

RESOLUTION NO. R-2002-0620

RESOLUTION APPROVING ZONING PETITION DOA1990-017(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF LAWRENCE J. GABRIEL  
BY BASEHART PLANNING INC, AGENT  
(BOYNTON SELF STORAGE)

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

WHEREAS, Zoning Petition DOA1990-017(B) was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2002; 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 5, Section 5.8 (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 made 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 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1990-017(B), the petition of Lawrence J. Gabriel, by Robert Basehart, agent, for a Development Order Amendment to reconfigure site plan, modify/delete conditions and to allow a funeral home 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 April 25, 2002, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 29 day of May, 2002.

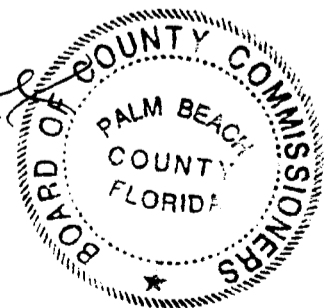
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**BOYNTON BEACH BOULEVARD SELF STORAGE**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND SITUATE IN SECTION 28, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE PLAT OF "BOYNTON BEACH BOULEVARD SELF STORAGE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGES 107 AND 108 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 6.322 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

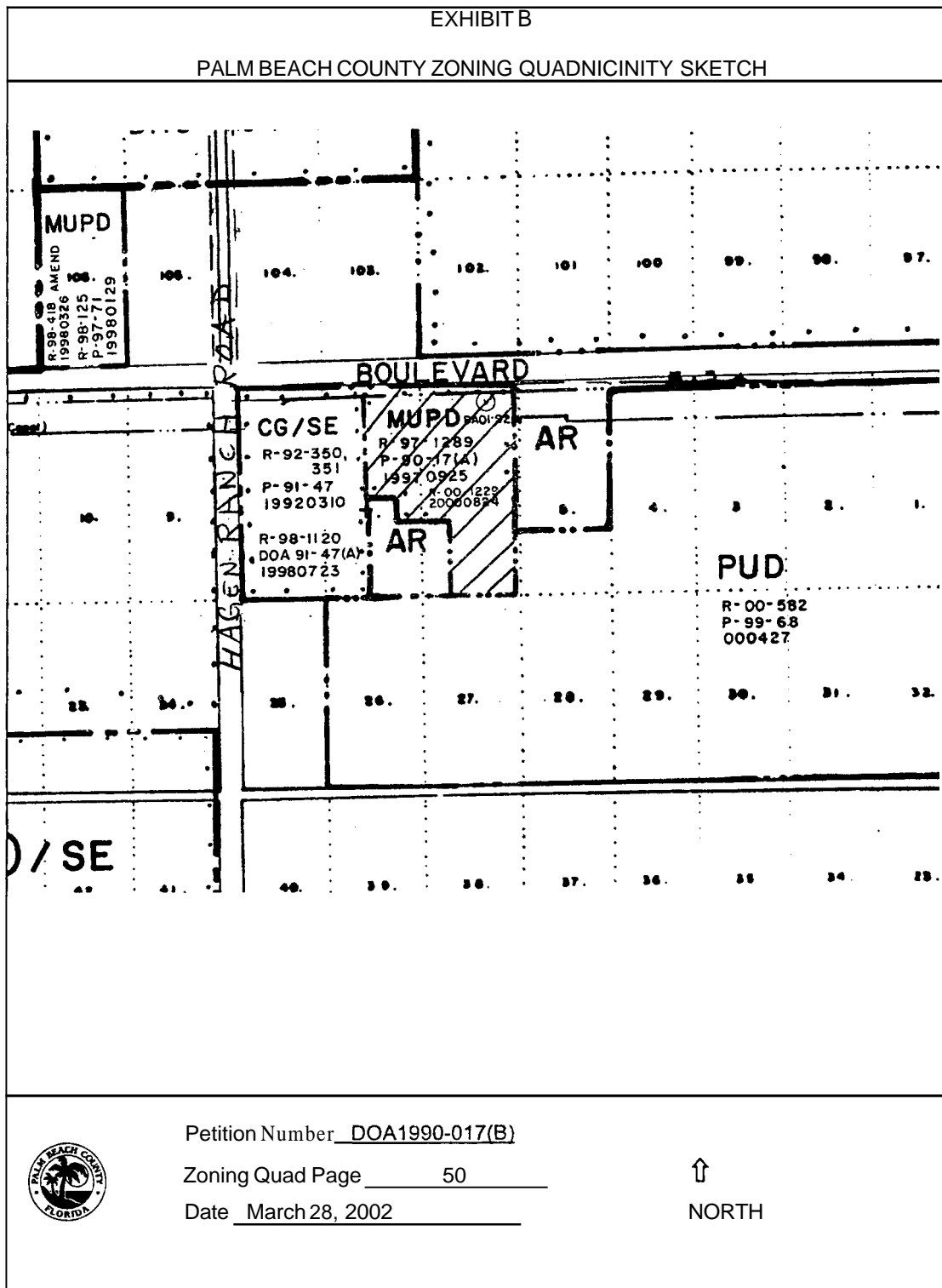


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-0780 (Petition 90-017(A)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)

2. Condition A.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

To ensure compliance with the requirements of this approval, Resolution No. R-90-1446 approving previous petition P-90-17 is hereby revoked.

Is hereby deleted. [REASON: No longer applicable.]

3. Condition A.2 of Resolution R-97-0780, Petition PDD90-17(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 revised site plan is dated May 21, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

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 15, 2002. 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 – Zoning)

4. The petitioner shall have three (3) years from adoption of the resolution approving Petition 90-017(B) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning)

B. ABANDONED STRUCTURES

1. Condition B.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

All abandoned, dilapidated, unsafe, or structures causing a nuisance on the subject property shall be removed prior to issuance of first Building Permit.

Is hereby deleted. [REASON: No longer applicable.]

C. ARCHITECTURAL CONTROL

- 1, At time of submittal for final DRC certification of the site plan, the architectural elevations for the funeral home shall be submitted simultaneously with the site plan for architectural review. Elevations shall be designed to be consistent with Section 6.6.E of the ULDC and the "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor Design Guidelines and Standards Manual. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

D. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

Total gross floor area shall be limited to a maximum of 95,750 square feet.

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 94,550 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage covered by any structure or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC/BLDG PRMT: ZONING/BLDG - Zoning)

2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.2 of Resolution R-97-0780, Petition PDD90-17(A))
3. Openings shall not be permitted on the exterior facades of the one story, multi-access self-storage building, except required emergency exits. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.3 of Resolution R-97-0780, Petition PDD90-17(A))
4. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition C.4 of Resolution R-97-0780, Petition PDD90-17(A))
5. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: ERM - Zoning) (Previous Condition C.5 of Resolution R-97-0780, Petition PDD90-17(A))
6. Condition C.6 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:  
  
All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996.  
  
Is hereby deleted. [REASON: Superseded by Architectural Control Condition.]
7. Prior to the issuance of a Building permit, the property owner shall include in the landscape median permit application, landscaping **details/specifications** meeting the standards as set forth in Section 2B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design

Guidelines and Standards Manual, dated November 12, 1996. ( BLDG PERMIT : MONITORING - Planning) (Previous Condition C.7 of Resolution R-97-0780, Petition PDD90-17(A))

E. ENGINEERING

1. Condition E.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$86,515 (1,573 trips X \$55.00 per trip).

Is hereby deleted. [Reason: impact Fees are code requirements.]

2. LANDSCAPE WITHIN MEDIAN

At the option of the County Engineer the Property owner shall either complete A or B of the following condition:

- a. Provide for an irrigation system with the existing median of Boynton Beach Boulevard as follows:

1. The property owner shall install an irrigation system within the median of Boynton Beach Boulevard from Hagen Ranch Road to the entrance to Palm Isles PUD. This irrigation system shall be in accordance with plans provided to the property owner by the County Engineer. for the Boynton Beach Boulevard landscape program. The property owner shall provide as part of this irrigation system; all appropriate governmental permits, an appropriate number of water sources, well pumps, electrical hookups, and installation of all pipes and material. This system shall be completed within 90 days notice by the County Engineer to proceed with the installation. A final inspection will be held where upon this irrigation system being accepted, it will be turned over to the Palm Isles PUD Homeowners Association for operation , maintenance, and ownership. This is in conjunction with this Property Owners Association's program to install enhanced landscaping in this median including the irrigation system. (Previous Condition E.2.a of Resolution R-97-0780, Petition PDD90-17(A)) [COMPLETED]

- b. Landscape the existing median of Boynton Beach Boulevard

1. 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 all adjacent median(s) of all abutting rights of way. When permitted by the Palm Beach County Engineering and Public Works, 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, and shall be consistent with the landscaping theme adapted 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 the approval of the County Engineer. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2.b. 1 of Resolution R-97-0780, Petition PDD90-17(A)) [COMPLETED]

2. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.2.b.2 of Resolution R-97-0780, Petition PDD90-17(A)) [COMPLETED]
3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING-Eng) (Previous Condition E.2.b.3 of Resolution R-97-0780, Petition PDD90-17(A)) [COMPLETED]

3. The Property owner shall fund the construction of a right turn lane, west approach and a left turn lane, east approach on Boynton Beach Boulevard and the project's entrance road prior to issuance of first building permit. Funding shall be based on a certified cost estimate by the developers engineer and approved by the County Engineer. (BLDG PERMIT: ENG) (Previous Condition E.3 of Resolution R-97-0780, Petition PDD90-17(A))

4. Condition E.4 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a) **No Building Permits** shall be issued for the subject site after July 1, 1998. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the United Land Development Code.

Is hereby deleted. [Reason: A revised traffic study has been approved by the Traffic Division.]

5. The Property owner shall modify the existing median of Boynton Beach Boulevard to provide for a restricted median opening in accordance with the Florida Department of Transportation approval.
  - 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 and the repair of any median sprinkler system damage during this construction. (CO: MONITORING- Eng)

- B) Permits required by the Florida Department of Transportation 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)

- 6. The property owner shall plant four planting beds within the median of Boynton Beach Boulevard adjacent to this site as shown in the existing Palm Isles Median Planting Plans. The planting of these beds shall be concurrent with the median improvements identified above. After completion of the planting beds the landscaping shall be turned over to the Palm Isles PUD Homeowners Association for maintenance. This is in conjunction with the Palm Isles Property Owners Association's program to install enhanced landscaping in the Boynton Beach Boulevard median. (ENGINEERING)

F. CROSS ACCESS

- 1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record a cross access agreement from the subject property to the adjacent southwest property in a form acceptable to the County Attorney. (DRC: ZONING - Co Att) (Previous Condition D.1 of Resolution R-97-0780, Petition PDD90-17(A))

G. INGRESS/EGRESS EASEMENT

- 1. Prior to final certification of the site plan by the Development Review Committee, the twenty (20) foot wide ingress/egress easement along the west property line of the site shall be relocated or provide the required landscape buffer outside of this existing ingress/egress easement. (DRC: ZONING - Zoning) (Previous Condition F.1 of Resolution R-97-0780, Petition PDD90-17(A))

H. LAKE WORTH DRAINAGE DISTRICT EASEMENT

- 1. Prior to final certification of the site plan by the Development Review Committee, the petitioner shall obtain approval from the Lake Worth Drainage District (LWDD) for the installation of landscaping, median and sign within the LWDD L-24 Canal easement. (DRC: ZONING) (Previous Condition G.1 of Resolution R-97-0780, Petition PDD90-17(A))

I. HOURS OF OPERATION

- 1. Condition H.I of Resolution R-97-0780, Petition PDD90-17(A) which currently states:

No commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m. (ONGOING: CODE ENF)

Is hereby amended to read:

No commercial use shall commence business activities (including delivery and stocking operations) prior to 6:00 a.m. nor continue activities later than 11:00 p.m.; with exception to the funeral home which shall be permitted to provide limited and private family arrangements and transfer services twenty-four (24) hours a day, seven (7) days a week. (ONGOING: CODE ENF-Zoning)

J. 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: fourteen **(14)** feet.
  - b. Trunk diameter: 3.5 inches measured **4.5** feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition I. 1 of Resolution R-97-0780, Petition PDDSO-17(A))
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. Palm heights: twelve **(12)** feet clear trunk or grey wood, whichever is greater;
  - 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 12 of Resolution R-97-0780, Petition PDDSO-17(A))
3. All new shrub or hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, unless specified otherwise by conditions of approval. (ONGOING: PLANNING - Planning)

K. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING R.O.W.)

1. Condition J. 1 of Resolution R-97-0780, Petition PDD90-17(A) which currently states:

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

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A continuous minimum three **(3)** foot high berm with thirty **(30)** inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches;
- c. One (1) Live Oak tree spaced no more than thirty **(30)** feet on center planted in two **(2)** staggered rows within the rear fifteen **(15)** feet of the buffer;
- d. One **(1)** Royal Palm for each twenty-five (25) linear feet of property line with a maximum spacing of forty **(40)** feet on center between clusters. A group of three **(3)** palms shall not be substituted for a perimeter canopy tree. The palms shall be planted within the front five (5) feet of the buffer and ;
- e. Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm. (CO: LANDSCAPE- Planning)

Is hereby amended to read:

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

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A continuous three (3) foot high berm, measured from top of curb;
- c. One (1) Live Oak tree spaced no more than thirty (30) feet on center planted in two (2) staggered rows within the rear fifteen (15) feet of the buffer;
- d. One (1) Royal Palm for each twenty-five (25) linear feet of property line with a maximum spacing of forty (40) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree. The palms shall be planted within the front five (5) feet of the buffer and ;
- e. Ixora "Nora Grant" shall be planted in a bed at the base of each Royal Palm;
- f. One (1) small shrub for each four (4) linear feet of property line, to be planted at a minimum height of eighteen (18) inches;
- g. One (1) medium shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be planted at a minimum height of twenty-four (24) inches;
- h. One (1) large shrub for each six (6) linear feet of property line, to be planted at a minimum height of thirty (30) inches; and
- i. All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
  - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - ii. thirty-six (36) inches – medium shrub; and
  - iii. forty-eight (48) to seventy-two (72) inches – large shrub (CO: LANDSCAPE – Zoning)

**I. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ACROSS FROM RESIDENTIAL)**

1. Condition K.1 of Resolution R-97-0780, Petition PDD90-17(A) which currently states:

Landscaping and buffering shall run continuously along the south 45, southwest 90, south 147, southwest 275, and the south 247 feet of the subject property line shall be upgraded to include the following:

- a. A minimum fifteen (15) foot wide Landscape Buffer strip;
- b. A six (6) foot high opaque concrete wall. The wall shall connect the limited-access storage building to the multi-access storage facility, and shall run continuously along the south 45, southwest 90, south 195 feet;
- c. One (1) canopy tree spaced no more than thirty (30) feet on center;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
- e. Thirty six (36) 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 seventy two (72) inches. (CO: LANDSCAPE – Zoning)

Is hereby amended to read:

Landscaping and buffering along the south and west property lines abutting residential shall be upgraded to include the following:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A six (6) foot high opaque concrete wall. The wall shall connect the limited-access storage building to the multi-access storage facility, and shall run continuously along the south 45 feet, southwest 90 feet, south 195 feet;
- c. One (1) canopy tree spaced no more than thirty (30) feet on center;
- d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
- e. Thirty six (36) 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 seventy two (72) inches. (CO: LANDSCAPE – Zoning)

**M. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)**

- 1. Landscaping and buffering along the above property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide Landscape Buffer strip;
  - b. A six (6) foot high, black or green colored, vinyl coated chain link fence along the north 230 feet of the east property line ;
  - c. A continuous minimum two (2) foot high berm with thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches;
  - d. One (1) canopy tree spaced no more than thirty (30) feet on center and;
  - e. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (CO: LANDSCAPE – Zoning) (Previously Condition L.1 of Resolution R-97-0780, Petition PDD90-17(A))

**N. LANDSCAPING ALONG THE WEST 345 FEET PROPERTY LINE (ABUTTING COMMERCIAL)**

- 1. Landscaping and buffering along the west property line shall be upgraded to include the following:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
  - c. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree and;
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches canopy tree. (CO: LANDSCAPE – Zoning) (Previously Condition M.I of Resolution R-97-0780, Petition PDD90-17(A))

**O. LANDSCAPING - INTERIOR**

- 1. Condition N.I of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

Landscape planting areas shall be provided along the front and side facades of the bank, restaurant and the front facade of the self-storage building. The minimum width of the required landscape planting areas shall be five (5) feet with a combined length of no less than 40% of the

total length of the applicable side of the structure. A minimum of one (1) tree or palm for every twenty (20) linear feet and appropriate ground cover shall be installed in the planting areas.

Is hereby amended to read:

Foundation planting or grade level planters along the north façade of the funeral home and bank shall be upgraded to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) 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) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE - Zoning)
2. One 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. (DRC: LANDSCAPE - Zoning) (Previous Condition N.2 of Resolution R-97-0780, Petition PDD90-17(A))
3. Condition N.3 of Resolution R-97-0780, Petition PDD90-17(A) which currently states:

Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaped divider medians shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: LANDSCAPE - Zoning)

## P. SIGNS

1. Condition O.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 150 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only.

Is hereby amended to read:

Freestanding point of purchase signs shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: sign 1 - ten (10) feet, and sign 2 - six (6) feet;

- b. Maximum sign face area: sign 1 - 150 square feet total, and sign 2 - 60 square feet total;
  - c. Maximum number of signs: two (2):
  - d. Style: monument style only:
  - e. Location: Sign 1 - Median in entrance at Boynton Beach Boulevard, and sign 2 - Boynton Beach Boulevard frontage within two-hundred (200) feet of the east property line: and
  - f. Signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)
2. All signs shall be of uniform design and color. A master **signage** program shall be submitted prior to Site Plan Review Committee approval demonstrating conformance to these condition. (CO: BLDG-Zoning) (Previous Condition 0.2 of Resolution R-97-0780, Petition PDDSO-17(A))
  3. No roof mounted signs shall be permitted on site. (CO: BLDG - Zoning) (Previous Condition 0.3 of Resolution R-97-0780, Petition PDD90-17(A))
  4. Wall signs shall be excluded from the above height and area restrictions. Wall signs shall only be permitted on the interior facades and the north facades facing Boynton Beach Boulevard. (CO: BLDG - Zoning) (Previous Condition 0.4 of Resolution R-97-0780, Petition PDDSO-17(A))
  5. All signs on the site shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning)

Q. 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 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) (Previous Condition P.1 of Resolution R-97-0780, Petition PDD90-17(A))

R. DUMPSTER

1. All garbage dumpsters shall be screened from view on three (3) sides by an enclosure made of the same material as the principal structure. The open end of the enclosure shall have an obscuring gate. (DRC: BLDG) (Previous Condition Q.1 of Resolution R-97-0780, Petition PDDSO-17(A))
2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the residential property lines and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF) (Previous Condition Q.2 of Resolution R-97-0780, Petition PDD90-17(A))

S. MUPD

1. Condition R.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

The requested use(s) shall remain in the location indicated on the preliminary development plan approved by the Board of County Commissioners dated May 21, 1997.

Is hereby amended to read:

The requested use(s) shall remain in the location indicated on the preliminary development plan dated February 15, 2002, as presented to the Board of County Commissioners. (DRC: ZONING – Zoning)

T. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition S.1 of Resolution R-97-0780, Petition PDD90-17(A))
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG – Zoning) (Previous Condition S.2 of Resolution R-97-0780, Petition PDD90-17(A))
3. All outdoor lighting shall be extinguished no later than 12:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition S.3 of Resolution R-97-0780, Petition PDD90-17(A))

U. 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 – Zoning) (Previous Condition T.1 of Resolution R-97-0780, Petition PDD90-17(A))

V. USE LIMITATIONS

1. No cremation shall be permitted on site. (ONGOING: CODE ENF – Zoning,
2. Funeral processions traveling westward shall be required to turn left onto Boynton Beach Boulevard from the funeral home through the use of a special operational median opening, and use no less than three (3) escorts. (ONGOING: CODE ENF-Zoning)

W. 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. Condition U.1 of Resolution R-97-0780, Petition PDD90-17(A), which currently states:

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

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any

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

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.

It 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 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 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. (ONGOING: MONITORING - Zoning)