

RESOLUTION NO. ZR-2020- 040

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/DOA-2020-00766
(CONTROL NO. 2005-00394)

TYPE 2 VARIANCE (CONCURRENT)

APPLICATION OF Arden Homeowners Association, Inc., Highland Dunes Associates Property, LLC
BY Urban Design Kilday Studios, AGENT
(ARDEN PUD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 27, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ABN/ZV/DOA-2020-00766 was presented to the Zoning Commission at a public hearing conducted on October 1, 2020;

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

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

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

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

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ABN/ZV/DOA-2020-00766 by the Board of County Commissioners;

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

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/ZV/DOA-2020-00766, the Application of Arden Homeowners Association, Inc., Highland Dunes Associates Property, LLC, by Urban Design Kilday Studios, Agent, for a Type 2 Variance to eliminate privacy wall or fence, the interior trees and interior shrubs; and, to allow Citrus trees to qualify as a required tree, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 1, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Beatty moved for the approval of the Resolution.

The motion was seconded by Commissioner Kanel and, upon being put to

a vote, the vote was as follows:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Absent
Amir Kanel	- Yes
John Kern	- Absent
Michael Kelley	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on October 22, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ABN/ZV/DOA-2020-00766 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACTS "FD" AND "O-1", ARDEN P.U.D. PLAT 1, AS RECORDED IN PLAT BOOK 122, PAGES 32 THROUGH 51, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTIONS 27 AND 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "FD; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 2288.89 FEET; THENCE SOUTH 74°47'53" EAST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 280.00; THENCE SOUTH 45°08'56" EAST, A DISTANCE OF 34.19 FEET; THENCE NORTH 87°59'46" EAST, A DISTANCE 80.00 FEET; THENCE NORTH 02°00'14" WEST, A DISTANCE OF 3.56 FEET; THENCE NORTH 44°51'07" EAST, A DISTANCE OF 36.54 FEET; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 589.09 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 13,900.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°00'00", A DISTANCE OF 727.80 FEET TO A POINT OF TANGENCY; THENCE SOUTH 85°17'38" EAST, A DISTANCE OF 222.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 14,100.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°00'00", A DISTANCE OF 738.27 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88°17'38" EAST, A DISTANCE OF 223.61 FEET; THENCE SOUTH 89°08'03" EAST, A DISTANCE OF 780.55 FEET (THE PRECEDING THIRTEEN COURSES BEING COINCIDENT WITH THE NORTH LINE OF SAID TRACT "FD" AND ALSO BEING THE SOUTH LINE OF OKEECHOBEE BOULEVARD EXTENSION (TRACT RW-1") AS SHOWN ON SAID ARDEN P.U.D. PLAT 1) TO A POINT ON THE EAST LINE OF SAID TRACT "FD", ALSO BEING THE EAST LINE OF SAID ARDEN P.U.D. PLAT 1; THENCE SOUTH 01°02'42" WEST ALONG SAID EAST LINE OF TRACT "FD" AND SAID EAST LINE OF ARDEN P.U.D. PLAT 1, A DISTANCE OF 2,870.15 FEET; THENCE NORTH 88°57'18" WEST, A DISTANCE OF 325.11 FEET; THENCE NORTH 01°02'42" EAST, A DISTANCE OF 49.80 FEET; THENCE NORTH 88°57'18" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 46°02'42" WEST, A DISTANCE OF 35.36 FEET; THENCE NORTH 88°57'18" WEST, A DISTANCE OF 57.68 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1175.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°41'15", A DISTANCE OF 280.70 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 58°55'59" WEST, A DISTANCE OF 34.55 FEET; THENCE SOUTH 75°09'46" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 28°40'44" WEST, A DISTANCE OF 34.67 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1175.00 FEET AND WHOSE CENTER BEARS SOUTH 17°25'07" EAST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°18'04", A DISTANCE OF 190.74 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63°16'50" WEST, A DISTANCE OF 140.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 725.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°38'57", A DISTANCE OF 96.79 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 61°59'45" WEST, A DISTANCE OF 36.61 FEET; THENCE SOUTH 74°58'23" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 32°06'00" WEST, A DISTANCE OF 36.58 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 725.00 FEET AND WHOSE CENTER BEARS NORTH 10°52'42" WEST FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 6°29'56", A DISTANCE OF 82.23 FEET TO A POINT OF TANGENCY; THENCE SOUTH 85°37'14" WEST, A DISTANCE OF 52.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 665.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°36'58", A DISTANCE OF 158.04 FEET TO A POINT OF TANGENCY; THENCE SOUTH 72°00'16" WEST, A DISTANCE OF 52.53 FEET TO A POINT ON THE NORTHEAST LINE OF ARDEN P.U.D. POD F WEST, AS RECORDED IN PLAT BOOK 129, PAGES 28 THROUGH 34, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 62°59'44" WEST ALONG SAID NORTHWEST LINE, A DISTANCE OF 35.36 FEET; THENCE SOUTH 72°00'16" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 27°00'16" WEST, A DISTANCE OF 35.36 FEET; THENCE SOUTH 72°00'16" WEST, A DISTANCE OF 95.62 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A

RADIUS OF 310.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°19'16", A DISTANCE OF 126.18 FEET TO A POINT OF TANGENCY; THENCE NORTH 84°40'28" WEST, A DISTANCE OF 81.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 611.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°20'34", A DISTANCE OF 110.30 FEET TO A POINT OF TANGENCY; THENCE SOUTH 84°58'58" WEST, A DISTANCE OF 99.94 FEET; THENCE NORTH 50°32'07" WEST, A DISTANCE OF 35.81 FEET; THENCE NORTH 82°41'17" WEST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 07°18'43" WEST, A DISTANCE OF 16.49 FEET; THENCE SOUTH 46°08'50" WEST, A DISTANCE OF 31.35 FEET; THENCE SOUTH 84°58'58" WEST, A DISTANCE OF 114.88 FEET; THENCE NORTH 39°23'06" WEST, A DISTANCE OF 34.29 FEET; THENCE NORTH 86°04'55" WEST, A DISTANCE OF 80.00 FEET (THE PRECEDING FOURTEEN COURSES BEING COINCIDENT WITH THE NORTH LINE OF SAID ARDEN P.U.D. POD F WEST) TO A POINT ON THE EAST LINE OF SAID TRACT "O-1", SAID POINT ALSO BEING A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 993.00 FEET AND WHOSE CENTER BEARS NORTH 86°04'55" WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°31'32", A DISTANCE OF 477.05 FEET TO A POINT OF TANGENCY; THENCE NORTH 23°36'27" WEST, A DISTANCE OF 281.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 803.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°51'38", A DISTANCE OF 572.66 FEET TO A POINT OF TANGENCY; THENCE NORTH 17°15'11" EAST, A DISTANCE OF 361.76 FEET; (THE PRECEDING FOUR COURSES BEING COINCIDENT WITH SAID EAST LINE OF TRACT "O-1"); THENCE NORTH 83°48'27" WEST, A DISTANCE OF 26.24 FEET TO A POINT ON THE EAST LINE OF WATER MANAGEMENT TRACT "L-1", SAID POINT ALSO BEING A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 208.23 FEET AND WHOSE CENTER BEARS NORTH 83°48'27" WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 47°05'16", A DISTANCE OF 171.13 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 907.56 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°27'00", A DISTANCE OF 118.01 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 140.34 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 61°21'51", A DISTANCE OF 150.31 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 424.37 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°49'49", A DISTANCE OF 146.88 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 148.49 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 87°51'34", A DISTANCE OF 227.69 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 854.19 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°01'20", A DISTANCE OF 328.32 FEET (THE PRECEDING SIX COURSES BEING COINCIDENT WITH SAID EAST LINE OF WATER MANAGEMENT TRACT "L-1") TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTH LINE OF SAID WATER MANAGEMENT TRACT "L-1", THROUGH A CENTRAL ANGLE OF 81°32'00", A DISTANCE OF 142.30 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 40°20'09" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHWEST LINE OF SAID TRACT "O-1"; THENCE SOUTH 49°39'51" WEST, A DISTANCE OF 177.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 295.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 33°00'16", A DISTANCE OF 169.93 FEET (THE PRECEDING TWO COURSES BEING COINCIDENT WITH SAID NORTHWEST LINE OF TRACT "O-1") TO A POINT ON A LINE RADIAL TO SAID CURVE, SAID LINE ALSO BEING A LINE ALONG THE NORTH BOUNDARY OF ARDEN P.U.D. POD C NORTH, AS RECORDED IN PLAT BOOK 129, PAGES 186 THROUGH 195, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 73°20'26" WEST ALONG SAID RADIAL LINE, A DISTANCE OF 105.00 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 400.00 FEET AND WHOSE CENTER POINT BEARS SOUTH 73°20'26" EAST, FROM SAID POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°55'24", A DISTANCE OF 41.35 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 82°07'47" WEST, A

DISTANCE OF 40.50 FEET; THENCE SOUTH 07°52'13" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 82°07'47" EAST, A DISTANCE OF 40.50 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 400.00 FEET AND WHOSE CENTER POINT BEARS SOUTH 84°59'44" EAST, FROM SAID POINT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°27'16", A DISTANCE OF 86.95 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 07°27'00" EAST, A DISTANCE OF 414.57 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 305.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 119°31'29", A DISTANCE OF 636.26 FEET TO THE POINT OF TANGENCY; THENCE NORTH 67°55'31" WEST, A DISTANCE OF 512.34 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1295.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°06'30", A DISTANCE OF 477.09 FEET TO THE POINT OF TANGENCY; THENCE NORTH 89°02'01" WEST, A DISTANCE OF 50.07 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 146.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 229.34 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 0°57'59" WEST, A DISTANCE OF 15.27 FEET; THENCE NORTH 89°02'01" WEST, A DISTANCE OF 130.00 FEET; THENCE NORTH 0°57'59" EAST, A DISTANCE OF 15.27 FEET; THENCE NORTH 89°02'01" WEST, A DISTANCE OF 385.00 FEET (THE PRECEDING SIXTEEN COURSES BEING COINCIDENT WITH SAID NORTH BOUNDARY LINE OF ARDEN P.U.D. POD C NORTH) TO A POINT ON THE WEST LINE OF SAID TRACT "FD", ALSO BEING THE WEST LINE OF SAID ARDEN P.U.D. PLAT 1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID ARDEN P.U.D. POD C NORTH; THENCE NORTH 0°57'59" EAST ALONG SAID WEST LINE OF TRACT "FD" AND SAID WEST LINE OF ARDEN P.U.D. PLAT 1, A DISTANCE OF 2151.90 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 14,470,006 SQUARE FEET OR 332.186 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

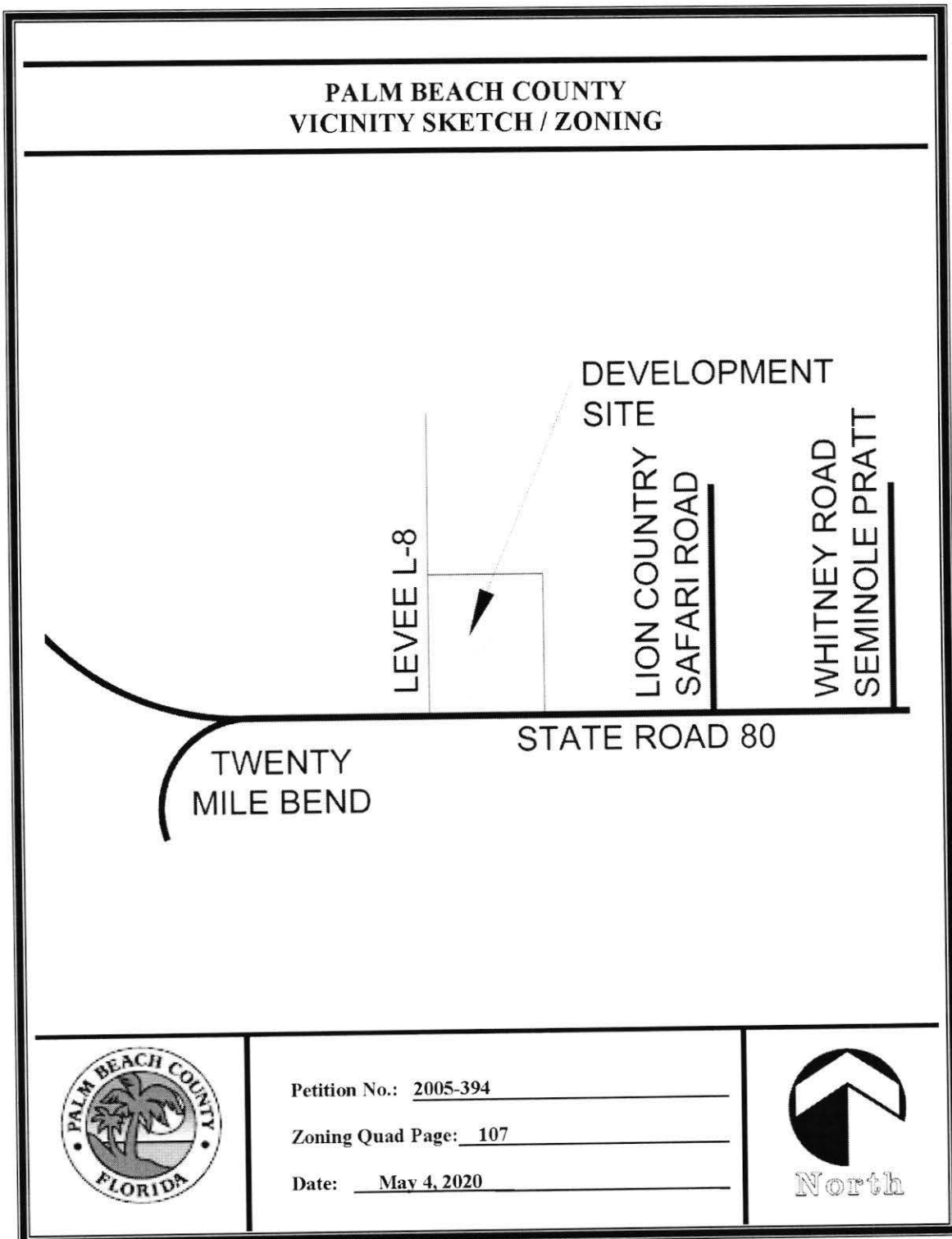


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Master Plan is dated July 13, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)

2. The Variance to eliminate interior trees and interior shrubs is approved for the areas developed as orchard and Community Vegetable Gardens in Phase 3 only. (ONGOING: ZONING - Zoning)

3. Citrus trees shall only qualify as required canopy trees in Phase 3. All Citrus Trees shall meet minimum requirements of Article 7.D, Landscape Standards, upon installation. (ONGOING: ZONING - Zoning)

4. This Variance is approved for the Arden PUD Pods D, G, and H and only when the side of the Zero Lot Line home is recessed a minimum of four feet from the Zero Lot Line side. Any change to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

5. The Property Owner shall include in Homeowners Association documents as well as written sales brochures, sales contracts and related plans a disclosure statement in a minimum of 12 point type and clearly visible notifying that the five (5) foot high privacy wall may be eliminated when the Zero Lot Line side of the home is recessed a minimum of four (4) feet from the property line. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on October 1, 2021 and shall continue on an annual basis until all Zero Lot Line units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (ONGOING: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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; 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.

EXHIBIT D

REQUEST

TYPE 2 VARIANCE SUMMARY

V#	ULDC Article	Required	Proposed	Variance
V1	Art. 3.D.2.C.9.e.1, ZLL Home Wall	A minimum five-foot high opaque wall or fence shall be provided along the ZLL of a ZLL home, beginning at the end of a home with a zero setback and extending a distance of ten (10) feet beyond the rear of the home toward the rear the property line.	No privacy wall or fence required for ZLL Lots where the rear of the home is recessed a minimum of four (4) feet from the ZLL for all ZLL homes in Pods D, G and H.	100% in Pods D, G and H
V2	Table 7.C.3.A, Interior Landscaping Requirements,	1 tree/1,250 SF of pervious area for Residential Lot - SF, TH & ZLL in the U/S Tier	To eliminate interior trees and shrubs for that portion of the site developed as community gardens or orchards.	100% in for those portions of Phase 3 developed as community gardens or orchards.
V3		3 shrubs per 1,250 SF of pervious Area for Residential Lot - SF, TH & ZLL in the U/S Tier		
V4	Art. 7.E.5.D, Trees	Citrus trees shall not qualify as a required tree, except for Single family lots.	To allow Citrus trees to qualify as a required tree in Phase 3 if they meet the requirements of Article 7.D, Landscape Standards.	100% in Phase 3