

RESOLUTION NO. R-2014- 0873

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-02926
(CONTROL NO. 1974-00195)
a Development Order Amendment
APPLICATION OF J L Property Owners Assn Inc
BY Land Design South, Inc., AGENT
(Jonathan's Landing PUD)

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 DOA-2013-02926 was presented to the Board of County Commissioners at a public hearing conducted on June 26, 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 DOA-2013-02926, the petition of J L Property Owners Assn Inc, by Land Design South, Inc., agent, for a Development Order Amendment to modify the Master Plan to re-designate a land use from Private Buffer to Civic in the Multi-Family Residential Zoning District (RM), and the Planned Unit Development Special Exception (SE), 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 June 26, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

The motion was seconded by Commissioner Burdick 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	-	Aye
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 June 26, 2014.

Filed with the Clerk of the Board of County Commissioners on July 02, 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

A PART OF SECTION 6 AND SECTION 7, AND THE WEST HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) OF 6, AND GOVERNMENT LOTS 2 AND 3, AND THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 7, IN TOWNSHIP 41 SOUTH, RANGE 43; EAST, ALSO THE LANDS LYING BETWEEN THE AFORESAID GOVERNMENT LOTS IN SECTION 6 AND SECTION 7 AND THE WEST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY CONVEYED BY THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA BY DEED DATED JANUARY 7, 1948, AS RECORDED IN DEED BOOK 833, PAGE 494, PALM BEACH COUNTY PUBLIC RECORDS; ALSO, GOVERNMENT LOT 4, AND THE WEST HALF (W ½) OF THE NORTHWEST QUARTER (NW ¼) AND THE NORTH HALF (N ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 7, TOWNSHIP 41 SOUTH, RANGE 43 EAST. SAID PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S.R. A-1-A AND INDIANTOWN ROAD (S.R. 706),

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 6; THENCE SOUTH 89 DEGREES 58 MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH HALF (S ½) OF SECTION 6 A DISTANCE OF 2926.11 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY AS SHOWN IN PLAT BOOK 17, PAGES 3B AND 4, PALM BEACH COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE, SOUTH 18 DEGREES 01 MINUTES 38 SECONDS EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 1987.07 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 43 DEGREES 30 MINUTES 55 SECONDS EAST, A DISTANCE OF 1078.99 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 11 DEGREES 24 MINUTES 37 SECONDS EAST, A DISTANCE OF 1735.85 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 11 DEGREES 26 MINUTES 38 SECONDS WEST, A DISTANCE OF 2064.36 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 07 DEGREES 06 MINUTES 20 SECONDS EAST, A DISTANCE OF 337.38 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 89 DEGREES 24 MINUTES 22 SECONDS WEST ALONG THE SOUTH LINE OF GOVERNMENT LOT 4, IN SAID SECTION 7 AND ITS EASTERLY PROLONGATION, A DISTANCE OF 1753.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 89 DEGREES 12 MINUTES 25 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF (N ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 7. A DISTANCE OF 2654.31 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 7; THENCE NORTH 01 DEGREES 21 MINUTES 08 SECONDS EAST ALONG THE WEST LINE OF THE NORTH HALF (N ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 7, A DISTANCE OF 1329.49 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 01 DEGREES 23 MINUTES 10 SECONDS EAST, A DISTANCE OF 2658.22 FEET TO THE NORTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 01 DEGREES 07 MINUTES 05 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 2691.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 631.051 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

NTS.

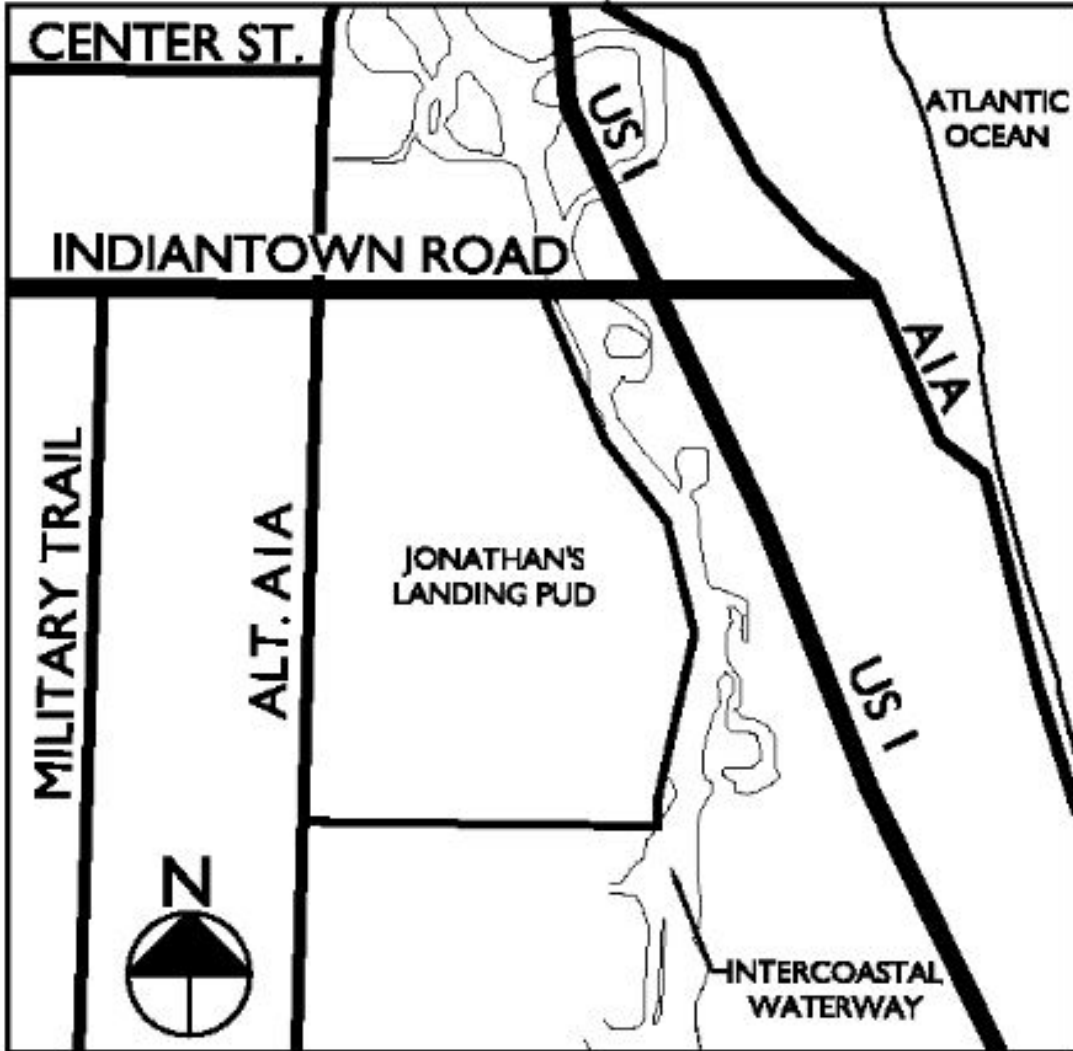


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2011-219, Control No.1974-00195, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1084, R-97-1084 (Control 1974-195), 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 (ULDC) 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-2011-219 (Control 1974-195), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS condition 2 of Resolution R-2011-219, Control No.1974-00195, which currently states:

The approved preliminary master plan is dated November 15, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Master Plan is dated May 14, 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 DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to the issuance of a building permit the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Indiantown Road at the projects east entrance road. This right-of-way shall be a minimum of 210 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (Previous ENGINEERING condition 1 of Resolution R-2011-219, Control No.1974-00195) (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

2. The Property owner shall construct:

- a. right turn lane south approach on SR A1A at the projects south entrance;
- b. right turn lane west approach on Indiantown Road at the projects east entrance; and

c. channelized left turn lane (partial median opening to permit lefts in only) on Indiantown Road at the projects east entrance.

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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Should the Department of Transportation deny permits for this construction, then the property owner shall be relieved of that portion of this condition which is denied. This shall also apply with the right of way condition above. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previous ENGINEERING condition 2 of Resolution R-2011-219, Control No.1974-00195) (CO: MONITORING - Engineering) [Note: COMPLETED]

3. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Previous ENGINEERING condition 3 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: ENGINEERING - Engineering)

4. Drainage Plan to be submitted and approved by the applicable governmental agencies for protection of the aquatic preserve. (Previous ENGINEERING condition 4 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: ENGINEERING - Engineering)

5. Developer agrees to provide fees as required by Palm Beach County's Fair Share Contribution for Road Improvements Ordinance. (Previous ENGINEERING condition 5 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

6. The signalization of the three (3) turnouts as shown on the Preliminary Master Land Use Plan shall be installed at the developer's expense. (Previous ENGINEERING condition 6 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: ENGINEERING - Engineering)

7. Prior to the issuance of any building permits the developer shall dedicate to Palm Beach County the required rights-of-way for Alternate A-1-A and Indiantown Road. (Previous ENGINEERING condition 7 of Resolution R-2011-219, Control No.1974-00195) (BLDGPMT/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

8. The Property Owner shall construct a right turn lane west approach on Indiantown Road at the new ingress location for the Waterway Park. 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.

a. Permits required from Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first building permit for the Waterway Park. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the Waterway Park. (CO: MONITORING - Engineering) (Previous ENGINEERING condition 8 of Resolution R-2011-219, Control No.1974-00195)

9. Prior to January 27, 2012 or prior to issuance of the first building permit for the Waterway Park, whichever shall occur first, the property owner shall plat the park and remaining parcels in accordance with provisions of Article 11 of the Unified Land Development Code. (Previous ENGINEERING condition 9 of Resolution R-2011-219, Control No.1974-00195) (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]

ENVIRONMENTAL

1. Developer shall preserve the specimen trees when developing the South Peninsula. (Previous ENVIRONMENTAL condition 1 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental)

Resource Management) [Note: COMPLETED]

2. Prior to the dredging of the marina the appropriate approvals shall be obtained from all required governmental agencies.

(Previous ENVIRONMENTAL condition 2 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management) [Note: COMPLETED]

LANDSCAPE - GENERAL

1. All trees required to be planted in the commercial pod shall meet the following minimum standards at installation:

a. Tree height: fourteen (14) feet.

b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH PROPERTY LINE OF COMMERCIAL POD - ABUTTING RESIDENTIAL

6. Landscaping and buffering along the south property line of the commercial pod, abutting residential Pod J, shall be upgraded to include:

a. A minimum fifteen (15) foot wide landscape buffer strip; and

b. A six (6) foot high opaque concrete wall. The wall shall not encroach any setbacks required by ENCON for utility purposes. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (Previous LANDSCAPE - GENERAL condition 6 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

LANDSCAPE - GENERAL

7. The following landscaping requirements shall be installed on the exterior side of the required wall:

a. One (1) canopy tree planted every twenty (20) feet on center;

b. 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 supersede the requirement for a canopy tree in that location; and

c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (Previous LANDSCAPE - GENERAL condition 7 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

8. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previous LANDSCAPE - GENERAL condition 8 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

LANDSCAPE - GENERAL-LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES OF COMMERCIAL POD (ABUTTING R-O-W)

9. Landscaping and buffering along the north and west property lines of the commercial pod shall be upgraded to meet the standards of the Jupiter IOZ. (Previous LANDSCAPE - GENERAL condition 9 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

LANDSCAPE - GENERAL

10. Prior to Final Site Plan approval for the Civic Pod by the Development Review Officer,

the site plan shall incorporate a Type II incompatibility buffer adjacent to Residential POD AA, Residential POD J and Residential Pod K.
(ONGOING: ZONING - Zoning)

LANDSCAPE - INTERIOR

2. Interior grade-level tree planters shall be required within all applicable parking areas in accordance with Section 7.3.E.2.a.(2)(b) of the ULDC. (Previous LANDSCAPE - INTERIOR condition 2 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

3. Landscaped divider medians with at grade bicycle and pedestrian cuts 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. (Previous LANDSCAPE - INTERIOR condition 3 of Resolution R-2011-219, Control No.1974-00195) (DRO: LANDSCAPE - Zoning)

4. Landscape islands shall be provided along the front and side facades of all commercial structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the total length of the applicable side of the structure. All required landscape islands shall be planted with a minimum of one (1) tree every 20 feet on center and appropriate ground cover. (Previous LANDSCAPE - INTERIOR condition 4 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

5. The landscape island square footage and plant material required along the front and side facades of the Convenience store and accessory car wash, may be relocated and added to the outparcel's perimeter landscape buffers and interior islands. (Previous LANDSCAPE - INTERIOR condition 5 of Resolution R-2011-219, Control No.1974-00195) (CO: LANDSCAPE - Zoning)

LIGHTING-LIGHTING - COMMERCIAL POD ONLY

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previous LIGHTING condition 1 of Resolution R-2011-219, Control No.1974-00195) (CO/ONGOING: CODE ENF - Zoning)

LIGHTING

2. All outdoor lighting fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest point. (Previous LIGHTING condition 2 of Resolution R-2011-219, Control No.1974-00195) (CO: BUILDING DIVISION - Zoning)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (Previous PARKING condition 1 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: CODE ENF - Zoning)

PARKING-COMMERCIAL POD ONLY

2. Prior to master plan certification by the Development Review Committee (DRC), the site plan shall be amended to include shopping cart storage and retrieval corrals in all retail parking areas. (Previous PARKING condition 2 of Resolution R-2011-219, Control No.1974-00195) (DRO: ZONING - Zoning)

PLANNED DEVELOPMENT-COMMERCIAL POD ONLY

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previous PLANNED DEVELOPMENT condition 1 of Resolution R-2011-219,

Control No.1974-00195) (DRO: COUNTY ATTORNEY - Zoning)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (Previous PLANNED DEVELOPMENT condition 2 of Resolution R-2011-219, Control No.1974-00195) (DRO: COUNTY ATTORNEY - Zoning)

3. Similar architectural character and treatment shall be provided on all sides of the proposed Convenience store, car wash and gas island canopy. (Previous PLANNED DEVELOPMENT condition 3 of Resolution R-2011-219, Control No.1974-00195) (BLDGPM: BUILDING DIVISION - Zoning)

4. The owner of the Convenience store shall provide air and water to the public for minor vehicle maintenance at no charge. (Previous PLANNED DEVELOPMENT condition 4 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: CODE ENF - Zoning)

5. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the site plan dated July 14, 1997. (Previous PLANNED DEVELOPMENT condition 5 of Resolution R-2011-219, Control No.1974-00195) (DRO: ZONING - Zoning) [Note: COMPLETED]

PLANNING

1. Gross density shall not exceed eight (8) dwelling units per acre. (Previous PLANNING condition 1 of Resolution R-2011-219, Control No.1974-00195) (ONGOING: PLANNING - Planning)

SIGNS-COMMERCIAL POD ONLY

1. Point of purchase and/or freestanding signs fronting on Alternate A1A shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 180 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (Previous SIGNS condition 1 of Resolution R-2011-219, Control No.1974-00195) (CO: BUILDING DIVISION - Zoning)

2. Point of purchase and/or freestanding signs fronting on Indiantown Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
- b. Maximum sign face area per side - 180 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (Previous SIGNS condition 2 of Resolution R-2011-219, Control No.1974-00195) (CO: BUILDING DIVISION - Zoning)

3. Outparcel identification signs 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) per outparcel; and
- d. Style - monument style only. (Previous SIGNS condition 3 of Resolution R-2011-219, Control No.1974-00195) (CO: BUILDING DIVISION - Zoning)

SITE DESIGN-GENERAL

1. All water body areas in the project shall be maintained by the homeowners or condominium association. (Previous DRO condition 1 of Resolution R-2011-219, Control

No.1974-00195) (ONGOING: COUNTY ATTORNEY - Zoning)

2. Prior to master plan certification by the Development Review Committee (DRC), the site plan for the commercial pod shall be amended to reflect all changes required by the conditions of approval contained herein. (Previous DRO condition 3 of Resolution R-2011-219, Control No.1974-00195) (DRO: ZONING - Zoning) [Note: COMPLETED]

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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

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