

RESOLUTION NO. R-2021- 0954

RESOLUTION APPROVING ZONING APPLICATION DOA-2021-00282  
(CONTROL NO. 2005-00427)  
a Development Order Amendment  
APPLICATION OF Burlington Self Storage Lake Worth LLC  
BY Urban Design Kilday Studios, AGENT  
(Burlington Self-Storage of Lake Worth)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application DOA-2021-00282 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2021;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Application DOA-2021-00282, the Application of Burlington Self Storage Lake Worth LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to modify the Site Plan and a Condition of Approval, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 22, 2021.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2021.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:



  
DEPUTY CLERK  
FLORIDA  




EXHIBIT A

LEGAL DESCRIPTION

TRACT A, BURLINGTON SELF STORAGE OF LAKE WORTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127, PAGE 156, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH ONE-HALF (1/2) OF TRACT THIRTEEN (13), LESS THE EAST TWENTY-FIVE (E25') THEREOF FOR ROAD RIGHT OF WAY, AND LESS THE NORTH FIVE HUNDRED TEN FEET (N510') THEREOF IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT A; THENCE ALONG THE WEST BOUNDARY OF SAID TRACT A, AND THE NORTHERLY PROLONGATION THEREOF, N02°04'13"E FOR 817.77 FEET TO THE SOUTH LINE OF THE NORTH 510.00 FEET OF THE NORTH ONE-HALF (N.1/2) OF SAID TRACT 13; THENCE ALONG SAID SOUTH LINE, S88°06'14"E FOR 311.43 FEET TO THE WEST RIGHT-OF-WAY OF DESOTO ROAD, RECORDED IN DEED BOOK 982, PAGE 19, OF SAID PUBLIC RECORDS; THENCE ALONG SAID WEST RIGHT-OF-WAY, S02°01'00"W 180.30 FEET TO THE NORTHEAST CORNER OF SAID BURLINGTON STORAGE OF LAKE WORTH; THENCE ALONG SAID NORTH LINE, N88°18'09"W FOR 10.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT A; THENCE ALONG THE BOUNDARY OF SAID TRACT A FOR THE FOLLOWING THREE (3) COURSES: 1) THENCE S02°01'00"W FOR 610.56 FEET; 2) THENCE S46°45'29"W FOR 35.20 FEET; 3) THENCE N88°30'01"W FOR 277.43 FEET TO THE POINT OF BEGINNING.  
CONTAINING 247,993 SQUARE FEET (5.693 ACRES), MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

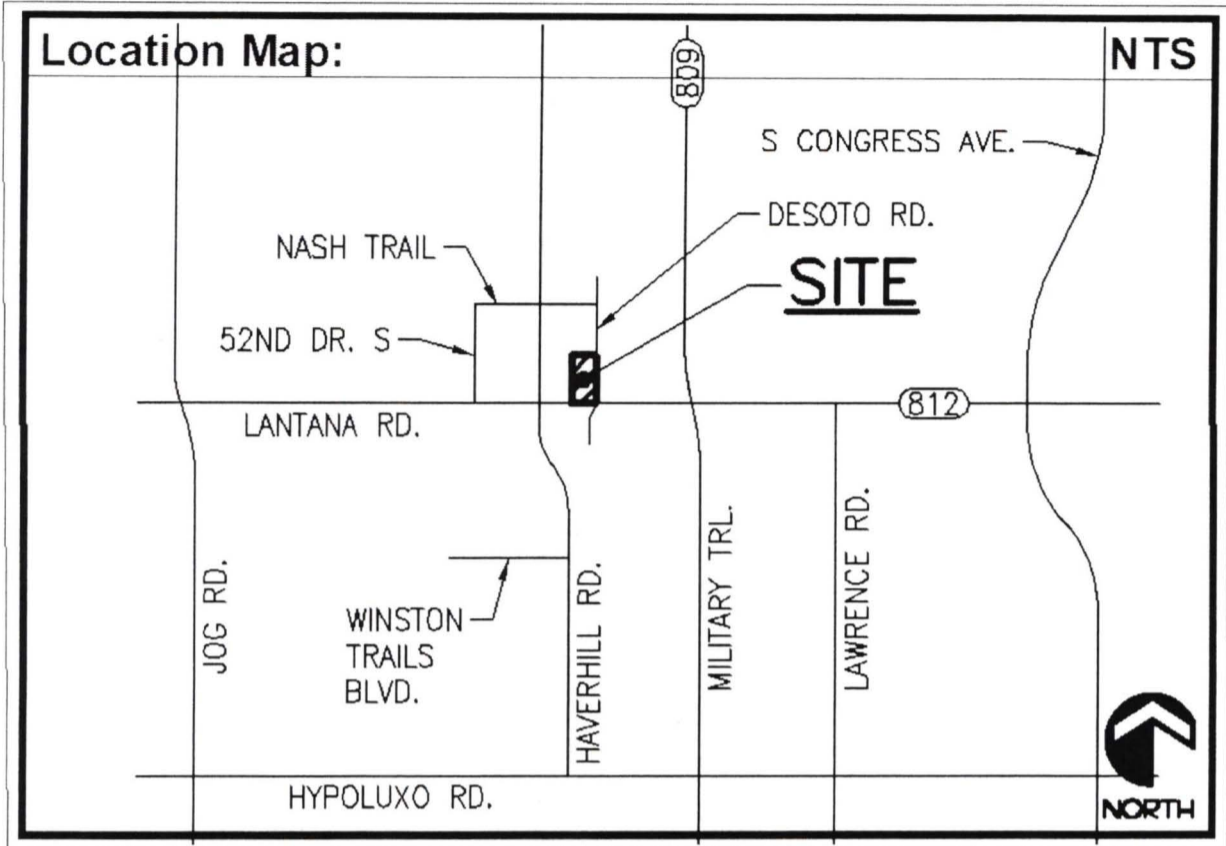


EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment – Class A Conditional Use**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-937, Control No.2005-00427, which currently states:

The approved Preliminary Site Plan is dated April 13, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners.

**Is hereby amended to read:**

The approved Preliminary Site and Regulating Plans are dated May 10, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2020-937, Control No.2005-00427, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2018-0197 (Control 2005-00427), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

**Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-937 (Control 2005-00427), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

**ARCHITECTURAL REVIEW**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Self Service Storage Facility shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the approved Architectural Elevations. the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2020-937, Control No.2005-00427, which currently states:

The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed forty (40) feet. Height shall be measured from finished grade to highest point of the structure.

**Is hereby amended to read:**



The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed forty (40) feet with the exception of the elevator shafts which shall not exceed forty-five (45) feet. Height shall be measured from finished grade to highest point of the structure. (DRO/ONGOING: ZONING - Zoning)

3. Prior to Final Development Review Officer (DRO) Approval the Applicant shall submit revised elevations indicating the elevator shaft/cabs for Building 2 with a maximum height of forty-five (45) feet. (DRO: ZONING - Zoning)

## **ENGINEERING**

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2022, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2020-937, Control No.2005-00427)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for De Soto Road right of way and all associated documents as required by the County Engineer for 10 feet in width on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2020-937, Control No.2005-00427)

4. The Property Owner shall fund the construction plans and the construction of De Soto Road as a non-plan collector road plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed on or before the issuance of the first building permit. Construction plan costs shall be approved by the County Engineer.



All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2020-937, Control No.2005-00427)

5. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2020-937, Control No.2005-00427)

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

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

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 Property Owner 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: MONITORING - Engineering) [Note: COMPLETED]

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lantana Road. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2020-937, Control No.2005-00427)



7. Prior to approval of the Final Site Plan by the Development Review Officer, the traffic study shall be modified to reflect any modification of access points, if any, as shown on the Zoning Commission approved site plan. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2020-937, Control No.2005-00427)

8. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for Lantana Road right of way and all associated documents as required by the County Engineer for 55 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2020-937, Control No.2005-00427)

9. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2020-937, Control No.2005-00427)

10. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2020-937, Control No.2005-00427)

11. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for De Soto Road right of way and all associated documents as required by the County Engineer for 10 feet in width on an alignment approved by the County Engineer.



All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2020-937, Control No.2005-00427)

#### **LANDSCAPE - GENERAL**

1. At time of submittal for Final Approval by the Development Review Officer the Property Owner shall add a Landscape Disposition Chart to the Final Site Plan for review and approval. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. Prior to issuance of building permit for first building and, if agreed to by the property owner of the parcels located directly across from the site on the eastern side of De Soto Road (the "Eastern Adjacent Parcels"), the Applicant shall plant or cause to be planted the following landscaping on the Eastern Adjacent Parcels to serve as an additional vegetative buffer between the Applicant's proposed development and the Eastern Adjacent Parcels:

a. A single row of seven (7) Areca Palms, minimum eight (8) feet in height at time of planting, planted four (4) feet on center, on that portion of the Eastern Adjacent Parcels located immediately across from the northernmost access drive to the site on De Soto Road.

b. A single row of eight (8) Areca Palms, minimum eight (8) feet in height at time of planting, planted four (4) feet on center, on that portion of the Eastern Adjacent Parcels located immediately across from the southernmost access drive to the site on De Soto Road. (BLDGPMT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2020-937, Control No.2005-00427)

#### **LANDSCAPE - PERIMETER-ALONG THE NORTH, SOUTH AND EAST PROPERTY LINES**

3. In addition to Code requirements, landscaping on the north, south, and east property lines shall be upgraded to include:

a. One (1) palm or pine for each thirty (30) linear feet of the property line. All palms or pines required

to be planted on the property, shall meet the following minimum standards at installation:

b. If palms are utilized to satisfy this Condition, palm height shall be in a range of six (6) to twelve (12) feet of grey wood or clear trunk;

c. If pines are utilized to satisfy this Condition, pine height shall be in a range of eight (8) to twelve (12) feet;

d. Palms or pines shall be clustered in groups of three (3) to five (5); and,



e. credit may be given for existing or relocated palms/pines provided they meet current Unified Land Development Code requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2020-937, Control No.2005-00427)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING LANDSCAPE NURSERY)**

4. In addition to the Code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted.

(BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2020-937, Control No.2005-00427)

**SITE DESIGN**

1. The minimum setback for all principal buildings and accessory structures shall be a minimum of two hundred and ninety (290) feet from the north property line. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2020-937, Control No.2005-00427)

2. Prior to Certificate of Occupancy for any building, a minimum ten (10) foot high opaque gate with a Knox Box shall be provided on the northeast and southeast access points, and northwest access point connecting to the wall or storage units. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2020-937, Control No.2005-00427)

3. The northernmost access on DesSto Road shall be limited to twenty (20) foot in width and, except for emergency management access, vehicular traffic shall be restricted to egress only. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2020-937, Control No.2005-00427)

4. The Outdoor Storage area for the Self-storage Facility shall be limited to only vehicles customarily maintained by households for personal use, such as recreational vehicles or pleasure boats and no construction equipment could be stored on site. (ONGOING: ZONING - Code Enforcement) (Previous SITE DESIGN Condition 4 of Resolution R-2020-937, Control No.2005-00427)

5. Prior to issuance of the Certificate of Completion for the northern storage area, the Property Owner shall revise the applicable plans (Site and Regulating) to comply with the outdoor storage setbacks pursuant to Article 5.B.1.A.3.b along the north property line; or obtain the necessary Variance allowing for a setback reduction. (CC: ZONING - Zoning)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the 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 Unified Land Development Code 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 of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.