

RESOLUTION NO. R-99-3

RESOLUTION APPROVING ZONING PETITION EAC92-013(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF OSCEOLA FARMS  
BY GARY BRANDENBURG, AGENT  
(OSCEOLA FARM CO-GEN FACILITY)

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 EAC92-013(B) was presented to the Board of County Commissioners at a public hearing conducted on January 7, 1999; 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 Unified 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 determination and 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 EAC92-013(B), the petition of Osceola Farms, by Gary Brandenburg, agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to modify Condition K.10 (boilers) of R-94-642 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 7, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Aye
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 7, 1999.

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**

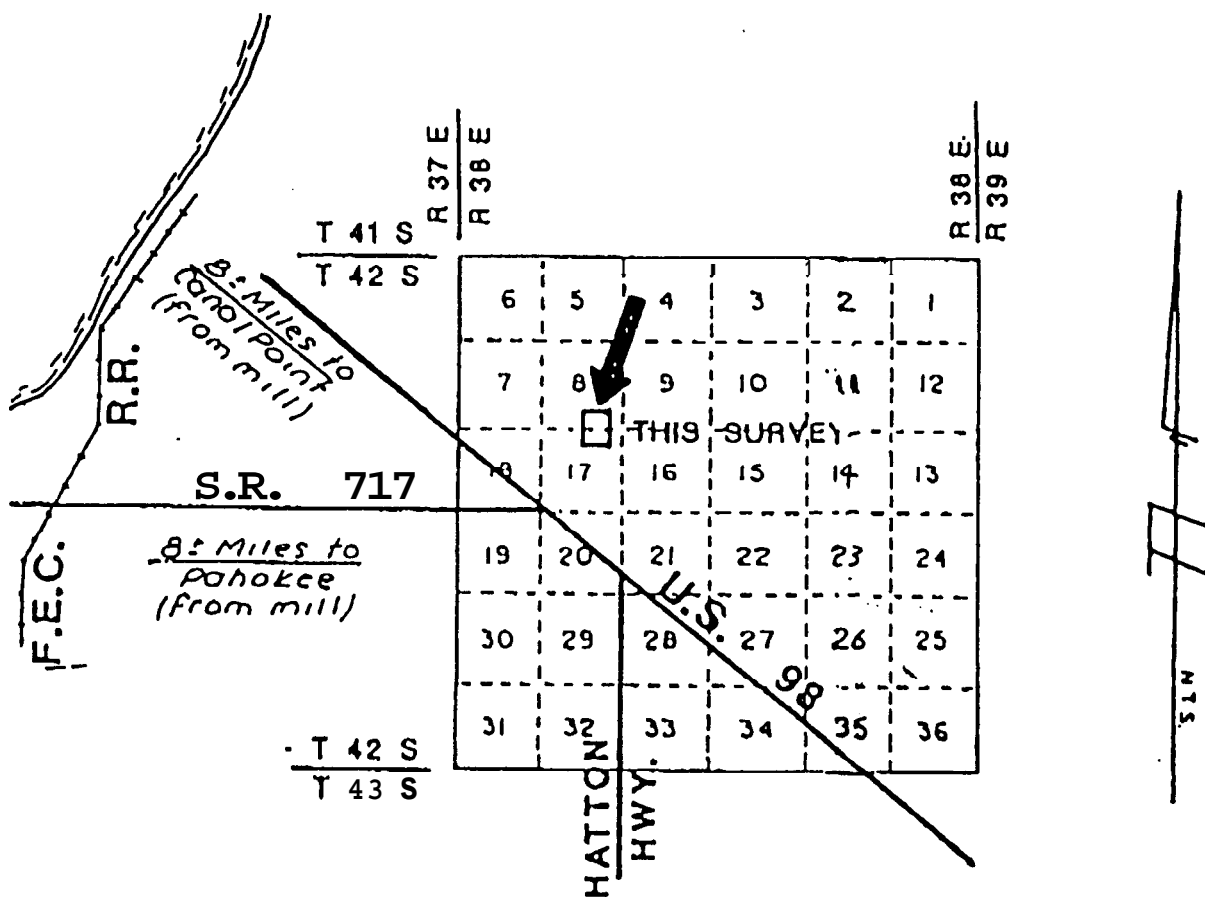
**LEGAL DESCRIPTION**

Being a parcel of land lying within sections 8 and 17, Township 42 South, Range 38 East, Palm Beach County Florida. Said parcel being more particularly described as follows:

Commence at the southeast corner of said Section 8, thence **N 89° 52' 20"** west (bearing assumed and all other bearings are relative thereto) along the South line of said Section 8 a distance of **979.66** feet to the Point of Beginning of the following described parcel; thence **S 00° 07' 40" W** a distance of **603.60** feet; thence **N 89° 52' 20" W** parallel with and **603.60** feet **South** of the Southline of said Section 8 a distance of **1650.00** feet; thence **N 00° 07' 40" E** a distance of **1320.00** feet; thence **S 89° 52' 20" E** parallel with and **716.40** feet North of the Southline of said Section 8 a distance of **1650.00** feet; thence **S 00° 07' 40" W** a distance of **716.40** feet to the Point of Beginning.

Containing 50.00 Acres more or less.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-642 (Petition 92-013), have been consolidated 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: MONITOR NG-Zoning)

#### B. AIR QUALITY

1. Petitioner shall:
  - a. Prior to initial start up, install all air pollution control devices and processes required by the Florida Department of Environmental Regulation (TERM), the United States Environmental Protection Agency (EPA), and as described in the environmental report attached hereto and made a part hereof (Exhibit A) to include, but not be limited to:
    - (1) an electrostatic precipitator, designed for at least **98%** removal of particulate matter or equivalent;
    - (2) a thermal D-Nox system designed for at least **40%** removal of oxides of nitrogen, or equivalent; and,
    - (3) an activated carbon injection system for control of mercury emissions, or equivalent.
  - b. Continuously monitor and record exhaust gas opacity, oxides of nitrogen, and carbon monoxide.
  - c. Test stack emissions according to DER and EPA standards at least once every six months for particular matter, oxides of nitrogen, carbon monoxide, sulfur dioxide, lead, mercury and volatile organic compounds for the first two years of operation. If the test results for the first **two** years of operations indicate the facility is operating in compliance with the terms of approval and of applicable permits and regulations, the test will thereafter occur as required by the respective DER and EPA permits, with the exception that stack emissions will be tested annually for mercury. In the event the results of the first two years of testing show non-compliance, then the frequency of testing shall continue to occur once every six months until the facility achieves a sustained two-year period of compliance.
  - d. Not exceed the total actual annual emissions from the existing boilers and those currently permitted for construction at this facility. Except for particulate matter and sulfur dioxide, the

following figures represent the best available estimates for the actual current emissions. These emissions, in tons per year, by pollutant, are:

- (1) Particulate Matter: 311.3
- (2) Oxides of Nitrogen 478.9
- (3) Carbon Monoxide: 5,895.4
- (4) Volatile Organic Compounds: 218.1
- (5) Mercury: 0.0141
- (6) With regard to sulfur dioxide emissions, the following conditions shall apply:

- (a) If used, coal shall be of the low sulfur variety, and shall not exceed 0.7% sulfur by weight.
- (b) Fuel oil shall be limited to low sulfur No. 2 distillate oil and shall not exceed 1% sulfur by weight.
- (c) Coal consumption shall not exceed 25% of the total heat input in any calendar quarter.

(Paragraphs (d) through (h) apply to total sulfur dioxide emissions for the combined facilities of petitions 92-13 and 92-14.)

- (d) Shall not exceed the current emissions of the proposed project (an average of 1000 tons of sulfur dioxide. If the life of the project exceeds thirty years, the total allowable lifetime emissions will be adjusted proportionately.
- (e) For the case that the Palm Beach County government makes available 200,000 tons of biomass fuel per year to the cogeneration facilities in Petitions 92-13 and 92-14, under the same terms and conditions as those in the existing Okeelanta/Palm Beach Solid Waste Authority Wood-waste Agreement, the petitioner shall:
  - 1) not exceed 1500 tons of sulfur dioxide for that year.
  - 2) not exceed an average of 1300 tons of sulfur dioxide for each five year incremental period.
- (f) For the case that the Palm Beach County government cannot make available the 200,000 tons of biomass fuel per year to the cogeneration facilities in Petitions 92-13 and 92-14, the petitioner shall:
  - 1) not exceed 1700 tons of sulfur dioxide for that year.
  - 2) not exceed an average of 1500 tons of sulfur dioxide for each ten year incremental period.
- (g) The allowable average sulfur dioxide emissions for the five and ten year incremental periods described

above shall be calculated on a weighted average for any period in which both cases occur (years in which biomass is made available/years in which biomass is not made available.)

- (h) Sulfur dioxide emissions shall include all emissions from the proposed projects in Petitions 92-13 and 92-14 and the currently existing boilers at the Okeelanta and Osceola facilities if in operation during initial project operation.
  - e. Employ all methods to control unconfined dust and particulate emissions, required by local, state and/or federal agencies.
  - f. Request in all applications to DER and EPA that the above conditions become part of the corresponding permits. (Previously Condition A.1 of Resolution R-94-642, Petition 92-13(A) (HEALTH))
2. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined particulates, including grass seeding and mulching of disturbed areas, shall be undertaken and implemented by the Petitioner to comply with state and federal air standards. (Previously Condition A.2. of R-94-642, Petition 92-13(A) (ZONING-Health))
  3. With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, fencing, and specific building sites, construction shall commence within 90 days after completion of clearing and grading. Any cleared zones or areas not necessary to the operation of the site shall be planted in grass within 90 days after establishment of finished grade. (Previously Condition A.3 of R-94-642, Petition 92-13(A) (ZONING))
  4. The petitioner shall comply at all times with the requirements of all permits issued by all agencies having jurisdiction over the facility. (Previously Condition A.4 of Resolution R-94-642, Petition 92-13(A) (HEALTH-ERM))

#### C. BUILDING AND SITE DESIGN

1. Maximum total floor area shall be limited to 10% of the total lot area of the subject property. (Previously Condition B.1 of Resolution R-94-642, Petition 92-13(A) (BUILDING-Zoning))
2. Prior to site plan certification, the site plan shall be amended to indicate a maximum five (5) acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement. (Previously Condition B.2 of Resolution R-94-642, Petition 92-13(A) (ZONING))

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Plans for all underground and above ground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Doublewalled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previously Condition C.1 of Resolution R-94-642, Petition 92-13(A) (BUILDING-ERM))
2. **Secondary containment for stored Regulated Substances, including** but not limited to fuels, oils, solvents, or other hazardous chemicals, is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (Previously Condition C.2 of Resolution R-94-642, Petition 92-13(A) (BUILDING-ERM))
3. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six **(6)** feet horizontal to **one (1)** foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of **30%** of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers.
  - a. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. (ERM)
  - b. Prior to the issuance of a Certificate of Occupancy and within three working days of the completion of littoral plantings IRM shall be notified. This planting shall not be credited as compensation required by wetland permits. (Previously Condition C.3 of Resolution R-94-642, Petition 92-13(A) (BUILDING-ERM))

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three **(3)** year **one (1)** hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement (Previously Condition E.1 of Resolution R-94-642, Petition 92-13(A) (ONGOING: CODE ENF-Eng))



2. **If** required by the County Engineer or the South Florida Water Management District the Developer shall design the drainage **system** such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff **from** the remainder of the site (Previously Condition E.2 of Resolution R-94-642, Petition 92-13(A) (ENG)

F. EXOTIC SPECIES

1. Areas disturbed as a result of the construction of the cogeneration facility and transmission lines shall be continually maintained to be free of Brazilian Pepper, Australian Pine and Melaleuca. (Previously Condition D.1 of Resolution R-94-642, Petition 92-13(A) (BUILDING-Zoning)

G. HEALTH

1. Potable water supply for the proposed project is to be provided by a reverse osmosis non-transient non-community water supply **system** in accordance with Chapter 17-550 & 17-555, F.A.C. (Previously Condition F.1 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
2. Sewage treatment and disposal for the referenced project is **to** be provided by one wastewater treatment plant in accordance with Chapter 17-600's F.A.C. All existing septic tank systems shall be abandoned in accordance with applicable codes. (Previously Condition F.2 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
3. The industrial waste stream generated by this site shall be **disposed** of in accordance with all applicable Florida DER regulations. (Previously Condition F.3 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
4. Cogeneration boiler fuels shall be limited to Biomass, as **defined** in Condition **K.9.** and fossil fuels. The use of fossil fuels shall be limited in accordance with conditions A.1.d.(6)(a), A.1.d.(6)(b) and A.1.d.(c). The use of Biomass Wastes shall include provisions for the substantial exclusion of painted and chemically treated wood, household garbage, toxic or hazardous materials or wastes and special wastes. This specification must be reviewed and approved by the Palm Beach County Public Health Unit prior to site plan approval. (Previously Condition F.4 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
5. All fly ash and bottom ash from the facility which is produced **during** any period in which fossil fuels are used, and thereafter for a **reasonable** time shall be segregated and managed as set forth in the ash management plan. (Previously Condition F.5 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
6. Prior to site plan approval, a detailed ash management plan shall be submitted by the petitioner and approved by the Palm Beach County Public Health Unit. This plan must detail contingencies plans, testing and monitoring of the ash, ash handling and disposal methods, planned spreading locations and identification of environmental impacts and proposed measures for mitigating these impacts. (Previously Condition F.6 of R-94-642, Petition 92-13(A) (HEALTH)

7. Prior to site plan approval of the operation of the facility, a detailed fuel management plan shall be submitted and approved by the Palm Beach County Public Health Unit. This plan shall detail location, size, handling procedures, transportation, dust control and fire protection. (Previously Condition F.7 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
8. Prior to site plan approval, the petitioner shall identify all liquid waste streams and provide a complete physical and chemical characterization of the waste streams which shall include, at a minimum, the following information:
  - a. A description of the source or process associated with the waste stream.
  - b. Volume and flow rates.
  - c. Physical parameters including temperature, pH, and total dissolved solids.
  - d. Expected concentrations of pollutants or contaminants, including but not limited to, Nitrogen, Phosphorous and other nutrients, mercury, lead and other trace metals, volatile or semivolatile organic compounds, etc.
  - e. A description and detail of any treatment system utilized.
  - f. A description of the disposal or reuse method and identification of all points of discharge. (Previously Condition F.8 of R-94-642, Petition 92-13(A) (HEALTH)
9. Prior to site plan approval, a detailed domestic wastewater management plan shall be submitted and approved by the Palm Beach County Public Health Unit. (Previously Condition F.9 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
10. Prior to site plan approval, a detailed storm water management plan shall be submitted by the petitioner to the South Florida Water Management District (SFWMD) and Palm Beach County Public Health Unit for review and approval. Staff shall coordinate its review with the SFWMD. (Previously Condition F.10 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
11. Prior to site plan approval, a detailed industrial wastewater management plan must be submitted to the Department of Environmental Regulation (DER) and the Palm Beach County Public Health Unit for review and approval. Staff shall coordinate its review with the DER. (Previously Condition F.11 of Resolution R-94-642, Petition 92-13(A) (HEALTH)
12. Prior to site plan approval, all applicable environmental permits; or applications for permits must be obtained or submitted. (Previously Condition F.12 of Resolution R-94-642, Petition 92-13(A) (HEALTH)

#### H. LANDSCAPING

1. Prior to site plan certification, the petitioner shall submit a Landscape Betterment Plan for review and approval by the Zoning Division. The Landscape Betterment Plan shall demonstrate conformance to all Landscape Code requirements and conditions of approval. (Previously Condition G.1 of Resolution R-94-642, Petition 92-13(A) (ZONING)

2. As an alternative, the petitioner may landscape the site and provide off-site improvements in accordance with the Unified Land Development Code, upon adoption. (Previously Condition G.2 of Resolution R-94-642, Petition 92-13(A) (ZONING)

I. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward. (Previously Condition H.1 of Resolution R-94-642, Petition 92-13(A) (BUILDING - CODE ENF)

J. PARKING

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (Previously Condition 1.1 of Resolution R-94-642, Petition 92-13(A) (CODE ENF)

K. TRANSMISSION LINES

1. All transmission lines required by this facility are to be constructed in accordance with the National Electric Safety Code. (Previously Condition J.1 of Resolution R-94-642, Petition 92-13(A) (BUILDING)
2. All transmission lines leaving the site and required by this facility shall not exceed 138 KV. (Previously Condition J.2 of Resolution R-94-642, Petition 92-13(A) (BUILDING)

L. USE LIMITATIONS

1. Use of the site shall be limited as follows:

Land Area	<b>50.00</b> acres
Total Floor Area	217,800 square feet
Maximum Floor Area	<b>10%</b>
Electrical Production	<b>65</b> mega watt maximum
Fuel Yard	35 acre max. net land area (Previously Condition K.1 of Resolution R-94-642, Petition 92-13(A)

2. Prior to site plan certification, the site plan shall be amended to indicate the location of a **truck/vehicle** wash facility. This wash facility shall utilize a 100% water recycling system. (Previously Condition K.2 of Resolution R-94-642, Petition 92-13(A) (ZONING-Building)
3. There shall be no repair or maintenance of vehicles on site. (Previously Condition K.3 of Resolution R-94-642, Petition 92-13(A) (CODE ENF)
4. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (Previously Condition K.4 of Resolution R-94-642, Petition 92-13(A) (CODE ENF)

5. The maximum height, from grade to highest point, for all fuel storage areas shall not exceed fifty **(50)** feet. (Previously Condition K.5 of Resolution R-94-642, Petition 92-13(A) (BUILDING))
6. **Onsite** storage shall be contained within the area designated on **Exhibit 48** and shall be processed and stored in a manner which **controls** fugitive and dust particulate emissions. (Previously Condition K.6 of Resolution R-94-642, Petition 92-13(A) (CODE ENF))
7. All vehicles utilizing public rights-of-way to carry biomass waste (i.e. vegetative matter) to the site shall be equipped, at a minimum, **with** covering or screens over top of the open bed of the vehicle to prevent the **loss** of material during transportation to the facility. (Previously Condition K.7 of Resolution R-94-642, Petition 92-13(A) (CODE ENF))
8. The storage of fuel on site shall be limited to the areas **designated** on the certified site plan and shall be limited to the storage of bagasse and biomass waste only. (Previously Condition K.8 of Resolution R-94-642, Petition 92-13(A))
9. "Biomass Waste", as referred to herein, shall mean bagasse, **vegetative** and woody matter, including material resulting from **landscaping**, maintenance, land clearing operations, clean wood, cellulose material, tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, wood from land development operations, clean wood debris from demolition operations; it shall not include trash, garbage or sludge (FAC 17-701), biohazardous waste (17-712 FAC), or biological **waste (17-712 FAC)**. (Previously Condition K.9 of Resolution R-94-642, Petition 92-13(A) (SWA))
10. Condition K.10 of Resolution R-94-642, Petition 92-13(A) which currently states:

The existing boiler facilities shall be abandoned within three **(3)** years of commercial start up of the cogeneration facility and no later than January 1, 1999. The existing boilers and new facilities shall **not** be operated at the same time. (Previously Condition K.10 of Resolution R-93-339, Petition 92-13) (MONITORING-Bld)

Is hereby amended to read:

The existing boilers at the adjacent sugar mill facility shall be subject to the conditions contained within the permits issued by the State of Florida Department of Environmental Protection (DERM). (DERM - Zoning)

#### M. WATER SUPPLY

1. Construction shall not commence on the project site until it has been demonstrated to the satisfaction of the South Florida Water Management District that an acceptable and sustainable supply of water during drought periods is available to serve the project over and above that necessary to serve already approved development. (Previously Condition L.1 of Resolution R-94-642, Petition 92-13(A) (BUILDING-SFWMD))

2. The petitioner shall utilize all drought-tolerant plants in landscaping on the subject property. (Previously Condition L.2 of Resolution R-94-542, Petition 92-13(A) (BUILDING-Zoning))
3. The petitioner shall use water-saving plumbing fixtures and other water conserving devices in restrooms and employee locker rooms as specified in the Water Conservation Act, Section **553.14, F.S.** (Previously Condition L.3 of Resolution R-94-642, Petition 92-13(A) (BUILDING))

N. COMPLIANCE

Conditions M.1 and M.2 of Resolution R-94-642, Petition 92-13(A) which currently states:

1. As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the 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; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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. (Previously Condition M.1 of Resolution R-93-339, Petition 92-13) (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 Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition M.2 of Resolution R-93-339, Petition 92-13) (MONITORING)

Are hereby amended to read:

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)
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; 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 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
- 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)