

RESOLUTION APPROVING ZONING PETITION Z/COZ96-126  
OFFICIAL ZONING *MAP* AMENDMENT (REZONING)  
WITH A CONDITIONAL OVERLAY ZONE (COZ)  
PETITION OF GEORGE T. KELLY, IV  
BY ROBERT BASEHART, AGENT *g/87*  
(KELLY 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, 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 Z/COZ96-126 was presented to the Board of County Commissioners at a public hearing conducted on March 27, 1997; 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;
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) 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) 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) 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, as amended; and,
7. This official zoning map amendment (rezoning) 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 Z/COZ96-126, the petition of George T. Kelly, IV by Robert Basehart, agent, for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Light Industrial (IL) Zoning District with a CONDITIONAL OVERLAY ZONE (COZ) 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 March 27, 1997, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 1997.

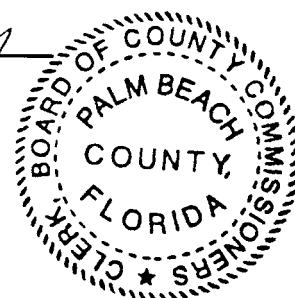
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Dorothy H. Wilken*  
COUNTY ATTORNEY

BY: *Joan Haverly*  
DEPUTY CLERK



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

***KELLY PROPERTY***  
***LEGAL DESCRIPTION***

**TRACT 17, BLOCK 74, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE NORTH 190 FEET AND THE SOUTH 208 FEET, TOGETHER WITH THE ABANDONED 25 FOOT ROAD RIGHT-OF-WAY LYING WEST OF AND ADJACENT THERETO.**



## 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 January 30, 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. (ONGC ING: ZONING)

#### B. 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 outmost 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)
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 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)

#### C. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINE

1. A minimum fifteen (15) foot Alternative 3 landscape buffer strip shall be installed along the north and south property line and shall include the following:
  - a. One (1) canopy tree planted every thirty (30) feet on center;
  - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
  - c. 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 six (6) feet. (CO: LANDSCAPE)

#### D. LANDSCAPING ALONG THE EAST PROPERTY LINE

1. A minimum ten (10) foot Alternative 3 landscape buffer strip shall be installed along the east property line and shall include the following:

- a. One (1) canopy tree planted every thirty (30) feet on center; and,
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede, the requirement for a canopy tree in that location; and
- c. 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 six (6) feet. (CO: LANDSCAPE)

**E. ENGINEERING**

- 1. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code prior to issuance of a Building Permit. (BLDG PERMIT: MONITORING - Eng.)
- 2. LANDSCAPE WITHIN MEDIAN
  - a. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of 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 Land Development Division Palm Beach County Department of 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 adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
  - b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
  - c. 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)

**F. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING SR7/US441)**

- 1. Landscaping and buffering extending 150 feet from the northwest corner of the subject property shall be upgraded to include:
  - a. A minimum thirty-five (35) foot wide landscape buffer strip;
  - b. A continuous four (4) foot high berm measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) 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. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no **more** than twenty four **(24)** inches **on** center and maintained at a minimum height of thirty six **(36)** inches. **(CO: LANDSCAPE)**
2. Landscaping and buffering for the remainder of the right-of-way buffer **(112 feet)** shall be upgraded to include:
    - a. A minimum fifteen (15) foot wide buffer strip with trees, planted as specified in c. and d. above;
    - b. A continuous two **(2)** foot high berm measured from top of curb;
    - c. 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. **(CO: LANDSCAPE)**
  3. A minimum six (6) foot high decorative aluminum fence with a wrought iron appearance shall be installed in the buffer along the entire length of the buffer area, adjacent to **SR7/US441**. **(CO: LANDSCAPE)**

#### **G. 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)**
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. Security lighting shall be below the building line. **(CO BLDG - Zoning)**
3. All outdoor lighting shall be extinguished no later than **10:00 p.m.**, excluding security lighting only. **(ONGOING: CODE ENF)**

#### **H. SIGNS**

1. Freestanding point of purchase signs fronting **on SR7/US441** shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten **(10)** feet;
  - b. Maximum sign face area per side - **100** square feet;
  - c. Maximum number of signs - one **(1)**; and
  - d. Style - monument style only. **(CO BLDG)**
2. **No wall** signs shall be permitted on the exterior of the building. **(BUILDING PERMIT: BLDG)**

#### **I. SITE AND BUILDING DESIGN**

1. 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)**

2. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential area and utilize earthtones and stucco finish on all side of the buildings. (BLDG PERMIT: BLDG-Zoning)
3. Similar architectural character and treatment shall be provided on all sides of the building facing perimeter property lines and rights-of-ways. (BLDG PERMIT: BLDG - Zoning)
4. The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-six (26) feet with no outdoor structures located on the roof. (BLDG PERMIT: BLDG - Zoning)
5. Openings shall not be permitted on the north, east, or south exterior facades of the building, except required emergency exits. All access to the storage units will be from the interior of the project. (BLDG PERMIT: BLDG - Zoning)
6. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved elevation is dated March 6, 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)

**J. USE LIMITATIONS**

1. The self-storage facility, as defined in the Palm Beach County Unified Land Development Code, shall be the only permitted use on the parcel. Any request for a change in the permitted use shall require an amendment to the Palm Beach County Comprehensive Plan. (DRC/Planning)
2. The use shall be limited to a self service storage facility. Total gross floor area shall be limited to a maximum of 52,600 square feet. (DRC: ZONING)
3. There shall be no outdoor storage on the site. (ONGOING: CODE ENF-Planning)
4. Hours of operation for the facility, including deliveries, shall not be allowed prior to 7:00 a.m. nor continue later than 7:30 p.m. daily. (ONGOING: CODE ENF - Zoning)
5. No combustible or hazardous material shall be stored on site. (ONGOING: CODE ENF - Zoning)
6. Overnight parking shall not be permitted within eighty (80) feet of the west property line adjacent to SR7/US441, excepting for the resident manager vehicles. (DRC / ONGOING: ZONING / CODE ENF)
7. The minimum setback for all structures adjacent to the west property line shall be seventy-six (76) feet. (DRC: ZONING)

**K. COMPLIANCE**

1. 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.

**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)