

RESOLUTION NO. R-2015- 0536

RESOLUTION APPROVING ZONING APPLICATION DOA-2014-01615
(CONTROL NO. 2008-00290)
Development Order Amendment
APPLICATION OF Cheney 109 LLC
BY Land Design South, Inc., AGENT
(Cheney Ranch)

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-2014-01615 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2015;

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 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-2014-01615, the petition of Cheney 109 LLC, by Land Design South, Inc., agent, for Development Order Amendment to reconfigure the Master Plan, change unit type, reduce the number of units, and modify and delete Conditions of Approval (Planning and Dumpster) , 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, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on April 23, 2015.

Filed with the Clerk of the Board of County Commissioners on April 29th, 2015.

This resolution shall not become effective unless or until the effective date of Comprehensive Plan Amendment No. LGA-2015-00002.

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 1:

The North one-half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS and EXCEPT Jog Road right-of-way. Subject to the Right-of-Way of the C-51 Canal.

PARCEL 4:

The North 1/2 of Tract 1, Block 13, THE PALM BEACH FARMS CO PLAT NO.3, a Subdivision in Palm Beach County, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, together with the rights granted to grantor in Official Records Book 1516, Page 559.

PARCEL 5:

That part of the East 1/2 of Tract 76, lying South of State Road 80, in Block 5 of THE PALM BEACH FARMS CO. PLAT NO.3, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, inclusive.

PARCEL 6:

The West 1/2 of Tract 76, Block 5, lying South of the West Palm Beach Canal, THE PALM BEACH FARMS COMPANY PLAT NO.3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45.

PARCEL 7:

That 50 foot wide strip of land lying South of the Westerly 570' of Tract 76, Block 5, and North of Tract 1, Block 13, THE PALM BEACH FARMS CO. PLAT NO. 3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County Florida.

PARCEL 8:

That part of Tract 75, Block 5, THE PALM BEACH FARMS COMPANY PLAT NO.3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45, lying South of and being adjacent to the Southerly right-of-way line of the West Palm Beach Canal C-51.

Together with:

The North 19.50 feet of the South 330 feet of Tract 1, Block 13, THE PALM BEACH FARMS CO., PLAT NO.3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

AND

The North 19.50 feet of the South 330 feet of that part of the West 1/2 of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South 1/2 of Tract 1, Block 13, THE PALM BEACH FARMS CO. PLAT NO. 3, less any rights-of-way for Jog Road, according to the Plat thereof recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida.

PARCEL 9:

The East half of Tract 2, Block 13, THE PALM BEACH FARMS CO. PLAT NO.3, according to the Plat thereof recorded in Plat Book 2, Pages 45 to 54 inclusive, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

PARCEL 10:

That 50 foot wide strip of land lying South of the East half of Tract 75, Block 5 and North of

the East half of Tract 2, Block 13. THE PALM BEACH FARMS CO. PLAT NO. 3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida;

AND

The North half of that 50 foot wide strip of land lying South of the West half of Tract 75, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida.

PARCEL 11

The East 15 feet of that 30 foot wide strip of land lying between Tracts 74 and 75, Block 5, and South of West Palm Beach Canal, THE PALM BEACH FARMS CO. PLAT NO. 3, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and contain 40.379 acres, more or less.

EXHIBIT B
VICINITY SKETCH

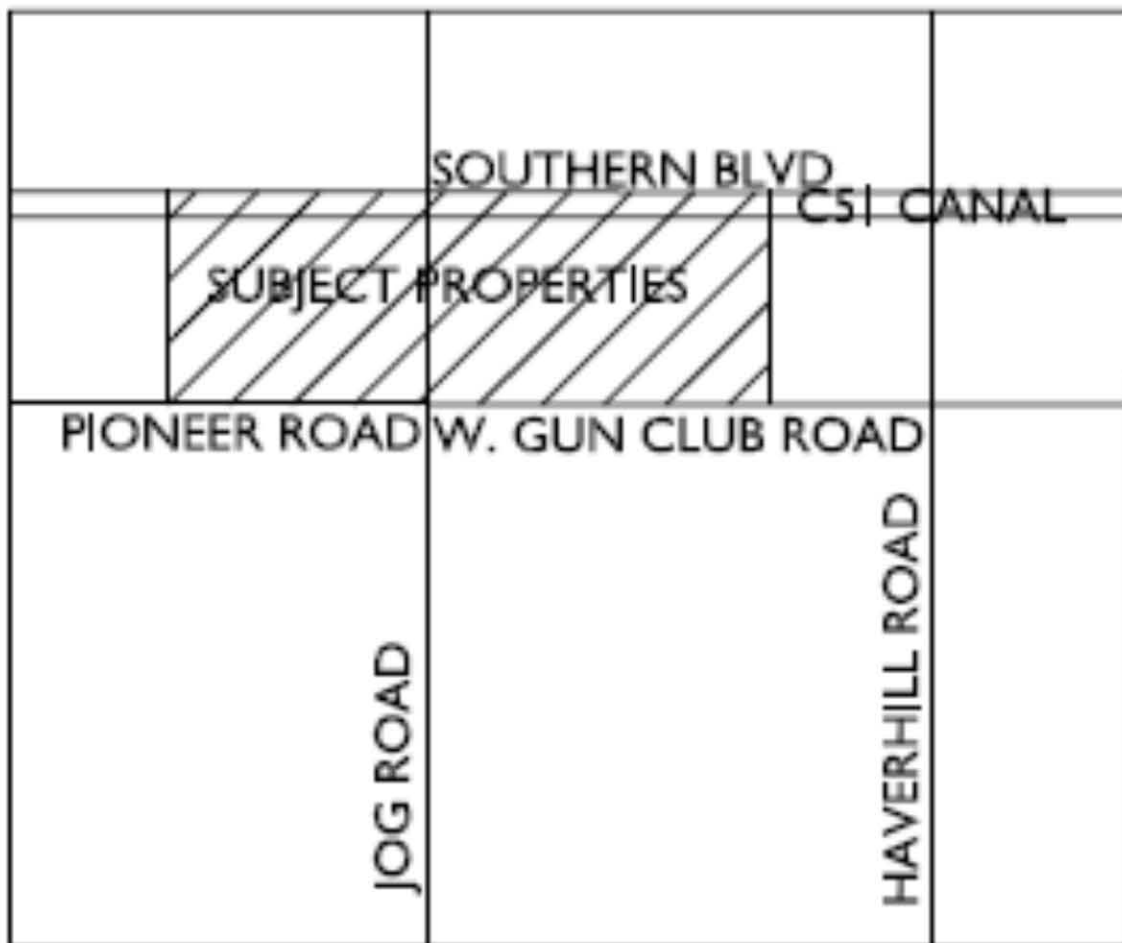


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved preliminary master and site plans are dated October 8, 2008. 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: MONITORING - Zoning)

Is hereby amended to read:

The approved Preliminary Master Plan is dated February 12, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels. The PUD's stormwater management system shall then be designed to accept this historical drainage. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING condition 1 of Resolution R-2009-20, Control No.2008-00290)

2. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 60 feet of right of way from centerline of Jog Road prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear 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, including a topographic survey. 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. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2009-20, Control No.2008-00290)

3. Previous ENGINEERING condition 3 of Resolution R-2009-20, Control No.2008-00290, which currently states:

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

a. No building permits for the site shall be issued after December 31, 2012. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng) (DATE: MONITORING - Engineering)

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. No building permits for the site shall be issued after December 31, 2019. 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.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. No Building Permits for the site shall be issued until the Property Owner makes a proportionate share payment in the amount of 9.6% of the construction of a separate north approach right turn lane and a second east approach left turn lane at the intersection of Jog Road and the ramps with Southern Boulevard. This proportionate share amount may be applied towards construction of this improvement or one or more other improvements that will benefit the mobility in the area impacted by the project, as determined by the County Engineer. The value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the County Engineer or other method approved by the County Engineer at the time of the payment. (BLDGPM: MONITORING - Engineering)

4. The property owner shall modify the existing full median opening on Jog Rd in front of the proposed property entrances to a directional median opening (a peanut). This may require modifying the existing north and south approach left turn lanes at this location, as approved by the County Engineer. 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy (CO: MONITORING - Engineering) (Previous ENGINEERING condition 4 of Resolution R-2009-20, Control No.2008-00290)

5. The developer shall lengthen the existing left turn lane north approach on Jog Road at the entrance to the Project's east side. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper. 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 for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) (Previous ENGINEERING condition 5 of Resolution R-2009-20, Control No.2008-00290)

6. 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 Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

7. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Jog Road along the property frontage; and a maximum of an additional 800 feet of this adjacent roadway. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included

within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. All mitigation required by ULDC Chapter 14.C shall be completed and accepted by ERM prior to the issuance of the Certificate of Occupancy for the 109 unit. (BLDGPM/CO: MONITORING - Environmental Resources Management) (Previous ENVIRONMENTAL condition 2 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - GENERAL

1. Previous ZONING - LANDSCAPING condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDGPM: LANDSCAPE - Zoning)

Is hereby amended to read:

Prior to Final Approval by the Development Review Officer (DRO):

- a. The Property Owner shall submit an Alternative Landscape Plan (ALP) and Tree Inventory Site Plan to the Landscape Section for review and approval;
- b. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein and shall account for all preserved and mitigated trees; and
- c. The Property Owner shall meet with Landscape Staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO/ONGOING: LANDSCAPE - Zoning)

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation, unless otherwise indicate herein:

- 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. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 2 of Resolution R-2009-20, Control No.2008-00290)

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

- a. pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation and have a maximum spacing of forty (40) feet between clusters; and,
- b. credit may be given for existing pines provided they meet current ULDC requirements. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 3 of Resolution R-2009-20, Control No.2008-00290)

4. A group of three (3) or more palms or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 4 of Resolution R-2009-20, Control No.2008-00290)

5. Field adjustment of wall and plant material location may be permitted to provide pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 5 of Resolution R-2009-20, Control No.2008-00290)

6. All preserved trees (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, or retaining walls shall be installed for the preservation of trees. (ONGOING: LANDSCAPE -Zoning)

7. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall identify on the Final Subdivision Plan and the Alternative Landscape Plan the specific locations of the permanent tree protection devices. Details of the permanent tree protection devices shall be shown on the Final Regulating Plan. (DRO: ZONING/LANDSCAPE -Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (WEST AND EAST OF JOG ROAD)

8. No easement encroachment shall be permitted within the north Right-of-Way landscape buffer. (BLDGPM/ONGOING: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 8 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (EAST OF JOG ROAD)

9. In addition to the code requirements, landscaping along the south and east property lines, east of Jog Road, shall be upgraded to include:

- a. a minimum forty (40) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of thirty (30) feet between clusters.
- c. a continuous six (6) foot high berm; and
- d. a six (6) foot high black vinyl coated chain linked fence to be located on the plateau of the berm. (BLDGPM: LANDSCAPE - Zoning) (Previous ZONING - LANDSCAPING condition 6 of Resolution R-2009-20, Control No.2008-00290)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (WEST OF JOG ROAD)

10. Previous Zoning - LANDSCAPING condition 7 of Resolution R-2009-20, Control No.2008-00290 which currently states:

In addition to the code requirements, landscaping along the south and east property lines, west of Jog Road, shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters.
- c. a six (6) foot opaque concrete wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.

Is hereby amended to read:

In addition to the code requirements, landscaping along the south and east property lines within the twenty (20) foot wide Incompatibility Buffers, west of Jog Road, shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip.
- b. one (1) palm for each for each thirty (30) linear feet of the property line with a maximum spacing of twenty (20) feet between clusters.
- c. a six (6) foot opaque concrete wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (BLDG/PMT: LANDSCAPE - Zoning)

PLANNING

1. Previous PLANNING condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

- a. Guarantees the attainability of all 65 workforce units, which includes all units required per Article 5.G in the ULDC for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle). This does not prohibit allowing higher numbers of lower income units. Final distribution of the units shall be defined at the time of final DRO, consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and
- b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY- Planning)
(DRO: COUNTY ATTORNEY - Planning)

Is hereby deleted. [REASON: No longer applicable.]

2. Previous PLANNING condition 2 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall include a notation in Master Plans and related Site Plans that shall indicate that a minimum of 65 units have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants. (DRO: PLANNING Planning) (DRO: PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

3. Previous PLANNING condition 3 of Resolution R-2009-20, Control No.2008-00290, which currently states:

On an annual basis, beginning April 1, 2009, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE: MONITORING - Planning)

Is hereby deleted. [REASON: No longer applicable]

4. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to the Department of Economic Sustainability (DES) and a copy of a receipt for

that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per WHP unit). (BLDGPM: MONITORING - Planning)

5. Per LGA 2015-002 condition of approval, residential development on the site shall be limited to a maximum of 109 dwelling units. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

1. The Property Owner shall post a notice of annual boundary school assignments for students from this development. A sign 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 public 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 shelters shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

SITE DESIGN

1. Previous DUMPSTER condition 1 of Resolution R-2009-20, Control No.2008-00290, which currently states:

Doorside trash pick-up shall be provided by on-site management for the buildings west of Jog Road. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable since the housing type will be changed.]

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: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; 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: ZONING - Zoning)

DISCLOSURE

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