

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2008-012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING DEVELOPMENT ORDER AMENDMENT APPLICATION DOA-2007-01800 (CONTROL NUMBER 1999-011); APPLICATION OF EVERGLADES FARM EQUIPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AND EFFECTIVE DATE.

(Everglades Farm Equipment)

WHEREAS, the Town Council, as the governing body of Loxahatchee Groves, Florida, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny Official Zoning Map Amendments to a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, Development Order Amendment Application DOA-2007-1800 was presented to the Council at a public hearing conducted on May 20, 2008; and

WHEREAS, the Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

SECTION 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

SECTION 2. The Town Council has considered the findings in the staff report and makes the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves' Interim

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Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Town of Loxahatchee Groves Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.

3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Town of Loxahatchee Groves 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.

4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5. This Development Order Amendment has a concurrency determination and complies with Article 2. F (Concurrency - Adequate Public Facility Standards) of the Town's Unified Land Development Code.

6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Town of Loxahatchee Groves Unified Land Development Code for use, layout, function, and general development characteristics.

9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.

10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

SECTION 3. Article 2.A.1.K.3.b Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution.

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SECTION 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and adoption.

THEREFORE, the Town Council of the Town of Loxahatchee Groves approves Development Order Amendment Application DOA-2007-1800, the application of Everglades Farm Equipment, by Perry & Taylor, PA, agent, for a Development Order Amendment to delete land area, add square footage, reconfigure the site plan, and modify conditions of approval 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 , subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 10th day of May, 2008.

ATTEST:

Matthew Lyman
TOWN CLERK

David Browning
Mayor David Browning

Marge Herzog
Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney

Council Member

[Signature]
Council Member

[Signature]
Council Member

DNT:dnt

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EXHIBIT C

CONDITIONS OF APPROVAL FOR THE TOWN OF LOXAHATCHEE GROVES

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution ZR-2000-009 and Resolution ZR-2004-003 (Control 1999-011), 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 Unified Land Development Code (ULDC) and the Town Council, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the uses and site design and any amendments approved by the Town Council as shown on the Preliminary Site Plan dated January 14, 2008. All modifications must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to final DRO certification of the site plan, the petitioner shall submit revisions of the Architectural elevations by Kuoppala & Associates, P.A. dated February 17, 2000 to the Public Hearing Section, Zoning Division for review. (DRO: ZONING/PLANNING) (Previous Condition B.1., Resolution ZR-2000-009, Petition CB99-011) [Note: Condition Completed.]

BUILDING AND SITE DESIGN-ABANDONED STRUCTURES

1. All abandoned, dilapidated, unsafe structures, including trailers on the subject property shall be removed prior to the issuance of the Certificate of Occupancy for the Phase 1 building. (CO: BLDG - Bldg) (Previous Condition C.1., Resolution ZR-2000-009, Petition CB99-011) [Note: Condition Completed.]

BUILDING AND SITE DESIGN

1. Previous Condition 3, Resolution ZR-2004-003, Status Report CB1999-01 (amending Condition D.1 of Resolution ZR-2000-009), which currently states:

Total gross floor area shall be limited to the following:

	<u>Phase 1</u>
Building	7,875 s.f.
Covered canopy	2,145 s.f.
Outdoor storage	2,500 s.f.

Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and subject to approval by Traffic Division or DRC. The maximum Floor Area Ratio (FAR) of the RSER portion of the site shall be limited to 0.15. (DRC: ZONING/PLANNING)

Is hereby amended to read:

Total gross floor area shall be limited to the following:

Building	9,275 square feet
Covered Canopy	2,145 square feet
Outdoor Storage	2,500 square feet

Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less subject to approval by the Town Council. (DRO: ZONING - Zoning)

2. The maximum height for all structures, including all air conditioning and mechanical equipment, decorative structures and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point of the structure. (BLDG PERMIT: BLDG - Zoning) (Previous Condition D.2, Petition CB99-011)
3. All ground mounted air conditioning and mechanical equipment including satellite dishes, 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. (CO: BLDG - Zoning)(Previous Condition D.3, Resolution ZR-2000-009, Petition CB99-011)
4. No barbed or razor wire shall be permitted on the site. (ONGOING: CODE ENF-Zoning)(Previous Condition D.4, Resolution ZR2000-009, Petition CB99-011)
5. Previous Condition D.5, Resolution ZR-2000-009, Petition CB99-011, which currently states:

Prior to final DRC certification of the site plan, the access road shall be revised to show a maximum pavement of twenty-two (22) feet in width and with no curbs. Two (2) speed limit signs shall be posted on the road easement and speed limit shall be a maximum twenty-five (25) miles per hour. The location of the speed signs shall also be indicated on the site plan. The property owner shall install the access road from the main access at Southern Boulevard to the property's west boundary concurrent with the development of Phase 1. The remaining portion of the access road located to the east of the Southern Boulevard access shall be constructed at the time that the adjacent portions of the overall site are developed. (DRC: LANDSCAPE - Zoning)

Is hereby amended to read:

Two (2) speed limit signs shall be posted on the access road easement and speed limit shall be a maximum twenty-five (25) miles per hour. The location of the speed signs shall also be indicated on the site plan. (ONGOING: CODE ENF - Zoning)

6. Previous Condition D.6, Resolution ZR-2000-009, Petition CB99-011, which currently states:

Prior to final DRC certification of the site plan, the petitioner shall revise the tabular data of the site plan to provide a breakdown of all building, storage and display area. (DRC: ZONING-Zoning)

Is hereby deleted. [Reason: Code requirement.]

7. Prior to final DRC certification of the site plan, the petitioner shall provide cross access to the adjacent east and west properties as shown on the site plan dated February 17, 2000. (DRC: ZONING/PLANNING)(Previous Condition D.7, Resolution ZR-2000-009, Petition CB99-011)[Note: Condition completed; ORB 12097/Page 1549]
8. Prior to final DRC certification of the site plan, the petitioner shall revise the Concurrency application to reflect the one thousand and two hundred (1,200) square feet of feed and grain sales in the Phase 1 building. (DRC: CONCURRENCY - ZONING) (Previous condition D.8. Resolution ZR2000-009, Petition CB99-011)[Note: Condition completed; Concurrency was approved].

ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the existing south right of way line of Southern Boulevard. This additional right of way shall be dedicated on or before, January 1, 2001 or prior to the issuance of the first

Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)(Previous condition E.1. of ZR2000-009, Petition CB99-011) [Note: Condition complete.]

2. The Property owner shall construct a left turn lane west approach on Southern Boulevard at the project's entrance road to the minimum standards required by the Florida Department of Transportation unless this median opening is closed by the FDOT.
 - a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)(Previous condition E.2. Resolution ZR2000-009, Petition CB99-011)[Note: Condition complete.]

3. LANDSCAPE WITHIN THE MEDIAN OF SOUTHERN BOULEVARD

a. Unless SR 80 is not to be widened adjacent to the site prior to May 1, 2003, and the widening will interfere with the median landscaping, then prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Southern Boulevard Right-of-Way. 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 for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted 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)

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 the issuance of a certificate of occupancy. If SR 80 will be widened prior to April 1, 2003 then all landscaping shall be installed within twelve (12) months after completion of roadway improvements. (CO: MONITORING-Eng)

- c. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)(Previous condition E.3. Resolution ZR2000-009, Petition CB99-011) [Note: Condition complete.]
4. Prior to the subdivision of the parcel into any smaller lots the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)(Previous condition E.4. Resolution ZR2000-009, Petition CB99-011)
 5. Prior to site plan approval by the Development Review Committee, the property owner shall obtain a conceptual driveway permit from the Florida Department of Transportation (or an equivalent conceptual approval as determined by the County Engineer) which outlines the Florida DOT requirements for a driveway connection to SR 80. Also, included in this preliminary approval shall be requirements for the cross access drive and the minimum queuing distances between the cross access drive and Southern Boulevard. (DRC APPROVAL: ENG)(Previous condition E.5. Resolution ZR2000-009, Petition Cb99-011)[Note: Condition complete.]
 6. The property owner shall record to the public a 40 foot cross access easement along the south property line. This easement shall be recorded prior to issuance of the first building permit acceptable to the County Attorney. Location of the cross access easement shall be approved by the County Engineer and Zoning Division and shall be shown on the certified site plan. (BLDG PERMIT: MONITORING - Eng)(Previous condition E.6. Resolution ZR2000-009, Petition CB99-011)[Note: Condition complete.]
 7. 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 shall be issued after December 31, 2010. 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.E. of the Unified Land Development Code. (DATE: MONITORING – Eng)

HEALTH

1. Previous condition F.1. Resolution ZR2000-009, Petition CB99-011, which currently states:

A developer's agreement with the Village of Royal Palm Beach to provide sewer service is required prior to final site plan review. (DRC: HEALTH)

Is hereby deleted. [Reason: Site receives water and sewer service from Palm Beach County.]

2. Previous condition F.2. Resolution ZR2000-009, Petition CB99-011, which currently states:

Application and engineering plans to construct a limited use commercial well in accordance with Rule 64E-8 and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)

Is hereby deleted. [Reason: Not applicable.]

3. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by tenants or owners generating such effluent.

(ONGOING: HEALTH/CODE ENF)(Previous condition F.3. Resolution ZR2000-009, Petition CB99-011)

4. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF) (Previous condition F.4. Resolution ZR2000-009, Petition 99-011) [Note: Condition completed.]
5. Previous condition F.5. Resolution ZR2000-009, Petition CB99-011, which currently states:

The owner, occupant or tenant of this facility shall participate in an oil recycling program which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF)

Is hereby deleted. [Reason: Code Requirement.]

LANDSCAPE - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING-Zoning) (Previous condition H.1. Resolution ZR2000-009, Petition CB99-011)
2. Previous condition H.2. Resolution ZR2000-009, Petition CB99-011, which currently states:

Foundation planting or grade level planters shall be provided along the front and side facades of all structures consisting 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 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) native tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the front and east side facades of the building consisting of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscape areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) native tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO: ZONING - Landscape)

3. Previous condition H.3. Resolution ZR2000-009, Petition CB99-011, which currently states:

A focal point shall be provided at the round-about area as indicated on the site plan dated February 17, 2000. This focal point shall be in the form of accent landscaping with lighting or any other site element or architectural design acceptable to the Public Hearing Section, Zoning Division. (DRC: ZONING)

Is hereby amended to read:

The flag pole focal point with accent lighting and plantings shall remain in the location as shown on Preliminary Site Plan dated January 14, 2008. (ONGOING: CODE ENF - Zoning)

4. Previous condition H.4. Resolution ZR2000-009, Petition CB99-011, which currently states:

Landscaping along the eastern edge of the parking area in Phase 1 shall include the following:

- a. a minimum ten (10) foot wide strip;
- b. the buffer shall commence at the northern edge of the access road and shall extend northwards a minimum two hundred and thirty (230) feet in length;
- c. One (1) native canopy tree planted every thirty (30) feet on center;
- d. One (1) additional sabal palm planted every thirty (30) feet on center;
- e. A minimum of one native shrub for every one hundred (100) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation;
- f. All trees, palms and shrubs shall be planted in a naturalistic pattern ; and
- g. The installation of the above landscape requirements shall be completed prior to the issuance of the Certificate of Occupancy for the Phase 1 building. (CO: LANDSCAPE)

Is hereby amended to read:

Prior to Certificate of Occupancy for the 1,400-square foot addition and in addition to ULDC requirements, the landscape buffer on the north 321 feet of the east property line shall include the following:

- a. a minimum ten (10) foot wide strip;
- b. One (1) native canopy tree planted every thirty (30) feet on center;
- c. One (1) additional sabal palm planted every thirty (30) feet on center;
- d. A minimum of one native shrub for every one hundred (100) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
- e. All trees, palms and shrubs shall be planted in a naturalistic pattern.

5. Landscaping along the northern edge of the access road shall include the following:
 - a. a minimum ten (10) foot wide strip, width reduction may be permitted in area where the detention pond is located;
 - b. A minimum of one native shrub for every one hundred (100) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation;
 - c. All shrubs shall be planted in a naturalistic pattern; and
 - d. The installation of the above landscape requirements from the western edge of the main access point (adjacent to Southern Boulevard) to the west property line (measuring approximately 445 feet in length) shall be completed prior to the issuance of the Certificate of Occupancy for the Phase 1 building. (CO: LANDSCAPE - Zoning)(Previous condition H.5. Resolution ZR2000-009, Petition CB99-011 as amended by Resolution ZR2004-003, Status Report CB99-011)
6. Prior to issuance of the certificate of occupancy for the building addition, the Landscape Plan and/or Alternative Landscape Plan shall include a detail of the planting plan to effectively screen the loading zone area and the building addition from the view of adjacent properties and the street. (CO: LANDSCAPING – Zoning)

ZONING – LANDSCAPING: LANDSCAPING ALONG THE NORTH PROPERTY LINE, RSER PORTION (ABUTTING AGRICULTURAL RESIDENTIAL)

7. Previous condition I.1. Resolution ZR2000-009, Petition CB99-011, as amended by Resolution ZR2004-003, Status Report 1999-011, which currently states:

Landscaping and buffering along the north property line of the RSER portion of the site shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip;
- b. One (1) native canopy tree planted every thirty (30) feet on center;
- c. One (1) additional sabal palm for each fifty (50) linear feet of frontage;
- d. One (1) additional pine tree for each fifty (50) linear feet of frontage;
- e. A minimum of one native shrub for every one hundred (100) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,

- f. All trees, palms and shrubs shall be planted in a naturalistic pattern;
(CO: LANDSCAPE)

Is hereby deleted. [Reason: No longer applicable due to deletion of land area.]

ZONING – LANDSCAPING: LANDSCAPING ALONG THE NORTH PROPERTY LINE AND SURROUNDING THE ROUND-A-BOUT

- 8. Prior to issuance of the certificate of occupancy for the 1,400-square foot building addition, additional plant material shall be included in the existing 5-foot compatibility buffer and in the area surrounding the round-a-bout as needed to completely screen the unenclosed outdoor storage area from the view of the adjacent property. (CO: LANDSCAPING – Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE WEST PROPERTY LINE, RSER PORTION (ABUTTING AGRICULTURAL RESIDENTIAL)

- 9. Previous condition M.1. Resolution ZR2000-009, Petition CB1999-011 as amended by Resolution ZR2004-009, Status Report CB1999-011, which currently states:

Landscaping and buffering along the west property line of the RSER portion of the site shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip; and
- b. One (1) native canopy tree planted every thirty (30) feet on center;
- c. One (1) additional sabal palm for each fifty (50) linear feet of frontage;
- d. One (1) additional pine tree for each fifty (50) linear feet of frontage;
- e. A minimum of one native shrub for every one hundred (100) square feet and shall be planted in groupings. Shrubs shall be a minimum of twenty four (24) inch high at installation;
- f. All trees and shrubs shall be planted in a naturalistic pattern;
- g. The installation of the above landscape requirements for Phase 1 shall be completed prior to the issuance of the Certificate of Occupancy for the Phase 1 building. Phase limits are indicated on the site plan dated February 17, 2000;

Is hereby amended to read:

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

- a. A minimum fifty (50) foot wide landscape buffer strip; and
- b. One (1) native canopy tree planted every thirty (30) feet on center;
- c. One (1) additional sabal palm for each fifty (50) linear feet of frontage;
- d. One (1) additional pine tree for each fifty (50) linear feet of frontage;
- e. A minimum of one native shrub for every one hundred (100) square feet and shall be planted in groupings. Shrubs shall be a minimum of twenty four (24) inch high at installation;
- f. All trees and shrubs shall be planted in a naturalistic pattern;
(CO: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING SOUTHERN BOULEVARD)

- 10. Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum forty (40) foot wide landscape buffer strip;
- b. One (1) native canopy tree planted every thirty (30) feet on center;
- c. One (1) additional sabal palm for each fifty (50) linear feet of frontage;
- d. One (1) additional pine tree for each fifty (50) linear feet of frontage;
- e. A minimum of one native shrub for every one hundred (100) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation;
- f. All trees, palms and shrubs shall be planted in a naturalistic pattern;

- g. A two -rail fence with a minimum four (4) feet in height shall be installed on the north side of this buffer (along the south side of the access road easement);
- h. The installation of the above landscape requirements from the western edge of the access point at Southern Boulevard (approximately 445 feet in length) to the west property line. (CO: BLDG - Zoning) (Previous condition K.1. Resolution ZR2000-009, Petition CB99-011 as amended by Resolution ZR2004-003, Status Report CB99-011)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST PROPERTY LINE, RSER PORTION (ABUTTING PALM WEST MEDICAL CENTER)

11. Previous condition L.1. Resolution ZR2000-009, Petition CB1999-011 as amended by Resolution ZR2004-003, Status Report CB1999-011, which currently states:

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

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. One (1) native canopy tree planted every thirty (30) feet on center;
- c. One (1) additional sabal palm for each fifty (50) linear feet of frontage;
- d. One (1) additional pine tree for each fifty (50) linear feet of frontage;
- e. A minimum of one native shrub for every one hundred (100) square feet and shall be planted in groupings. Shrubs shall be a minimum of twenty four (24) inch high at installation; and
- f. All trees, palms and shrubs shall be planted in a naturalistic pattern.

Is hereby deleted. [Reason: No longer applicable due to deletion of land area.]

LANDSCAPE - STANDARD

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

- a. Tree height: fourteen (14) feet, applicable to the buffer along the south property line and along the access road only, twelve (12) feet for the remaining portion of the site;
- 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)(Previous condition G.1. Resolution ZR2000-009, Petition CB99-011)

13. 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 G.2. Resolution ZR2000-009, Petition CB99-011)

14. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)(Previous condition G.3. Resolution 2000-009, Petition CB99-011)

15. Previous condition G.4. Resolution ZR2000-009, Petition CB99-011, which currently states:

Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north property line of the RSER portion of the

site and/or any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

Is hereby deleted. [Reason: No longer applicable due to deletion of land area.]

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning)(Previous condition N.1. Resolution ZR2000-009, Petition CB99-011)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point and the lighting fixtures shall be setback a minimum of fifty (50) feet from the west residential property line. (CO: BLDG - Zoning)(Previous condition N.2. Resolution ZR2000-009, Petition CB99-011)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)(Previous condition N.3. Resolution ZR2000-009, Petition CB99-011)
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)(Previous condition N.4. Resolution ZR2000-009, Petition CB99-011)
5. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition 1 above. (ONGOING: CODE ENF - Zoning)(Previous condition N.5. Resolution ZR2000-009, Petition CB99-011)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (ONGOING: CODE ENF)(Previous condition O.1 Resolution ZR2000-009, Petition CB99-011)
2. Previous condition O.2 Resolution ZR2000-009, Petition CB99-011, which currently states:

The parking area indicated on the site plan dated February 17, 2000 shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (CO: BLDG)

Is hereby amended to read:

The employee parking area indicated on the site plan dated January 14, 2008 shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (ONGOING: CODE ENF - Zoning)

PARKS-EQUESTRIAN TRAIL ALONG THE NORTH PROPERTY LINE AND THE NORTH 548 FEET OF THE WEST PROPERTY LINE, AR PORTION (ABUTTING AGRICULTURAL RESIDENTIAL)

1. Previous condition J.1. Resolution ZR2000-009, Petition CB99-011, which currently states:

Prior to final DRC certification of the site plan, the petitioner shall provide a minimum twenty-five (25) foot wide easement containing an equestrian trail along the north property line and the north 548 feet of the west property line (AR portion of the site) and this easement /trail shall extend approximately one hundred and thirty (130) feet southwards to connect with the property west of the site. (DRC: ZONING)

Is hereby deleted. [Reason: No longer applicable due to deletion of land area.]

SIGNS

1. Previous condition P.1. Resolution ZR2000-009, Petition CB99-011, which currently states:

Freestanding point of purchase signs fronting on Southern Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only
- e. Location - on the north side of the access road; and
- f. decorative lights to illuminate sign, no internal lit sign shall be permitted. (CO: BLDG)

Is hereby deleted. [Reason: The nonconforming monument sign, permit number B03003475, is subject to Article 1.F.3, Nonconforming Structure.]

2. Previous condition P.2. Resolution ZR2000-009, Petition CB99-011, which currently states:

No wall signs shall be permitted on the north and west facades of the Phases 1 and 2 buildings. Internally lit signs shall be limited to wall sign only. Wall signs shall be limited to eight (80) square feet. (CO: BLDG)

Is hereby deleted. [Reason: The nonconforming wall sign, permit number B01026424 is subject to Article 1.F.3, Nonconforming Structure.]

3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/CODE ENF-Zoning)(Previous condition P.3. Resolution ZR2000-009, Petition CB99-011)

USE LIMITATIONS

1. Retail business activities including deliveries shall be limited to 6:00 a.m. to 9:00 p.m. Monday to Friday; and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. (ONGOING: CODE ENF - Zoning)(Previous condition Q.1. Resolution ZR2000-009, Petition CB99-011)

2. Previous condition Q.2. Resolution ZR2000-009, Petition CB99-011, which currently states:

Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility except in area where shown on the site plan dated February 17, 2000 and shall be completely enclosed or screened from view from streets and neighboring properties. (ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

Storage or placement of any material, refuse, equipment or debris shall not be permitted except in area at the rear of the building shown on the site plan dated January 14, 2008 and shall be completely enclosed or screened from view from streets and neighboring properties. (ONGOING: CODE ENF - Zoning)

3. Previous condition Q.3. Resolution ZR2000-009, Petition CB99-011, which currently states:

All outdoor storage areas shall be enclosed or completely screened from view from streets and neighboring property. A maximum of five (5) tractor trailers used for the transport of bona fide agricultural products shall be stored in the outdoor storage area. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [Reason: Code requirement.]

4. The covered canopy area shall be limited a total of 2,145 square feet. Display of sales shall be limited to tractors, trailers and farm equipments only. (ONGOING: CODE ENF-Zoning)(Previous condition Q.4. Resolution ZR2000-009, Petition CB99-011 as amended by Resolution ZR2004-003, Status Report CB99-011)
5. Repair or maintenance services shall be limited to small implements only and shall be only permitted in enclosed areas. (ONGOING: CODE ENF - Zoning)(Previous condition Q.5. ZR Resolution 2000-009, Petition CB99-011)

VARIANCE-ENGINEERING - SUBDIVISION

1. Neither of the parcels of land created by the proposed subdivision [of Petition 99-011] will be granted additional access points along Southern Boulevard except as established by Resolution ZR2008-005. (ONGOING: ENG - Eng)

COMPLIANCE

1. Previous condition R.1. Resolution ZR2000-009, Petition CB99-011, which currently states:

In granting this approval, the Zoning Commission 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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

In granting this approval, the Town Council 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 Town Council for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Previous condition R.2. Resolution ZR2000-009, Petition CB99-011, 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; 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. (MONITORING)

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
- 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 Town Council to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC). Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Town Council decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

This resolution will become effective when adopted by the Town Council.