

RESOLUTION NO. R-2017- 1132

RESOLUTION APPROVING ZONING APPLICATION DOA-2017-00573
(CONTROL NO. 1981-00139)
a Development Order Amendment
APPLICATION OF Marina Lakes Golf LLC
BY Urban Design Kilday Studios, AGENT
(Avalon Trails at Villages of Oriole PUD)

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 DOA-2017-00573 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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 DOA-2017-00573, the Application of Marina Lakes Golf LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan to re-designate golf course to residential; add units; modify Conditions of Approval (Architectural Review, Engineering, Landscaping, and Signs); and, to modify the Commencement of Development, 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 August 24, 2017, 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 Bernard 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	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Absent
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2017.

Filed with the Clerk of the Board of County Commissioners on September 5th, 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

BEING A PORTION OF SECTIONS 15 AND 16, TOWNSHIP 46 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

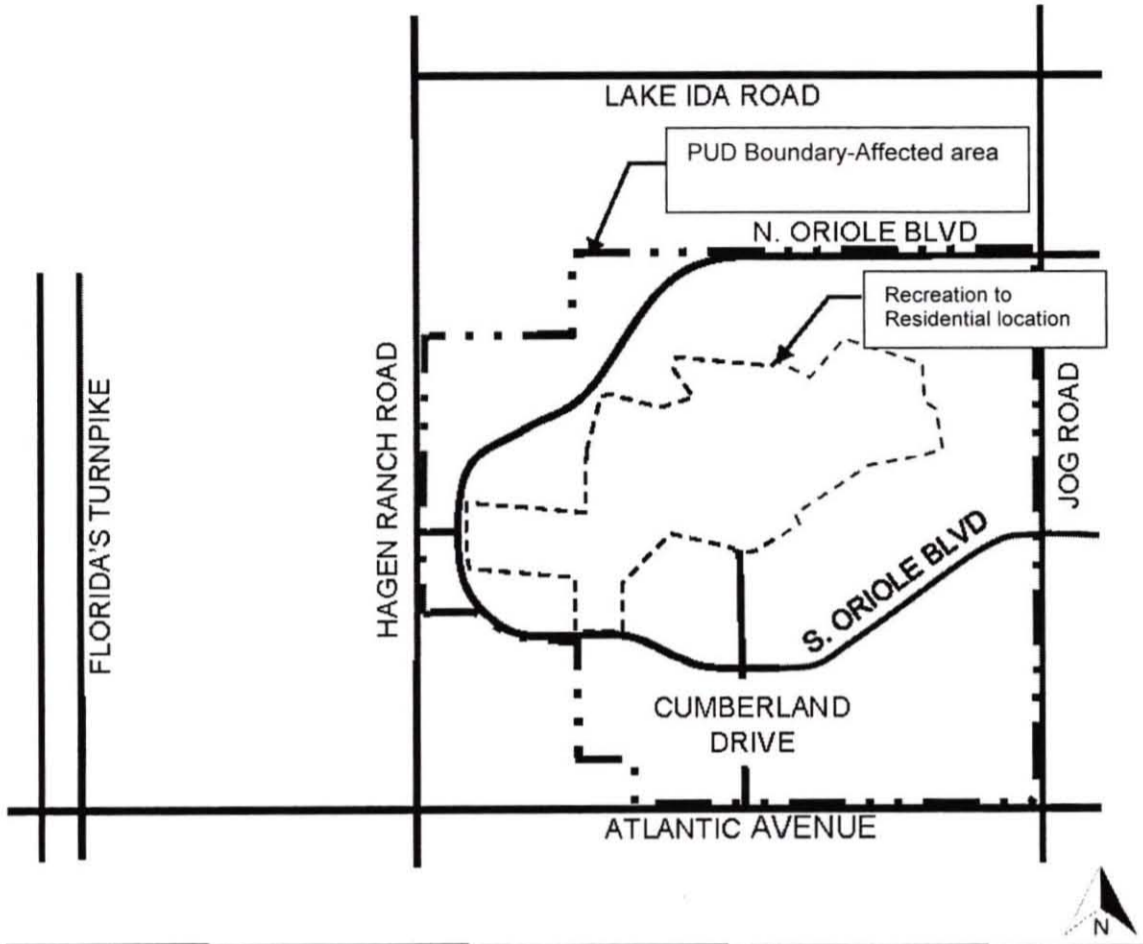
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, NORTH 00°14'48" EAST, A DISTANCE OF 85.88 FEET; THENCE, DEPARTING SAID WEST LINE, NORTH 89°18'02" EAST, A DISTANCE OF 60.01 FEET TO A POINT ON A LINE 60 FEET EAST OF AND PARALLEL THE SAID WEST LINE OF SOUTHEAST QUARTER OF SECTION 16; THENCE, ALONG SAID PARALLEL LINE, NORTH 00°14'48" EAST, A DISTANCE OF 990.23 FEET TO THE POINT OF BEGINNING;

THENCE, CONTINUING ON SAID PARALLEL LINE, NORTH 00°14'48" EAST, A DISTANCE OF 2374.39 FEET; THENCE, DEPARTING SAID PARALLEL LINE, NORTH 89°11'54" EAST, A DISTANCE OF 1268.40 FEET; THENCE NORTH 00°06'33" EAST, A DISTANCE OF 688.00 FEET; THENCE NORTH 89°14'34" EAST, A DISTANCE OF 1327.94 FEET; THENCE NORTH 89°29'54" EAST, A DISTANCE OF 2747.15 FEET; THENCE SOUTH 00°08'02" EAST, A DISTANCE OF 4021.05 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°34'35", A DISTANCE OF 39.52 FEET TO A POINT OF CUSP; THENCE SOUTH 89°17'23" WEST, A DISTANCE OF 85.26 FEET; THENCE SOUTH 89°17'59" WEST, A DISTANCE OF 3493.35 FEET; THENCE NORTH 00°42'01" WEST, A DISTANCE OF 264.96 FEET; THENCE SOUTH 89°17'59" WEST, A DISTANCE OF 491.01 FEET; THENCE NORTH 00°14'45" EAST, A DISTANCE OF 508.11 FEET; THENCE SOUTH 89°17'59" WEST, A DISTANCE OF 238.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 690.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°44'05", A DISTANCE OF 562.82 FEET; THENCE SOUTH 89°17'59" WEST, A DISTANCE OF 575.50 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTIONS 15 AND 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 448.125 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP

EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2008-925, Control No.1981-00139, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution Nos. R-73-395 and R-83-607, Control No. 81-139, 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-2008-0925 (Control No. 1981-00139), 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)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2008-925, Control No.1981-00139, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Plan is dated March 17, 2008. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: 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 Master and Regulating Plans are dated June 15, 2017. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW-PLACE OF WORSHIP AND ASSEMBLY, NON-PROFIT INSTITUTIONAL

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building B 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) (DRO: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2008-925, Control No.1981-00139)

ENGINEERING

1. Required turning lanes shall be constructed by the developer prior to issuance of building permits; (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2008-925, Control No.1981-00139)

2. The developer shall install traffic lights at no cost to the county and prior to filling

succeeding plats, when there is a necessity, as determined by the County Engineer, for signalization of the project entrance road and Jog Road intersection with Delray West Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2008-925, Control No.1981-00139)

3. Previous ENGINEERING Condition 3 of Resolution R-2008-925, Control No.1981-00139, 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 May 22, 2011. 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, Section E of the Unified Land Development Code.

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, 2021. 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)

4. Landscape Within the Median of West Atlantic Avenue

a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of West Atlantic Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING: ENGINEERING - Engineering)

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]

d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING - Engineering)

e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along West Atlantic Avenue. This payment shall be in the amount and manner that complies with the schedule for such

payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2008-925, Control No.1981-00139)

5. Prior to issuance of a building permit the Property Owner shall provide a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the Applicant within this easement shall conform to all Palm Beach County standards and codes. 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) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2008-925, Control No.1981-00139)

6. The Property Owner shall make the following Proportionate Share payments, based on the following schedule. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later condition. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area.

a. No Building Permits for more than 104 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$93,353.32. (BLDGPM: MONITORING - Engineering)

b. No Building Permits for more than 217 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$194,785.31. (BLDGPM: MONITORING - Engineering)

c. No Building Permits for more than 200 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$179,525.63. (BLDGPM: MONITORING - Engineering)

7. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING - Engineering)

8. 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. (BLDGPMT: MONITORING - Engineering)

9. 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 Subdivision Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

10. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

11. The Property Owner shall fund the construction plans and the construction to lengthen the existing right turn lane east approach on Atlantic Avenue at Cumberland Drive. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by FDOT and 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 for improvements identified above shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

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

ENVIRONMENTAL

1. Prior to approval of the site plan by the Development Review officer, a Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management. Documentation from the Florida Department of Environmental Protection (FDEP) indicating the stage of the mitigation of the site may substitute for the Phase II Audit. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL-AFFECTED AREA OF APPLICATION DOA-2017-00573

1. All specimen palms, including Royal Palms, Date Palms or Bismark Palms, specified to be planted along the main entrance at Cumberland Drive, shall meet the following minimum standards at installation:

a. palm heights: 14 feet clear trunk or gray wood;

b. clusters: staggered heights 12 to eighteen 18 feet clear trunk or gray wood; and,

c. credit may be given for existing or relocated palms provided they meet current Unified Land Development Code requirements. (BLDGPMT: ZONING - Zoning)

LANDSCAPE - STANDARD-PLACE OF WORSHIP AND ASSEMBLY, NON-PROFIT INSTITUTIONAL

1. 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. (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2008-925, Control No.1981-00139)

2. All 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. (BLDG PERMIT: LANDSCAPE Zoning) (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2008-925, Control No.1981-00139)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2008-925, Control No.1981-00139)

4. Prior to the issuance of a Building Permit for the proposed Non profit Assembly Institution, the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE - Zoning) (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2008-925, Control No.1981-00139)

LANDSCAPE - PRESERVATION OF VEGETATION-AFFECTED AREA OF APPLICATION DOA-2017-00573

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall:
 - a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
 - b. include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;
 - c. complete the installation of all vegetation protection barricades and tagging; and,
 - d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity. (DRO: ZONING - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, the Owner must convey the proposed realigned L-33 Canal through an exclusive easement deed. LWDD will extinguish its interest in the existing easement per ORB 3008 PG 1175 at that time. (PLAT: ENGINEERING - Lake Worth Drainage District)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (DRO: DEVELOPMENT REVIEW OFFICER - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2008-925, Control No.1981-00139)

2. Prior to issuance of the first Building Permit, 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 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. [4/29/08] (BLDG PERMIT: MONITORING-PalmTran) (BLDGPMT: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 2 of Resolution R-2008-925, Control No.1981-00139)

PLANNED DEVELOPMENT

1. On or before August 24, 2018, the Property Owner shall submit an Annual Report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the Restrictive Covenant. (DATE: MONITORING - Zoning)

SCHOOL BOARD

1. The Property Owner shall provide a Declaration and Restrictive Covenant which

prohibits children less than nineteen years of age from residing in the community no later than six (6) months after DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: COUNTY ATTORNEY - School Board)

SIGNS-PLACE OF WORSHIP AND ASSEMBLY, NON-PROFIT INSTITUTIONAL

1. Freestanding signs fronting on West Atlantic Avenue shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point: five (5) feet;
- b. maximum sign face area per side: twenty-one (21) square feet;
- c. maximum number of signs (2); and,
- d. Style - monument style only.

(BLDGPMPT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2008-925, Control No.1981-00139)

2. No freestanding signs shall be permitted on Oriole Boulevard. (BLDG PERMIT: BLDG Zoning) (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2008-925, Control No.1981-00139)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer, the Preliminary Master Plan shall be revised to show the Government Pod as a Civic Pod, relabel all of the Villages to Pods, and relabel the proposed pods sequentially with the overall PUD as I, J, and K. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Preliminary Master Plan shall be revised so that the Tabular Data relates to the overall Planned Unit Development. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Notice of existence of Antiquer's Aerodrome shall be included in all sales contracts for units in the eight story buildings. (ONGOING: MONITORING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2008-925, Control No.1981-00139)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

DISCLOSURE

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