

RESOLUTION NO. R-2020-0182

RESOLUTION APPROVING ZONING APPLICATION EAC-2019-02088  
(CONTROL NO. 2000-00020)

a Development Order Amendment Expedited Application Consideration  
APPLICATION OF PS Florida One, Inc.

BY Saul Ewing Arnstein & Leher, LLP, Keith and Associates, Inc., AGENT  
(Cypress Preserve MUPD)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 26, have been satisfied;

WHEREAS, Zoning Application EAC-2019-02088 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2020;

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 (Application Processes and 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 Processes) for a Development Order Amendment Expedited Application Consideration;

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.B.6.C (Board Action) 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 EAC-2019-02088, the Application of PS Florida One, Inc., by Saul Ewing Arnstein & Leher, LLP, Keith and Associates, Inc., Agent, for a Development Order Amendment Expedited Application Consideration to amend Conditions of Approval, 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 February 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay and, upon being put to a vote, the vote was as follows:

Commissioner Dave Kerner, Mayor	-	Absent
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2020.

Filed with the Clerk of the Board of County Commissioners on March 13th, 2020.

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 FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

ALL OF CYPRESS LAKES PRESERVE MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 100, AT PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER UTILITY PURPOSES FOR THE BENEFIT OF PARCEL 1 CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE LIFT STATION AND SANITARY SEWER EASEMENT AGREEMENT RECORDED IN O.R. BOOK 13235, PAGE 990 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

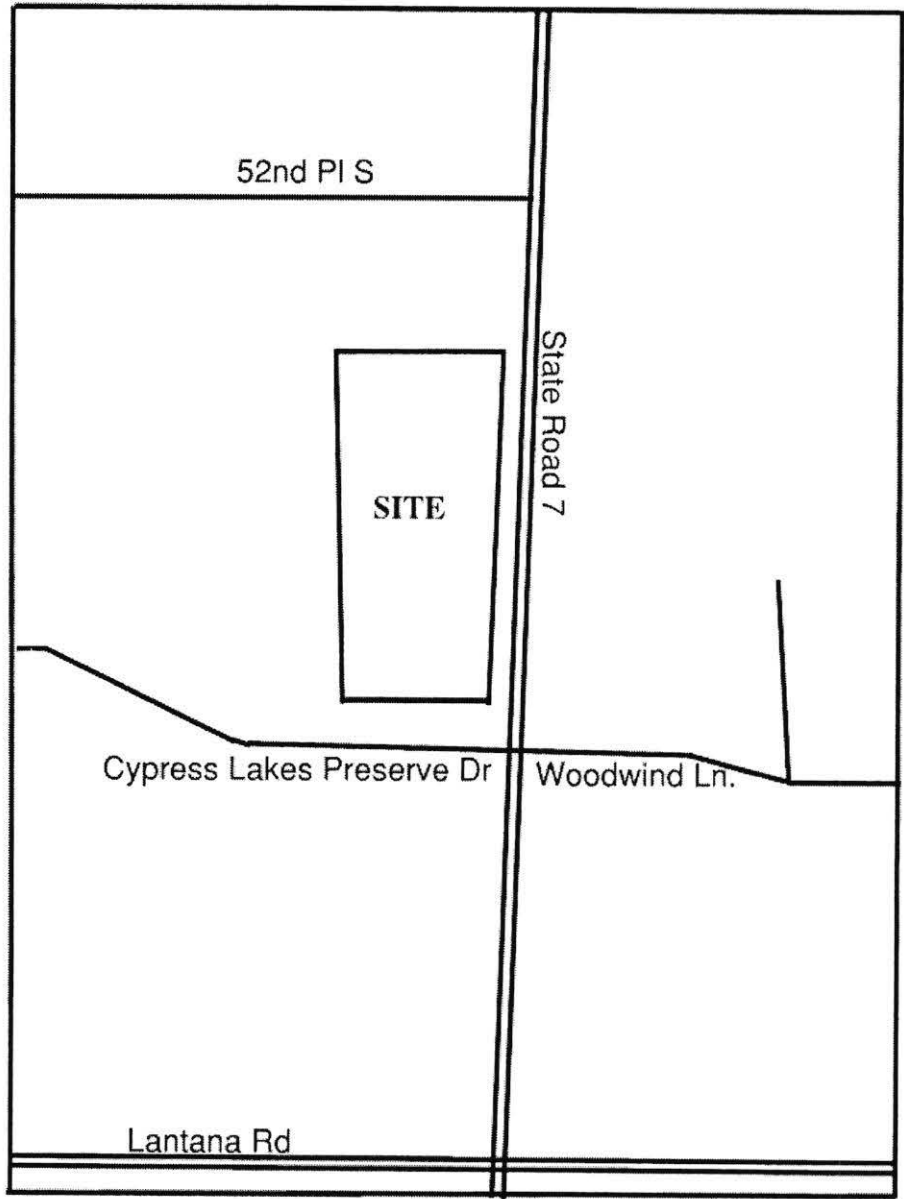
NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES FOR THE BENEFIT OF PARCEL 1 CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE DRAINAGE AND FLOWAGE EASEMENT AND LAKE MAINTENANCE AGREEMENT RECORDED IN O. R. BOOK 13235, AT PAGE 10161 AS AMENDED BY THE CORRECTIVE DRAINAGE AND FLOWAGE EASEMENT AND LAKE MAINTENANCE AGREEMENT RECORDED IN O.R. BOOK 15135, PAGE 833, AS AMENDED BY THE SECOND CORRECTIVE DRAINAGE AND FLOWAGE EASEMENT AND LAKE MAINTENANCE AGREEMENT RECORDED IN O.R. BOOK 15548, PAGE 1045 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR THE RIGHT OF WAY OF PEDESTRIANS AND VEHICULAR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE CROSS ACCESS EASEMENT RECORDED IN O.R. BOOK 16025, PAGE 109, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA AND CONTAINING 252,930 SQUARE FEET OR 5.806 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment Expedited Application Consideration**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-1239, Control No.2000-00020, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-1706 and Resolution R-2002-0843 have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Section 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified.

##### **Is hereby amended to read:**

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2019-01239 (Control No. 2000-00020) have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Section 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated July 8, 2019. 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. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

##### **ENGINEERING**

1. Deleted per Resolution R-2002-843 (Previous ENGINEERING Condition 1 of Resolution R-2019-1239, Control No.2000-00020)

##### **2. LANDSCAPE WITHIN THE MEDIAN OF STATE ROAD 7**

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial healing period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the

petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or April 1, 2002. (DATE: MONITORING - Engineering) [Note: COMPLETED]

c. If the County does not assume maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

3. 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, 2019, or as amended. 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) (Previous ENGINEERING Condition 3 of Resolution R-2019-1239, Control No.2000-00020)

## **HEALTH**

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2019-1239, Control No.2000-00020)

2. Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

3. The owner, occupant or tenant of this facility shall participate in an oil recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 3 of Resolution R-2019-1239, Control No.2000-00020)

## **LANDSCAPE - GENERAL**

1. Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:

a. Tree height: fourteen (14) feet;

b. Trunk diameter: 3.5 measured 4.5 feet above grade;

c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,

d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2019-1239, Control No.2000-00020)

2. All palms required to be planted on site 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. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering

and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2019-1239, Control No.2000-00020)

4. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2019-1239, Control No.2000-00020)

#### **LANDSCAPE - INTERIOR**

5. Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2019-1239, Control No.2000-00020, which currently states:

In addition to Code requirements, and excluding Variance for the three-story building, all required foundation planting areas shall be no less than 50% of the total length of the applicable side of the building.

#### **Is hereby amended to read:**

Required foundation planting along the front and rear facades of the three-story building shall be no less than 50% of the total length of the applicable side of the building. (ONGOING: ZONING - Zoning)

#### **LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

6. Landscaping along the south property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2019-1239, Control No.2000-00020)

#### **LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE (ABUTTING COMMERCIAL)**

7. Landscaping along the north property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2019-1239, Control No.2000-00020)

## **LANDSCAPE - PERIMETER-ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)**

8. Landscaping and buffering along the west property line shall be upgraded to include:
- a. a minimum twenty-five (25) foot wide landscape buffer strip. No easement encroachment or width reductions shall be permitted;
  - b. a continuous three (3) foot high berm measured from top of curb;
  - c. one (1) canopy tree for each twenty (20) feet on center of property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet with a maximum spacing of sixty (60) feet between clusters;
  - e. one (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
  - f. one (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches.
  - g. one (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 10 of Resolution R-2019-1239, Control No.2000-00020)

## **LIGHTING**

1. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point and shall setback a minimum thirty-five (35) feet from residential. (Previous LIGHTING Condition 2 of Resolution R-2019-1239, Control No.2000-00020)
2. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (Previous LIGHTING Condition 3 of Resolution R-2019-1239, Control No.2000-00020)

## **PALM TRAN**

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING - Zoning) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2019-1239, Control No.2000-00020)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous PALM TRAN Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

## **PLANNING**

1. Per SCA-2018-025, condition 1: Development under the Industrial future land use designation shall be limited to a self-storage facility with accessory uses. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2019-1239, Control No.2000-00020)
2. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include a notation which shall read proposed cross access to be paved to the property line for future vehicular and pedestrian access to adjacent parcel at the northern property line as shown on the site plan with an arrow pointing to the adjacent northern property. (DRC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2019-1239, Control No.2000-00020)



3. Prior to the issuance of the certificate of occupancy, the petitioner shall construct a 20' service road to the end of the northern property line at the location shown on the site plan that reads proposed cross access. (CO: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2019-1239, Control No.2000-00020)

4. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the existing or proposed location of sidewalks along State Road 7 since this site is within two (2) miles of a school. (DRC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

## **SIGNS**

1. Freestanding sign fronting on SR7 / US441 shall be limited as follows:

- a. Maximum sign height - ten (10) feet measured from the adjacent sidewalk to the highest point;
- b. Maximum sign face area per side - one hundred (100) square feet;
- c. Maximum number of signs - one (1);
- d. Monument style only. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2019-1239, Control No.2000-00020)

2. Previous SIGNS Condition 2 of Resolution R-2019-1239, Control No.2000-00020, which currently states:

Wall signs (per single tenant) shall be limited to the eastern facade of the building. Dimension of wall signs shall be limited to a height of eighteen (18) inches.

### **Is hereby amended to read:**

Wall signs (per single tenant) shall be limited to the eastern facade of the building. The vertical dimension of wall signs shall not exceed forty-eight (48) inches. (ONGOING: ZONING - Zoning)

## **SITE DESIGN**

1. The minimum setback for all structures adjacent to the west property line shall be fifty (50) feet. (Previous SITE DESIGN Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

2. Previous SITE DESIGN Condition 3 of Resolution R-2019-1239, Control No.2000-00020, which currently states:

The maximum height shall not exceed thirty-five (35) feet for the three-story structure and, thirty (30) feet for the two-story structure, including air conditioning, mechanical equipment, and satellite dishes. All heights including air conditioning, mechanical equipment, and satellite dishes shall be measured from finished grade to highest point.

### **Is hereby amended to read:**

The maximum height measured from finished grade to highest point shall not exceed forty-three (43) feet for the three-story structure, and thirty (30) feet for the two-story structure. (BLDGPMT: BUILDING DIVISION - Zoning)

3. All ground or roof mounted air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 4 of Resolution R-2019-1239, Control No.2000-00020)

4. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate a focal point at the main access from SR7/US441. The focal points shall be in the form of a fountain, trellis or columns with special planting. (DRC: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 6 of Resolution R-2019-1239, Control No.2000-00020)

5. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - County Attorney) [Note: COMPLETED] (Previous SITE DESIGN Condition 5 of Resolution R-2019-1239, Control No.2000-00020)

### **USE LIMITATIONS**

1. Hours of operation for retail business activities, including deliveries, shall be 8:00 a.m. to 11:00 p.m. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2019-1239, Control No.2000-00020)

2. Outdoor retail and associated business activities shall not be allowed on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2019-1239, Control No.2000-00020)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2019-1239, Control No.2000-00020)

### **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.