RESOLUTION NO. R-2005- 1125

RESOLUTION APPROVING ZONING APPLICATION DOA2005-144
(CONTROL NUMBER 1997-102)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF 4 STAR REAL ESTATE DEV INC
BY KILDAY & ASSOCIATES, INC. - CARYN GARDNER-YOUNG, AGENT
(4 POINTS MARKET)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-144 was presented to the Board of County Commissioners at a public hearing conducted on June 15, 2005; 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 2.E (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 has considered the findings in the staff report and 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 determination and 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 2.K.3.b 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 Application DOA2005-144, the petition of 4 Star Real Estate Dev Inc, by Kilday & Associates, Inc. - Caryn Gardner-Young, agent, for a Development Order Amendment to add land area, reconfigure the site plan, and add square footage for a Class A Conditional Use to allow a convenience store with gas sales 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 15, 2005, 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 KOONS and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	AYE
Addie L. Greene, Vice Chairperson	-	AYE
Karen T. Marcus	-	ABSENT
Jeff Koons	-	AYE
Warren H. Newell	-	AYE
Mary McCarty	-	ABSENT
Burt Aaronson	-	AYE

The Chair thereupon declared that the resolution was duly passed and adopted on June 15, 2005.

Filed with the Clerk of the Board of County Commissioners on 20th day of JULY, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: _____
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PART OF TRACT 48, BLOCK 52, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 48, BLOCK 52; THENCE N.89°02'44"E., ALONG THE NORTH LINE OF SAID TRACT 48, A DISTANCE OF 236.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°02'44"E., ALONG THE SAID NORTH LINE OF TRACT 48, DISTANCE OF 217.84 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 7 (U.S. HIGHWAY 441); THENCE S.0°57'48"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 520.0 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 48, BLOCK 52; THENCE S.89°02'44"W., ALONG SAID SOUTH LINE OF TRACT 48, BLOCK 52, A DISTANCE OF 217.92 FEET TO AN INTERSECTION WITH A LINE BEING 236.15 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST LINE OF SAID TRACT 48, THENCE N.0°57'16"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 520.0 FEET TO THE POINT OF BEGINNING.

CONTAINING 113,319 SQUARE FEET OR 2.60 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

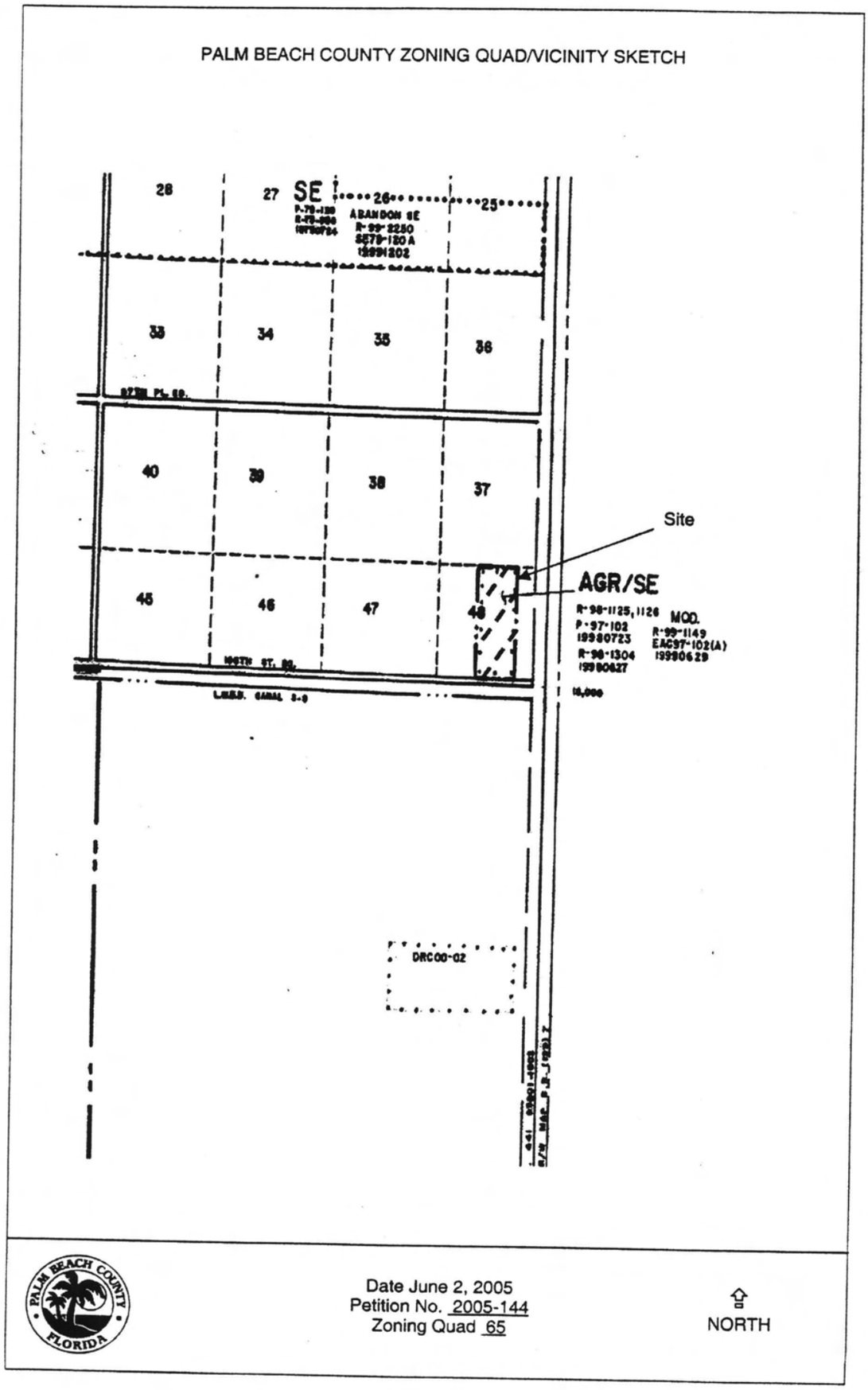

EXHIBIT C

CONDITIONS OF APPROVAL

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

ALL PETITIONS

1. Previous condition A.1 of Resolution R99-1149, Petition 97-102(A), which currently states:

   All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-1126 (Petition 97-102), 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.

   Is hereby amended to read:

   All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-1149 (Petition 97-102(A) and Resolution 98-1126 (Petition 97-102), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous condition A.2 of Resolution R99-1149, Petition 97-102(A), which currently states:

   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 May 21, 1999. 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.

   Is hereby amended to read:

   Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated April 15, 2005. 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. (DRO: ZONING - Zoning)

BUILDING AND SITE DESIGN

1. Previous Condition B.1 of Resolution R-98-1126, Petition CA97-102, which currently states:

   Total gross floor area shall be limited to a maximum of 3,500 square foot Convenience store with Gas Sales. No outdoor seating shall be permitted on the site.

   Is hereby amended to read:

   Total gross floor area shall be limited to a maximum of 5,000 square foot Convenience store with Gas Sales. No outdoor seating shall be permitted on site excluding pedestrian amenities such as benches. (ONGOING: DRO – Zoning)

2. Previous Condition B.2 of Resolution R-99-1149, Petition 97-102(A), which currently states:

The maximum height for all structures, including all mechanical equipment, measured from finished grade to highest point, shall not exceed twenty-five (25) feet except for the gas station canopy. The gas station canopy, measured from finished grade to highest point, shall not exceed thirty (30) feet.

Is hereby amended to read:

The maximum height for all structures, including all mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG – Zoning)

3. **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 principal structure or equivalent landscape material.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.3 of Resolution R-99-1149, Petition 97-102(A))

4. **Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof treatment, shall be provided on all sides of the buildings, adjacent to perimeter property lines.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.4 of Resolution R-99-1149, Petition 97-102(A))

5. **A non-mountable curb shall be provided along the non-vehicular use area and along the entire length of the south side of the dry detention area.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.5 of Resolution R-99-1149, Petition 97-102(A))

6. **Restroom facilities shall be accessed only from the interior of the primary structure.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.6 of Resolution R-99-1149, Petition 97-102(A)

7. **A four (4) foot high gate shall be installed at the Boynton Beach Boulevard entrance. The gate shall be closed between 11:00 p.m. to 6:00 a.m. daily.** (BLDG PERMIT: MONITORING - Zoning) (Previous Condition B.7 of Resolution R-99-1149, Petition 97-102(A))

8. The covered porch shall be limited to a maximum of 758 square feet. The covered porch shall function as a weather protection area and not for any outdoor eating/retail/storage use. The porch shall not exceed five (5) feet in depth (not inclusive one (1) foot overhang) measured from the exterior of the principal building. (BLDG PERMIT: BLDG - Zoning)

HEALTH

1. Previous Condition C.1 of Resolution R-99-1149, Petition 97-102(A), which currently states:

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-1 must be submitted to the Palm Beach County Health Department prior to final site plan approval.

Is hereby deleted. [Reason: Completed and no longer applicable].

2. Previous Condition C.2 of Resolution R-99-1149, Petition 97-102(A), which currently states:

Application and engineering plans to construct a non-community water supply system in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval.

Is hereby deleted. [Reason: Completed and no longer applicable].

3. **The petitioner is required to remain in compliance with the eleven (11) Environmental Appeal Board conditions contained in the Order dated March 13, 1998.** (ONGOING: CODE ENF - Health) (Previous Condition C.3 of Resolution R-99-1149, Petition 97-102(A))

ENGINEERING

1. **The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a 25 foot corner clip at the intersection of Boynton Beach Boulevard and State Road 7 prior to the issuance of the first Building Permit. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer.** (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.1 of Resolution R-99-1149, Petition 97-102(A))

2. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**

   - No Certificates of Occupancy shall be issued until the construction has commenced for the 6 lane widening of State Road 7 from Lake Worth Road to Boynton Beach Boulevard. This requirement shall also include intersection improvements at Boynton Beach Boulevard/State Road 7 as follows:

      - north approach: one left turn lane, 3 through lanes, and one right turn lane;
      - south approach: one left turn lane, 3 through lanes, and one right turn lane;
      - east approach: dual left turn lanes, one through lane, and one right turn lane;
      - west approach: one left turn, one through lane, and one right turn lane. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2 of Resolution R-99-1149, Petition 97-102(A))

3. **LANDSCAPE WITHIN MEDIAN OF STATE ROADS**

   A. **Prior to September 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting Florida Department of Transportation Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme or adopted median landscape planting plan for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3.A of Resolution R-99-1149, Petition 97-102(A))

B. **All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to January 1, 2001.** (CO: MONITORING - Eng) (Previous Condition E.3.B of Resolution R-99-1149, Petition 97-102(A))

C. **Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to September 1, 2000.** (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.3.C of Resolution R-99-1149, Petition 97-102(A))

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)

6. Prior to issuance of a Building Permit the property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

LANDSCAPING - STANDARD

1. **All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:**

   a. **Tree height: twelve (12) 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) (Previous Condition D.1 of Resolution R-99-1149, Petition 97-102(A))

2. **All palms required to be planted on site by this approval 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) (Previous Condition D.2 of Resolution R-99-1149, Petition 97-102(A))

3. **A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location.** (CO: LANDSCAPE - Zoning) (Previous Condition D.3 of Resolution R-99-1149, Petition 97-102(A))

LANDSCAPING ALONG THE NORTH PROPERTY LINE

1. **Landscaping and buffering along the north property line shall include:**

   a. **A minimum five (5) foot wide landscape buffer strip; and**
   b. **A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment compatible to the principle building.** (CO: ZONING - Landscape) (Previous condition F.1 of Resolution R-99-1149, Petition 97-102(A))

2. **The following landscaping requirements shall be installed on the interior side of the required wall:**

   a. **One (1) canopy tree planted every twenty (20) feet on center;**
   b. **One (1) palm or pine tree for each twenty (20) linear feet, 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; and**
   c. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained to a minimum height of thirty six (36) inches.** (CO: ZONING - Landscape) (Previous condition F.2 of Resolution R-99-1149, Petition 97-102(A))

3. **Along the exterior 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.** (CO: ZONING - Landscape) (Previous condition F.1 of Resolution R-99-1149, Petition 97-102(A))

LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (BOYNTON BEACH BOULEVARD AND US441/SR7 FRONTAGES)

1. **Landscaping and buffering along the above property lines shall be upgraded to include:**

   a. **A minimum twenty (20) foot wide landscape buffer strip; and**
   b. **An average two (2) foot high undulating berm measured from top of curb; and**
   c. **One (1) canopy tree planted every thirty (30) feet on center; and**
   d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and**
   e. **Twenty four (24) 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.** (CO: ZONING - Landscape) (Previous Condition G.1 of Resolution R-99-1149, Petition 97-102(A))

LANDSCAPING ALONG THE WEST PROPERTY LINE

1. **Landscaping and buffering along the west property line shall include:**

   a. **A minimum five (5) foot wide landscape buffer strip; and**

   b. **A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment compatible to the principle building.** (CO: ZONING - Landscape) (Previous Condition H.1 of Resolution R-99-1149, Petition 97-102(A))

2. **The following landscaping requirements shall be installed on the interior side of the required wall:**

a. **One (1) canopy tree planted every twenty (20) feet on center;**
b. **One (1) palm or pine tree for each twenty (20) linear feet, 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; and**
c. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained to a minimum height of thirty six (36) inches.** (CO: ZONING - Landscape) (Previous Condition H.2 of Resolution R-99-1149, Petition 97-102(A))

LANDSCAPING - INTERIOR

1. **One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (120) linear feet.** (CO: ZONING - Landscape) (Previous Condition I.1 of Resolution R-99-1149, Petition 97-102(A))

2. **Foundation plantings or grade level planters shall be provided along the facades of the main building to consist of the following:**

   a. **The minimum width of the required landscape areas shall be five (5) feet;**
   b. **The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and,**
   c. **Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover;**
   d. **The required trees are exempted in areas where foundation planting occurs underneath the gas canopy.** (CO: ZONING - Landscape) (Previous Condition I.2 of Resolution R-99-1149, Petition 97-102(A))

3. **A six (6) foot high black vinyl coated chain link fence shall be provided along the south and east sides of the dry detention area. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and to be placed on the south side of the required fence, the plant material shall be maintained to a minimum height of thirty six (36) inches.** (CO: ZONING - Landscape) (Previous Condition I.3 of Resolution R-99-1149, Petition 97-102(A))

4. **Landscaping and buffering along the south and east sides of the detention area shall include:**
   a. **A minimum of six (6) canopy trees to be planted on the interior side of the existing chain link fence, spaced at a minimum of twenty (20) feet on center.** (CO: ZONING - Landscape) (Previous Condition I.4 of Resolution R-99-1149, Petition 97-102(A))

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.** (ONGOING: CODE ENF - Zoning) (Previous Condition K.1 of Resolution R-99-1149, Petition 97-102(A))

2. **All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition K.2 of Resolution R-99-1149, Petition 97-102(A))

3. **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 - Zoning) (Previous Condition K.3 of Resolution R-99-1149, Petition 97-102(A)

4. **Prior to the issuance of a building permit, the lighting design shall be reviewed and subject to the approval of the office of the Palm Beach County Sheriff.** (BLDG PERMIT: BLDG – PBC Sheriff) (Previous Condition K.4 of Resolution R-99-1149, Petition 97-102(A))

SIGNS

1. **Freestanding sign fronting on Boynton Beach Boulevard shall be limited as follows:**

   a. **Maximum sign height, measured from finished grade to highest point - twelve (12) feet;**
   b. **Maximum sign face area per side -120 square feet;**
   c. **Maximum number of signs - one (1); and**
   d. **Style - monument style only.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition L.1 of Resolution R-99-1149, Petition 97-102(A))

2. **Freestanding sign fronting on US441/SR 7 shall be limited as follows:**

   a. **Maximum sign height, measured from finished grade to highest point - twelve (12);**
   b. **Maximum sign face area per side - 120 square feet;**
   c. **Maximum number of signs - one (1); and**
   d. **Style - monument style only.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition L.2 of Resolution R-99-1149, Petition 97-102(A))

3. **No off-premise signs or relocated billboards shall be permitted on the site.** (ONGOING: CODE ENF - Zoning) (Previous Condition L.3 of Resolution R-99-1149, Petition 97-102(A))

4. **"No loitering" signs shall be posted inside the building and in the covered porch area. Signs shall be written in both English and Spanish.** (BLDG PERMIT: BLDG - Zoning) (Previous Condition L.4 of Resolution R-99-1149, Petition 97-102(A))

USE LIMITATIONS

1. Previous Condition M.1 of Resolution R-99-1149, Petition 97-102(A), which currently states:

   The covered porch shall be limited to a maximum of three hundred and twenty-five (325) square feet. The covered porch shall function as a weather protection area and not for any outdoor eating/retail/storage use. The porch shall not exceed five (5) feet in depth (not inclusive one (1) foot overhang) measured from the exterior facade of the principal building. Prior to DRC site plan application, the petitioner shall revise the site plan to indicate the reduction of the covered porch to a maximum of three hundred and twenty-five (325) square feet.

   Is hereby deleted. [Reason: Replaced by Building and Site Design Condition 8].

2. **On-site operation of heavy machinery or refrigerated vehicles shall be prohibited from 7:00 p.m. to 7:00 a.m. daily.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.2 of Resolution R-99-1149, Petition 97-102(A))

3. **Repair or maintenance of vehicles shall not be permitted on site.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.3 of Resolution R-99-1149, Petition 97-102(A))

4. **No on site consumption of alcohol beverages shall be permitted.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.4 of Resolution R-99-1149, Petition 97-102(A))

5. **No overnight parking of trucks and trailers shall be permitted on site.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.5 of Resolution R-99-1149, Petition 97-102(A))

6. **No parking of any vehicles, trailers or shipping containers shall be permitted on the premises, except that vehicles and trailers that are physically attached and being towed by these vehicles, may park or stand on the premises up to but no longer than two (2) hours in order to patronize the facilities. Vehicles which suddenly and unexpectedly become unroadworthy may remain on the premises in order to effect minor repairs, provided that the minor repairs do not keep the vehicle on the premises longer than twenty four (24) hours. If minor repairs are not attempted then the vehicles must be removed within twelve (12) hours of entering the premises.** (ONGOING: CODE ENF - Zoning) (Previous Condition M.6 of Resolution R-99-1149, Petition 97-102(A))

7. **Should the office of the Sheriff deem it necessary, the Petitioner shall hire private security to patrol the exterior of the property at the times prescribed by the Sheriff's Department.** (ONGOING: CODE ENF – PBC sheriff) (Previous Condition M.7 of Resolution R-99-1149, Petition 97-102(A))

COMPLIANCE

1. Previous Condition N.1 of Resolution R-99-1149, Petition 97-102(A), which currently states:

   In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval.

   Is hereby amended to read:

   In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Previous Condition N.2 of Resolution R-99-1149, Petition 97-102(A), which currently states:

   Failure to comply with any of the conditions of approval or violation of any condition of approval for the subject property at any time shall result in the petition being brought back to the Board of County Commissioners to consider the following:

   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; revocation of any concurrency; 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 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.

Is 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; revocation of any concurrency; and/or

a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

b. 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

c. Referral to code enforcement; and/or

d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)