

RESOLUTION NO. R-2016-0005

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2015-01235  
(CONTROL NO. 1990-00017)  
A Development Order Amendment  
APPLICATION OF Branch Banking & Trust Company  
BY CMS Engineering, LLC, AGENT  
(Boynton Beach Self Storage Facility)

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, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2015-01235 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 2016;

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 (Development Review Procedures) of the Palm Beach County ULDC (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for A Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County 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 ZV/DOA/R-2015-01235, the application of Branch Banking & Trust Company, by CMS Engineering, LLC, Agent, for A Development Order Amendment to reconfigure the Site Plan, modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Engineering, Cross Access, Ingress/Egress Easement, LWDD, Unity, Dumpster, MUPD and Mass Transit), add a Requested Use, and restart the commencement clock., 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	-	Nay
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 7, 2016.

Filed with the Clerk of the Board of County Commissioners on January 21, 2016

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment No. SCA 2015-015.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

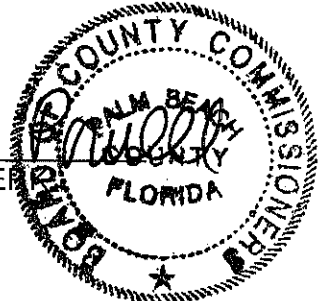


EXHIBIT A

LEGAL DESCRIPTION

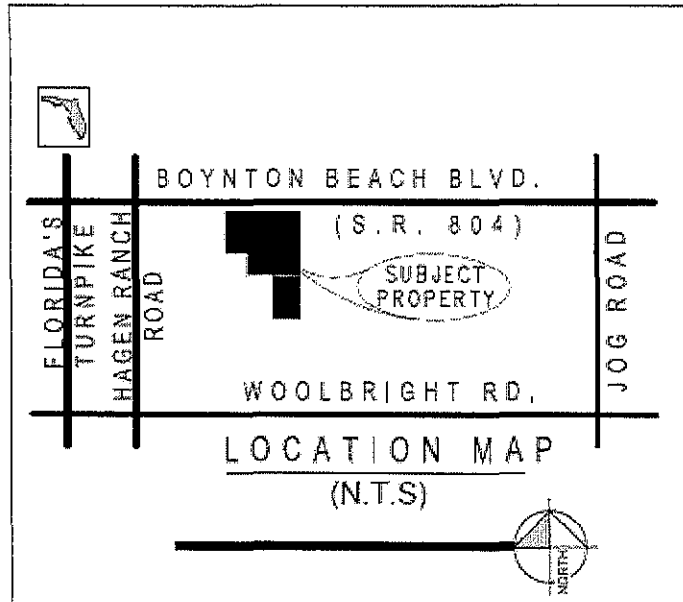
PCN: 00-42-45-28-06-001-0010  
00-42-45-28-06-001-0020  
00-42-45-28-06-000-0020

**LEGAL DESCRIPTION**

PARCEL 1 AND PARCEL 2, BOYNTON BEACH BOULEVARD SELF STORAGE, ACCORDING TO THE PLAT THEREOF OF FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 84, PAGE 107.

CONTAINING 6.322 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-1289 (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.

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-1250 (Control 1997-00017), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of 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)

2. Previous A Condition 3 of Resolution R-2002-1250, Control No.1990-00017, 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 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.

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated September 10, 2015. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Previous A Condition 4 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

The petitioner shall have three (3) years from adoption of the resolution approving Petition 90-01 7(B) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted.

**Is hereby deleted.** [REASON: Duplicating All Petition Conditions 1.]

##### ARCHITECTURAL REVIEW

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. (BLDGPMT/DRO: ZONING - Building Division) [Note: COMPLETED] (Previous C Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

## ENGINEERING

1. Condition E1 deleted by Resolution R-2002-1250 (Previous E Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

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. [Note: 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. [Note: 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' 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. [Note: 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. [Note: COMPLETED] (Previous E Condition 2 of Resolution R-2002-1250, Control No.1990-00017)

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. [Note: COMPLETED] (Previous E Condition 3 of Resolution R-2002-1250, Control No.1990-00017)

4. Condition E4 deleted by Resolution R-2002-1250 (Previous E Condition 4 of Resolution R-2002-1250, Control No.1990-00017)

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. [Note: COMPLETED]

B). Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. [Note: COMPLETED]

C). Construction shall be completed prior to the issuance of the first Certificate of Occupancy. [Note: COMPLETED] (Previous E Condition 5 of Resolution R-2002-1250, Control No.1990-00017)

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. [Note: COMPLETED] (Previous E Condition 6 of Resolution R-2002-1250, Control No.1990-00017)

#### 7. TPS PHASING

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, 2020. 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)

#### LAKE WORTH DRAINAGE DISTRICT

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. [Note: COMPLETED] (Previous H Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

#### LANDSCAPE - GENERAL

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- b. Tree height: fourteen (14) feet.
- 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. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous J Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous J Condition 2 of Resolution R-2002-1250, Control No.1990-00017)

3. All new shrub or hedge material shall be planted in a meandering and naturalistic pattern. (BLDGPM/ONGOING: ZONING - Zoning) (Previous J Condition 3 of Resolution R-2002-1250, Control No.1990-00017)

4. A Consolidated Regulating Plan for the MUPD shall be submitted prior to DRO approval. Proposed and existing buffers shall be included. (DRO: ZONING - Zoning)

5. An Easement Consent Form to allow existing trees to remain and allow the installation or replacement of landscaping within the easement shall be submitted prior to DRO approval. (DRO: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR-FUNERAL HOME**

1. Foundation planting or grade level planters along the north facade 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. [Note: COMPLETED] (Previous O Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

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. [Note: COMPLETED] (Previous O Condition 2 of Resolution R-2002-1250, Control No.1990-00017)

3. 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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous O Condition 3 of Resolution R-2002-1250, Control No.1990-00017)

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

1. 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; a
- 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 (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

**Is hereby amended to read:**

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE EAST OF THE MAIN ACCESS DRIVE**

1. 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; a
- 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 (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE WEST OF THE MAIN ACCESS**

2. Landscaping within the 10-foot wide ROW Buffer west of the main access drive along the north property line shall be upgraded to include the following:

- a. A minimum ten (10) 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 (DRO: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES ACROSS FROM RESIDENTIAL**

3. 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous L Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)**

4. 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous M Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST 345 FEET PROPERTY LINE (ABUTTING COMMERCIAL)**

5. Previous N Condition 1 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

**Is hereby amended to read:**

**LANDSCAPING AND BUFFERING ALONG THE SOUTHERN 136 FEET OF THE WESTERN PROPERTY LINE**

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. (DRO: ZONING - Zoning)

#### **PALM TRAN**

1. Previous U Condition 1 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

**Is hereby deleted.** [REASON: No longer required.]

#### **PLANNED DEVELOPMENT**

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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous Q Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

#### **PLANNED DEVELOPMENT-MUPD**

2. Previous S Condition 1 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

**Is hereby amended to read:**

The requested use(s) shall remain in the location indicated on the preliminary development plan dated September 10, 2015 as presented to the Board of County Commissioners unless permitted by the ULDC. (DRO: ZONING - Zoning)

#### **PLANNING**

1. Previous J Condition 4 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

**Is hereby deleted.** [REASON: No longer applicable per Planning. Covered by code.]

2. Previous P Condition 5 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

**Is hereby deleted.** [REASON: No longer applicable per Planning. Covered by code.]

## **SIGNS**

1. 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. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous P Condition 1 of Resolution R-2002-1250, Control No.1990-00017)
2. Previous P Condition 2 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

### **Is hereby amended to read:**

All signs shall have similar elements of design and color. A Master Signage Program illustrating all signs of the MUPD shall be submitted prior to DRO approval demonstrating conformance to these conditions. (DRO: ZONING - Zoning)

3. No roof mounted signs shall be permitted on site. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous P Condition 3 of Resolution R-2002-1250, Control No.1990-00017)
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. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous P Condition 4 of Resolution R-2002-1250, Control No.1990-00017)

## **SITE DESIGN**

1. Previous D Condition 1 of Resolution R-2002-1250, Control No.1990-00017, which currently states:

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.

### **Is hereby amended to read:**

Total gross floor area shall be limited to a maximum of 95,300 square feet. Any expansion in Building Coverage in the Commercial Low FLU that results in greater than 28.2% shall require a Variance unless permitted by current ULDC requirements subject to approval by DRO. (DRO: ZONING - Zoning)

2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous D Condition 2 of Resolution R-2002-1250, Control No.1990-00017)
3. Openings shall not be permitted on the exterior facades of the one story, multi-access self-storage building, except required emergency exits. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous D Condition 3 of Resolution R-2002-1250, Control No.1990-00017)

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. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous D Condition 4 of Resolution R-2002-1250, Control No.1990-00017)

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: ENVIRONMENTAL RESOURCES MANAGEMENT - Zoning) (Previous D Condition 5 of Resolution R-2002-1250, Control No.1990-00017)

6. 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 28 (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous D Condition 7 of Resolution R-2002-1250, Control No.1990-00017)

7. 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. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous F Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

8. Prior to final certification of the site plan by the Development Review Committee, the twenty (20) foot wide ingress/degress easement along the west property line of the site shall be relocated or provide the required landscape buffer outside of this existing ingress/degress easement. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous G Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

#### **SITE DESIGN-DUMPSTERS**

9. 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. (DRO/ONGOING: BUILDING DIVISION - Zoning) (Previous R Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

10. 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. (DRO/ONGOING: ZONING - Zoning) (Previous R Condition 2 of Resolution R-2002-1250, Control No.1990-00017)

#### **USE LIMITATIONS-HOURS OF OPERATION**

1. 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: ZONING - Zoning) (Previous I Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

#### **USE LIMITATIONS-LIGHTING**

2. 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. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous T Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

3. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous T Condition 2 of Resolution R-2002-1250, Control No.1990-00017)

4. All outdoor lighting shall be extinguished no later than 12:00 p.m., excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous T Condition 3 of Resolution R-2002-1250, Control No.1990-00017)

#### **USE LIMITATIONS-FUNERAL HOME**

5. No cremation shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous V Condition 1 of Resolution R-2002-1250, Control No.1990-00017)

6. 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: ZONING - Zoning) (Previous V Condition 2 of Resolution R-2002-1250, Control No.1990-00017)

#### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the ApplicantApplicant 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 Voluntary Commitments of this Approval. (ONGOING: ZONING - Monitoring)

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: ZONING - Zoning)

#### **DISCLOSURE**

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