

RESOLUTION NO. R-2014- 0734

RESOLUTION APPROVING ZONING APPLICATION DOA-2013-03128
(CONTROL NO. 1981-00013)
a Development Order Amendment
APPLICATION OF Cottages Of The Palm Beaches LLC
BY Urban Design Kilday Studios, AGENT
(Lake Worth Road CLF)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application DOA-2013-03128 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA-2013-03128, the petition of Cottages Of The Palm Beaches LLC, by Urban Design Kilday Studios, agent, for a Development Order Amendment to modify the Site Plan and add square footage. in the 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 May 22, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 22, 2014.

Filed with the Clerk of the Board of County Commissioners on June 11th, 2014.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK
PALM BEACH COUNTY
FLORIDA



EXHIBIT A

**LEGAL DESCRIPTION
7859 LAKE WORTH ROAD CLF**

LEGAL DESCRIPTION (ORB 24947, PAGE 569)

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. S-802 (LAKE WORTH ROAD) AND THE EAST LINE OF TRACT 115, BLOCK 23, PALM BEACH FARMS COMPANY, PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PALM BEACH COUNTY, FLORIDA; SAID POINT BEING 56.70 FEET NORTH OF THE SOUTH EAST CORNER OF TRACT 115, BLOCK 23, THE POINT OF BEGINNING; THENCE N 00°38'23" E (ASSUMED BEARING), 603.30 FEET TO THE NORTH EAST CORNER OF TRACT 115, THENCE N 89°23'46" W (ASSUMED BEARING), A DISTANCE OF 330.0 FEET TO THE NORTH WEST CORNER OF TRACT 115 AND THE NORTH EAST CORNER OF TRACT 114, BLOCK 23, CONTINUE WEST ALONG THE SAME LINE A DISTANCE OF 160.57 FEET TO A POINT WHICH IS 490.57 FEET WEST OF THE NORTH EAST CORNER OF TRACT 115, BLOCK 23; THENCE S 00°36'16" W A DISTANCE OF 553.09 FEET TO A POINT 100 FEET NORTH OF THE CENTERLINE OF LAKE WORTH ROAD; THENCE S 89°19'34" E A DISTANCE OF 160.35 FEET TO A POINT; THENCE S 00°44'46" W A DISTANCE OF 49.85 FEET TO A POINT WHICH IS A POINT ON THE EAST LINE OF TRACT 114, BLOCK 23, AND 50 FEET NORTH OF THE CENTER LINE OF STATE ROAD S-802; THENCE S 89°22'07" E A DISTANCE OF 329.97 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND IS SUBJECT TO A PORTION OF HADJES DRIVE RIGHT-OF-WAY OVER THE EAST 40 FEET OF TRACT 115 PER PLAT BOOK 31, PAGE 15 AND AS FURTHER DESCRIBED IN ORB 2215, PAGE 1304.

LESS AND EXCEPT A PORTION OF HADJES DRIVE RIGHT-OF-WAY OVER THE EAST 40 FEET OF TRACT 115 PER PLAT BOOK 31, PAGE 15 AND AS FURTHER DESCRIBED IN ORB 2215, PAGE 1304.

LESS AND EXCEPT THE FEE SIMPLE LIMITED ACCESS RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 25936, PAGE 1752.

NOW KNOWN AS:

**LEGAL DESCRIPTION
(INCLUSIVE OF ORB 26448, PAGE 1770 & ORB 25936, PAGE 1752)**

TRACT 114, BLOCK 23, LESS THE WEST 169.43 FEET AND LESS THE SOUTH 106.55 FEET THEREOF, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH TRACT 115, BLOCK 23, LESS THE SOUTH 56.70 FEET THEREOF, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT A PORTION OF HADJES DRIVE RIGHT-OF-WAY OVER THE EAST 40 FEET OF TRACT 115 PER PLAT BOOK 31, PAGE 15 AND AS FURTHER DESCRIBED IN ORB 2215, PAGE 1304.

PARCEL A BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF TRACT 115, BLOCK 23, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; RUNNING THENCE N89°23'46"W, 40.00 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HADJES DRIVE WITH THE NORTH LINE OF TRACT 115, THE POINT AND PLACE OF BEGINNING; THENCE NORTH 89°23'46" WEST (ASSUMED BEARING), ALONG THE NORTH LINE OF TRACTS 115 AND 114, BLOCK 23, 450.57 FEET; THENCE SOUTH 00°36'16" WEST, 553.09 FEET TO A POINT 100 FEET NORTH OF THE

CENTERLINE OF STATE ROAD S-802 (LAKE WORTH ROAD); THENCE SOUTH 89°19'34" EAST, 160.35 FEET TO A POINT ON THE EAST LINE OF TRACT 114; THENCE SOUTH 00°44'46" WEST, 49.85 FEET ALONG THE EAST LINE OF TRACT 114, BLOCK 23, AND 50 FEET NORTH OF THE CENTER LINE OF STATE ROAD S-802 (LAKE WORTH ROAD); THENCE SOUTH 89°22'07" EAST, 289.97 FEET TO THE WEST RIGHT OF WAY LINE OF HADJES DRIVE; THENCE NORTH 00°38'23" EAST, 603.30 FEET TO THE POINT AND PLACE OF BEGINNING.

LESSING THEREFROM THE FEE SIMPLE LIMITED ACCESS RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 25936, PAGE 1752, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 802 (LAKE WORTH ROAD) AND THE EAST LINE OF TRACT 115, BLOCK 23, PALM BEACH FARMS COMPANY, PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PALM BEACH COUNTY; THENCE NORTH 89°22'07" WEST ALONG THE EXISTING SAID NORTHERLY RIGHT OF WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 329.97 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°44'46" EAST ALONG THE EXISTING LIMITED ACCESS RIGHT OF WAY LINE OF THE LAKE WORTH INTERCHANGE, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°22'07" EAST A DISTANCE OF 118.00 FEET; THENCE SOUTH 00°37'53" WEST A DISTANCE OF 12.00 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF LAKE WORTH ROAD; THENCE NORTH 89°22'07" WEST ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF LAKE WORTH ROAD, A DISTANCE OF 118.02 FEET TO THE POINT OF BEGINNING.

OVERALL PROPERTY CONTAINS 262,240 SQUARE FEET / 6.02 ACRES MORE OR LESS. (LESS THE 40' RIGHT-OF-WAY FOR HADJES DRIVE & LIMITED ACCESS RIGHT OF WAY IN ORB 25936, PAGE 1752)

EXHIBIT B
VICINITY SKETCH

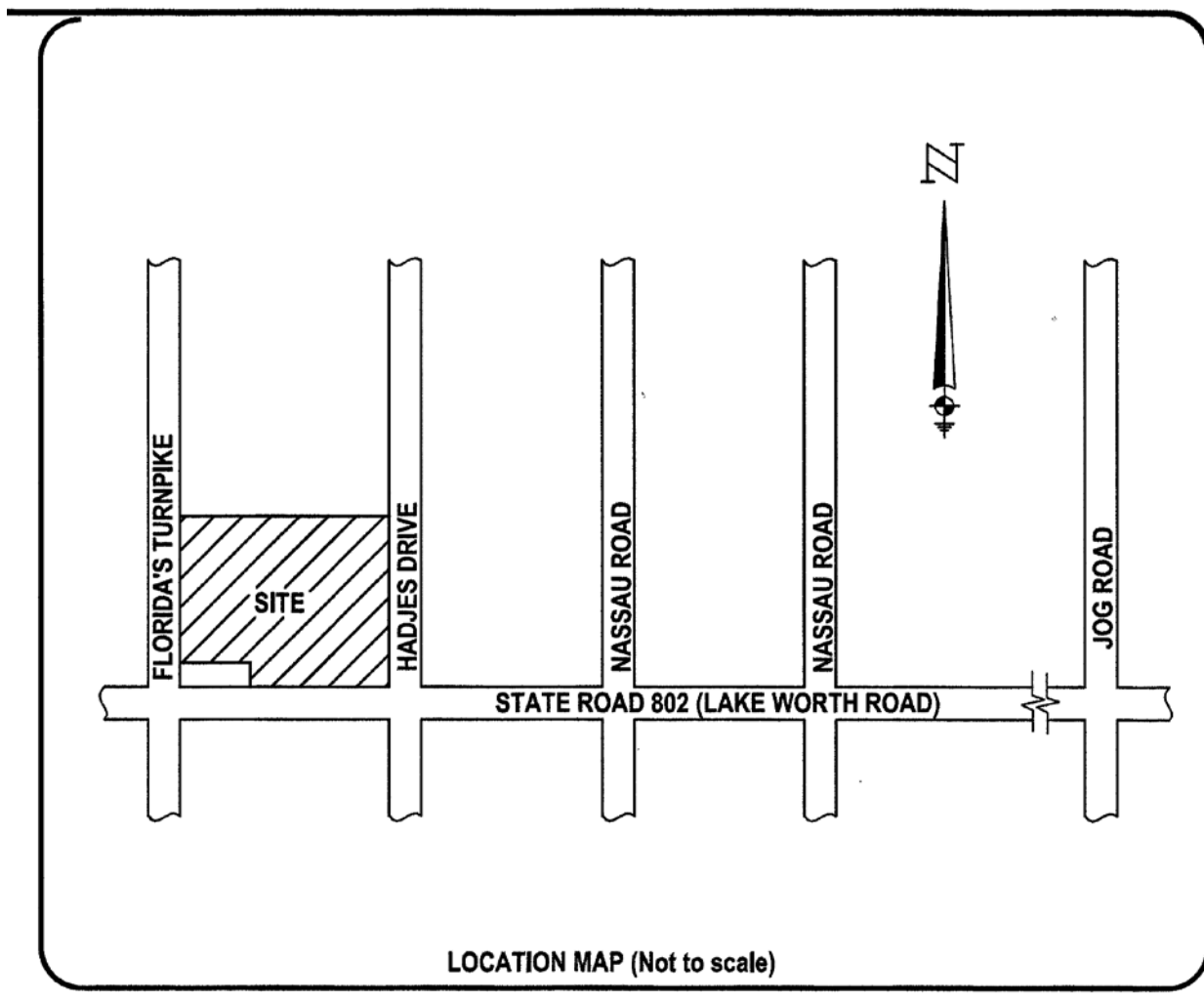


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-0608 (Control 1981-00013), and Resolution R-2012-0609 (Control 1981-00013), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS condition 1 of Resolution R-2012-608, Control No.1981-00013, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated January 23, 2012 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. (DRO: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated March 13, 2014 Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (DRO/ONGOING: ZONING - Zoning)

3. Previous ALL PETITIONS condition 2 of Resolution R-2012-608, Control No.1981-00013, which currently states:

The existing hotel may continue to operate until October 1, 2012 or the issuance of a Business Tax Receipt of a Type III Congregate Living Facility, whichever occurs first. (DATE/ONGOING: MONITORING - Zoning)

Is hereby deleted. [REASON: No Longer Applicable]

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Medical Offices shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated December 18, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING condition 1 of Resolution R-2012-608, Control No.1981-00013, which currently states:

The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right-of-way deed and all associated documents as required by FDOT for Lake Worth Road for a future right turn lane at the Florida Turnpike. All right-of-way deed(s) and

associated documents shall be provided and approved prior to April 26, 2013. The right-of-way conveyance shall be approximately 12 feet in width and shall extend approximately 120 feet along the project's southwestern frontage abutting Lake Worth Road. The actual dimensions of the right-of-way conveyance shall be determined by FDOT based on a concept drawing of the future right turn lane. The right-of-way conveyance shall be free and clear of all encumbrances and encroachments unless otherwise approved by the County Engineer and FDOT. Property Owner shall provide FDOT with sufficient documentation, typically including a sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT 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 and FDOT 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed.

Is hereby amended to read:

Prior to May 22, 2015, the Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right-of-way deed and all associated documents as required by FDOT for Lake Worth Road for a future right turn lane at the Florida Turnpike. The right-of-way conveyance shall be approximately 12 feet in width and shall extend approximately 120 feet along the project's southwestern frontage abutting Lake Worth Road. The actual dimensions of the right-of-way conveyance shall be determined by FDOT based on a concept drawing of the future right turn lane. The right-of-way conveyance shall be free and clear of all encumbrances and encroachments unless otherwise approved by the County Engineer and FDOT. Property Owner shall provide FDOT with sufficient documentation, typically including a sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT 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 and FDOT 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (DATE: MONITORING - Engineering)

2. Prior to April 26, 2013, the Property Owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (Previous ENGINEERING condition 2 of Resolution R-2012-608, Control No.1981-00013) (DATE: MONITORING - Engineering) [Note: COMPLETED]

LANDSCAPE - GENERAL

1. At time of submittal for final approval by the Development Review Officer (DRO), the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2012-608, Control No.1981-00013) (DRO: LANDSCAPE - Zoning)

2. The owner shall provide the Zoning Director a letter and pictures confirming fencing, gates, and security system as conditioned herein, has been permitted and installed prior to occupancy of the building. (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2012-608, Control No.1981-00013) (DATE: MONITORING - Zoning) [Note: COMPLETED]

3. In addition to the code requirements, landscaping along the east elevation of the proposed Medical/ Therapy Office and Exercise rooms shall be upgraded to include:
a. foundation plantings eight (8) feet wide and along one-hundred (100) percent of the length of the elevation.

(ONGOING: LANDSCAPE - Zoning)

4. Prior to final Development Review Officer (DRO) approval, the Preliminary Site Plan dated March 13, 2014 shall be amended to add a terminal and interior Landscape Islands in each row of parking. Each Landscape Island shall meet the minimum Unified Lands Development Code (ULDC) standard with regard to width, length and location. A Type II Variance may be requested if compliance with this condition results in a Site Plan with less than the minimum number of required parking spaces. (DRO: ZONING - Zoning)

LANDSCAPE - INTERIOR

5. Prior to Final Approval by the Development Review Officer (DRO), a Tree Relocation and Preservation Plan shall be submitted to the Landscape section of the Zoning Division for review and approval. At a minimum the plan shall include:

- a. an itemized list of trees to be removed including their sizes and species;
- b. the current and proposed location of all trees to be preserved or relocated subject to a Vegetation Removal Permit; and,
- c. the proposed location of a minimum fifty-two (52) replacement trees or equivalent.

(DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

6. The landscape buffer along the north property line shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip. Buffer width may be reduced to thirteen (13) feet adjacent to the existing tennis courts, subject to an alternative buffer approval by the Board of County Commissioners;
 - b. Shade trees shall be installed at twenty (20) feet on center;
 - c. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. An eight (8) foot high Anti-Climb vinyl coated fence or concrete panel wall;
 - e. The minimum spacing for large shrubs shall be twenty four (24) inches on center; and,
 - f. All plant materials shall comply with the requirements for a Type III Incompatibility buffer.

(Previous LANDSCAPE - PERIMETER condition 3 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

(Previous LANDSCAPE - PERIMETER condition 3 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF AND LAKE WORTH ROAD)

7. The landscape buffer along the south property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip; except in areas where Variances are approved;
 - b. Foxtail Palms shall be installed in place of canopy trees within the five (5) foot wide buffer area of the landscape buffer, and to be planted a maximum of twenty (20) feet on center with a minimum of ten (10) foot of grey wood;
 - c. a six (6) foot high metal railing fence; and,

d. small, medium, and large shrubs shall be installed in accordance with the requirements for a Right-of-Way buffer; except in areas where Variances are approved. (Previous LANDSCAPE - PERIMETER condition 4 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF HADJES ROAD)

8. The landscape buffer along the east property line shall be upgraded to include:
- a. a minimum fifteen (15) foot wide landscape buffer strip. Compliance with this condition will not prohibit the property owner from requesting a variance or an alternative acceptable to the Zoning Director in accordance with Article 7 of the ULDC;
 - b. a six (6) foot high metal railing fence with gates at each access point along Hadjes Road. Gates shall be provided with controlled access, including but not limited to, call-box, key access pad, or card reader to provide security for the facility; and,
 - c. all plant materials shall comply with a Right-of-Way buffer. (Previous LANDSCAPE - PERIMETER condition 5 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF THE FLORIDA TURNPIKE)

9. The landscape buffer along the west property line shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip. The buffer adjacent to the existing tennis court may remain at five (5) feet in width until such time when the tennis court is removed;
 - b. a six (6) foot high chain link fence; and
 - c. all plant materials shall comply with the requirements for a Right-of-Way buffer. (Previous LANDSCAPE - PERIMETER condition 6 of Resolution R-2012-608, Control No.1981-00013) (DRO/ONGOING: LANDSCAPE - Zoning) [Note: COMPLETED]

SIGNS

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the Master Sign Plan will be revised to provide details compliant with Article 8 of the Unified Land Development Code (ULDC). (DRO: ZONING - Zoning)
2. Ground mounted freestanding signs shall be limited as follows:
 - a. located at the intersection of Lake Worth Road and Hadjes Drive;
 - b. maximum number of signs - one (1);
 - c. maximum sign height, measured from finished grade to highest point eight (8) feet;
 - d. maximum sign face area per side: eight (8) square feet; and
 - e. style - monument style only. (Previous SIGNS condition 1 of Resolution R-2012-609, Control No.1981-00013) (BLDGPM: BUILDING DIVISION - Zoning) [Note: COMPLETED]

SITE DESIGN-SHERIFF SUBSTATION

1. If a substation is warranted by the Sheriff's office, the site plan shall be revised to indicate the location. (Previous SITE DESIGN condition 1 of Resolution R-2012-609, Control No.1981-00013) (ONGOING: SHERIFF'S OFFICE - Zoning)

USE LIMITATIONS

1. The Type III Congregate Living Facility shall be limited to a maximum of one hundred and sixty-five (165) residents. (Previous USE LIMITATIONS condition 1 of Resolution R-2012-609, Control No.1981-00013) (ONGOING: ZONING - Zoning)
2. The use of the site and the accessory facilities and/or functions is limited to the residents in-residence at the facility. No persons or patients not housed at the facility may use and/or utilize any part of the facility. (ONGOING: ZONING - Zoning)

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) (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) (ONGOING: MONITORING - Zoning)

DISCLOSURE

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