

RESOLUTION NO. R-2013- 0208

RESOLUTION APPROVING ZONING APPLICATION ZV/TDD/R-2011-01203
(CONTROL NO. 2011-00245)
an Official Zoning Map Amendment
APPLICATION OF Fairways Llc
BY Urban Design Kilday Studios, AGENT
(Reflection Bay)

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 ZV/TDD/R-2011-01203 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2013; 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.1.B.

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 ZV/TDD/R-2011-01203, the application of Fairways Llc, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential High (RH) Zoning District to the Traditional Neighborhood Development (TND) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on February 28, 2013 subject to the conditions 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 Berger and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 28, 2013.

Filed with the Clerk of the Board of County Commissioners on March 5th, 2013.

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

REFLECTION BAY
LEGAL DESCRIPTION

A PORTION OF TRACT 36, "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE NORTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID SECTION 23, A DISTANCE OF 656.00 FEET; THENCE NORTH 89°57'11" WEST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°57'11" WEST, ALONG THE SOUTH LINE OF SAID TRACT 36, AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 865.99 FEET; THENCE NORTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID TRACT 36 AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 663.25 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 572.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 319.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 25°55'24" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET AND A CENTRAL ANGLE OF 44°37'43", A DISTANCE OF 440.09 FEET; THENCE NORTH 76°45'00" WEST, ALONG A NON-RADIAL LINE, A DISTANCE OF 227.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 66°24'52" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 20°40'18", A DISTANCE OF 122.67 FEET; THENCE SOUTH 76°45'00" EAST, ALONG A NON-RADIAL LINE, A DISTANCE OF 227.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 82°56'53" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET AND A CENTRAL ANGLE OF 07°03'07", A DISTANCE OF 69.54 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 655.00 FEET; THENCE NORTH 78°41'24" WEST, A DISTANCE OF 229.46 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 35.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1290.82 FEET AND A CENTRAL ANGLE OF 08°34'42", A DISTANCE OF 193.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 720.41 FEET AND A CENTRAL ANGLE OF 17°09'24", A DISTANCE OF 215.72 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1290.82 FEET AND A CENTRAL ANGLE OF 08°34'42", A DISTANCE OF 193.26 FEET TO THE POINT OF TANGENCY; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 506.00 FEET (THE LAST FIFTEEN DESCRIBED COURSES BEING COINCIDENT WITH THE BOUNDARY OF SAID TRACT 36); THENCE SOUTH 45°00'00" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 7711 AT PAGE 1368 OF SAID PUBLIC RECORDS, A DISTANCE OF 55.15 FEET; THENCE SOUTH 00°00'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2187.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 57.539 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

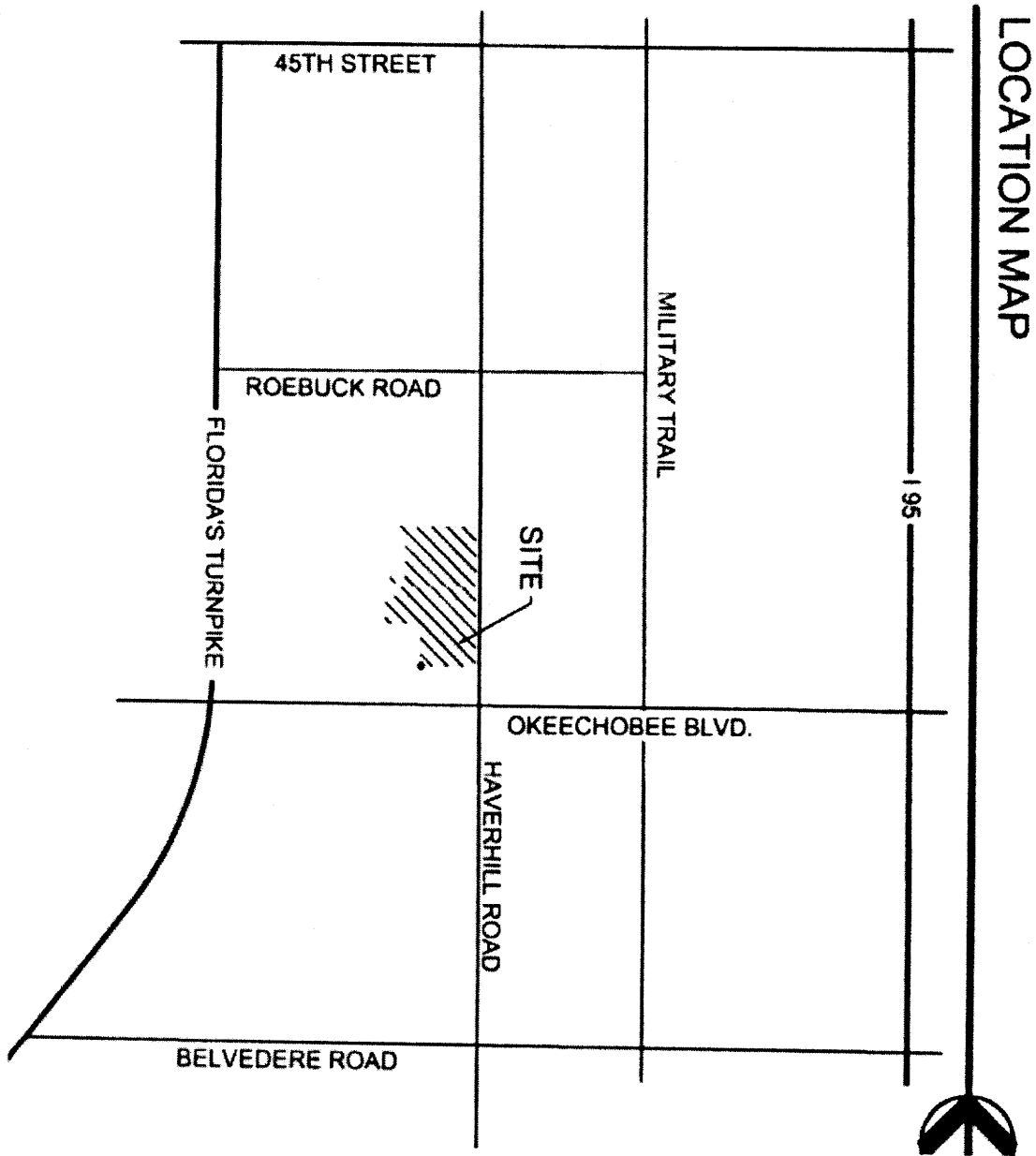


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The approved Preliminary Master Plan, Type III, Congregate Living Facility Site Plan, Preliminary Regulating Plans (Landscape Buffers, Parking Details, Neighborhood Parks, Neighborhood Square, Block Plan, Pedestrian Circulation Plan, Street Section) are dated October 12, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The Property Owner/applicant shall execute a Unity of Control binding the owner of Tract 36 and the adjacent Traditional Neighborhood Development (Control 2011-245) to maintain the property as open space or a golf course in compliance with all applicable maintenance requirements of the Palm Beach County Unified Land Development Code. (ONGOING: CO ATTY -Zoning)

3. At time of final approval by the Development Review Officer (DRO), the Property Owner shall submit a Security Plan to the Zoning Division. The Plan shall be reviewed and approved by the Palm Beach County Sheriff's Office prior to final approval by the DRO. (DRO: SHERIFF – Zoning)

DEPARTMENT OF AIRPORTS (DOA)

1. The Property Owner shall include in the homeowners' documents, as well as written sales brochures, sales contracts, Master Plans and related Plans, a disclosure statement identifying and notifying prospective residents that the community is within the flight path of the Palm Beach International Airport. The disclosure to all prospective purchasers or tenants of such building or structures shall include sound insulation techniques such as acoustical doors, windows and insulation be included as part of the construction. 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 January 24, 2014 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Airports)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for structures within the civic pod 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. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2016. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

b. To comply with Okeechobee CRALLS strategy 7, prior to final DRO approval the property owner shall identify 182 secure, covered bicycle parking spaces on the master plan within

75 feet of buildings cyclists will most likely use . (DRO:ENGINEERING-Eng)

c.To comply with Okeechobee CRALLS strategy 14, Building Permits for more than 103 multi-family apartment units (or development with equivalent peak hour directional traffic impacts) shall not be issued until the property owner makes an additional mitigation fee payment in the amount of \$1,643,000.00 (or 68.6% of the total roadway impact fees associated with the project as estimated at the time of the payment). This mitigation payment shall be in addition to the roadway impact fees assessed to the project, and shall be deposited into a separate Okeechobee Blvd. Mitigation Fee Account. (BLDG PERMIT: MONITORING-Eng)

2.Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at both the north and the south project entrance roads. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT/ONGOING: MONITORING-Eng)

3.The Property Owner shall construct:

- i. a right turn lane north approach on Haverhill Road at the north project entrance road.
- ii. a right turn lane north approach on Haverhill Road at the south project entrance road.

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.

a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

4.The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the north project entrance road and Haverhill Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a.Building Permits for more than 200 multi-family dwelling units or 50,000 sf of non-residential uses shall not be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).

b.In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final

certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)

5. Prior to issuance of the first building permit, the property owner shall plat the subject property in accordance with provisions of Article 11 of the ULDC to remove the golf course restriction and define the boundaries of the TND Zoning District. This plat shall include a restriction for the portion of original Tract 36 as shown in PB30/PG 156 not re-zoned to TND to remain as open space or a golf course with uses as permitted by the ULDC and that the open space tract shall not be considered for development purposes, other than development permitted by the ULDC, without the consent of the PUD beneficiaries in Tract 37 of PB30/PG156. (BLDG PERMIT: MONITORING-Eng)

6. The property owner shall:

a. Relocate the 60 foot drainage easement dedicated on "Century Village Plat No. ONE," PB28/PG194, to avoid conflict with proposed buildings and to a location as approved by the County Engineer at time of platting. (PLAT: ENGINEERING - Eng)

b. Abandon, and relocate if necessary, the existing 10 foot FPL easement located approximately 1300 feet south of Century Village Boulevard, along the eastern property line prior to final site plan approval by the DRO. (DRO: ENGINEERING - Eng)

7. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be dedicated prior to issuance of the first building permit, whichever shall occur first. (BLDG PERMIT: MONITORING-Eng)

ENVIRONMENTAL

1. A Phase II Environmental Audit, with a focus on the residential portion of the development, shall be submitted to Environmental Resources Management for review and approval prior to Master Plan approval. (DRO:ERM-ERM)

2. Prior to the final approval by the Development Review Officer, the Property Owner of the Traditional Neighborhood District shall conduct contamination testing, the amount of test sites shall be twice the amount required under the Best Management Practices for contamination testing. (DRO: ERM-ERM)

LANDSCAPE - GENERAL

1. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall submit a set of landscape plans which include the tree mitigation and relocation plan for review and approval by the Landscape Section. (DRO:LANDSCAPE - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall indicate on the Final Master Plan to show the required buffer along the perimeter of the Traditional Neighborhood Development (TND). (DRO:LANDSCAPE - Zoning)

3. A minimum of seventy five (75) percent of all (new and replacement) trees to be planted in the west landscape buffers shall be upgraded to fourteen (14) feet in height at installation. (DRO: LANDSCAPE - Zoning)

4. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. palm heights: sixteen (16) feet clear trunk;
- b. clusters: staggered heights sixteen (16) to twenty two (22) feet clusters and to be planted in groups of five (5) with a maximum spacing of forty (40) feet between clusters; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (DRO: LANDSCAPE - Zoning)

5. Field adjustment of wall, fence, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR-FOCAL POINT NORTH OF CIVIC POD

1. Prior to final approval by the Development Review Officer (DRO), the site and regulation plans shall indicate a street vista focal point at the terminus of the access drive on the north side of the Civic Pod. The design and location of this street vista shall be subject to Zoning Division review and approval. (DRO: LANDSCAPE - Zoning)

PALM TRAN

1. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT: MONITORING - Palm Tran)

PLANNED DEVELOPMENT-TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

1.1. Prior to the recordation of the first plat, all property included in the legal description for the development area of this application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

- a. Formation of a single master property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
- b. All indoor recreation space shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the POA/HOA, the indoor recreation space shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the traditional development. This Declaration shall be amended when additional units or square footage is added to the TMD. (PLAT: CO ATTY - Zoning)

2. The Property Owner/applicant shall maintain a free trolley service transportation between the Century Village and the Traditional Neighborhood Development (TMD). This condition shall not apply to the TMD if the United Civic Organization (UCO) and the Delegates Assembly of Century Village does not consider the service is needed. (ONGOING: CODE ENF - Zoning)

PLANNING

1. Prior to the release of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per Article 5.G. in the ULDC. These units are to be distributed among the categories consistent with the

requirements in Article 5.G. in the ULDC. (BLDG PERMIT-MONITORING - Planning)

2. On an annual basis, beginning March 1, 2013, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and Housing and Community Development (HCD) documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING-Planning/HCD)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign eleven inches by seventeen inches (11" X 17") shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the ten feet by fifteen feet (10' x 15') school bus shelters shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelters shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the Street Section Plan shall be revised to be consistent with the proposed Street Section for the Type III Congregate Living Facility. (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), a minimum of fifty percent (50%) of the required plaza seating shall be placed in shade locations. (DRO: ZONING - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the site plan to provide for a six (6) foot high decorative fence along the entire western property line. Height of the fence shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of measuring height shall be finalized subject to the approval by the Landscape Section to ensure screening is achieved for the adjacent property. (DRO: ZONING - Zoning)

4. The Property Owner/applicant shall submit design details of the proposed decorative fence to the United Civic Organization (UCO) and the Delegates Assembly of Century Village. UCO and Delegate Assembly shall have no more than 60 days to submit an approval letter or the fence will be determined to be approved. (DRO: ZONING - Zoning)

5. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the site plan to provide for a walkway around the perimeter of the lakes for residents of the Traditional Neighborhood Development (TND) and Century Village to utilize. (DRO: ZONING-Zoning)

6. Prior to final approval by the Development Review Officer (DRO), the Final Site Plan shall be amended to indicate the location of the Police Substation. (DRO: ZONING -

Zoning)

7. The Police Substation shall be operational current with the issuance of the first Certification of Occupancy (C.O) or the first Certificate of Completion (C.C), which ever occurs first. (DRO: ZONING - Zoning)

USE LIMITATIONS

1.Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

2.Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning)

3.The storage of rental trucks/trailers or outside vendors shall not be permitted on the property, excluding events in the Amphitheater Plaza or other events authorized by a Special Permit. (ONGOING: CODE ENF - Zoning)

UTILITIES

1.The water and sewer concurrency sign-off is contingent upon the approval by the PBC Board of County Commissioners of a Development Agreement, pertaining to capacity reservation for the proposed improvements, and the phased payment schedule for Guaranteed Revenue Fees. (ONGOING: PBCWUD - PBCWUD)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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 voluntary commitments 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)