

RESOLUTION NO. R-2021- 0557

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2020-00788  
(CONTROL NO. 2013-00296)  
a Class A Conditional Use  
APPLICATION OF Haley Farms LLC, Dears Farm LLC,  
Palm Tree Farms LLC, Divosta Homes  
BY JMorton Planning & Landscape Architecture, AGENT  
(Polo Gardens 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 as amended, have been satisfied;

WHEREAS, Zoning Application ZV/PDD/CA-2020-00788 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2021;

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 Class A Conditional Use;

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 ZV/PDD/CA-2020-00788, the Application of Haley Farms LLC, Dears Farm LLC, Palm Tree Farms LLC, Divosta Homes, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use for a Workforce Housing Program (WHP) Density Bonus greater than 50 percent, 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 April 22, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Aye
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 22, 2021.

Filed with the Clerk of the Board of County Commissioners on April 30th, 2021.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 13 AND 14, BLOCK 28. OF THE PALMS BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PAM BEACH COUNTY, FLORIDA.

PARCEL A

TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATED ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

PARCEL I

A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 4; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 569.86 FEET; THENCE N.89°02'30"E. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 43.18 FEET; THENCE S.00°33'30"W., A DISTANCE OF 254.91 FEET; THENCE S.02°17'54"W., A DISTANCE OF 72.90 FEET; THENCE S.14°42'20"W., A DISTANCE OF 73.49 FEET; THENCE S.03°15'02"W., A DISTANCE OF 171.96 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 5; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 40.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 296.11 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E., A DISTANCE OF 70.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E. ALONG SAID SOUTH LINE, A DISTANCE OF 37.85 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 574.64 FEET TO THE POINT OF BEGINNING.

PARCEL II

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE S.89°02'30"W. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°02'30"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE S.00°56'30"E. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 278.52 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E. A DISTANCE OF 70.97 FEET TO THE POINT OF BEGINNING.

#### PARCEL B

A PORTION OF TRACT A, OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 183, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A PORTION OF TRACT 13 AND 14, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.89°03'30"E. ALONG THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,219.64 FEET TO THE NORTHEAST CORNER OF SAID TRACT 14; THENCE S.00°56'30"E ALONG THE EAST LINE OF SAID TRACT 14, A DISTANCE OF 110.00 FEET; THENCE S.89°03'30"W ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,319.64 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 60.00 FEET; THENCE N.89°03'30"E ALONG A LINE 50.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 13, A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 100.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 13, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

#### PARCEL C

A PORTION OF TRACT A, OF FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 183, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO BEING A PORTION OF TRACT 13 AND 14, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO.3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 13; THENCE S.00°56'30"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING; THENCE N.89°03'30"E. ALONG A LINE 110.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 797.03 FEET; THENCE S.00°31'39"E., A DISTANCE OF 514.76 FEET; THENCE S.89°03'30"W., A DISTANCE OF 749.20 FEET; THENCE S.42°11'26"W., A DISTANCE OF 43.78 FEET; THENCE N.04°40'47"W., A DISTANCE OF 217.35 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 329.82 FEET THE POINT OF BEGINNING.

ALSO DESCRIBED AS:

A PORTION OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 546.74 FEET; THENCE DEPARTING SAID EAST LINE, S.89°03'30"W., A DISTANCE OF 1,275.60 FEET; THENCE N.47°56'30"W., A DISTANCE OF 52.25 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID PARCEL A; THENCE ALONG THE WEST LINE OF SAID PARCEL A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; N.04°40'47"W., A DISTANCE OF 89.49 FEET; THENCE N.00°56'30"W., A DISTANCE OF 389.82 FEET; THENCE N.89°03'30"E., A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W., A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE THEREOF, A DISTANCE OF 4.79 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF POLO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 28941, PAGE 7 OF SAID PUBLIC RECORDS, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; N.03°15'02"E., A DISTANCE OF 171.96 FEET; THENCE N.14°42'20"E., A DISTANCE OF 73.49 FEET; THENCE N.02°17'54"E., A DISTANCE OF 72.90 FEET; THENCE N.00°33'30"E., A DISTANCE OF 254.91 FEET; THENCE S.89°02'30"W., A DISTANCE OF 43.19 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 29.25 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 26; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL A; THENCE N.89°03'30"E. ALONG SAID NORTH LINE, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PAM BEACH COUNTY, FLORIDA.

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5, BLOCK 28; THENCE S.00°56'30"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 52.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 33.22 FEET; THENCE S.89°02'30"W., A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 40.00 FEET OF SAID TRACT 5, BLOCK 28; THENCE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 33.23 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING

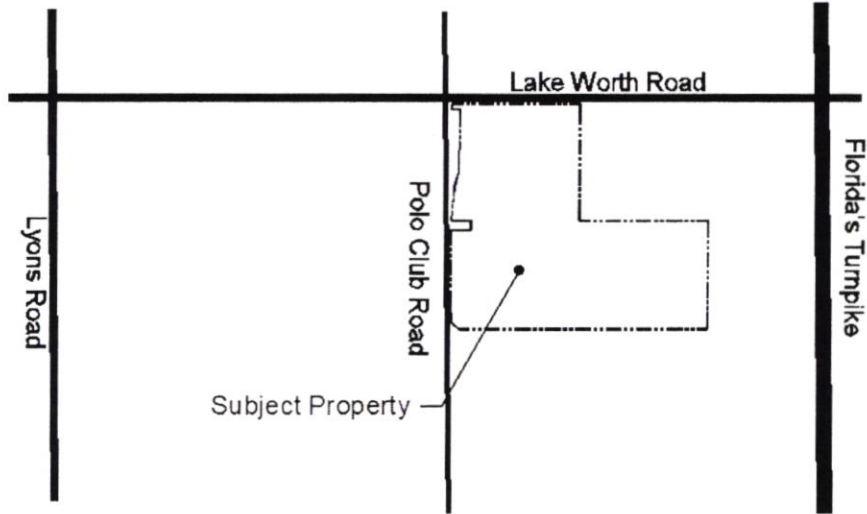
SAID LANDS LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,123,577 SQUARE FEET/25.7938 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

Location Map



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use (Workforce Housing Program Density Bonus)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated January 25, 2021. 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: ZONING - Zoning)

##### **PLANNING**

1. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 1: The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 square feet of non-residential uses or equivalent traffic generating uses. The CH future land use designation and associated uses are limited to the 8.83 acres of CH identified in Ord. 2018-029. This land area is limited to a maximum of 145,790 square feet commercial retail or equivalent traffic generating uses, with the remaining 154,210 square feet assigned to the remainder of land area within Ord. 2009-028. (ONGOING: PLANNING - Planning)

2. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 2: At a minimum, 5% of the property must be committed to useable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. (ONGOING: PLANNING - Planning)

3. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 3: Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028. (ONGOING: PLANNING - Planning)

4. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 4: No single retail tenant shall exceed 65,000 SF. (ONGOING: PLANNING - Planning)

5. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 5: Residential dwelling units shall be limited to a maximum of 284 units with no further density increases through density bonus programs. There is no maximum land area for residential uses. (ONGOING: PLANNING - Planning)

6. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 6: The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) that are generated by the 8.83-acre portion, as workforce housing units, pursuant to the Workforce Housing Program in the ULDC. These workforce housing units shall be built onsite anywhere within the overall project. (ONGOING: PLANNING - Planning)

7. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 7: A minimum of 38 TDR units shall be purchased and constructed. No more than 34% of the TDR units shall be purchased at the Workforce Housing Program (WHP) rate and shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)

8. Per LGA 2021-005 (Parcel A, Exhibit 1-A) Condition 8: All structures shall be limited to a maximum of 3 stories in height. (ONGOING: PLANNING - Planning)

9. Prior to final approval by the Development Review Officer (DRO), all applicable plans, documents and the TDR pricing and contracts shall be updated to be consistent with what was adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning)

10. The subject request for 284 units with a 65-unit Workforce Housing Program (WHP)

obligation was calculated for two portions of the site as follows: Per LGA 2001-005, Condition 6, the WHP on the 8.83 acres of the site shall be calculated at 25% of the total units requested, or 24 required WHP ( $97.13 \times 0.25 = 24.28$  or 24 rounded down). The WHP obligation for the 16.97-acre portion is 41 WHP unit and is based on Full Incentive Development Option with the WHP units to be rental and will be provided onsite. The following density bonuses were utilized: a 80% WHP density bonus, or 68 units, and a TDR bonus of 34 units, with all 12 TDRs to be purchased and deed restricted as WHP. Therefore, the overall WHP obligation is  $24 + 41 = 65$  WHP units with 36 of those required to be provided on site (based on 24.28 from the condition of approval, and 11.54 from the TDR code on-site requirement, for those TDR WHP units not already counted within the 25% condition). A total of 38 TDRs (cond. 7) are required to be purchased and built onsite with no more than 34% purchased at the WHP pricing. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

11. Prior to the issuance of the first residential Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPMPT: MONITORING - Planning)

12. Prior to the release of the 4th Building Permit (142 units), Fifty percent of WHP units (33) must receive certificates of occupancy. (BLDGPMPT: MONITORING - Planning)

13. Prior to the release of the 7th Building Permit (241 units), All WHP units (65) must receive certificates of Occupancy. (BLDGPMPT: MONITORING - Planning)

14. Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards: compatible exteriors, provision of a dry model. (BLDGPMPT: MONITORING - Planning)

15. The developer shall notify Planning and DHES at the commencement of leasing. (ONGOING: PLANNING - Planning)

## **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.