

RESOLUTION NO. R-2009- 0493

RESOLUTION APPROVING ZONING APPLICATION DOA-2008-01910
(CONTROL NUMBER 2001-00009)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Congress Avenue Properties Ltd
BY Gentile, Holloway, O'Mahoney & Assoc, AGENT
(Innovation Center)

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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA-2008-01910 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; and

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; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA-2008-01910, the application of Congress Avenue Properties Ltd, by Gentile, Holloway, O'Mahoney & Assoc, agent, for a Development Order Amendment to to reconfigure the site plan to add square footage, to modify conditions of approval (Building and Site Design and Landscape) and to add one (1) access point on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on April 2, 2009.


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

BY: 
COUNTY ATTORNEY

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
DEPUTY CLERK

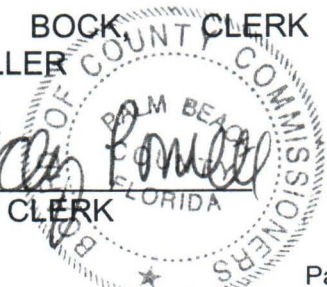


EXHIBIT A

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 89° 56' 23" WEST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 2988.34 FEET; THENCE NORTH 00° 20' 57" WEST, 325.01 FEET TO A POINT ON A LINE THAT IS 325.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 00° 20' 57" WEST, 759.10 FEET; THENCE NORTH 89° 39' 03" EAST, 686.00 FEET; THENCE SOUTH 00° 20' 57" EAST, 764.00 FEET TO A POINT ON A LINE THAT IS 325.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13; THENCE NORTH 89° 56' 23" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 682.02 FEET TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS:

BEING ALL OF PARCEL 1, INNOVATION SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 98, PAGE 50, IN THE PUBLIC RECORDS OF PALM BECH COUNTY, FLORIDA.

CONTAINING 522,284.40 SQUARE FEET (11.99 ACRES±) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

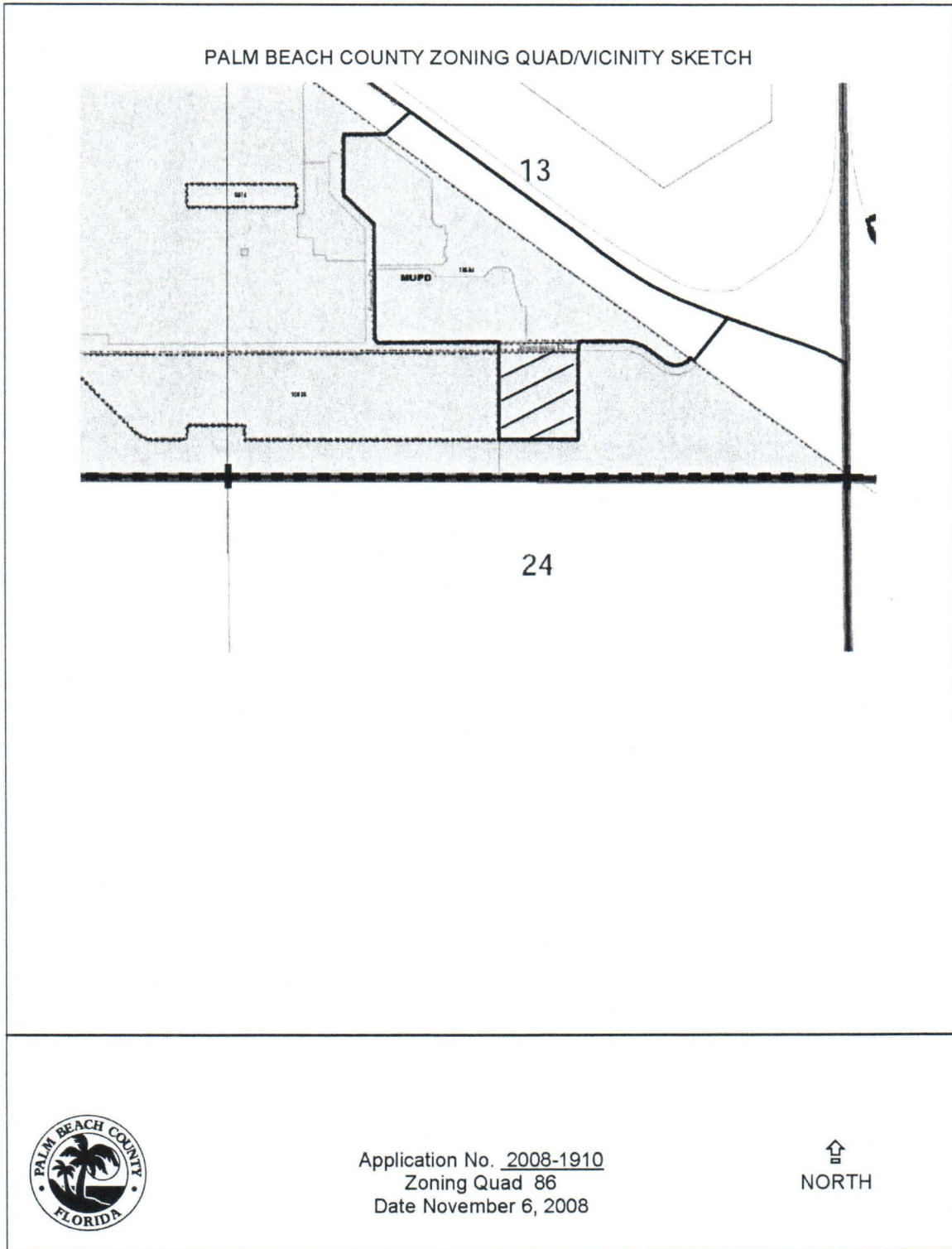


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2003-1391, Control No. 2001-009A, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Pratt and Whitney Business Park MUPD 1 site plan is dated November 29, 2001, and the MUPD 2 site plan is dated August 26, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING Zoning)

Is hereby amended to read:

Development of the site is limited to the use approved by the Board of County Commissioners. The approved Preliminary Site plan is dated January 16, 2009 for MUPD 1 and August 26, 2003 for MUPD 2. 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)

2. Condition A.2 of Resolution R-2003-1391, Control No. 2001-009A, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2002-0144 (Petition 2001-009), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-1391, Control No. 2001-009A have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING Zoning)

REMOVAL AND MAINTENANCE AGREEMENTS-BINDING LETTER OF INTERPRETATION

1. The petitioner shall obtain a Binding Letter of Interpretation from the Department of Community Affairs that the existing development on the site, together with the existing and proposed development of the adjacent property owned by United Technologies, do not require DRI approval. The Binding Letter determination shall be obtained prior to final DRC approval of the site plan or subdivision plan for either MUPD, issuance of any building permit, commencement of any land development activity, or the occupancy of the land or buildings within either MUPD by any person or entity other than United Technologies or its subsidiaries. (DRO/BLDG PRMT/ENG/CO Zoning) (Previous Condition B.1 of R-2003-1391, Control No. 2001-009A)

2. If the Department of Community Affairs determines that the existing and proposed development of the site, either alone or when aggregated with the existing and proposed development on adjacent properties currently owned by United Technologies, require further DRI review and approval, the petitioner shall refrain from undertaking any of the activities described above until the approvals required by Section 380.06, Florida Statutes and the Palm Beach County Unified Land Development Code are obtained for such activities. (DRO/BLDG PERMIT/ENG/CO Zoning) (Previous Condition B.2 of R-2003-1391, Control No. 2001-009A)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings 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. Existing structures as indicated on the December 29, 2008 site plan are vested for the information noted on any prior building permit. (DRO: ARCH REVIEW - Zoning)

BUILDING AND SITE DESIGN

1. Condition C.1 of R-2003-1391, Control No. 2001-009A which currently states:

Total gross floor area shall be limited to a maximum of 68,745 square feet for Pratt and Whitney Business Park MUPD 1 and a maximum of 406,522 square feet for Pratt and Whitney Business Park MUPD 2. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet whichever is less for each MUPD, subject to approval by Traffic Division and DRC. (DRO: ZONING - Zoning)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 94,044 square feet for Innovation Center (MUPD 1) and a maximum of 406,522 square feet for Pratt and Whitney Business Park MUPD 2. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet whichever is less for each MUPD, subject to approval by Traffic Division and DRO. (DRO: ZONING - Zoning)

DRO

1. Prior to the final approval by the Development Review Officer, the Concurrency Table on MUPD 2 shall be updated to reflect the changes for Innovation Center, MUPD 1. (DRO: Zoning - Zoning)

ENGINEERING

1. The Property owner shall construct: dual left turn lanes east approach at the intersection of Seminole Pratt Whitney Road and Bee Line Highway, if required by the County Engineer.

a. 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.

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit, for the north parcel, if required by the County Engineer. (BLDG PERMIT: Monitoring-Eng)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy, for the north parcel, if required by the County Engineer. (CO: MONITORING Eng) (Previous Condition E.1 of R-2003-1391, Control No. 2001-009A)

2. Any site plan for the parcel of land immediately east of the KOB Parcel (known as the Ballfield Parcel) should show the extension of Seminole-Pratt Whitney Road through the Ballfield Parcel to connect to the railroad crossing on Innovation Drive. (DRC: ENG Eng) (Previous Condition E.2 of R-2003-1391, Control No 2001-009A)

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

a. No building permits for the site shall be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an

approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

4. The Property owner shall construct:

- i. Left turn lane east approach on Innovation Dr at the west entrance for MUPD1
- ii. Left turn lane east approach on Innovation Dr at the east entrance for MUPD1

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for additional building square footage in MUPD1. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for additional building square footage in MUPD1. (CO: MONITORING-Eng)

5. Prior to final DRO approval, the site plan shall be revised to show all proposed gate locations for MUPD1. Proposed gates shall only be closed after hours. (DRO: ENGINEERING-Eng)

ENVIRONMENTAL

1. Previous Condition G.1 of R-2003-1391, Control No. 2001-009A which currently states:

A Phase I site Audit shall be provided to ERM prior to Final Site plan Certification. (ONGOING: ERM - ERM)

Is hereby deleted [Reason: Completed]

HEALTH

1. Previous condition H. 1. of Resolution R-2003-1391, Control No. 2001-009A which reads:

Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG-Health)

Is hereby DELETED-----Reason: Completed

ZONING - LANDSCAPING

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Condition F.1 of R-2003-1391, Control No. 2001-

009A)

2.All shrub or hedge material shall be planted in a continuous hierarchy of layers consisting of varying heights where two (2) or more shrub sizes are specified herein, as follows:

eighteen (18) to twenty-four (24) inches groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches medium shrub; and,
forty-eight (48) to sixty (60) inches large shrub

These heights shall be continuously maintained to achieve the hierarchical effect. Credit may be given for existing or relocated shrub material provided they meet ULDC requirements. (CO: LANDSCAPE Zoning) (Previous Condition F.2 of R-2003-1391, Control No. 2001-009A)

3.All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE Zoning) (Previous Condition F.3 of R-2003-1391, Control No. 2001-009A)

ZONING - LANDSCAPING-LANDSCAPING ALONG NORTH PROPERTY LINE OF INNOVATION CENTER - MUPD 1 (ABUTTING INNOVATION DRIVE)

4.Condition I.1 of R-2003-1391, Control No. 2001-009A which currently states:

Landscaping and buffering along the north and east property lines of MUPD 1 only shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping and buffering along the north property line of Innovation Center (MUPD 1) only shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG EAST PROPERTY LINE OF INNOVATION CENTER - MUPD 1 (ABUTTING BALLFIELD)

5.Condition I.1 of R-2003-1391, Control No. 2001-009A which currently states:

In addition to Code requirements, landscaping and buffering along the east property lines of Innovation Center (MUPD 1) only shall be upgraded to include:

- a. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES OF MUPD 2 (ADJACENT TO INNOVATION DRIVE AND BLACKBIRD WAY)

6.Landscaping and buffering along the south and west property lines of MUPD 2 only shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a minimum two (2) foot high continuous berm measured from top of curb;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE Zoning) (Previous Condition J.1 of R-2003-1391, Control No. 2001-009A)

ZONING - LANDSCAPING-LANDSCAPE ALTERNATIVE PLAN

7.Prior to final certification of the preliminary development plans for MUPD 1 and MUPD 2, an Alternative Landscape Plan shall be submitted for any portion of the site where existing vegetation might affect the proposed landscaping. (DRO: LANDSCAPE Zoning) (Previous Condition K.1 of R-2003-1391, Control No. 2001-009A)

8.Prior to final DRC certification, the applicant shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE Zoning) (Previous Condition K.2 of R-2003-1391, Control No. 2001-009A)

MULTIPLE USE PLANNED DEVELOPMENT

1.A maximum of four (4) parcels shall be permitted on site. (DRO: ZONING Zoning) (Previous Condition M.2 of R-2003-1391, Control No. 2001-009A)

2.Prior to certification of the preliminary development plans by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING Co Atty) (Previous Condition M.3 of R-2003-1391, Control No. 2001-009A)

3.Prior to certification of the preliminary development plans 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. (DRO: ZONING Co Atty) (Previous Condition M.4 of R-2003-1391, Control No. 2001-009A)

4.Prior to final site plan certification by the Development Review Committee (DRC), the preliminary development plan for Pod A shall be amended to indicate a focal point in the round-a-bout at the terminus of Blackbird Way. The focal point shall be in the form of a plaza, fountain, arcade or any other site element or similar pedestrian oriented public area. (DRO: ZONING Zoning) (Previous Condition M.5 of R-2003-1391, Control No. 2001-009A)

PALM TRAN

1.Previous Condition L.1 of R-2003-1391, Control No. 2001-009A which currently states:

Prior to final certification of the preliminary development plans by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, shelter(s) and/or bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRO: ZONING Zoning)

Is hereby deleted: [Reason: No longer applicable]

2.Previous Condition L.2 of R-2003-1391, Control No. 2001-009A which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to 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 Eng)

Is hereby deleted: [Reason: No longer applicable]

3.Previous Condition L.3 of R-2003-1391, Control No. 2001-009A which currently states:

All printed and electronic advertising for the project, when practical, shall contain information that mass transit service to the site is available. This condition shall apply to advertising for the entire project only, not to individual tenants. (ONGOING: PALM TRAN Palm Tran)

Is hereby deleted: [Reason: No longer applicable]

PLANNING

1.Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall be amended to reflect that the following uses are not allowed on the site:

- a. Residential (excluding security quarters);
- b. Commercial retail (excluding accessory use);
- c. Restaurant (excluding assessor/ancillary use);
- d. Convenience stores (with or without gas sales);
- e. Automotive service stations;
- f. Hotels, motels; and
- g. Hospitals.

Any assessor uses that are allowed by the ULDC shall not generate any traffic from outside of the site. (DRC/ONGOING:PLANNING-Planning) (Previous Condition O.2 of R-2003-1391, Control No. 2001-009)

2.Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall include all pedestrian pathways as indicated on the certified development plans dated November 29, 2001. (DRC: PLANNING - Planning) (Previous Condition O.3 of R-2003-1391, Control No. 2001-009)

SIGNS

1.Freestanding point of purchase signs for MUPD 1 and MUPD 2 shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - twenty (20) feet;
- b. Maximum sign face area per side - 200 square feet;
- c. Maximum number of signs - one (1);
- d. Location project's entrance on the Bee Line Highway;
- e. Style - monument style only; and
- f. No sign space shall be permitted to advertise the general day care use. (CO/ONGOING: BLDG/CODE ENF Eng) (Previous Condition N.1 of R-2003-1391, Control No. 2001-009A)

USE LIMITATIONS

1. Prior to final site plan approval by the Development Review Committee, the preliminary development plans shall be amended to reflect that only the following uses are allowed on the site:

- a. financial institution (not open to the public, provide on-site services only, and no drive-thru lanes);
- b. medical or dental laboratory;
- c. office, business, or professional (excluding medical, dental, legal, accounting, and real estate) (not open to the public-no outside traffic shall be generated);
- d. data information processing;
- e. heliport or helipad as an accessory use only subject to review and approval as a Conditional Use, Class A;
- f. government services (uses that are not open to the public);
- g. manufacturing and processing;
- h. warehousing;
- i. laboratory, industrial research;
- j. wholesaling;
- k. contractor's storage yard to be screened from view and not open to the public or used for the storage of debris, inoperative vehicles or trailers;
- l. general day care center, limited to on-site employees of MUPD 1, MUPD 2, and contiguous facilities located south of the Bee Line Highway and having an Economic Development Center (EDC) Future Land Use (FLU) designation; and,
- m. any accessory uses that are allowed by the ULDC shall not generate any traffic from outside of the site. (DRO/CO: ZONING/BLDG Zoning) (Previous Condition O.1 of R-2003-1391, Control No. 2001-009A)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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)

1. 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; revocation of any concurrency; and/or
- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. A requirement of the development to conform with the standards of the ULDC 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
- c. Referral to code enforcement; and/or
- d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.
(ONGOING: MONITORING - Zoning)