

RESOLUTION NO. R-95-7

RESOLUTION APPROVING ZONING PETITION **EAC73-219(E)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF BREAKERS WEST DEVELOPMENT CORP.

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,, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **EAC73-219(E)** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance **with** Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. 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.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition **EAC73-219(E)**, the petition of Breakers West Development Corp., for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) Zoning District, to redesignate land use within PUD from residential to recreation; delete Condition B.1 of Resolution R-93-513 (address limitation) and add an additional access point from Okeechobee Boulevard (maintenance area only), previously approved 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 January 6, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	W =
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

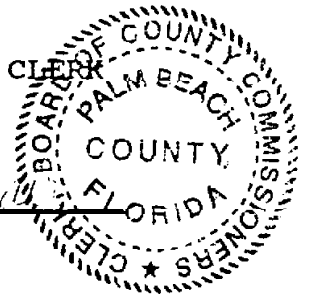


EXHIBIT A

LEGAL DESCRIPTION

73-219E

OCT 19 1994

Exhibit "A"
Legal Description

LEGAL DESCRIPTION:

PARCEL A:

A parcel of land situate in Sections 29, 30, 31, and 32, Township 43 South, Range 42 East, Palm Beach County, Florida, being a portion of Blocks 1 and 2 of "Palm Beach Farms Co. Plat No. 3", as shown in Plat Book 2 at Pages 45 through 54, inclusive, and a portion of Block 1 of "Palm Beach Farms Co. Plat No. 9", as shown in Plat Book 5 at Page 58, all of the public records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of Lot 1 of Block 1 of said "Palm Beach Farms Co. Plat No. 3"; thence along the North line of said Lot 1, South 69°55'48" East, a distance of 150.15 feet to a point in the East right-of-way line of Lake Worth Drainage District E-1 canal right-of-way, said point being the Point of Beginning.

From said Point of Beginning: thence continuing along the North Line of said Lot 1, South 89°55'46" East, a distance of 1559.85 feet to a Southerly extension of the Westline of Lot 4, Block 1, of the aforementioned "Palm Beach Farms Co. Plat No. 9"; thence North 00°54'38" East, along the West line of said Lot 4, a distance of 1434.62 feet; thence South 87°46'19" East, a distance of 602.08 feet to the East line of said Lot 4; thence North 00°34'14" East, a distance of 64.76 feet to the Northeast corner of said Lot 4; thence South 87°44'55" East along the North line of Lot 5 of said "Palm Beach Farms Plat No. 9", a distance of 309.63 feet; thence South 00°23'50" West, a distance of 64.63 feet; thence South 87°46'08" East, a distance of 1360.57 feet to the East line of Lot 7 of said "Palm Beach Farms Plat No. 9"; thence South 00°04'15" West along said East line of Lot 7, a distance of 1348.11 feet to a point in the North line of Lot 2 of the aforementioned block 2, "Palm Beach Farms Plat No. 3"; thence South 89°56'49" East along the North line of said Lot 2, Block 2, a distance of 1979.63 feet to the Northeast corner of said Lot 2, Block 2; thence South 00°02'11" West along the East line of said Lot 2 and the Southerly extension thereof, Lot 4 and the Southerly extension thereof, and Lot 9, of said Block 2 of "Palm Beach Farms Co. Plat No. 3", a distance of 3358.54 feet to the Southeast corner of said Lot 9; thence North 89°57'49" west, along the South line of said Lot 9, a distance of 228.17 feet to the Southeast corner of "C-S" Tract 4 of "Breakers West Plat No. 2", as shown in Plat Book 36 at pages 31-35 of the aforementioned public records, said point lying on a curve in the Westerly line of "Rubin Road" shown as being an 80 foot wide right-of-way of said "Breakers West Plat No. 2", now "Sansbury's way", said curve being concave to the Northwest, having a radius of 1105.92 feet and a chord which bears South 33°05'53" West; thence Southwesterly along the arc of said curve, subtending a central angle of 00°10'15", a distance of 3.X feet to the end of said curve; thence South 33°11'01" West along a line 40.00 feet northwest of and parallel with the centerline of said "Sansbury's way", as shown on "Breakers West Plat No. 13" recorded in Plat Book 55 at pages 145 through 150, inclusive, of the aforementioned public records, a distance of 562.90 feet to the beginning of a curve concave to the Southeast having a radius of 1185.92 feet; thence Southerly along the arc of said curve, subtending a central angle of 33°07'27", a distance of 685.61; thence South 00°03'34" West, a distance of 202.87 feet to a point in the North line of the Lake worth Drainage District Canal L-3 right-of-way, 75 feet in width, as shown on the aforementioned "Breakers West Plat No. 13"; thence North 89°57'56" West along said canal North right-of-way line a distance of 1991.82 feet to the East line of Lot 11, Block 1 of the aforementioned "Palm Beach Farms Co. Plat No. 3"; thence South 00°03'01" West, a distance of 75.00 feet to the Southeast Corner of said Lot 11, Block 1; thence North 89°57'57" West along the South line of Lot 11 and Lot 12 of said Block 1, a distance of 2309.90 feet to the Southwest corner of said Lot 12; thence North 00°02'21" East along the West line of said Lot 12, a distance of 75.00 feet; to the North line of the aforementioned Lake Worth Drainage District L-3 Canal right-of-way; thence North 69°57'57" West along said canal North right-of-way line, a distance of 223.10 feet; thence North 00°02'21" East, parallel with and 223.10 feet West of the East line of said Lot 13, Block 1, a distance of 585.76 feet to the North line of said Lot 13; thence North 89°57'43" West along the North line of said Lot 13, a distance of 600.18 feet to a point in the East line of the Lake Worth Drainage District E-1 Canal right-of-way, 150.00 feet in width; thence North 02°36'21" East along said canal East right-of-way line, a distance of 4054.49 feet to the Point of Beginning.

The above described parcel contains 684.084 acres of land, more or less.

EXHIBIT A

LEGAL DESCRIPTION

LESS a portion of the West one half of the aforementioned Lot 5 of Block 1, "Palm Beach Farms Co. Plat No. 9" described as follows;

Commencing at the Southwest corner of "Breakers West Plat No. 1", as shown in Plat Book 32 at Page 83 of the aforementioned public records, said corner being also the Southeast corner of the aforesaid West one half of Lot 5, Block 1, "Palm Beach Farms Plat No. 9"; thence along the West line of said "Breakers West Plat No. 1", North 00°23'50" East, a distance of 239.00 feet to the Point of Beginning.

From the Point of Beginning; thence North 89°35'00" West, a distance of 135.02 feet; thence South 00°32'03" West, a distance of 239.83 feet to the South line of the aforesaid Lot 5, Block 1, "Palm Beach Farms Co. Plat No. 4"; thence North 39°56'07" West along said South line of Lot 5, a distance of 175.18 feet to the South corner of said Lot 5; thence North 00°34'14" East along the West line of said Lot 5, a distance of 502.83 feet; thence South 88°59'00" East, a distance of 309.58 feet to the West line of the aforesaid "Breakers West Plat No. 1"; thence South 00°29'50" West along said line of said "Breakers West Plat No. 1", a distance of 352.68 feet to The Point of Beginning.

The above described out parcel contains 3.523 acres of land, more or less

LESS, ALSO, the right-of-way for Rubin Road (Sansbury's Way), as described in right-of-way warranty deed recorded in Official Record Book 2615 at Page 510 of the public records of Palm Beach County, Florida, containing 4.21 acres of land, more or less.

LESS, ALSO, that portion of Parcel A lying in the Lake Worth Drainage District Canal right-of-ways as described in quit claim deed recorded in Official Record Book 2698, Page 1825 and right of way reservation recorded in Official Record Book 1994 at Page 1573 of the public records of Palm Beach County, Florida, more particularly described as follows;

The North 70 feet of Lots 4, 5, 6, and 7, and the North 70 feet of the platted road right-of-way lying between said Lots 6 and 7, of Block 1 of "Palm Beach Farms Co. Plat No. 9", as shown in Plat Book 5 at Page 56, and the south 75 feet of Lots 12 and 13 of Block 1 of "Palm Beach Farms Co. Plat No. 3", as shown in Plat Book 2 at Pages 45 through 54, inclusive, all of the aforementioned public records.

The canal rights-of-way as described above contain a total of 4.728 acres of land, more or less

LESS, ALSO the additional right-of-way for Sansbury's Way as described in Official Record Book 4723 at Page 1628 of the public records of Palm Beach County, Florida, containing 1.380 acres of land, more or less.

LESS a portion of the West one half of the aforementioned Lot 5 of Block 1, "Palm Beach Farms Co. Plat No. 9", described as follows;

Beginning at the Southwest corner of "Breakers West Plat No. 1", as shown in Plat Book 32 at Page 83 of the aforementioned public records, said corner being also the Southeast corner of the aforesaid West one half of Lot 5, Block 1, "Palm Beach Farm Plat No. 9"; thence North 89°56'07" West, a distance of 135.17 feet; thence North 00°32'03" East, a distance of 239.83 feet; thence South 89°35'00" East, a distance of 135.02 feet; thence South 00°23'50" West, a distance of 239.00 feet to the Point of Beginning.

The above described out parcel of land contains 32,343 square feet or 0.743 acres, more or less.

EXHIBIT B

VICINITY SKETCH

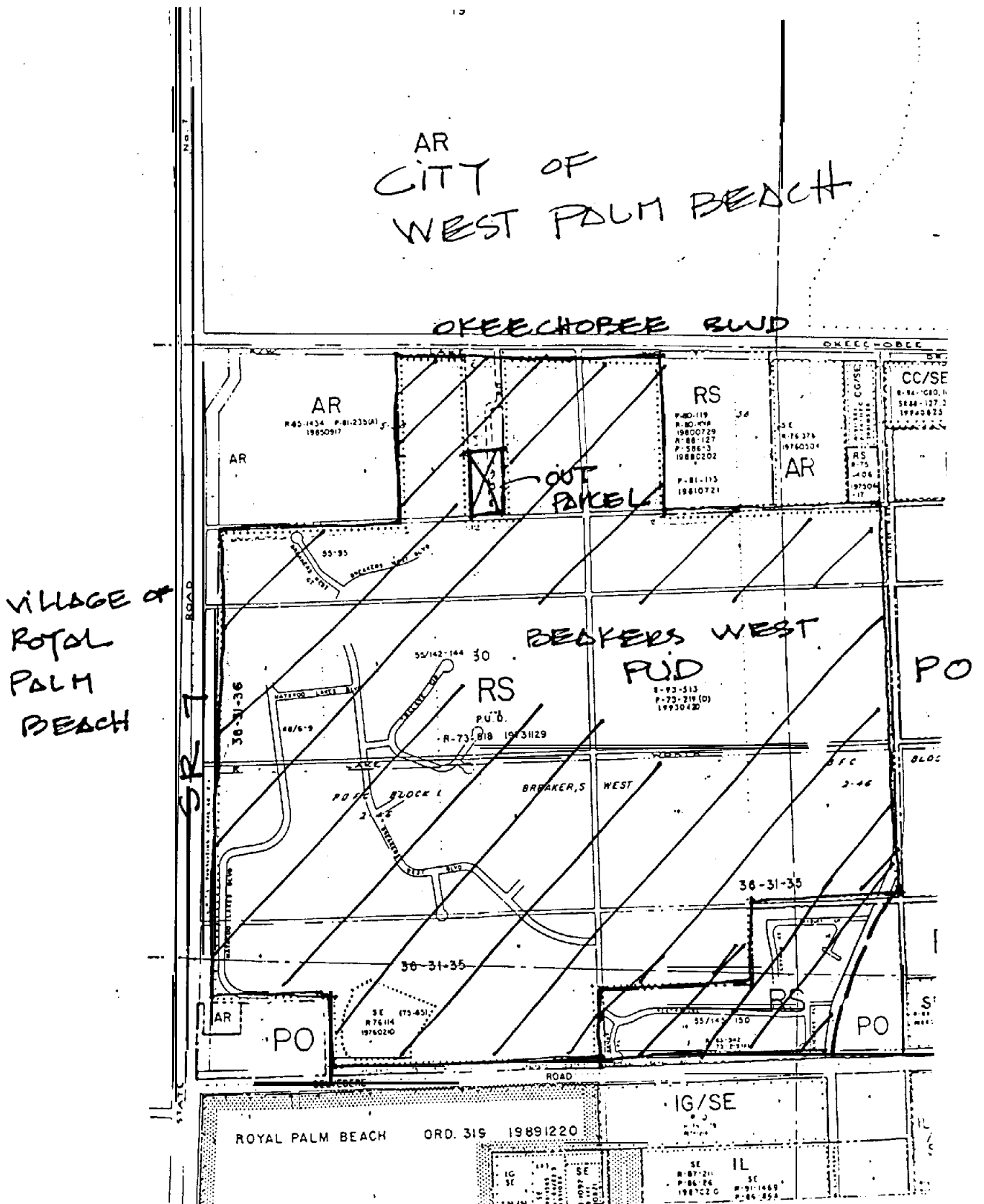


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning **Code** Section 402.9 compliance, unless expressly modified. (Previously Condition No. A.2 of Resolution No. R-93-513, Petition No. 73-219(D). (**ZONING/MONITORING**))
- 2: The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before October 31, 1992. (Previously Condition No. A.3 of Resolution No. R-93-513, Petition No. 73-219(D). (ZONING))
3. Approval of the deletion of Parcel W from **P73-219(D)** shall extinguish the Special Exception for a Planned Unit Development from Parcel W, as shown on Exhibit 135. (Previously Condition No. A.4 of Resolution No. R-93-513, Petition No. 73-219(D). (ZONING))

B. ACCESS

1. Condition No. B.1 of Resolution No. R-93-513, which currently states:

Maintenance vehicles shall not access onto Okeechobee Boulevard from the maintenance area. Access to the Planned Unit Development for these maintenance vehicles shall be at south of the maintenance area.

Is hereby deleted.
2. Prior to master plan certification the developer shall provide documentation of right of way access to the "**not included**" parcel located in the northwestern portion of the site. (Previously Condition No. B.2 of Resolution No. R-93-513, Petition No. 73-219(D).)
3. Prior to certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC) the petitioner shall:
 - a. amend the PDP to indicate the Powell Road access easement (right-of-way) in a manner and form acceptable to the County Engineer. The access easement shall not be incorporated in the maintenance area;
 - b. amend the PDP to delete access to the outparcel from Breakers West Boulevard. In the event the outparcel is subsequently added to the P.U.D. the PDP shall be amended to provided access to the outparcel from Breakers West Boulevard rather than Powell Road;
 - c. Amend the PDP to indicate that Powell Road shall only serve as an access road for the maintenance area and the residents of the unrecorded Powell subdivision, but shall not be otherwise used as a access road for the P.U.D. (ENGINEERING/COUNTY ATTORNEY)

4. Prior to issuance of any Certificate of Occupancy (CO) or Certificate of Completion (CC) for any improvement within the maintenance area, the petitioner shall construct a paved access road from Okeechobee Boulevard to the southern boundary of the maintenance parcel in a manner and form acceptable to the County Engineer and County Attorney. (BUILDING/ENGINEERING/COUNTY ATTORNEY)
5. The portion of Parcel 0 which lies east of Powell Road shall not be developed until access to such parcel is provided from Breakers West Boulevard. (ZONING/ENGINEERING)

C. BUILDING AND SITE -DESIGN

1. Prior to Master Plan certification, the master plan shall be amended to reflect the following:
 - a. Appropriate housing categories for each parcel pursuant to Section **402.7.B.3.d(2)** of the zoning code.
 - b. Plat book and page number of recorded platted parcels and corresponding dwelling unit count.
 - c. All parcels previously site planned shall reflect the corresponding unit count. (Previously Condition No. C.1 of Resolution No. R-93-513, Petition No. 73-219(D).
2. All proposed air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (Previously Condition No. C.2 of Resolution No. R-93-513, Petition No. 73-219(D). (BUILDING/ZONING)

D. CIVIC SITE

1. On or before February **1**, 1993, the petitioner shall notify the County of its election to either satisfy the 2% civic requirement by reservation of the required civic site for civic purposes by amendment to the Master Plan, or to exchange the required **onsite** dedication of land **for** civic uses either by conveying fee simple title for a parcel of land off-site equal in acreage or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site reservation, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site parcels. The value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H. The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification. This agreement shall be clearly noted by the applicant on the approved master plan.

In the event the petitioner elects to amend the master plan to reserve the civic site for civic **purposes**, the location thereof shall have direct access to Okeechobee Road or **Sansbury** way. Petitioner shall **file** this amendment to the master plan on or before April **1**, 1993 showing the civic site on either Parcel Q or Parcel 8.

Final approval of the amendment may be granted by the Development Review Committee. Palm Beach County shall have a right of first refusal to acquire all or a portion of the civic site in the event that the petitioner receives a bona fide third party offer to purchase all **or** a portion **of** such civic site. Such right of first refusal to purchase shall be at the same price contained in the third party offer. The County shall exercise such right of first refusal within ninety (90) days **of** notice from petitioner of the third party offer.

In the event the petitioner elects to reserve the civic site for civic purposes, the petitioner shall reimburse the County for the cost of both appraisals obtained by the County in the amount **of \$4,250.00**, and payment to be made within thirty (30) days **of** such election. (Previously condition No. D.1 of Resolution No. R-93-513, Petition No. 73-219(D)).

2. Prior to Site Plan Review Committee Certification, the Master Plan shall be amended to designate the 0.44 acre parcel east of **Sansbury's** Way as a Civic Site. (Previously Condition No. D.2 of **Resolution No.** R-93-513, Petition No. 73-219(D)).
3. Prior to site plan certification, the petitioner shall indicate on the Master Plan the civic site with its appropriate underlying residential use to include: unit type, density and maximum number of units. In the event the petitioner elects to "**cash out**" in accordance with Condition **D.1** and develop the subject parcel; access shall be limited to the internal circulation system of the Planned Unit Development. (PREM/ZONING/ENGINEERING)

E. ENGINEERING

1. Turning lanes onto Okeechobee Boulevard at the project entrance road shall be constructed at his expense. (Previously Condition No. **D.1** of Resolution No. R-93-513, Petition No. 73-219(D)).
2. This development shall retain **onsite** the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. (Previously Condition No. D.2 of Resolution No. R-93-513, Petition No. 73-219(D)).
3. Breakers West Development Corp. shall convey for the ultimate right of way of Lyons Road 60 feet from centerline, approximately an additional 20 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit and shall be for all remaining unplatted parcels **of** property owned by Breakers West. (Previously Condition No. D.3 of Resolution No. R-93-513, Petition No. 73-219(D)).
4. The Petitioner shall provide Palm Beach county with a road drainage easement through this project's internal lake system to legal positive outfall for the road drainage **of** Okeechobee Boulevard, Lyons Road and Belvedere Road. This drainage easement shall be subject to all governmental agency requirements. (Previously Condition No. D.4 of Resolution No. R-93-513, Petition No. 73-219(D)).

5. The property owner shall construct dual left turn lanes east approach on Okeechobee Boulevard at the project's entrance road. This construction shall be concurrent with 4 laning of Okeechobee Boulevard from state Road 7 to Golden Lakes Boulevard. This property owner shall also be responsible **for** any and all Change Orders associated with this construction. (Previously Condition No. D.5 of Resolution No. R-93-513, Petition No. 73-219(D).
6. The Developer shall install signalization if warranted as determined by the county Engineer at:
 - a. Project's entrance and Belvedere Road
 - b. Project's entrance and Okeechobee Boulevard.

Should signalization not be warranted after 12 months of the final Certification of Occupancy this property owner shall be relieved from this condition. (Previously Condition No. D.6 of Resolution No. R-93-513, Petition No. 73-219(D).
7. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's **Subdivision** Platting Ordinance 73-4 as amended. (Previously Condition No. D.7 of **Resolution No.** R-93-513, Petition No. 73-219(D).

F. HEALTH

1. The water and sewerage facilities shall be developed and constructed by the developer at his expense and deeded to Palm Beach County for one (1) dollar, for ownership, operation and maintenance. (Previously Condition No. F.1 of Resolution No. R-93-513, Petition No. 73-219(D).
2. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (Previously Condition No. F.5 of Resolution No. R-93-513, Petition No. 73-219(D).

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (Previously Condition No. **G.1 of** Resolution No. R-93-513, Petition No. 73-219(D). (UTILITIES)

H. LWDD

1. The property owner shall convey to the Lake worth Drainage District the north 70 **feet of** the West **1/2** of Tract 5, all in Block 1 according to the plat of Palm Beach Farms No. 9 for the required right-of-way for Lateral Canal No. 1, by Quit Claim Deed or an Easement Deed in a manner and form acceptable by said District within ninety (**90**) days of the approval of the Resolution approving this project. (Previously Condition No. H.1 of Resolution No. R-93-513, Petition No. 73-219(D).

I. LEGAL

1. The petitioner shall present a notarized Affidavit of **Disclosure** at the **Boning Authority Meeting**. (Previously Condition No. I.1 of Resolution No. R-93-513, Petition No. 73-219(D)).

J. PLANNED UNIT DEVELOPMENT

1. Each proposed primary structure **within** the PUD shall clearly display a street *address number* on the facade of the building or on a mailbox, whichever is legible from the street. (Previously Condition No. J.1 of Resolution No. R-93-513, Petition No. 73-219(D)). (CODE ENFORCEMENT)

K. RECYCLE SOLID WASTE

1. The property owner or lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (Previously Condition No. K.1 of Resolution No. R-93-513, Petition No. 73-219(D)). (SWA)
2. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products. (Previously Condition No. K.2 of Resolution No. R-93-513, Petition No. 73-219(D)). (SWA)

L. SCHOOL BOARD

1. All sales and notice literature and purchase agreements for the within development shall include a statement/notice that students *may* not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (Previously Condition No. L.2 of Resolution No. R-93-513, Petition No. 73-219(D)). (SCHOOL BOARD)
2. Prior to master plan certification, petitioner(s) shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (Previously Condition No. L.3 of Resolution No. R-93-513, Petition No. 73-219(D)). (SCHOOL BOARD)

M. USE LIMITATIONS

1. Reasonable precautions shall be exercised during site development to **insure** that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition No. M.1 of Resolution No. R-93-513, Petition No. 73-219(D)).
2. Reasonable measure shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition No. M.2 of Resolution No. R-93-513, Petition No. 73-219(D)).
3. The 1.8 acre commercial site shall have no *more* than **4,000** square feet of building area and shall be limited to the use as a real estate **office**. (Previously Condition No. M.3 of Resolution No. R-93-513, Petition No. 73-219(D)).

N. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 102.6, **and** the Palm Beach County Land Development Code, Section 5.8, failure to comply with any of these conditions of approval at any time **may** result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any special exception and any **zoning** which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the **zoning** Code. (Previously Condition No. 0.1 of Resolution No. R-93-513, Petition No. 73-219(D). (MONITORING))
2. Appeals of **any** departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach county Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of county Commissioners decision, shall be by petition for writ of **certiorari** to the Fifteenth Judicial Circuit. (Previously Condition No. 0.2 of Resolution No. R-93-513, Petition No. 73-219(D). (MONITORING))
3. The approval of this petition shall not affect any review date established as the result of a previous approval **for** this property. (Previously Condition No. 0.3 of Resolution No. R-93-513, Petition No. 73-219(D). (MONITORING))