

RESOLUTION NO. R-2001- 0149

RESOLUTION APPROVING ZONING PETITION DOA75-151 (C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF LANDCO INC.
BY LAND DESIGN SOUTH, AGENT
(DELRAY VILLAS CIVIC SITE)

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 DOA75-151 (C) was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2001; 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 DOA75-151 (C), the petition of LandCo Inc., by Land Design South, agent, for a Development Order Amendment (DOA) to allow a type III congregate living facility 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 25, 2001, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Warren Newell, Chair		Absent
Carol A. Roberts, Vice Chair	—	Aye
Karen T. Marcus		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 2001.

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

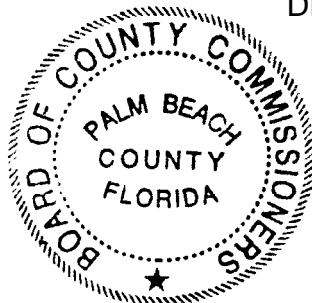


EXHIBIT A
LEGAL DESCRIPTION

TRACT A, PLAT NO. 1, DELRAY VILLAS, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 37, PAGE 4

EXHIBIT B
VICINITY SKETCH

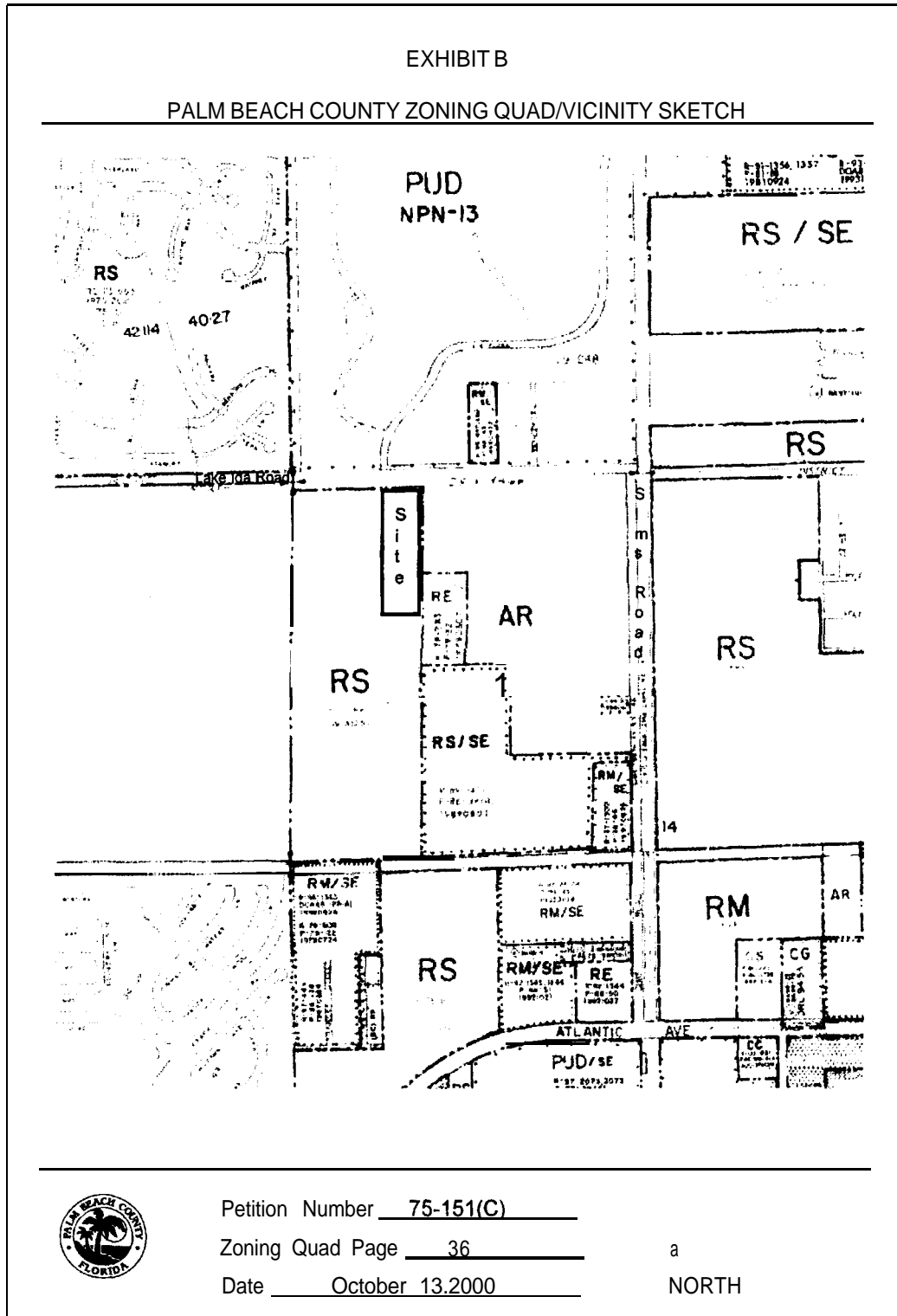


EXHIBIT C

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. Condition No. 1 of Resolution R-88-1623, Petition 75-I 51 (A) which currently reads:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby deleted. [REASON: Superseded by new condition.]

2. Condition A.1 of Resolution R-91-1463, Petition 75-I 51 (B) which currently reads:

The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance unless expressly modified herein.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-0863, Petition 75-I 51, R-88-I 623 (Petition 75-151(A)), and R-91-1463 (Petition 75-151(B)), 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)

3. Condition A.2 of Resolution R-91-1463, Petition 75-151(B) which currently reads:

Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 102). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E) 2(B) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval.

Is hereby amended to read:

Development of the private civic parcel is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 25, 2001. 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)

4. Prior to final site plan certification, the master plan shall be revised to reflect the correct overall PUD tabular for a maximum of 1237 existing dwelling units and 185 CLF beds. (DRC: ZONING)

B. ARCHITECTURAL CONTROL

1. The exterior elevations shall include the following:
 - a. Full pitched roof or a hip-on-deck roof with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or joggling the roof plane so that all roof lines shall not run in a continuous distance for more than one hundred (100) feet;
 - b. Varied building materials and textures;
 - c. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
 - d. Combination of architectural details such as, but not limited to, stucco banding, reveals, decorative vents and louver, columns or pilasters, and/or quoins;
 - e. Integrated design of gutters and downspouts into the architectural design of the building;
 - f. Similar architectural character and treatment shall be provided on all sides of the building;
 - g. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment (i.e. cupola, dormer, etc.);
 - h. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture; and,
 - i. All building entries shall be easily identifiable and integrated into the building's architecture. (DRC/BLDG PERMIT: ZONING/BLDG/ZONING)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. **The petitioner, as he represented at the public hearing, shall reduce the density by five hundred (500) units in the Villadelray Planned Unit Development, which was approved at Public Hearings on 9/16/71 & 10/21/71, by the concurrent filing of an amended Master Plan at the Board of County Commissioners' meeting, sitting as the final zoning authority on November 20, 1975. (ONGOING: ZONING) (Previously Condition No. 1 of Resolution R-75-0863, Petition 75-151)**
2. **Prior to site plan certification, the site plan shall be amended to indicate the following:**
 - a. **The delineation of the proposed use within the center.**
 - b. **An additional loading berth in proximity to the dry cleaning facility.**

- c. **One (1) of three (3) alternative landscape strips along the northern property line.** (DRC: ZONING) (Previously Condition No. 2 of Resolution R-88-1623, Petition 75-I 51 (A))
3. **All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters, shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry or comparable wood or steel, consistent with the architectural character of the development. The open end of the enclosure shall have an obscuring opaque gate. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians.** (ONGOING: ZONING-Landscape) (Previously Condition B.I of Resolution R-91-1463, Petition 75-I 51 (B))
 4. The minimum setback to the south and east property lines shall be forty (40) feet. (DRC: ZONING)
 5. The maximum height including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty (30) feet for the two story CLF building. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
 6. All ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
 7. All roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (CO: BLDG -Zoning)
 8. All proposed fencing shall be blackvinyl colored coated. (CO: BLDG -Zoning)
 9. The CLF service/kitchen delivery area and dumpster enclosure shall be located in the northern portion of the property. (DRC: ZONING)
 10. The maximum length of the CLF building shall not exceed four hundred and seventy (470) feet. (ONGOING: ZONING/BUILDING)

D. LANDSCAPING - STANDARDS

1. Fifty (50) percent of all canopy trees required to be planted in the perimeter buffers shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)

2. All palms required to be planted on site by this approval shall be booted native sabal palms and meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE)
3. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE)

E. ENGINEERING

1. **Developer shall dedicate the following rights-of-way to Palm Beach County:**
 - a) **Sixty (60) feet from the centerline of Delray West Road.**
 - b) **Eighty (80) feet for Sims Road.**
 - c) **Eighty (80) feet from Lake Worth Drainage District Lateral Canal No. 30, south to Sims Road and forty (40) feet from Sims Road south to Lake Worth Drainage District Lateral Canal No. 33, for El Clair Ranch Road.**
 - d) **One hundred eight (108) feet for Flavor Pict Road.**
 - e) **Eighty (80) feet for Via Delray.** (ONGOING: Eng) (Previously Condition No. 2 of Resolution R-75-863, Petition 75-151)
2. **Developer shall construct Flavor Pict Road as a four (4) lane, divided facility through the project to Military Trail, if right-of-way is available.** (ONGOING: Eng) (Previously Condition No. 3 of Resolution R-75-863, Petition 75-151)
3. **Developer shall construct Via Delray, as an expandable two (2) lane, paved facility from the property's west boundary to Military Trail.** (ONGOING: Eng) (Previously Condition No. 4 of Resolution R-75-863, Petition 75-1 51)
4. **Developer shall construct Sims Road within the confines of the project as an expandable, two (2) lane, paved facility.** (ONGOING: Eng) (Previously Condition No. 5 of Resolution R-75-863, Petition 75-151)
5. **Developer shall construct El Clair Ranch Road as an expandable, two (2) lane, paved facility within the confines of the development.** (ONGOING: Eng) (Previously Condition No. 6 of Resolution R-75-863, Petition 75-1 51)
6. **Via Flora shall be designed to facilitate the necessary traffic volume and turning movements.** (ONGOING: Eng) (Previously Condition No. 7 of Resolution R-75-863, Petition 75-1 51)
7. **Developer shall provide signalization where warranted, as outlined by the Traffic Impact Analysis, prepared by Kimley-Horn, Zoning Exhibit No. 8.** (ONGOING: Eng) (Previously Condition No. 8 of Resolution R-75-863, Petition 75-1 51)

8. Turn lanes as shown on Figure 8 of the Traffic Impact Analysis for Villadelray, Exhibit No. 8, shall be constructed with the exception of the intersection of Via Flora and Delray West Road, where the following shall be constructed:
- a) Dual left turn lane and a right turn lane on the north approach.
 - b) Right turn lane on the east approach.
 - c) Left turn lane on the west approach.
 - d) Signalization to be provided when required as determined by the Board of County Commissioners. (ONGOING: Eng) (Previously Condition No. 10 of Resolution R-75-863, Petition 75-151)
9. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm 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.
- If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surface shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (ONGOING: Eng) (Previously Condition No. 3 of Resolution R-88-1623, Petition 75-151(A))
10. The property owner shall convey for the ultimate right-of-way of Delray West Road, 60 feet from centerline withing 90 days of the approval of the Resolution approving this project or prior to issuance of the first building permit, whichever shall first occur. (ONGOING: Eng) (Previously Condition No. 4 of Resolution R-88-1623, Petition 75-151(A))
11. The property owner shall construct:
- a. left turn lane, west approach on Delray West Road at each median opening permitted by the Florida Department of Transportation for this project.
 - b. an eight (8) foot wide pedestrian circulation path on the north side of Delray West Road from Via Flora to Lakes of Delray Boulevard as approved by Florida Department of Transportation. Construction shall then be asphalt or concrete.
- all concurrent with onsite paving and drainage improvements. (ONGOING: Eng) (Previously Condition No. 5 of Resolution R-88-1623, Petition 75-151 (A))
12. 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 on-site 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. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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. (ONGOING: Eng) (Previously Condition E.1 of Resolution R-91-1463, Petition 75-151(B))

13. **Prior to Site Plan approval the property owner shall verify conveyance to Palm Beach County Land Development Division by road right-of-way warranty deed the required right-of-way for West Atlantic Avenue, 60 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (ONGOING: Eng) (Previously Condition E.2 of Resolution R-91-1463, Petition 75-151(B))**
14. Condition E.3 of Resolution R-91-1463, Petition 75-151(B)) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the project at the time of the Building Permit presently is \$550.00 (10 trips X \$55,00 per trip). (ONGOING: Eng)

Is hereby deleted. [REASON: Code Requirement]

F. HEALTH

1. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH) (Previously Condition No. 6 of Resolution R-88-1623, Petition 75-1 51 (A))**
2. **Since sewer service is available to the property, septic tank shall not be approved for use on said property. (ONGOING: HEALTH) (Previously Condition No. 7 of Resolution R-88-1623, Petition 75-151(A))**
3. **Since water service is available to the property, a potable water well shall not be approved for water use on said property. (ONGOING: HEALTH) (Previously Condition No. 8 of Resolution R-88-1623, Petition 75-151(A))**

4. **Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.** (ONGOING: HEALTH) (Previously Condition C.1 of Resolution R-91-1463, Petition 75-I 51 (B))
5. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (ONGOING: HEALTH) (Previously Condition C.2 of Resolution R-91-1463, Petition 75-I 51 (B))
6. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (ONGOING: HEALTH) (Previously Condition C.3 of Resolution R-91-1463, Petition 75-151(B))
7. **No further utility confirmation is required for this modification.** (ONGOING: HEALTH) (Previously Condition C.4 of Resolution R-91-1463, Petition 75-I 51 (B))

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (LAKE IDA/SIMS ROAD AND VIA FLORA FRONTAGES)

1. Landscaping and buffering along the north and west frontages shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
 - 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 for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center,
 - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters; and,
 - e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of shrub or hedge material shall be installed on the plateau of the berm. (CO: LANDSCAPE)

H. LANDSCAPING AND BUFFERING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east property line:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
 - b. a continuous three (3) foot high berm measured from top of curb;
 - c. a minimum six (6) foot high black vinyl colored coated chain link fence located on the plateau of the berm. (CO: LANDSCAPE)
2. Landscaping and buffering along the south property line:
 - a. a minimum thirty-five (35) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
 - b. a continuous five (5) foot high berm measured from top of curb;

- c. a minimum six (6) foot high black vinyl colored coated chain link fence located on the plateau of the berm. (CO: LANDSCAPE)
3. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. one (1) canopy tree planted every twenty (20) feet on center;
 - b. one (1) palm or pine tree for each twenty-five (25) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches at maturity. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along all facades to consist of the following:
- a. the minimum width of the required landscape areas shall be eight (8) feet;
 - b. the length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: LANDSCAPE)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point and be setback a minimum forty (40) feet from the south and east property lines. (CO: BLDG - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K. PLANNED UNIT DEVELOPMENT

1. **The maximum allowable density shall be 5.44 dwelling units per acre.** (ONGOING: ZONING/PLAN) (Previously Condition No. 11 of Resolution R-75-863, Petition 75-I 51)

L. PLANNING

1. Prior to final site plan or master plan approval, the master plan shall be revised to reflect that the total amount of units allocated for POD C is 194 units not 534 units. (DRC: PLANNING)

M. SIGNS

1. Identification sign on Via Flora shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - 40 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only.
 - e. Location - Within twenty-five (25) feet of driveway. (CO: BLDG)
2. Identification sign on Lake Ida/Sims Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. Maximum sign face area per side - 30 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only.
 - e. Location - Within twenty-five (25) feet of driveway. (CO: BLDG)
 3. No wall signs shall be permitted on the facades of the building. (CO: BLDG)

N. USE LIMITATION

1. **The commercial tract "A" shall be limited to 40,264 square feet of gross floor area.** (ONGOING: ZONING-BLDG) (Previously Condition D.1 of Resolution R-91-1463, Petition 75-I 51 (B))
2. **No outdoor speaker or public address systems shall be permitted on site. Existing outdoor loud speakers or public address systems shall be removed from site.** (ONGOING: CODE ENF) (Previously Condition F.1 of Resolution R-91-1463, Petition 75-I 51 (B))

O. COMPLIANCE

1. **The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.** (Previously Condition G.2 of Resolution R-91-1463, Petition 75-I 51 (B))
2. 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)
3. Condition G.1 of Resolution R-91-1463, Petition 75-151(B) which currently states:

As provided in 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.**

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.

Is hereby amended to read:

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)