currently states:

This development shall retain on-site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance ~~73-4~~, as amended.

~~Is~~ hereby deleted. [Reason: Code Requirement]

2. The property owner shall convey for the ultimate right of way of **Haverhill** Road, 40 feet from centerline within **90** days ~~of~~ adoption of the Resolution by the Board of County Commissioners; conveyance must **be** accepted by Palm Beach County prior to issuance of first building permit. (Previously Condition 5 of Resolution R-86-132, Petition 85-149) [Completed]

3. Condition **6** of Resolution ~~R-86-132~~, Petition 85-149, ~~which~~ currently states:

The property owner shall construct a left turn lane north approach and **a** right turn lane south approach on **Haverhill** Road at the project's entrance road, concurrent with the construction of the project's entrance road onto Haverhill Road.

~~Is~~ hereby amended to read:

The property ~~owner~~ **shall construct** a left turn lane **north** approach and a right turn lane south approach on Haverhill Road at the project's entrance road, **concurrent** with ~~the~~ construction of ~~the~~ project's entrance road onto Haverhill Road **for the PUD.** (ENG)

4. The developer shall construct a pedestrian pathway along Havehill Road from this project's south property line to the projects north property line subject to approval by the County Engineer. Construction shall commence concurrent with the construction of the paving and drainage improvements for the first plat and shall be completed prior to the issuance of the first building permit for the PUD. (Previously Condition 7 of Resolution ~~94-944~~, SR85-149.3) (BLDG PERMIT: MONITORING - Eng).

5. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists **or** as it may from time to time be amended. The Fair Share Fee for this project presently is **\$44,944.00 (559 trips x \$80.40 per trip)** (Previously Condition 8 of Resolution R-86-132, Petition 85-149) (IMPACT FEE COORDINATOR)

6. Based on the Traffic Performance Standards (Category "B"), the Developer **shall** contribute an additional **\$23,055.00** plus the impact fee of **\$33,125.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **(\$56,180.00)** to be paid prior to **December 1, 1988 or prior** to certification of the Master Plan whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$23,055.00** shall be credited toward Fair Share Fee. (Previously Condition 9 of Resolution R-89-1039, Petition 89-1039(A)) (DRC: ENG)

7. The project entrance road shall be aligned with **Arbor** Glen PUD concurrent with the Master Plan approved for the PUD. (Previously Condition 11 of Resolution R-86-132, Petition 85-149) (DRC: ENG)

8. Condition 18 of Resolution R-86-132, Petition 85-149, which currently states:

The property owner shall construct an eight (**8**) foot wide bike path from Le Chalet Boulevard to the project's north property line.

~~It~~ hereby deleted.

9. Condition 12 of Resolution R-86-132, Petition 85-149, was deleted by Resolution R-94-944, SR85-149.3.

10. Condition 13 of Resolution R-86-132, Petition 85-149, was deleted by Resolution R-94-944, SR85-149.3.

11. Condition 14 of Resolution R-86-132, Petition 85-149, was deleted by Resolution R-94-944, SR85-149.3.

12. Condition 15 of Resolution R-86-132, Petition 85-149, was deleted by Resolution R-94-944, SR85-149.3.

13. The property owner shall install signalization if warranted as determined by the County Engineer at Havehill Road and Le Chalet Boulevard. Should signalization not be warranted after **12** months of the **final** Certificate of Occupancy, this property owner shall be relieved from this condition. (Previously Condition 16 of Resolution R-86-132, Petition 85-149) (CO: MONITORING - Eng)

14. Condition 16 of Resolution R-86-132, Petition 85-149, which currently states:

Petitioner shall revise the proposed Master Plan to provide **for** a minimum **of**:

- a) **30** foot for the proposed parking tracts;
- b) **95** foot center line radius on all right of way curves.

~~It~~ hereby deleted.

15. **If** required by the County Engineer, the property owner shall convey to Palm Beach County, an adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Haverhill Road **along the** property frontage and for maximum **400** foot Haverhill Road. **Said easements shall be** no less than **20** feet in width. The drainage system **within** the project shall have **sufficient** retention/detention **capacity to** meet the **storm** water discharge **and** treatment requirements **of the** applicable **County Water Control District and South Florida** Water Management for the combined runoff from **the** project and District the **ultimate** Thoroughfare Plan Road Sections (**s**) of the included segment. **If** required and approved by the County Engineer, the property owner shall construct **within** the proposed drainage easements a minimum of **24** inch closed piping system and appropriate **wingwall or** other structures. Elevation and location of all construction shall be approved by **the** County Engineer. Any **and** all excess fill material from excavation by Palm Beach County within said easements shall become the property **of** Palm Beach County which at its discretion may use this **fill** material. (Previously Condition **6** of Resolution **94-944**, SR85-149.3) (ENG)
16. Prior **to** issuance of a building permit the property owner shall convey a temporary roadway construction easement along Haverhill Road to Palm Beach County. Construction by the applicant within this easement shall **conform** to all Palm Beach County standards and codes. The location, legal sketches **and** the dedication documents **shall be** approved by the County Engineer **prior to final** acceptance. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING HAVERHILL ROAD)

1. Condition **21** of Resolution **R-86-132**, Petition **85-149**, which currently states:

The developer shall construct a combination of **berming** and landscaping within the twenty-five (**25**) foot landscape strip along Haverhill Road.

Is hereby amended **to** state:

Prior **to the** issuance **of** the first Certificate of Occupancy for the temporary wholesale nursery operation, 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 thirty (**30**) linear feet of frontage with a **maximum spacing of sixty** (60) feet **on** center between clusters;
- d. A minimum **one** (1) to three (**3**) foot high undulating berm, with an average **height of two** (2) feet, **measured** from **the** top of the **curb**; 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 forty-eight (48) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH, SOUTH, AND EAST PROPERTY LINE (ABUTTING RESIDENTIAL AND CANAL)

1. Condition **6** of Resolution **R-89-1039**, Petition **85-149(A)**, which currently states:

The developer shall install a combination of a berm and a hedge, to reach a height of six (6) feet within one (1) year, supplemented with canopy trees spaced thirty (30) feet on center, within the required twenty-five (25) foot buffer.

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy for the PUD or January 1, 2008, whichever comes first, landscaping and buffering along the east property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
 - e. Thirty (30) inch high shrub or hedge material installed at the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO/DATE: LANDSCAPE/MONITORING - Zoning)
2. Prior to the issuance of the first building permit for the nursery operation, the property owner shall post surety for the cost and installation of the landscaping contained in Condition G.1 for the east buffer. The surety shall be posted until December 31, 2008 or the eradication of the existing Australian pines to the east of the property and the installation of the required buffer, whichever comes first. (BLDG PERMIT: ZONING)
3. Prior to the issuance of the first Certificate of Occupancy for the PUD, landscaping and buffering along the north property line shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
 - e. Thirty (30) inch high shrub or hedge material installed at the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
4. Prior to the issuance of the first Certificate of Occupancy for the PUD, landscaping and buffering along the south property line shall be upgraded to include:
- a. A minimum fifteen (15) foot wide landscape buffer strip, no reductions shall be permitted;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
 - d. Thirty (30) inch high shrub or hedge material installed at the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. LWDD

1. **The petitioner shall convey to the Lake Worth Drainage District the south thirty-five (35) feet of the subject property for the required right of way of Lateral Canal No. 20, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of approval of the resolution by the Board of County Commissioners. (Previously Condition 10 of Resolution R-86-132 and R-89-1039, Petitions 85-149 and 85-139(A)) (Completed by ORB 7433, Page 12211**

I. LIGHTING FOR TEMPORARY WHOLESALE NURSERY

1. **~~A~~ 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 shall be extinguished no later than 7:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

J. MASS TRANSIT REQUIREMENTS FOR THE PUD

1. **Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)**
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the thirteenth (13th) unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stop; by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. PARKS AND RECREATION REQUIREMENTS FOR THE PUD

1. **Condition 2 of Resolution R-89-1039, Petition 85-149(A), which currently states:**

Prior to certification, the site plan shall be amended to indicate the following:

- a) required **.67** acres of recreation **or** reference to provisions of the recreation regulations as provided in the Subdivision Ordinance, Article **IX**, Section **VIII.B.2**: and,
- b) Open Space calculations in accordance with Section **500.21** of **the** Zoning Code. The master plan shall clearly identify a minimum **of 4.3** acres **of** bona fide open space.

~~Is~~ hereby deleted. [Reason: Code requirement]

- 2. Condition **5** of Resolution R-89-1039, Petition 85-149(A), ~~which~~ currently states:

The petitioner shall provide the equivalent value of **.013** acres **of** land per dwelling unit for recreational uses and provide guarantee **for** all proposed recreational facilities in a form acceptable to the **County** Engineer at ~~time~~ of plat as required under Article **IX** of the Palm Beach County Subdivision and Platting Regulations Ordinance **73-4**.

~~Is~~ hereby deleted. [Reason: Code requirement]

- 3. Any parcel of land used to satisfy minimum recreation requirements shall adhere to ~~the~~ following dimensions:

- a. Minimum parcel size shall ~~be~~ seven thousand five hundred (7,500) square feet exclusive of easements.
- b. Minimum parcel width shall average seventy five (**75**) feet with no dimension less than fifty (50) feet.
- c. Minimum parcel depth shall average *one* hundred (100) feet with no dimension less than seventy five (**75**) feet.
- d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, **accessability**, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network **of** the development. (DRC: PARKS)

L PLANNED UNIT DEVELOPMENT

- 1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 2. Street trees shall ~~be~~ planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
- 3. Bike lanes shall ~~be~~ provided in or adjacent to all rights-of-way over fifty (**50**) feet in width, pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 4. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the **ULDC**. (PLAT: ENG - Zoning)

5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restriction!; in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

M. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

N. SIGNS

1. Freestanding point of purchase signs for the temporary wholesale nursery use fronting on Haverhill Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - 40 square feet;
 - c. Maximum number of signs - one (1);
 - d. Location - within twenty (20) feet of the temporary access for the wholesale nursery; and,
 - e. Style - monument style only. (CO: BLDG)

O. USE LIMITATION FOR TEMPORARY WHOLESALE NURSERY

1. The gross building area for the wholesale nursery shall be limited to a 5,000 square foot storage building, inclusive of a 720 square foot office. (DR: ZONING)
2. The use of the site as a wholesale nursery operation shall cease on December 4, 2002. All structures associated with the nursery use shall be removed from the site. A maximum of one (1) two (2) year time extension will be allowed for the temporary wholesale nursery operation. (DAT: MONITORING - Code En9)
3. The hours of operation and loading activities shall be limited from 7:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF)
4. The operation of heavy machinery or refrigerated vehicles shall be prohibited. (ONGOING: CODE ENF)

5. Repair ~~or~~ maintenance of vehicles shall not ~~be~~ permitted on site. (ONGOING: CODE ENF)
6. The following shall not be permitted on the site:
 - a. Retail sales;
 - b. Chipping and mulching;
 - c. **Log** cutting; and,
 - d. Mobile home, **RV or** trailer as an office ~~or~~ residence. (ONGOING: CODE ENF)
7. Prior to ~~final~~ site plan approval by ~~the~~ Development Review Committee, a water use permit shall ~~be~~ obtained from the South Florida Water Management District. (DRC: ZONING)

P. COMPLIANCE

1. Condition 11 of Resolution **89-1039**, Petition 85-149(A), ~~which~~ currently states:

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

~~It~~ hereby amended to read:

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.

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 **ULD 3**, 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)**

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)

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