

RESOLUTION NO. R-2001- 0820

RESOLUTION APPROVING ZONING PETITION PDD99-028(A)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF BELVEDERE COMMERCE CENTER, LLC  
BY ROBERT E. BASEHART, AGENT  
(BELVEDERE COMMERCE CENTER)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD99-028(A) was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2001; and,

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. 00-SCA 63 COM 2;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land:
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD99-028(A), the petition of Belvedere Commerce Center, LLC by Robert E. Basehart, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) with 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 indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on **May 24, 2001**, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Nay
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Nay
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene	-	Aye

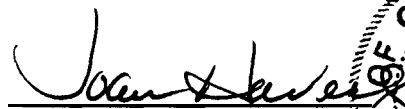
The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 00-SCA 63 COM 2 (BELVEDERE COMMERCE CENTER) is effective.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

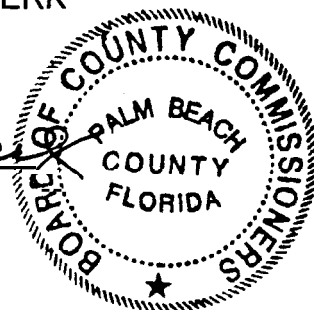


EXHIBIT A  
LEGAL DESCRIPTION

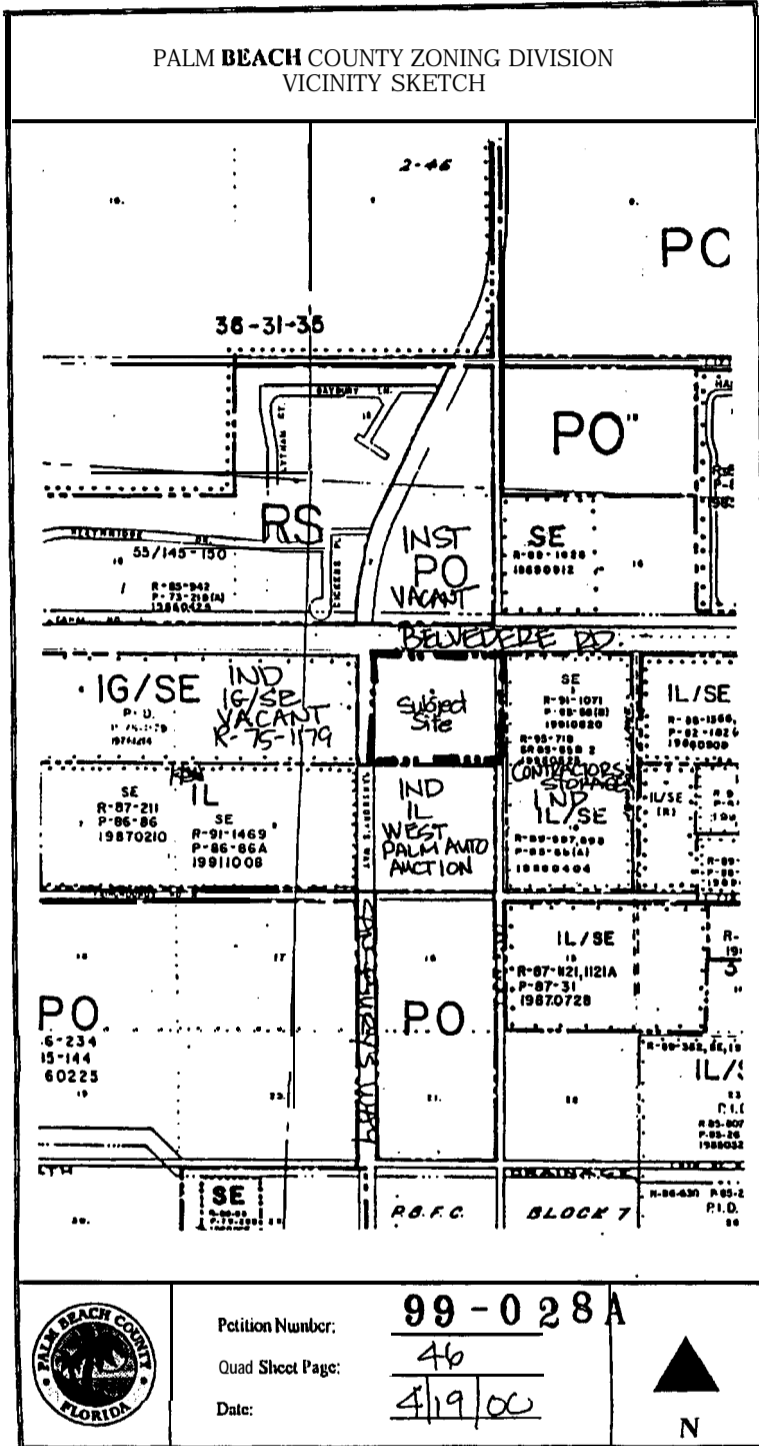
A portion of Tract 4, Block 7, and a portion of the 30 foot wide abandoned right-of way lying east of Tract 4, Block 7, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the **Office** of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat book 2, Page 45, being more particularly described as follows:

Commencing at the southwest corner of said Tract 4: Thence N. 89° 02' 43" E. (as a basis of bearing) along the south line of Tract 4, a distance of 40.00 feet to the Point of Beginning; Thence continue N. 89° 02' 43" E. along the south line of Tract 4 and its easterly prolongation, a distance of 634.16 feet to the centerline of the 30 wide abandoned right of way (abandoned in **Official** Record Book 11561, Page 1840, public records of Palm Beach County, Florida) lying between Tracts 3 and 4; Thence N. 00° 57' 17" W. along said centerline, a distance of 585.85 feet; Thence S. 88° 59' 36" W. along a line 74 feet south of and parallel with the easterly prolongation of the North line of Tract 4, a distance of 15.00 feet; Thence N. 00° 57' 17" W. along the east line of Tract 4, a distance of 4.00 feet; Thence S 88° 59' 36" W. along a line parallel with and 70.00 feet south of the north line of Tract 4, a distance of 579.29 feet; Thence S 44° 01' 10" W. along the southeasterly line of that parcel described in Official Record Book 7355, Page 997, Public Records of Palm Beach County, Florida, a distance of 56.57 feet; Thence S 00° 57' 57" E. along a line parallel with and 40 feet east of the west line of Tract 4, a distance of 549.31 feet to the Point of Beginning.

Containing 8.564 acres (373,061 square feet).

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. 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 February 22, 2001. 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. ARCHITECTURAL CONTROL

1. The exterior elevations for the convenience store, self service storage facility and the warehouse/office/tire store building shall include the following:
  - a. varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than 150 feet;
  - b. varied building materials and textures;
  - c. exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
  - d. combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
  - e. integrated design of gutters and downspouts into the architectural design of the building;
  - f. similar architectural character and treatment shall be provided on all sides of the building;
  - g. all roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. **cuppola**, dormer, etc.);
  - h. exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
  - i. all building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the convenience store, gas canopy and the warehouse/office/tire store building to the Zoning Division for review and approval. The proposed Architectural elevations shall be consistent with the Architectural Design Guidelines presented to the Board of County Commissioners on April 24, 2001, as amended. If the architectural treatments of Condition B. 1 conflicts with Condition B.2, then the more restrictive of the two conditions shall be applied. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area for the entire site shall be limited to a maximum of 101,760 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 Traffic Division or DRC. (DRC: ZONING)
2. All roof or ground 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)
3. No barbed or razorwire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)
4. Prior to final DRC certification of the site Plan, the petitioner shall relocate the parking spaces adjacent to the queuing area of the carwash. (DRC:ZONING)
5. **Baydoors** shall not be permitted on the north facade of the tire store/warehouse office facility. (BLDG PERMIT:ZONING)

D. CONVENIENCE STORE WITH GAS SALES

1. Total gross floor area for the convenience store with gas sales shall be limited to a maximum of 3,000 square feet with six (6) pumps and a 660 sq. ft. accessory car wash. (DRC: ZONING)
2. Gas station canopies shall be designed consistent with the following standards:
  - a. twenty-five (25) feet maximum height if a pitched roof, with a minimum slope of 5:12, is used;
  - b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
  - c. lighting for the gas station canopy shall be flush mounted or recessed; and,
  - d. canopy **signage** shall be limited to a maximum of one (1) sign per **right-of-way** frontage with a maximum height of eighteen (18) inches.

All canopy heights shall include air conditioning and mechanical equipment and satellite dishes and be measured from finished grade to the highest point. (BLDG PERMIT/CO: BLDG - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons 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)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
  - a) Lyons Road 60 feet from centerline;

- b) an Expanded Intersection at Lyons Road and Belvedere Road which will provide for 64 feet from centerline for Belvedere Road and 76 feet from centerline for Lyons Road plus the appropriate tapers in accordance with Palm Beach County's typical expanded intersection detail.

All right of way shall be conveyed prior to the issuance of the first Building Permit or prior to January 1, 2002 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)

3. The Property owner shall construct:

I - Non mountable concrete traffic separator within Lyons Road from Belvedere Road south to a point 100 feet south of the projects north entrance:

II -A Left turn lane north approach on Lyons Road at the project's south entrance.

- A) All 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)

4. LANDSCAPE WITHIN THE MEDIAN BELVEDERE ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Belvedere Road Right-of-Way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department 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 landscaping installation and maintenance requirements shall be subject to the standards as 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 the first certificate of occupancy. (CO: MONITORING- Eng)
- C. If the County does not assume maintenance responsibility, then appropriate 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)

5. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF BELVEDERE ROAD AND LYONS ROAD

- A. 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 provide landscape cutouts within the concrete median of Belvedere and Lyons Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. 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 Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted the landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver blocks or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The 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, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate 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: ENGINEERING-Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A 1 .01 acre 25% set-aside preserve is required pursuant to ULDC Subsection 9.5.F.2.b. The location shall be in the southeastern quadrant of the property adjacent to the water management tract. ERM shall have the option of accepting a cash payment in lieu of setting aside all or part of the preserve pursuant to Section 9.5.F.3.b of the ULDC. All funds contributed by this project under this option shall be reserved for and spent for property acquisition in the "Conners Highway Connector Strip". (DRC: ERM)

G. HEALTH

- 1. Generation and disposal of any hazardous effluent into sanitary sewer 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 project tenants of owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
- 2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF)
- 3. 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)

H. LANDSCAPING - STANDARD

- 1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 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)
- 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)

I. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall be eight (8) feet, except for the convenience store which may be reduced to a minimum of five (5) feet in width;
  - 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) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. A group of three (3) Royal Palms shall be planted at each access point of the site. (DRC / CO: ZONING / LANDSCAPE)

J. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND SANSBURY'S WAY FRONTAGES)

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip;
  - b. a continuous two and one half (2.5) foot high berm measured from top of curb. Field adjustment of the berm may be permitted for existing pine trees;
  - c. one (1) canopy tree planted every twenty (20) feet on center;
  - d. one (1) Booted Sabal palm for each twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; 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: LANDSCAPE)

K. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. a minimum ten (10) foot wide landscape buffer strip except for the west 220 feet of the south property line which may be reduced to five (5) feet in width;
  - b. one (1) canopy tree planted every thirty (30) feet on center;
  - c. one (1) Booted Sabal palm or pine tree for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. 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; and
  - e. should the petitioner obtain permission from ERM to cash out the preserve as described in Condition F. 1, the petitioner is required to comply to this condition (Condition K.I .a through K.I .d);

- f. otherwise prior to final DRC certification of the site plan, the petitioner is required to provide a Landscape Alternate plan in areas where existing vegetation/preserve might affect the proposed landscaping. (DRC/CO/ERM: LANDSCAPE)

L. 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. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade, as defined by the ULDC, to highest point. (CO: BLDG - Zoning)
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)

M. MASS TRANSIT

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 the County Engineer. (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 issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops 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. (CO: MONITORING - Eng)
3. All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual stores or tenants. (ONGOING: PALM TRAN)
4. Commercial locations which are open to the public shall not restrict public mass transit access. (ONGOING: PALM TRAN)

N. MUPD

1. All requested uses shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners (exhibit dated February 22, 2001). (DRC: ZONING)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, **signage** and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)
3. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the **County Attorney**. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

0. SIGNS

1. Freestanding point of purchase signs fronting on Belvedere Road and Sansbury's Way 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 - three (3) for the entire site; and
  - d. style - monument style only. (CO: BLDG)
2. No relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be limited to twenty-four (24) inches high and located only as follows:
  - a. north facade of the northeast building - Warehouse/office/tire store;
  - b. west facade of the southwest building - Warehouse/office
  - c. north facade of the southeast building - Warehouse/office
  - d. north and west facades of the building - convenience store

P. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

Q. USE LIMITATION

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning)

2. Repair or maintenance of vehicles shall not be permitted on site except inside the tire store. Repair and maintenance services shall be limited to tire maintenance/service only. (ONGOING: CODE ENF - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except-at the rear facades of the warehouse/accessory office buildings. (ONGOING: CODE ENF)
4. The overnight parking of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF)
5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF -Zoning)
6. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
7. No truck rental use is permitted on the site. Truck rental use is subject to the Board of County Commissioners' approval. (ONGOING: CODE ENF -Zoning)

R. COMPLIANCE

1. 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. 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 the Code Enforcement Division 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)