

RESOLUTION NO. R-2009- 0710

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2008-01903
(CONTROL NO. 1995-00017)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF FRIENDS OF CHABAD OF BOCA RATON INC
BY MILLER LAND PLANNING, AGENT
(ADDISON COURT (FRIENDS OF CHABAD))

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application PDD/R-2008-01903 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2009; and

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 recommendations of the Zoning Commission; and

WHEREAS, this approval exceeds and is subject to Article 4.B.4.A, Development Thresholds, General, any amendment to an existing development of commercial projects that meets or exceeds either the maximum square footage or maximum acreage of Table 4.A.3.A-3, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD in accordance with Art.2.B.1, Official Zoning Map Amendment (Rezoning); and

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.

6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.
8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

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 PDDPDD/R-2008-01903, the application of Friends Of Chabad Of Boca Raton Inc, by Miller Land Planning, agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from Commercial General (CG) Zoning District to the Multiple Use Planned Development (MUPD) 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 April 23, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burt Aaronson 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 John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 2009.

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

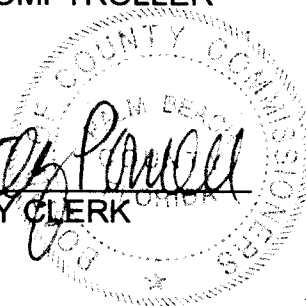


EXHIBIT A

LEGAL DESCRIPTION

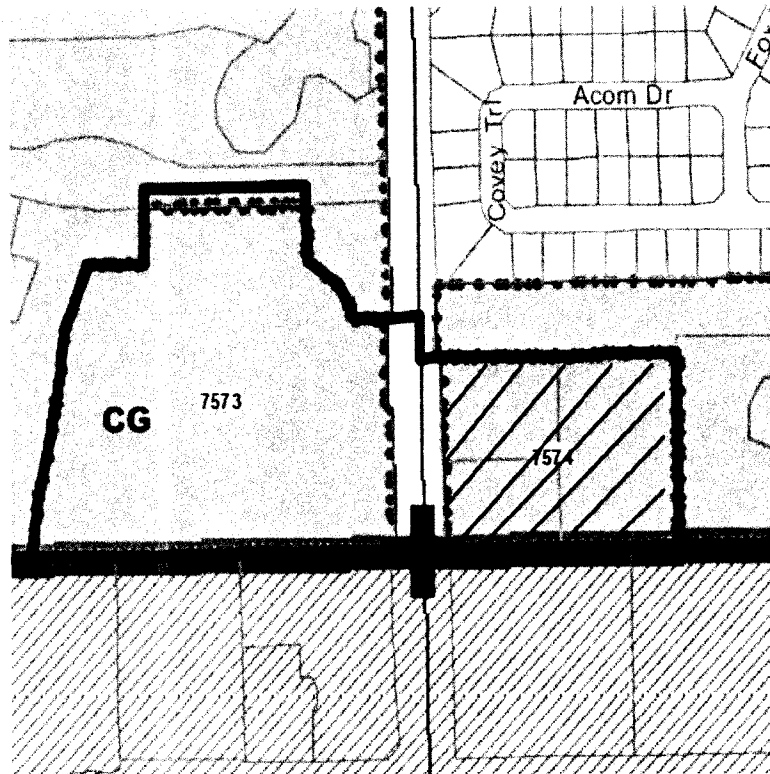
Parcel "A", "B" and "C", of ADDISON COURT PLAT 1, according to the Plat thereof as recorded in Plat Book 79, Pages 176 and 177 of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida, and containing 266,530 square feet (6.12 acres) more or less.

EXHIBIT B

VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1903
Zoning Quad 37
Date January 14, 2009



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution ZR-2002-005, Control No. 1995-017(G), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions ZR-2000-004 (Petition CB95-017(E)) 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. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions ZR-2002-005, Control No. 1995-017(G) 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. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution ZR-2002-005, Control No. 1995-017(G) 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 19, 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. (ONGOING: ZONING)

Is hereby amended to read:

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 12, 2009. 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. (ONGOING: ZONING - Zoning)

3. Condition A.3 of Resolution ZR-2002-005, Control No. 1995-017(G) which currently states:

Prior to final DRC certification of the site plan the petitioner shall revise the site plan to show the required parking for the entire site. (DRO: ZONING - ZONING)

Is hereby deleted [Reason: Code requirement]

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all new structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. Condition B.1 of Resolution ZR-2002-005, Control No. 1995-017(G) which currently states:

At time of submittal for final DRC certification of the site plan, the architectural elevations for the proposed outdoor cooler shall be submitted simultaneously with the site plan for

final architectural review and approval. Elevations shall be designed to be consistent in form, colors, materials and details with the main structure of the development. (DRC: ZONING Zoning)

Is hereby deleted [Reason: Code requirement]

ENGINEERING

1. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 95-17, to be paid at the time of issuance of the Building Permit presently is:

- a. \$29,315.00 for the proposed quality restaurant (533 trips/day X \$55.00 per trip);
- b. \$31,515.00 for the proposed bank with drive thru (573 trips/day X \$55.00 per trip);
- c. \$52,415.00 for the proposed retail center (953 trips/day X \$55.00 per trip; and,
- d. \$11,000.00 for the proposed church/synagogue (200 trips/day X \$55.00 per trip) (BLDG PERMIT: IMPACT FEE COORD. ENGINEERING)
(Previous Condition E1 of Resolution ZR-2002-005, Control 1995-017(G))

[Note: Complete - Any additional Fair Share Fees will be in accordance with Code]

2. Previous Condition E2 of Resolution ZR-2002-005, Control 1995-017(G) which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for only the 21,450 square feet church or synagogue shall be issued until the construction has begun for dual left turn lanes north and south approaches on Military Trail at its intersection with Clint Moore Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)

is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for only the 21,450 square feet church or synagogue shall be issued until the construction has begun for dual left turn lanes north and south approaches on Military Trail at its intersection with Clint Moore Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - ENG)

[Note: Complete]

- b. No Building Permits for the site may be issued after December 31, 2013. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

3. LANDSCAPE WITHIN 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 all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of 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. 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: BLDG - Eng)

b. 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 Homeowner's 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 on or before the issuance of a Certificate of Occupancy. (CO: BLDG - Eng)

c. 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. (CO: BLDG - Eng)

d. If the required landscaping is not installed prior to commencement of the 6 laning of Military Trail, the property owner shall post surety for the installation of the Landscaping with the Office of the County Engineer in a form and manner acceptable to the County Engineer prior to the issuance of a building permit for any of the uses onsite. This surety shall be based upon a certified cost estimate from the developers Landscape Architect.

(Previous Condition E3 of Resolution ZR-2002-005, Control 1995-017(G))

[Note:Complete]

4.A preliminary drainage study of this site shall be submitted by the Developer's Engineer and approved by the County Engineer prior to DRC approval. Should this commercial site develop an offsite drainage system, then this developer shall provide an equivalent lake system and or dry retention area to be utilized by the Pheasant Walk drainage system to the north. It is the intent of this condition that this supplement to the Pheasant Walk Drainage System shall provide measurable benefit to the existing Pheasant Walk Drainage System, and shall in no way negatively impact the existing Pheasant Walk drainage system. All costs for the construction, and installation of the supplement to the Pheasant Walk drainage system, if required, shall be the responsibility of this property owner. (DRO:ENGINEERING- ENG)

(Previous Condition E4 of Resolution ZR-2002-005, Control 1995-017(G))

[Note:Complete]

5.Previous Condition E5 of Resolution ZR-2002-005, Control 1995-017(G) which currently states:

Prior to DRC approval, the site plan shall be amended to reflect the final location of the Pheasant Walk drainage ditch along the projects west property line. (DRC: ENG)

Is hereby amended to read:

Prior to DRO approval, the applicant shall submit documentation indicating that the drainage system for the property is separate from the Pheasant Walk drainage system and will have no adverse impact to the Pheasant Walk system. (DRO:ENGINEERING-ENG)

6.The property shall be accessed by way of a partial median opening located at Station Number 165 on Military Trail opposite the north entrance. The median opening shall permit left turns in only, and shall be served by a southbound left turn lane of 150 foot storage length and a 50 foot taper on Military Trail. Right turns in and out of the site shall also be permitted at the north entrance as well as the south entrance to the property. (ONGOING:ENGINEERING-Eng)

(Previous Condition E6 of Resolution ZR-2002-005, Control 1995-017(G))

ENVIRONMENTAL

1. Previous ERM Condition No. F.1 of Resolution ZR-2002-005, Control No. 95-017(G) which states:

A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

is hereby deleted :Reason Completed

2. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC: ERM-ERM) (Previous ERM Condition No. F.2 of Resolution No. ZR-2002-0005, Control No. 1995-017(G))

HEALTH

1. Previous condition D.1. of Resolution ZR-2002-005 which reads:

The day care center shall be limited to a maximum enrollment of 71 children. (ONGOING: HEALTH-Health)

Is hereby amended to read:

The day care center shall be limited to a maximum of 214 children. (ONGOING: HEALTH-Health)

2. Previous condition G. 1 of Resolution ZR-2002-005 which reads:

Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH-Health)

Is hereby DELETED----Reason: Completed

ZONING - LANDSCAPING

1. All canopy trees required to be planted on site by this approval 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; and
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition J.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

2. Condition J.2 of Resolution ZR-2002-005, Control No. DOA1995-017(G) which currently states:

All palms required to be planted on site by this approval shall meet the following minimum standards at time of 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. Pruning: minimum six (6) fronds no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.

Is hereby amended to read:

All palms required to be planted on site by this approval except for Sabal Palms required to be adjacent to the daycare outdoor play area, shall meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) to twenty eight (28) feet clear trunk or grey wood, whichever is greater;
- b. Clusters: staggered heights; and
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. Prior to the issuance of a Certificate of Occupancy for the Daycare addition, the property owner shall replace all dead and missing plant materials on the entire subject property. (CO: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

4. Landscaping and buffering along the north property line shall be upgraded to include:

- a. A six (6) foot high chain link fence with green or black vinyl coating. (CO/BLDG: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

ZONING - LANDSCAPING

5. The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) canopy tree planted every twenty (20) feet on center;
- b. 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 six (6) feet. (CO/BLDG: LANDSCAPING - Zoning) (Previous Condition H.2 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

ZONING - LANDSCAPING-LANDSCAPING ALONG THE EAST SIDE OF THE DAY CARE

6. Previous Condition I.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G) which currently states:

Landscaping and buffering along the east side of the outdoor play area shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip with no easement overlaps; and,
- b. A six (6) foot high fence with green or black vinyl coating. (CO: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

Is hereby amended to read:

Landscaping and buffering along the east side of the 3-story daycare building shall be upgraded to include:

- a. A minimum five (5) foot wide landscape buffer strip with no easement overlap;
- b. One (1) Sabal Palm for every ten (10) linear feet of 3-story daycare building;
- c. A six (6) foot high fence with green or black vinyl coating;
- d. Palm heights: twelve (12) to twenty-eight (28) feet clear trunk or grey wood; and
- e. Credit may be given for existing or relocated palms, hedges and 6 foot high fence provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

ZONING - LANDSCAPING

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

- a. One (1) native canopy tree planted every twenty (20) feet on center;
- b. Twenty-four (24) 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 twenty-four (24) inches. (CO: LANDSCAPE - Zoning) (Previous Condition I.2 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

ZONING - LANDSCAPING-LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

8.Landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. 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 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 forty-eight (48) inches. (ONGOING: LANDSCAPE - ZONING) (Previous Condition K.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

LIGHTING

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. (ONGOING: BLDG /CODE ENF - Zoning) (Previous Condition L.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

2.All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: BLDG - Zoning) (Previous Condition L.2 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

SIGNS

1.Point of purchase and/or freestanding signs fronting on Military Trail 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 - 140 square feet;
- c. Maximum number of signs - two (2); and
- d. Style - monument style only. (CO: BLDG - Zoning) (Previous Condition N.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

SITE DESIGN

1.The drive-up teller queuing lane for the financial institution shall accommodate one (1) vehicle space beyond the point of service. (DRO: BLDG - Zoning) (Previous Condition M.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

USE LIMITATIONS

1.Both outdoor and indoor eating areas of the restaurants within the site shall be limited to a maximum combined number of 285 seats. Any future modifications shall be subject to final DRC approval. (DRO/BLDG. PERMIT: ZONING/BLDG - Zoning) (Previous Condition O.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

UTILITIES

1.Condition P.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G) which currently states:

The Developer shall be required to extend a 16 inch water main from Champions Boulevard and provide a 16 inch stub out on the northwest corner of Old Clint Moore Road

and Military Trail. (PBCWUD)

Is hereby deleted [Reason: Completed]

ZONING-COMPLIANCE

1. Condition Q.1 of Resolution ZR-2002-005, Control No. DOA1995-017(G) which currently states:

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)

Is hereby deleted [Reason: Superseded by Compliance Condition No. 1]

2. Condition Q.2 of Resolution ZR-2002-005, Control No. DOA1995-017(G) which currently states:

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; 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 ULDC 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commissioners decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previous Condition Q.2 of Resolution ZR-2002-005, Control No. DOA1995-017(G))

Is hereby deleted [Reason: Superseded by Compliance Condition No. 2]

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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 Conditional Use, Type II Variance, 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)