

RESOLUTION NO. R-2014-0375

RESOLUTION APPROVING ZONING APPLICATION Z/DOA-2013-02915
(CONTROL NO. 1998-00012)
a Development Order Amendment
APPLICATION OF Wellington Preparatory School Property L, Wellington Preparatory
School, LLC
BY Miller Land Planning, AGENT
(Wellington Preparatory School)

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), have been satisfied;

WHEREAS, Zoning Application Z/DOA-2013-02915 was presented to the Board of County Commissioners at a public hearing conducted on March 27, 2014;

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 Unified Land Development Code (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 Unified Land Development Code 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 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 Application Z/DOA-2013-02915, the petition of Wellington Preparatory School Property L, Wellington Preparatory School, LLC, by Miller Land Planning, agent, for a Development Order Amendment to modify the Site Plan and add land area. in the RT Zoning District, 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 March 27, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on March 27, 2014.

Filed with the Clerk of the Board of County Commissioners on April 1, 2014.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

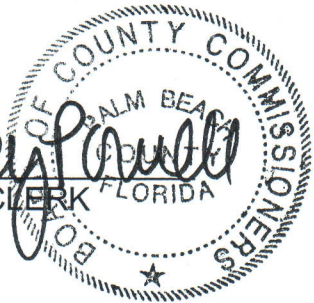


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FL, AND IS DESCRIBED AS FOLLOWS:

Tract A, PLANET KIDS NO. III, according to the Plat thereof, as recorded in Plat Book 91, Page 98, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

Being a portion of Tract 44, Block 25, Palm Beach Farms Co. Plat No. 3, Plat Book 2, Pages 45-54, of the Public Records of Palm Beach County, Florida, being described as follows:

Begin at the southeast corner of said Tract 44; thence S89°29'19"W, along the south line of said Tract 44, 194.75 feet; thence N00°05'23"W, 85.00 feet; thence N89°29'19"E, along a line parallel and 85.00 feet north of the said south line of Tract 44, 195.00 feet; thence S00°04'43"E, along the east line of said Tract 44, 85.00 feet to the Point of Beginning.

TOGETHER WITH:

Commencing at the north east corner of Tract 55, Block 25, Plat Book 45-54, of the Public Records of Palm Beach County, Florida.

Running thence along the northerly line of Tract 55, Block 25, south 89°04'24" west, 330 feet to the Point and Place Of Beginning; running thence south 00°55'38" east 270.00 feet; running thence south 89°04'24" west, 35.00 feet; running thence north 00°55'36" west, 270.00 feet to the north line of Tract 55, Block 25 mentioned above; running thence north 89°04'24" east, 35.00 feet to the Point and Place of Beginning.

TOGETHER WITH:

Commencing at the north east corner of Tract 55, Block 25, Plat Book 2, Pages 45-54, of the Public Records of Palm Beach County, Florida.

Running thence along the northerly line of Tract 55, Block 25, south 89°04'24" west, 195.00 feet to the Point and Place Of Beginning; running thence south 89°04'24" west, 170.00 feet; running thence north 00°55'36" west, 85.00 feet; running thence north 89°04'24" east, 170.00 feet; running thence south 00°55'36" east, 85.00 feet to the Point and Place Of Beginning.

Containing 179,168 square feet (4.1131 acres), more or less.

EXHIBIT B
VICINITY SKETCH

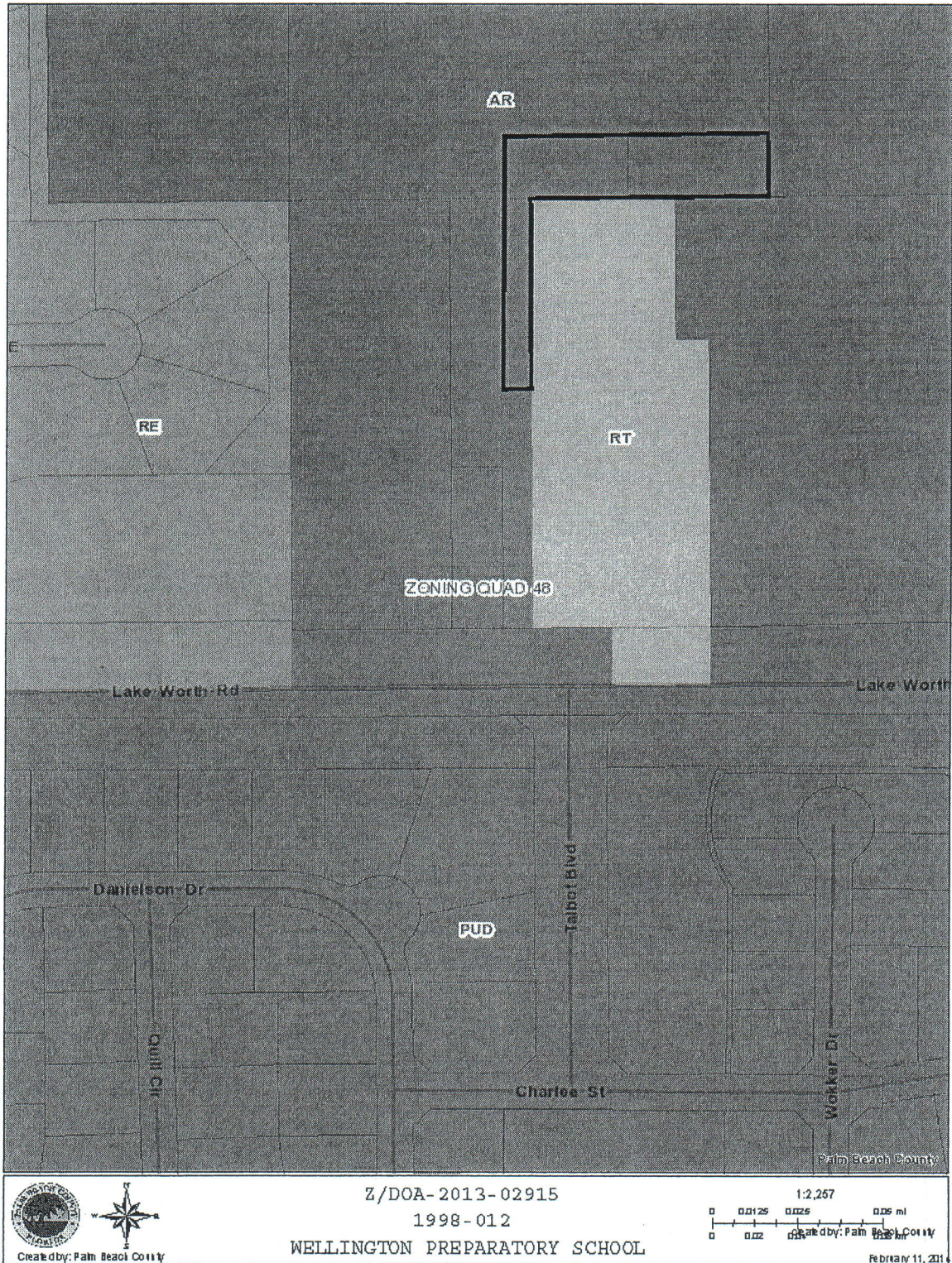


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2013-645, Control No.1998-00012, which currently states:

The approved Preliminary Site Plan is dated March 4, 2013. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated January 9, 2014. 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)

2. Prior to DRC site plan application, the site plan shall be revised to indicate the required landscaping along the outdoor play area. The site plan shall also be revised to indicate the required foundation planting along the front and the sides of the buildings. (Previous ALL PETITIONS condition 2 of Resolution R-2013-645, Control No.1998-00012) (DRO: ZONING - Zoning) [Note: COMPLETED]

3. Prior to DRC site plan application, the shaded canopy of the north building shall be relocated to provide the twenty five (25) foot rear setback as required by the ULDC. (Previous ALL PETITIONS condition 3 of Resolution R-2013-645, Control No.1998-00012) (DRO: ZONING - Zoning) [Note: COMPLETED]

4. Previous ALL PETITIONS condition 4 of Resolution R-2013-645, Control No.1998-00012, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-98-1517 (Control 1998-012) and Resolution R-98-1803 (Control 1998-012), 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.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-0645 (Control 1998-012), 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)

ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof lines, shall be provided on all sides of the building. (Previous ARCHITECTURAL REVIEW condition 1 of Resolution R-2013-645, Control No.1998-00012) (DRO/ONGOING: ZONING - Zoning)

2. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (Previous ARCHITECTURAL REVIEW condition 2 of Resolution R-2013-645, Control No.1998-00012) (BLDGPMT/ONGOING: ZONING - Zoning)

3. 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 principal structure or equivalent landscape material. (Previous ARCHITECTURAL REVIEW condition 3 of Resolution R-2013-645, Control No.1998-00012) (BLDGPMT/CO/ONGOING: ZONING - Zoning)

BUILDING

1. Prior to the issuance of a Certificate of Occupancy for the School or November 23, 2013 whichever shall first occur, the unpermitted addition on the Security/Caretaker's Quarters shall be removed pursuant to an alteration building permit and a Certificate of Completion shall be issued for the Security/Caretaker's Quarters. (Previous BUILDING condition 1 of Resolution R-2013-645, Control No.1998-00012) (CO/DATE: BUILDING DIVISION - Building Division) [Note: COMPLETED]

2. Prior to the issuance of a Certificate of Occupancy for the School or November 23, 2013 whichever shall first occur, the property owner shall remove or obtain a permit and Certificate of Completion for the portion of the Day Care building not included in Building Permit B-2001-007985 (B01015229). (Previous BUILDING condition 2 of Resolution R-2013-645, Control No.1998-00012) (CO/DATE: BUILDING DIVISION - Building Division) [Note: COMPLETED]

3. Prior to the issuance of a Certificate of Occupancy for the School or November 23, 2013 whichever shall first occur, the property owner shall remove or obtain a permit and Certificate of Completion for the two (2) paver patio areas located at the rear of the Day Care building. (Previous BUILDING condition 3 of Resolution R-2013-645, Control No.1998-00012) (CO/DATE: BUILDING DIVISION - Building Division) [Note: COMPLETED]

ENGINEERING

1. Previous Condition E.1 of Resolution R-2013-0645, Control No. 1998-0012, which currently states:

Prior to the issuance of any Building Permits, the Property Owner shall plat the subject property, including the 1.52 acre residential parcel to the west, showing all easements and buffers of the Unified Land Development Code. (BLDG PRMT: MONITORING - Eng) [Note: COMPLETED]

Is hereby amended to read:

Prior to issuance of a Drainage Review or Building Permit for the additional parking area, the Property Owner shall create the revised legal lot of record in accordance with Article 11 of the Unified Land Development Code. (BLDGPRMT: MONITORING - Eng) (BLDGPMT: MONITORING - Engineering)

2. Landscaping in adjacent median

a. 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 the adjacent median of all Lake Worth Road Right-of-Way. This permit, to be completed by the Property Owner, shall name Palm Beach County as the applicant. As part of this permit process, the Property Owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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. The Property Owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material 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) (Previous Engineering Condition E.2.a of Resolution R-2013-0645, Control No. 1998-0012) [Note: COMPLETED] (BLDGPMT: MONITORING - Engineering)

b. All required median landscaping, including an irrigation system if required, shall be installed at the Property Owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the Property Owner 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. All landscape material shall be installed prior to the issuance of a Certificate of Occupancy. (BLDG PERMIT: MONITORING- Eng) (Previous Engineering Condition E.2.b of Resolution R-2013-0645, Control No. 1998-0012) [Note: COMPLETED] (BLDGPMT/CO: MONITORING - Engineering)

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.c of Resolution R-2013-0645, Control No. 1998-0012) [Note: COMPLETED] (BLDGPMT: MONITORING - Engineering)

3. Prior to final approval of the Site Plan by the DRO, the Property Owner shall clearly delineate the limits of the detention areas. (DRO:ENGINEERING-Eng) (Previous Condition E.3 of Resolution R-2013-0645, Control No. 1998-0012) (DRO: ENGINEERING - Engineering)

4. The Property Owner shall obtain written permission from the easement beneficiary for encroachments at the east side of the east building prior issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.4 of Resolution R-2013-0645, Control No. 1998-0012) (BLDGPMT: MONITORING - Engineering)

HEALTH

1. Previous condition number D.1 of Resolution R-98-1517; Control 1998-12 which reads:

Architectural plans for the day care facility must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Rule 10D-24FAC prior to issuance of a building permit. (Previous HEALTH condition 1 of Resolution R-2013-645, Control No.1998-00012) (BLDGPMT: HEALTH DEPARTMENT - Building Division) [Note: COMPLETED]

LANDSCAPE - GENERAL

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

- a. Tree height: twelve (12) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet.

Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,

d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2013-645, Control No.1998-00012) (CO/ONGOING: LANDSCAPE - Zoning)

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;
- 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. (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2013-645, Control No.1998-00012) (CO/ONGOING: LANDSCAPE - Zoning)

3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2013-645, Control No.1998-00012) (CO/ONGOING: LANDSCAPE - Zoning)

4. Prior to final approval by the Development Review Officer, the Property Owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval to preserve or incorporate existing native vegetation in the off-street parking area and interior vehicular use area. The ALP shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2013-645, Control No.1998-00012) (DRO: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

5. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,
- c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (Previous LANDSCAPE - INTERIOR condition 6 of Resolution R-2013-645, Control No.1998-00012) (DRO/ONGOING: ZONING - Landscape)

LANDSCAPE - INTERIOR-LANDSCAPING ALONG THE NORTH OUTDOOR PLAY AREA

6. Landscaping and buffering along the entire perimeter of the outdoor play area shall include:

- a. A six (6) foot high black, vinyl coated chain link fence. (Previous LANDSCAPE - INTERIOR condition 7 of Resolution R-2013-645, Control No.1998-00012) (CO/ONGOING: ZONING - Landscape) [Note: COMPLETED]

7. Landscaping along the south side (seventy (70) feet) of the outdoor play area shall include: (all planting shall be installed on the exterior side of the required fence)

- a. One (1) native canopy tree planted every twenty (20) feet on center; and
- b. Canopy trees around outdoor play area to be a minimum height of fourteen (14) feet at installation; and

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. (Previous LANDSCAPE - INTERIOR condition 8 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: LANDSCAPE - Landscape) [Note: COMPLETED]

LANDSCAPE - INTERIOR-LANDSCAPING ALONG THE SOUTH OUTDOOR PLAY AREA

8. Landscaping and buffering along the entire perimeter of the outdoor play area shall include:

- a. A six (6) foot high black, vinyl coated chain link fence. (Previous LANDSCAPE - INTERIOR condition 9 of Resolution R-2013-645, Control No.1998-00012) (CO/ONGOING: LANDSCAPE - Landscape) [Note: COMPLETED]

9. Landscaping along the north side (fifty (50) feet) and the west side (ninety (90) feet) of the outdoor play area shall include: (all planting shall be installed on the exterior side of the required fence)

- a. One (1) canopy tree planted every twenty (20) feet on center; and
- b. Canopy trees around outdoor play area to be a minimum height of fourteen (14) feet at installation; 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 seventy two (72) inches. (Previous LANDSCAPE - INTERIOR condition 10 of Resolution R-2013-645,

Control No.1998-00012) (CO/ONGOING: LANDSCAPE - Landscape) [Note: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

10. Landscaping and buffering along the above property lines shall include:
- a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. One (1) native canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - d. 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.
 - e. Canopy trees around outdoor play area to be a minimum height of fourteen (14) feet at installation. (Previous LANDSCAPE - PERIMETER condition 11 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: ZONING - Landscape)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LAKE WORTH ROAD)

11. Landscaping and buffering along the west property line shall include:
- a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. An undulating berm with an average height of three foot high measured from finished grade to top of berm; and
 - c. One (1) native canopy tree planted every thirty (30) feet on center;
 - d. 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 not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four (24) inch high shrub or hedge material shall be planted at the plateau of the berm , spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (Previous LANDSCAPE - PERIMETER condition 12 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: ZONING - Landscape)

LIGHTING

1. All outdoor lighting and security 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. (Previous LIGHTING condition 1 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (Previous LIGHTING condition 2 of Resolution R-2013-645, Control No.1998-00012) (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (Previous LIGHTING condition 3 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: CODE ENF - Code Enforcement)
4. The lighting conditions contained in Conditions L. 2 and L.3 shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous LIGHTING condition 4 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: ZONING - Zoning)

PARKING

1. Bus parking is permitted in designated Bus parking spaces only. (Previous PARKING condition 1 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: CODE ENF - Code Enforcement)

SIGNS

1. Freestanding sign fronting on Lake Worth Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;

- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (Previous SIGNS condition 1 of Resolution R-2013-645, Control No.1998-00012) (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

2. No off-premise signs or relocated billboards shall be permitted on the site. (Previous SIGNS condition 2 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: ZONING - Zoning)

3. Wall signs shall be limited to the south and west facades of the Day Care building and the south facade of the School building only. (Previous SIGNS condition 3 of Resolution R-2013-645, Control No.1998-00012) (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

USE LIMITATIONS - DAY CARE

1. The Day Care center shall be limited to a maximum of three hundred and fifty (350) children at one time. (Previous USE LIMITATIONS - DAY CARE condition 1 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: HEALTH DEPARTMENT - Health Department)

2. The minimum setback for the outdoor play/recreational equipment shall be twenty five (25) feet from all residentially zoned or used property lines. (Previous USE LIMITATIONS - DAY CARE condition 2 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: ZONING - Zoning)

3. The outdoor play areas shall not be used for activities after 7:00 p.m. or before 8:00 a.m. daily. (Previous USE LIMITATIONS - DAY CARE condition 4 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS

1. Outdoor speakers or public address systems shall not be permitted on site. (Previous USE LIMITATIONS condition 1 of Resolution R-2013-645, Control No.1998-00012) (ONGOING: CODE ENF - 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.