

RESOLUTION NO. R-2004-1374

RESOLUTION APPROVING ZONING PETITION DOA1991-042A  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF FAITH UNITED METHODIST CHURCH OF BOYNTON BEACH, FL  
BY MILLER LAND PLANNING CONSULTANTS INC., AGENT  
(FAITH UNITED METHODIST CHURCH)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1991-042A was presented to the Board of County Commissioners at a public hearing conducted on June 16, 2004; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1991-042A, the petition of Faith United Methodist Church of Boynton Beach, FL, by Miller Land Planning Consultants, Inc., agent, for a Development Order Amendment to add square footage and reconfigure site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 16, 2004, 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 Koons and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 16, 2004.

Filed with the Clerk of the Board of County Commissioners on 13 day of July, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY



  
DEPUTY CLERK

EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE FOLLOWING DESCRIBED PROPERTY; THE WEST HALF (W1/2), OF THE EAST HALF (E1/2), OF THE NORTHWEST QUARTER (NW1/4), OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA, LESS THAT PORTION OF LAND LYING IN THE L.W.D.D. CHANCERY CASE NO. 407, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 27; THENCE WITH A BEARING OF NORTH 89 46' 19" EAST, ALONG WE NORTH LINE OF SECTION 27, A DISTANCE OF 664.66 FEET, TO A POINT; THENCE WITH A BEARING OF SOUTH 00 10' 03" WEST, A LONG THE WEST LINE OF THE EAST HALF OP THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 52.80 FEET TO A POINT, ON THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT, (L.W.D.D) CHANCERY CASE NO. 407, AND THE POINT OF BEGINNING; THENCE WITH A BEARING OF NORTH 89 23' 49" EAST, ALONG THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CHANCERY CASE NO, 407, A DISTANCE OF 308.59 FEET TO A POINT (SAID POINT BEING THE INTERSECTION ON THE SOUTH RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT, LATERAL CANAL 24, (SAID LINE LYING 80.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD): THENCE WITH A BEARING OF SOUTH 88 16' 16" EAST, ALONG THE SOUTHRIGHT OF WAY LINE, OF L.W.DD. LATERAL CANAL NO 24. A DISTANCE OF 23.77 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 00 11' 03" EAST ALONG THE EAST LINE OF THE UNITED METHODIST CHURCH PROPERTY, (SAID LINE BEING THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27), A DISTANCE OF 1280.36 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 89 37' 40" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 332.70 FEET, TO A POINT; THENCE WITH A BEARING OF NORTH 00 10' 03" WEST, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, THENCE WITH A BEARING OF NORTH 00 10' 0E" WEST, A DISTANCE OF 1280.13 FEET, MORE OR LESS TO THE POINT OF BEGINNING

CONTAINING 425,878 SQUARE FEET (9.78 ACRES) MORE OR LESS, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD

EXHIBIT B  
VICINITY SKETCH

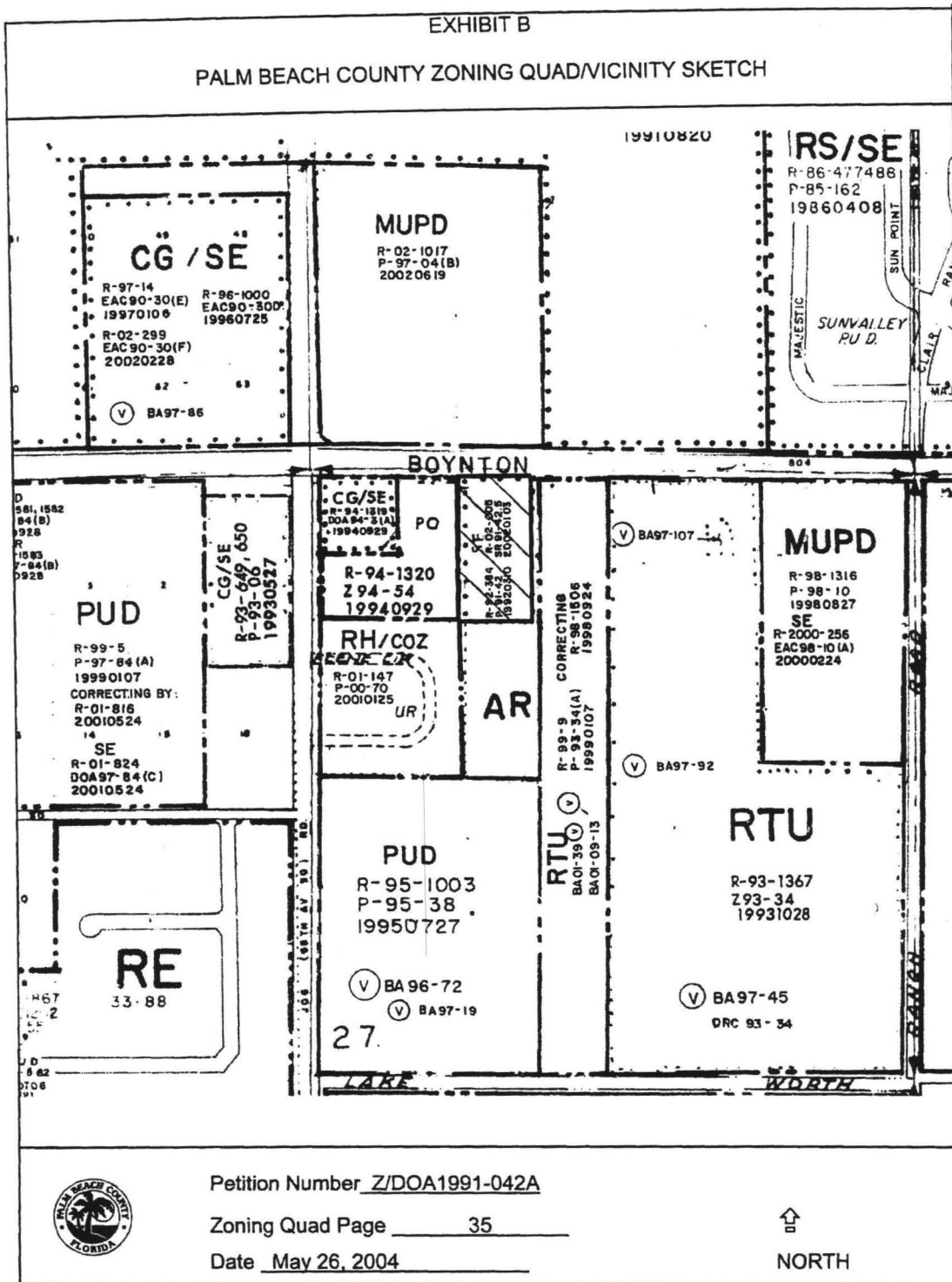


EXHIBIT C

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-92-364 (Petition 1991-042), 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. Previous condition A.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.** (ONGOING: MONITORING-Zoning)

Is hereby deleted. Reason: [Code requirements]

3. Previous condition A.2 of Resolution R-92-364, Petition 1991-042, which currently states:

**Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 26). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.**

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 May 7, 2004. 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. Previous condition A.3 of Resolution R-92-364, Petition 1991-042, which currently states:

**The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to March 7, 1992.**

Is hereby deleted. Reason: [Not applicable].

5. The petitioner shall have three (3) years from adoption of the resolution approving Petition 1991-042(A) 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. BUILDING AND SITE DESIGN

1. Previous condition B.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**Total gross floor area shall be limited to a maximum of 34,200 square feet.**

Is hereby deleted. Reason: [Replaced by A.3].

2. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material.** (BLDG PERMIT: ARCH REVIEW – Zoning) (Previous Condition B.2 of Resolution R-92-364, Petition 1991-042)

C. DAY CARE

1. Previous condition C.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**The day care center shall be limited to a maximum of sixty (60) students and 2,400 square feet of usable building area.**

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate the following limitations:

- a. A maximum of 120 students and 4,800 square feet of building area. (DRO: DRO – Zoning)

2. Previous condition C.2 of Resolution R-92-364, Petition 1991-042, which currently states:

**The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per 1,500 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area.**

Is hereby deleted. Reason: [Code requirement].

3. Previous condition C.4 of Resolution R-92-364, Petition 1991-042, which currently states:

**Prior to site plan certification, the site plan shall be amended to reflect five (5) drop-off stalls, designated on the site plan to show each drop-off stall a minimum of twelve (12) feet wide by twenty (20) feet in length.**

Is hereby deleted. Reason: [Code requirement]

4. Previous condition C.5 of Resolution R-92-364, Petition 1991-042, which currently states:

**Prior to site plan certification approval, the site plan shall be amended to reflect a minimum of 4,500 square feet of usable outdoor play area.**

Is hereby deleted. Reason: [Replaced by A.3].

D. DUMPSTER

1. Previous condition D.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.**

Is hereby deleted. Reason: [Code requirement].

**E. ENGINEERING**

1. Condition E.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff Petition No. 91-42 Page 2 generated by a three ( 3 ) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (CO: ENG/CODE ENF – Eng)**

Is hereby deleted. Reason: [Drainage is a code requirement]

2. Condition E.2 of Resolution R-92-364, Petition 1991-042, 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. (CO: ENG – Eng)**

Is hereby deleted. Reason: [Impact fees are a code requirement]

3. **The property owner shall convey to the Lake Worth Drainage District 80 feet of right-of-way south of and adjacent to the new south right-of-way line of Boynton Beach Boulevard as shown on the Survey Drawing No. M-89-8-67 prepared by Richard L. Shephard and Associates, Inc. for the required right-of-way for Lateral Canal No. 24, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to June 30, 1992. (DRO: ENG – Eng) (Previous Condition E.3 of Resolution R-92-364, Petition 1991-042)**
4. **Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. (DRO: COUNTY ATTY – Eng) (Previous Condition E.4 of Resolution R-92-364, Petition 1991-042)**
5. **Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Florida State Department of Transportation (FDOT) or the county Engineer to landscape the median of all abutting rights-of-way. This landscaping shall consist of a minimum of one (1) twelve (12) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing or sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list.**

**Trees:**  
Turkey Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

**Groundcover:**  
Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be installed according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown.
- b. The bottom cushion of the planting area shall include a minimum four ( 4 ) inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily maintenance obligation of the property owner, including irrigation, for ninety (90) days from installation and shall be installed prior to the issuance of the first certificate of occupancy on the site. (DRO: ENG – Eng) (Previous Condition M.1 of Resolution R-92-364, Petition 1991-042) (Note: Completed)

6. The property owner shall utilize Palm Beach County Sheriff personnel (or other State approved law enforcement personnel for the use of traffic control during the Sunday peak hour volumes and all special events. (ONGOING: CODE ENF – Eng)
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 may be issued after June 16, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

8. LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Boynton Beach Boulevard. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c) At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be



provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING-ENGINEERING)

- d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Boynton Beach Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG-ENGINEERING)

Note: [Deleted. Reason: Landscaping along Boynton Beach Boulevard adjacent to the site has been completed.]

9. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three (3) foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar to the Zoning Division as part of the site plan application. Upon completion of Littoral Zone planting, ERM shall be notified. This notification shall occur within 5 working days. This planting shall not be credited as compensation required by wetlands permits. (DRO: ERM – Erm) (Previous condition F.1 of Resolution R-92-364, Petition 1991-042)**
2. **At time of site plan submittal, the petitioner shall submit the following information:**
  - a. **A detailed vegetation preservation, relocation, and removal program. This Preservation Program shall:**
    - 1) **Justify all relocation or removal of native vegetation.**
    - 2) **Detail methods to be used in relocation, preservation and removal of native vegetation.**
    - 3) **The program shall identify all trees to be preserved, or relocated and where they are to be relocated to, and shall establish appropriate protection measures during the construction and site development phase of the project.**

(DRO: ERM – Erm) (Previous condition R.1 of Resolution R-92-364, Petition 1991-042)

3. **Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:**
  - a. **All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a Preservation Program.**
  - b. **Trees to be preserved shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.**
  - c. **Tree relocation shall occur prior to construction activity except as approved by the Zoning Division. (DRO: ERM – Erm) (Previous condition S.1 of Resolution R-92-364, Petition 1991-042)**
4. **Prior to removal of any vegetation on site, the petitioner shall schedule a Pre-clearing Inspection with the Zoning Division. (DRO: ERM – Erm) (Previous condition S.2 of Resolution R-92-364, Petition 1991-042)**
5. **All prohibited species shall be removed from the subject property prior to the issuance of a Certificate of Occupancy (C.O.). (CO: ERM – Erm) (Previous condition S.3 of Resolution R-92-364, Petition 1991-042)**
6. **All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - Erm)**

G. HEALTH

1. Previous condition G.1 of Resolution R-92-364, Petition 1991-042, which currently states:  
**Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.**  
Is hereby deleted. Reason: [Not applicable]
2. Previous condition G.2 of Resolution R-92-364, Petition 1991-042, which currently states:  
**Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.**  
Is hereby deleted. Reason: [Not applicable]
3. Previous condition G.3 of Resolution R-92-364, Petition 1991-042, which currently states:  
**No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C.**  
Is hereby deleted. Reason: [Not applicable]

H. IRRIGATION QUALITY WATER

1. Previous condition H.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.**

Is hereby deleted. Reason: [Code requirement]

I. LANDSCAPING - GENERAL

1. Previous condition I.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (DRO: LANDSCAPE – Zoning)**

Is hereby deleted. Reason: [Completed].

J. LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

1. Previous condition J.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**Landscaping within the required fifteen (15) foot buffer along Boynton Beach Boulevard shall be upgraded to include:**

- a. **One twelve (12) foot tall tree planted each thirty (30) linear feet.**
- b. **Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center.**

Is hereby amended to read:

Landscaping for the Boynton Beach Boulevard frontage shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. one (1) canopy tree planted for each thirty (30) linear feet of the property line; and,
- c. thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center. (CO: LANDSCAPE – Zoning)

K. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Previous condition K.1 of Resolution R92-364, Petition 1991-042, which currently states:

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

- a. **A minimum ten (10) foot wide landscape buffer strip.**
- b. **One twelve (12) foot tall tree planted each thirty (30) linear feet.**
- c. **Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.**

Is hereby amended to read:

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

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. thirty (30) inch high shrubs 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 at maturity. (BLDG PERMIT: LANDSCAPE – Zoning)

L. LANDSCAPING ALONG THE NORTH 642 FEET OF THE EAST PROPERTY LINE

- 1. Landscaping and buffering along the north 642 feet of the east property line shall be upgraded to include:
  - a. a minimum ten (10) foot wide landscape buffer strip;
  - b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
  - c. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - d. one (1) medium shrub (Saw Palmetto or similar species or ornamental grass) for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG. PERMIT: LANDSCAPE - Zoning)

M. LANDSCAPING ALONG THE SOUTH 638 FEET OF THE EAST PROPERTY LINE

- 1. Landscaping and buffering along the south 638 feet of the east property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip;
  - b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
  - e. one (1) medium shrub (Saw Palmetto or similar species or ornamental grass) for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation; and,
  - f. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG. PERMIT: LANDSCAPE - Zoning)

N. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING POST OFFICE AND RESIDENTIAL)

- 1. Previous Condition L.1 of Resolution R-92-364, Petition 1991-042, which currently states:

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

- a. **A minimum ten (10) foot wide landscape buffer strip.**
- b. **A six (6) foot high wall, hedge, fence or berm or combination thereof for the length of the adjacent storage yard.**
- c. **One twelve (12) foot tall tree planted every twenty-five (25) feet on center, planted on the exterior side of the required six (6) foot high barrier where applicable.**

Is hereby amended to read:



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

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (BLDG PERMIT: LANDSCAPE – Zoning)

O. LIGHTING

1. **All outdoor lighting used to illuminate the premises 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 N.1 of Resolution R-92-364, Petition 1991-042)
2. **Lighting fixtures shall not exceed twenty (20) feet in height. Lighting fixtures within fifty (50) feet of the south, east and west property lines shall not exceed a height of twelve (12) feet in height.** (CO: BLDG - Zoning) (Previous Condition N.2 of Resolution R-92-364, Petition 1991-042)
3. **All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.** (ONGOING: CODE ENF - Zoning) (Previous Condition N.3 of Resolution R-92-364, Petition 1991-042)
4. Previous Condition N.4 of Resolution R-92-364, Petition 1991-042, which currently states:

**There shall be no rooftop lighting allowed on-site. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures.**

Is hereby amended to read:

Rooftop lighting shall not be permitted on any structures. (BLDG PERMIT: BLDG –Zoning)

P. PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated April 13, 2004 (Rec.# 41, 42, and 47) regarding pedestrian pathways and pedestrian connections. (DRO: PLANNING - Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), in order to comply with Recommendations 41 and 42 from the West Boynton Area Community Plan, the applicant shall provide landscaping section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks shown in this project. (DRO: PLANNING - Planning)

Q. PARKING

1. Previous condition O.1 of Resolution R-92-364, Petition 1991-042, which currently states:



**A maximum of 212 paved parking spaces for Phases I and II shall be permitted on-site. Additional grass parking may be allowed by the Site Plan Review Committee.**

Is hereby deleted. Reason: [Superceded by A.3]

R. RECYCLE SOLID WASTE

1. Previous condition P.1 of Resolution R-92-364, Petition 1991-042, which currently states:

**The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.**

Is hereby deleted. Reason: [Code Requirement]

S. SIGNS

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

- a. **Maximum sign height - ten (10) feet.**
- b. **Maximum total sign face area – 100 sq. ft. total.**
- c. **Maximum number of signs – one (1) monument sign. (CO: BLDG - Zoning) (Previous condition Q.2 of Resolution R-92-364, Petition 1991-042)**

2. Previous condition Q.2 of Resolution R-92-364, Petition 1991-042, which currently states:

**If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.**

Is hereby deleted. Reason: [Not applicable]

T. COMPLIANCE

1. Previous condition T.1 of resolution R-92-364, Petition 1991-042, which currently states:

**As provided in Zoning Code Section 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:**

- a. **The denial or revocation of a building permit: the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or**
- b. **The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or**
- c. **A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-conformance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.**

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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)

2. Previous condition T.2 of resolution R-92-364, Petition 1991-042, which currently states:

**Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.**

Is hereby amended to read:

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)