

RESOLUTION NO. R-2017- 0366

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2016-00644  
(CONTROL NO. 1973-00043)  
a Development Order Amendment  
APPLICATION OF Rafael Peri LLC, Shadowwood Square Ltd, Shadowwood Square Ltd  
& Best, BR Sundar LLC, Shadowwood Square Ltd &  
BY Miller Land Planning, AGENT  
(Shadowwood Square)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/R-2016-00644 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2017;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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/DOA/R-2016-00644, the Application of Rafael Peri LLC, Shadowwood Square Ltd, Shadowwood Square Ltd & Best, BR Sundar LLC, Shadowwood Square Ltd &, by Miller Land Planning, Agent, for a Development Order Amendment to reconfigure the Site Plan; delete square footage; modify the use; amend Conditions of Approval (DRO-Dumpster), on a parcel of land generally described as shown on the legal description 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 March 23, 2017, subject to the Conditions of Approval described in EXHIBIT C,

attached hereto and made a part hereof.

Commissioner Bernard 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 Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Absent
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 23, 2017.

Filed with the Clerk of the Board of County Commissioners on March 30th, 2017.

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 – OVERALL

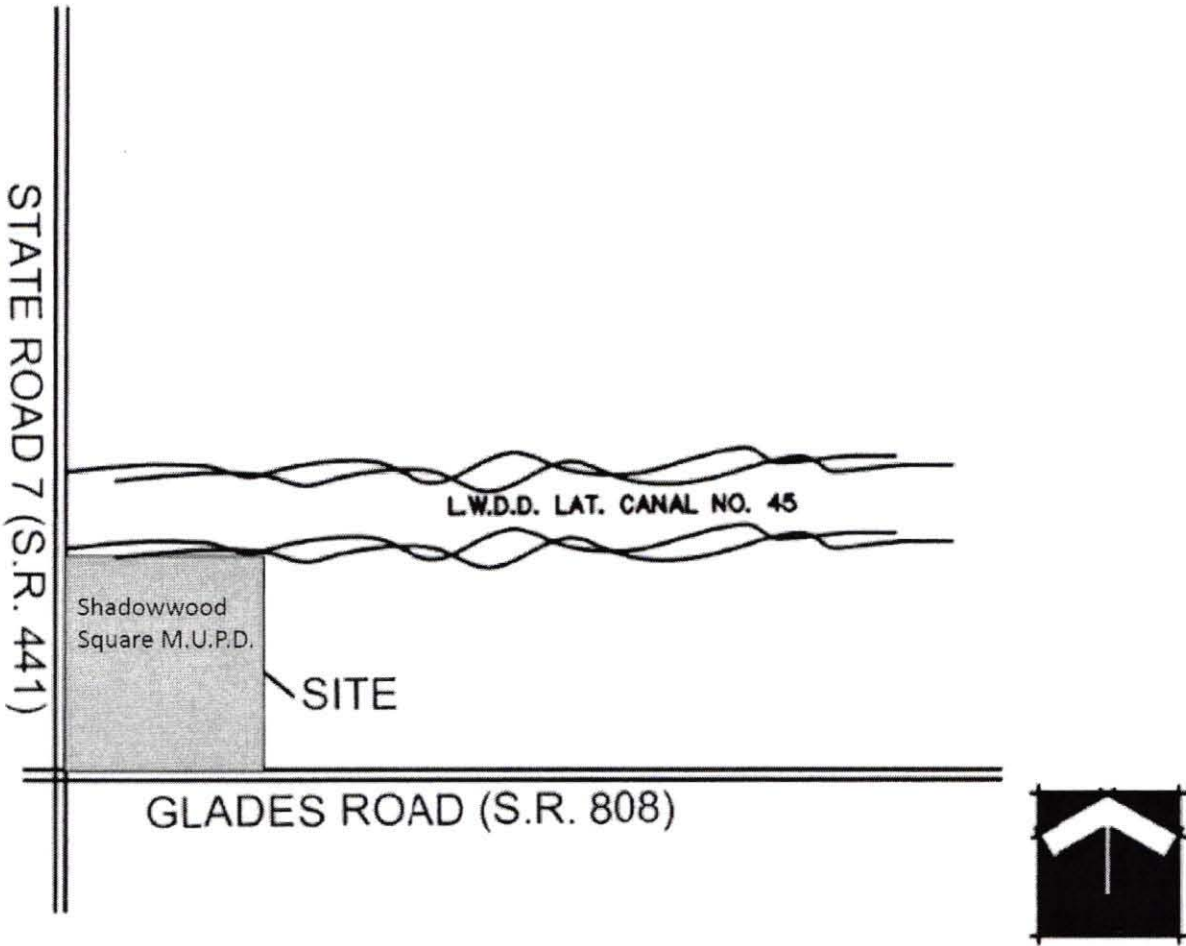
KNOW ALL MEN BY THESE PRESENTS THAT SHADOWWOOD SQUARE, LTD., A FLORIDA LIMITED PARTNERSHIP, AND BEST BUY CO., INC., A MINNESOTA CORPORATION, LICENSED TO DO BUSINESS IN FLORIDA, OWNERS OF THE LAND SHOWN HEREON AS SHADOWWOOD SQUARE, SAID LAND BEING A REPLAT OF TRACTS A, B AND C, WEST BOCA RATON PLAZA, AS RECORDED IN PLAT BOOK 30, PAGES 206 AND 207, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF WEST BOCA PLAZA, ACCORDING TO THE PLAT THEREOF, AS DESCRIBED IN PLAT BOOK 30, PAGES 206 AND 207 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID WEST BOCA PLAZA PLAT; THENCE NORTH 89°38'14" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 45, A DISTANCE OF 1244.82 FEET; THENCE SOUTH 00°21'21" EAST, 1230 FEET TO A POINTE ON A LINE 27.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 808 AS SHOWN UPON SAID WEST BOCA PLAZA PLAT; THENCE SOUTH 89°38'16" WEST, ALONG SAID LINE, 988.00 FEET TO A POINT ON THE EAST BOUNDARY LINE OF TRACT "C" AS SHOWN ON SAID WEST BOCA PLAZA PLAT; THENCE NORTH 00°21'44" EAST, ALONG SAID EAST BOUNDARY LINE 12.00 FEET; THENCE SOUTH 89°38'16" WEST ALONG A LINE PARALLEL WITH AND 12.00 FEET NORTH OF THE SOUTH BOUNDARY OF SAID TRACT "C", 246.34 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID WEST BOCA PLAZA PLAT; THENCE NORTH 00°50'56" WEST ALONG SAID WEST BOUNDARY LINE 1218.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 34.93 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-2011-1123, Control No.1973-00043, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-0124, Petition DOA1973-043D and R-96-0258, Petition DOA1973-043E, R-2003-1122, (Control No. 1973-043), R-2008-0688, (Control No. 1973-043), 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.

##### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2011-1123, (Control No. 1973-043), 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)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-1123, Control No.1973-00043, which currently states:

The approved preliminary site plan is dated May 16, 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 (BCC) or the Zoning Commission (ZC).

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated January 12, 2017. 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 (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING - Zoning)

3. Prior to final DRC approval of the site plan, conceptual approval from FPL must be granted for relocation or removal of the FPL service line shown underlying building M. Documentation of this approval shall be submitted in a form acceptable to the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2011-1123, Control No.1973-00043)

##### ARCHITECTURAL REVIEW-BUILDING M

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for building M shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.E. and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC approved site plan. (DRO: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

##### ARCHITECTURAL REVIEW-BUILDING K (FITNESS CENTER ADDITION)

2. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for Building K (Fitness Center addition) 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 all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2011-1123, Control No.1973-00043)

#### **ARCHITECTURAL REVIEW-BUILDING N**

3. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building N 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: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2011-1123, Control No.1973-00043)

#### **DRO-DUMPSTER-(FOR THE ENTIRE SITE)**

1. Previous DRO Condition 1 of Resolution R-2011-1123, Control No.1973-00043, which currently states:

Receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall not be located within seventy-five (75) feet of the north or east property lines. (CO: BLDG - Zoning) (Previous Condition Dumpster 1 of Resolution No. R-2008-0688, Control No. 1973-043) (CO: BUILDING DIVISION - County Attorney)

**Is hereby deleted.** [REASON: Exceeds Code requirements]

2. All areas or receptacles for the storage and disposal of trash, garbage or vegetation (i.e., dumpsters) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure opaque gate. All exterior sides, except the open end, shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals. This provision shall not apply to litter containers provided for the convenience of pedestrians. (CO: BUILDING DIVISION - Zoning) (Previous DRO Condition 2 of Resolution R-2011-1123, Control No.1973-00043)

#### **ENGINEERING**

1. Landscape Within Median:

If permitted by the Florida State Department of Transportation or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way on State Road 7. This landscaping shall consist of one ten (10) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the petitioner. Landscaping shall be completed concurrent with the widening of State Road 7 by the Florida Department of Transportation. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

2. Previous ENGINEERING Condition 2 of Resolution R-2011-1123, Control No.1973-00043, which currently states:

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, 2015. 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) (DATE: MONITORING - Engineering)

**Is hereby amended to read:**

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, 2018. 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 - Engineering)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall design, permit, construct and receive final inspection for an extension of the existing left turn lane south approach on SR 7, north of the Project's north entrance road, at approximately 1,230 feet north of Glades Rd. The turn lane shall be extended by a minimum of 150 feet in length plus 50 foot paved taper or as otherwise required by FDOT and as approved by the County Engineer. 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. (BLDGPM/CO: MONITORING - Engineering)

4. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall design, permit, construct and receive final inspection for an extension of the existing left turn lane north approach on SR 7, at the Project's south entrance road, at approximately 620 feet north of Glades Rd. The turn lane shall be extended by a minimum of 130 feet in length plus 50 foot paved taper or as otherwise required by FDOT and as approved by the County Engineer. 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. (DATE: MONITORING - Engineering)

**HEALTH**

1. Owners and operators of facilities generating hazardous, industrial or toxic wastes shall not deposit or cause to be deposited into the sanitary sewer system any such wastes unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department and the agency responsible for sewage works are used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

**LANDSCAPE - GENERAL**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-1123, Control No.1973-00043, which currently states:

All replacement and newly planted trees shall be native canopy trees, with a minimum height of fourteen (14) feet at installation. (BLDGPM/CO: BUILDING DIVISION - Zoning)

**Is hereby deleted.** [REASON: Large sized trees are not readily available]

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2011-1123, Control No.1973-00043, which currently states:

All replacement and newly planted palms required to be planted on the property by this approval 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. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code Requirement]

3. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2011-1123, Control No.1973-00043)

4. Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2011-1123, Control No.1973-00043, which currently states:

Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code requirement]

5. The north property line shall be landscaped with Alternative 3 landscape buffer including native canopy trees planted at heights of:

50% 14 feet tall; 25% 12 feet tall; 25% 10 feet tall; all to be installed concurrent with the development of the northern portions of the shopping center, prior to the issuance of a Certificate of Occupancy. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2011-1123, Control No.1973-00043)

**LANDSCAPE - GENERAL-LANDSCAPING-ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)**

6. The east property line shall have a ten (10) foot wide perimeter landscape buffer including a six (6) foot high CBS wall and one twelve foot tall tree planted for every 20 linear feet. Both sides of the wall shall be painted a color which coordinates with the shopping center. [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2011-1123, Control No.1973-00043)

**LANDSCAPE - INTERIOR-LANDSCAPING-BUILDING M**

7. Foundation planting or grade level planters shall be provided along all facades of building M to consist of the following:

a. The minimum width of the required landscape areas shall be five (5) feet along the north and south facades, six (6) feet along the west facade, and ten (10) feet along the east facade;

b. The length of the required landscaped areas shall be no less than eighty (80) percent of the total length of each side of the structure, excluding the east faade, where the required landscape area shall be no less than forty (40) percent of the total length of the structure; and,

c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. Tree height within the required landscape area along the east facade shall be no less than eight (8) feet below the parapet of the building at installation.

(DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2011-1123, Control No.1973-00043)

**LANDSCAPE - INTERIOR-LANDSCAPING-BUILDING C**

8. Tire Store Landscaping: The north and west parcel boundaries of the tire store site shall have landscape strips, a minimum of five (5) feet in width, containing one twelve (12) foot tall native canopy tree for every 30 linear feet of each boundary line.

Landscaping on the parcel frontage on Glades Road shall contain one (1) twelve (12) foot tall native canopy tree for every thirty (30) linear feet and one (1) fourteen (14) foot tall native canopy tree for every thirty (30) linear feet and a continuous opaque native hedge three (3) feet in height at planting the length of the parcel frontage. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2011-1123,



Control No.1973-00043)

### **ZONING - LANDSCAPING**

1. Prior to 90 (ninety) days after issuance of the paving and drainage permit for the affected parking area of the fitness center, the required landscaping in the affected area shall be installed. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

### **LIGHTING**

1. All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

### **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to final plan approval by the Development Review Officer (DRO), the property owner or the applicant of the General Retail (Pharmacy) to label the LWDD E-1 Canal right-of-way and show the canal is being tied to/ from an accepted control. This information shall be shown on the Final Site Plan. (DRO: ZONING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

### **SIGNS**

1. A maximum of one (1) ground mounted freestanding sign may be permitted on the building C parcel, as follows:

- a. The sign shall be limited to six (6) feet in height.
- b. Maximum sign area shall be one-hundred (100) square feet.
- c. No roof or pole signs shall be permitted on this out parcel, only a monument sign shall be allowed. (CO: BLDG - Zoning) (CO: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign related conditions of approval. (BLDG PERMIT: BLDG - Zoning) (Previous Condition Sign 2 of Resolution No. R-2008-0688, Control No. 1973-043) (BLDGPMPT: BUILDING - INSPECTIONS - Accounting) (Previous SIGNS Condition 2 of Resolution R-2011-1123, Control No.1973-00043)

3. New or replacement ground mounted freestanding signs for the building M parcel fronting on State Road 7/U.S. 441 shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side one hundred (100) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and,
- e. location - within fifty (50) feet of the north parcel boundary.
- f. Signs shall be limited to identification of tenants only. (CO: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 3 of Resolution R-2011-1123, Control No.1973-00043)

### **SITE DESIGN-UNITY OF TITLE**

1. Prior to site plan approval, petitioner shall provide a Unity of Title agreement covering the entire site. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous DRO Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

### **USE LIMITATIONS-AUTO REPAIR - BUILDING C**

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-1123, Control No.1973-00043)

### **USE LIMITATIONS**

2. The property owner shall participate in a tire recycling program. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-1123, Control No.1973-00043)

3. Office uses shall not commence business activity prior to 7:00 a.m. nor continue after 8:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2011-1123, Control No.1973-00043)

4. All other activities, including deliveries, garbage pickup, repairs, and use of pneumatic tools shall not commence prior to 8:00 a.m. nor continue after 6:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2011-1123, Control No.1973-00043)

5. No activity shall occur on this parcel on Sundays. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2011-1123, Control No.1973-00043)

6. Future expansion areas:

a. No bay door openings shall be permitted on the east side of any structure. (BLDGPM: BUILDING DIVISION - Zoning) (Previous USE LIMITATIONS Condition 7 of Resolution R-2011-1123, Control No.1973-00043)

7. Building height shall be limited to one-story on the tire store parcel, except the southwest corner of the structure may contain second story office space to a maximum of twenty-five (25) feet in height and a maximum of 1,112 square feet in area. (BLDGPM: BUILDING - INSPECTIONS - Zoning) (Previous USE LIMITATIONS Condition 8 of Resolution R-2011-1123, Control No.1973-00043)

8. Prior to Site Plan Certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the auto service facility shall provide air and water for minor vehicle maintenance to the public at no charge. (DRO: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 9 of Resolution R-2011-1123, Control No.1973-00043)

9. Prior to site plan certification, the site plan shall be amended to indicate the location of the proposed storage area adjacent to the dumpster site along the west wing of the proposed structure. (DRO: ZONING - Zoning) (Previous USE LIMITATIONS Condition 10 of Resolution R-2011-1123, Control No.1973-00043)

## **COMPLIANCE**

1. In Granting this Approval, the Zoning Commission 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: 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; 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: ZONING - Zoning)

**DISCLOSURE**

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