

RESOLUTION NO. R-2010- 1483

RESOLUTION APPROVING ZONING APPLICATION DOA-2010-00146
(CONTROL NO. 1989-00041)
a Development Order Amendment
APPLICATION OF Gerald Barbarito
BY Anna S. Cottrell & Associates, AGENT
(St. Patrick Catholic Church)

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; and

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; and

WHEREAS, Zoning Application DOA-2010-00146 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2010; 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 recommendation of the Zoning Commission; and

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; and

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; and

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 a Development Order 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 DOA-2010-00146, the petition of Gerald Barbarito, by Anna S. Cottrell & Associates, agent, for a Development Order Amendment to add square footage and reconfigure the site plan in the RTS 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 September 30, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Absent
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Absent
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 30, 2010.

Filed with the Clerk of the Board of County Commissioners on October 13th, 2010

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:

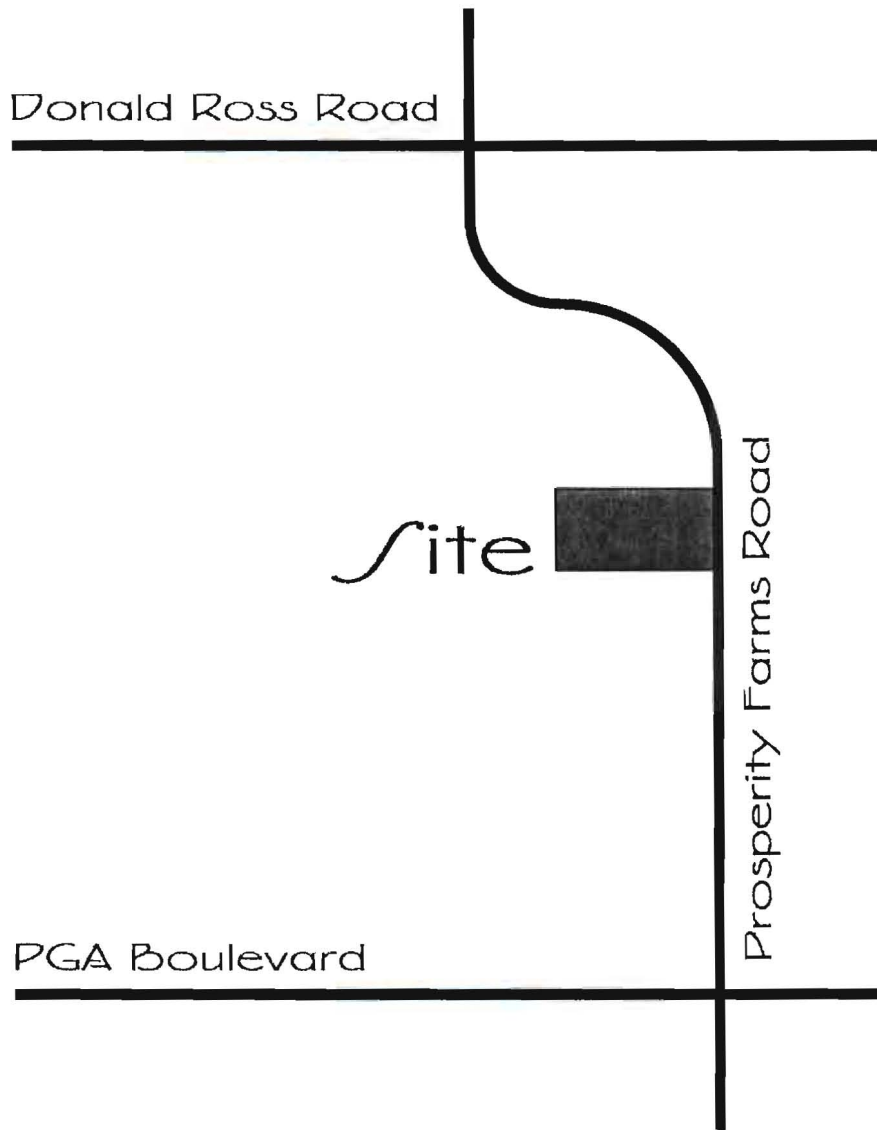
Parcel 1: A portion of the Southeast quarter of the Northwest quarter of Section 29, Township 41 South, Range 43 East, described as follows: **BEGINNING** at a monument marking the Southeast corner of the Northwest quarter of said Section 29; thence run in a Northerly direction along a quarter section line 300 feet to the **POINT OF BEGINNING** of the herein conveyed property; thence run in a Westerly direction parallel to the South line of the Northwest quarter of said Section 29 a distance of 1326.06 feet to a point marking the Southwest corner of the herein conveyed property; thence run in a Northerly direction parallel to the East line of the Northwest quarter of said Section 29 a distance of 150 feet to a point marking the Northwest corner of the herein conveyed property; thence run in an Easterly direction parallel to the South line of the Northwest quarter of said Section 29 a distance of 1326.06 feet to a point marking the Northeast corner of the herein conveyed property; thence in a Southerly direction along the East line of the Northwest quarter of said Section 29 a distance of 150 feet to the **POINT OF BEGINNING**.

Parcel 2: The North 150 feet of the South 600 feet of the East one-half of the Northwest quarter of Section 29, Township 41 South, Range 43 East.

Parcel 3: The North 80 feet of the South 680 feet of the East half of the Northwest quarter of Section 29, Township 41 South, Range 43 East.

LESS and **EXCEPT** the East 70 feet thereof of Parcels 1, 2 and 3 conveyed to Palm Beach County in Official Records Book 6225, Page 1044, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.Previous Condition A.2. of Resolution R-99-1606 (Control No 89-41) 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 June 9, 1999 and landscaping plan is dated July 27, 1999. 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:

The approved preliminary site plan is dated May 27, 2010. All modifications to the development order must be approved by the Board of County Commissioners, unless the proposed changes are required to meet conditions of approval. (DRO: ZONING - Zoning)

2.Previous Condition A.1. of Resolution R-99-1606 (Control No 89-41) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-2075 (Petition 89-41 (A)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-1606 (Control No 89-41) 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)

ARCHITECTURAL REVIEW

1.Previous condition Architectural Control 1 of Resolution R-99-1606, Control 1989-041 which currently states:

All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility shall mean utilizing similar elements such as materials, architectural details, or roof design. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted [REASON: Code Requirement]

2.Previous condition Architectural Control 2 of Resolution R-99-1606, Control 1989-041 which currently states:

The architectural design of all new buildings shall create an overall unified image, utilizing, but not limited to, three (3) or more of the following common elements such as consistent forms, colors, materials, architectural details and landscape materials. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted [REASON: Code Requirement]

3.Previous condition Architectural Control 3 of Resolution R-99-1606, Control 1989-041 which currently states:

Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [REASON: Code Requirement]

4.Previous condition Architectural Control 4 of Resolution R-99-1606, Control 1989-041 which currently states:

Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: MONITORING - Bldg) Is hereby deleted [REASON: Code Requirement]

5.Previous condition Architectural Control 5 of Resolution R-99-1606, Control 1989-041 which currently states:

All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning) Is hereby deleted [REASON: Code Requirement]

6.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the Parish Hall including canopy 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)

ENGINEERING

1.Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Prosperity Farms Road, 70 feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (ONGOING: ENGINEERING - Eng)(Previous Condition E.2 of Resolution R-99-1606, Control No. 1989-041) [Note: COMPLETED]

2.A Police Officer or Sheriff Personnel shall be stationed at the project's entrance onto Prosperity Farms Road to serve as a traffic controller for all weekend services, Christmas services, Easter Services, and all other special events such as weddings and funerals, regardless of the day or time. (ONGOING: CODE ENF - Eng) (Previous Condition E.3 of Resolution R-99-1606, Control No. 1989-041)

3.The petitioner 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 presently is \$5,412.00 (202 trips X \$26.79 per trip). (ONGOING: ENGINEERING-Eng) (Previous Condition E.5 of Resolution R-99-1606, Control No. 1989-041) [Note: COMPLETED]

4.The property owner 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 petition, 89-41(A), to be paid at the time of issuance of the Building Permit presently is \$4,400.00 (80 additional trips X \$55.00 per trip) (ONGOING: ACCOUNTING - Fair Share Fee Coordinator). (Previous Condition E.6 of Resolution R-99-1606, Control No. 1989-041) [Note: COMPLETED]

5.In addition the Developer shall contribute the amount of \$541.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$541.00 shall be paid prior to the issuance of the first Building Permit. (ONGOING: ACCOUNTING-Fair Share Fee Coordinator). (Previous Condition E.7 of Resolution R-99-1606, Control No. 1989-041) [Note: COMPLETED]

6.If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$541.00 shall be credited toward the

increased Fair Share Fee. (ONGOING: ACCOUNTING - Fair Share Fee Coordinator). (Previous Condition E.8 of Resolution R-99-1606, Control No. 1989-041)

7. Based on required shared parking, the parish hall and the sanctuary shall not have separate functions occurring simultaneously. (ONGOING: ENGINEERING-Eng)

8. The property owner shall remove the portion of the existing entrance median within Prosperity Farms Road.

a. The property owner shall submit an application to the Land Development Division to remove the median within the County right of way, prior to issuance of the first building permit for the 20,556SF Parish Hall. (BLDG PERMIT: MONITORING - Eng)

b. The application to Land Development Division shall be permitted, the work completed and inspected prior to issuance of the first Certificate of Occupancy for the 20,556SF Parish Hall. (CO: MONITORING - Eng)

ENVIRONMENTAL

1. The Developer shall preserve all existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable areas, retention areas, driveways and other vehicular use areas. The areas for preservation shall receive appropriate protection from damage and disturbance in accordance with Sections 7.3 and 9.5 of the Unified Land Development Code (ULDC) during the site development and construction phase. Landscaping shall be installed as shown on the Landscape Plan on file, as approved by the Development Review Committee (DRC). Vegetation within the parking lot area shall consist of *Quercus virginiana* (live oak) or other native tree species. (Previous Condition F.1 of Resolution 99-0701, Control No. 89-041(C) (DRO: ERM/ZONING - Landscape) [NOTE: COMPLETED]

2. Documentation of the approval from the Florida Game and Freshwater Fish Commission with regard to the Gopher Tortoise issue shall be received by ERM prior to the issuance of the primary Vegetation Permit for the site. (Previous Condition F.2 of Resolution R-99-1606, Control No. 89-41 (C)) (VEGETATION PERMIT: ERM) [NOTE: COMPLETED]

3. Prior to final site plan certification by the Development Review Committee (DRC), a tree survey meeting the standards of Sections 3.2 and 7.3 of the ULDC shall be required for the affected area. The affected area shall consist of all areas west of the existing 10,400 square foot church, 620 feet west of the east property line. (Previous Condition F.3 of Resolution R-99-1606, Petition 89-41 (C)) (DRC: ERM/ZONING - Landscape) [NOTE: COMPLETED]

4. Area lost in the central preserve area shall be added to the preserve on the western side of the property and depicted on the site plan prior to DRO site plan approval. (DRO:ERM-erm)

HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previous condition D.1. of Resolution R-99-1606; Control 1989-41(A) (ONGOING:HEALTH-Health)

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: 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.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC

requirements. (BLDG PERMIT: LANDSCAPE - Zoning)(Previous Condition G.1 of Resolution R-99-1606, Control No 89-41)

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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition G.2 of Resolution R-99-1606, Control No 89-41)

3.A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (BLDG. PERMIT: LANDSCAPE - Zoning) (Previous Condition G.3 of Resolution R-99-1606, Control No 89-41)

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

4.Landscaping and buffering along the affected areas (620' from east property line for a distance of 636 feet to west property line) of the north property line and along the entire west property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum six (6) foot high berm (existing) and hedge combination provide an opaque barrier at time of installation and to be maintained at a minimum height of six (6) feet. The six (6) foot height shall be measured from the top of the curb of the parking lot. Only the portion of the existing berm located within the subject property may be credited toward the overall six (6) height requirement. The minimum spacing of the shrub and hedge material shall be pursuant to provisions of the ULDC;
- c. Additional understory plantings shall be installed at a minimum height of eight (8) feet along the north property line consistent with the landscape plan dated July 27, 1999 and to be field adjusted for maximum screening;
- d. Staggered and alternating double rows of canopy trees. One (1) canopy tree shall be planted every twenty (20) feet on center for each row; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-99-1606, Control No 89-41)

5.Landscaping and buffering along the affected areas (620' from east property line for a distance of 636 feet to west property line) of the south property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum six (6) foot high native hedge and understory combination providing an opaque barrier at time of installation and maintained at a minimum height of six (6) feet. The six (6) foot height shall be measured from the top of the curb of the parking lot. The minimum spacing of the shrub and hedge material shall be pursuant to provisions of the ULDC;
- c. Additional understory plantings and/or relocation of existing vegetation shall be installed consistent with the landscape plan and photo exhibits of lots #4-10 dated July 27, 1999 and to be field adjusted for maximum screening;
- d. Staggered and alternating double rows of canopy trees. One (1) canopy tree shall be planted every twenty (20) feet on center for each row; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-99-1606, Control No 89-41)

LANDSCAPE - PERIMETER-ALONG EAST PROPERTY LINE (ABUTTING PROSPERITY

FARMS ROAD)

6.Landscaping and buffering along the east property line shall be upgraded to include supplementation of the existing landscaping with the following:

- a. A minimum twenty-five (25) 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 with a maximum spacing of sixty (60) feet on center; and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution R-99-1606, Control No 89-41)

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. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition J.1 of Resolution R-99-1606, Control No 89-41)

2.All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition J.2 of Resolution R-99-1606, Control No 89-41)

3.All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding the lighting at holiday services and security lighting only. (ONGOING: CODE ENF) (Previous Condition J.3 of Resolution R-99-1606, Control No 89-41)

4.The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Condition J.4 of Resolution R-99-1606, Control No 89-41)

SIGNS

1.All signage, including directional, entrance wall and wall mounted signs, shall be limited to the existing permitted signs as approved by the previous building permits. Future signage or replacement of the existing sign shall be restricted to the following:

- a. Maximum sign height, measured from finished grade to highest point - not to exceed height as indicated on the approved building permit;
- b. Maximum sign face area per side - not to exceed area as indicated on the approved building permit of the freestanding signs (median and entrance wall signs);
- c. Maximum number of signs - two (2) entrance wall signs, one (1) monument median sign along Prosperity Farms Road frontage;
- d. Style - monument style only; and,
- e. Maximum wall signs on buildings shall be limited to one (1), 100 square foot sign per building. (BLDG PERMIT: BLDG - Zoning) (Previously Condition K.1 of Resolution R-99-1606, Control No 89-41)

2.No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING) (Previous Condition K.2 of Resolution R-99-1606, Control No 89-41)

3.Prior to final site plan approval by the Development Review Officer the applicant shall submit a Master Sign Plan for approval by the Development Review Officer for all existing signs on the site. (DRO:ZONING-Zoning)

SITE DESIGN

1.The site shall be limited to the use of a total of 1,136 seats at any one time for all scheduled events. (ONGOING: CODE ENF -Zoning) (Previous Condition C.1 of Resolution R-99-1606, Control No 89-41)

2.The minimum setback for all structures, except for the Sanctuary, adjacent to the

south property line shall be sixty-seven (67) feet. The minimum setback for the Sanctuary shall be one hundred (100) feet from the north and south property lines. (DRO: ZONING - Bldg) (Previous Condition C.2 of Resolution R-99-1606, Control No 89-41)

3.Previously Condition C.3 of Resolution R-97-2075, Petition 89-41 (A)) (BLDG PERMIT: BLDG - Zoning), which currently states:

The maximum height for all structures, except the Sanctuary, measured from finished grade to highest point, shall not exceed twenty-five (25) feet. The maximum height for the Sanctuary, measured from finished grade to highest point, shall not exceed fifty (50) foot in height from finished grade.

Is hereby amended to read:

The maximum height for all structures, except the Sanctuary, measured from finished grade to highest point, shall not exceed thirty-five feet and four inches (35'4). The maximum height for the Sanctuary, measured from finished grade to highest point, shall not exceed fifty (50) foot in height from finished grade. (BLDG PERMIT: BLDG - Zoning)

4.All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be indicated on the site plan and shall not be located within one hundred (100) feet of the south property line. (DRC / ONGOING: ZONING / CODE ENF) (Previous Condition C.4 of Resolution R-99-1606, Control No 89-41)

5.A maximum of one (1) satellite dish antenna shall be allowed if completely screened from view of all right-of-ways and adjacent residential zoning districts by an opaque wall or fence with similar architectural treatment as the church or equivalent landscaping materials. The satellite dish shall not be roof mounted. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.5 of Resolution R-99-1606, Control No 89-41)

6.Previous Condition C.6 of Resolution R-99-1606, Control No 89-41, which currently states:

Prior to the issuance of a Certificate of Occupancy for the proposed Parish Hall or Rectory, the existing 10,400 square foot church building shall be removed. (CO: BLDG - Zoning)

Is hereby deleted. [Reason: Superseded by this application)

7.Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended indicate the relocation of landscaping islands within the grassed parking as indicated on the site plan dated August 29, 1997. The relocation of the islands shall be coordinated with the tree survey to ensure maximum preservation of existing native vegetation. (DRO: ZONING - Landscape)

8.The designated grassed parking spaces located on the western half of the site the shall be limited to grassed parking only. Proposed grade changes shall be minimal to incorporate existing native vegetation. (DRO: ERM - LANDSCAPE) (Previous Condition C.8 of Resolution R-99-1606, Control No 89-41)

9.Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be amended to indicate the required number of parking spaces in accordance with the ULDC. (DRO: ZONING /ENG)(Previous Condition C.9 of Resolution R-99-1606, Control No 89-41)

USE LIMITATIONS

1.Previous Condition L.1 of Resolution R-99-1606, Control No 89-41, which stated:

Use of the site shall be limited to the following:

- a. A 19,010 square foot Sanctuary. A maximum of five (5) percent or 1,000 square feet, whichever is less, may be relocated from the other buildings on the site;
- b. A 6,400 square foot Parish Hall; and,
- c. A 4,000 square foot Rectory. (DRC: ZONING)

is hereby amended to read:

Use of the site shall be limited to the following:

- a. A 19,010 square foot Sanctuary
- b. A 20,556 square foot Parish Hall (ONGOING: CODE ENF Zoning)

2. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m., excluding holiday services. (ONGOING: CODE ENF - Zoning) (Previous Condition L.2 of Resolution R-99-1606, Control No 89-41)

3. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.), shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions, or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING) (Previous Condition L.3 of Resolution R-99-1606, Control No 89-41)

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 (CO); 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 Unified Land Development Code (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 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)