

RESOLUTION NO. R-97-967

RESOLUTION APPROVING ZONING PETITION DOA79-161(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF NEW PINE GLEN, LTD.
BY ROBERT BENTZ, AGENT
(ABBEY PARK PUD)

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 note~~ 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 DOA79-161(C) was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1997; 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 DOA79-161(C), ~~the~~ petition of New Pine Glen, LTD., by Robert Bentz, agent, for a Development Order **Amendment** to delete land area (-9.88 acres) 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 June 23, 1997, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 1997.

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

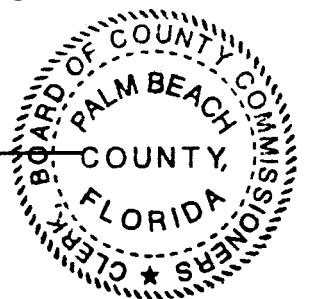


EXHIBIT A
LEGAL DESCRIPTION

ABBEY PARK P.U.D. LESS THE PROPOSED COMMERCIAL PARCEL

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE PLAT OF ABBEY PARK PLAT NO. 1, AS RECORDED IN PLAT BOOK 40, PAGE 92, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH ALL OF THE PLAT OF ABBEY PARK PLAT NO. 2, AS RECORDED IN PLAT BOOK 45, PAGE 136, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH ALL OF THE PLAT OF ABBEY PARK PLAT NO. 3, AS RECORDED IN PLAT BOOK 46, PAGE 180, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH ALL OF THE PLAT OF ABBEY PARK PLAT NO. 4, AS RECORDED IN PLAT BOOK 59, PAGE 134, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH ALL OF THE PLAT OF ABBEY PARK PLAT NO. 5, AS RECORDED IN PLAT BOOK 65, PAGE 89, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH ALL OF THE PLAT OF PINE GLEN AT ABBEY PARK PLAT NO. 1, AS RECORDED IN PLAT BOOK 67, PAGE 184, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH A PARCEL OF LAND LYING IN SAID SECTION 11, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE AFOREMENTIONED PLAT OF ABBEY PARK PLAT NO. 3; THENCE SOUTH **01°29'54"** WEST, A DISTANCE OF **16.00** FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK **6624**, PAGE **1024**, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, FOR A POINT OF BEGINNING.

THENCE, SOUTH **46°29'54"** WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF FOREST HILL BOULEVARD, A DISTANCE OF **35.36** FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY RIGHT-OF-WAY LINE OF ABBEY ROAD AS SHOWN **ON** SAID PLAT OF ABBEY PARK PLAT NO. 3, SAID EASTERLY RIGHT-OF-WAY LINE ALSO BEING THE EASTERLY BOUNDARY LINE OF SAID ABBEY PARK PLAT NO. 3; THENCE, SOUTH **01°29'54"** WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF **204.08** FEET; THENCE, SOUTH **09°03'06"** EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF **189.46** FEET TO THE POINT OF CURVATURE **OF** A CURVE TO THE RIGHT HAVING A RADIUS **OF 214.00** FEET; THENCE, SOUTHERLY ALONG SAID CURVE AND ALONG SAID EASTERLY LINE, THROUGH A CENTRAL ANGLE OF **37°40'48"**, A DISTANCE OF **140.74** FEET TO THE INTERSECTION THEREOF WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ABBEY ROAD EAST, SAID NORTHERLY RIGHT-OF-WAY **LINE BEING THE NORTHERLY BOUNDARY LINE OF SAID** PLAT OF PINE GLEN AT ABBEY PARK PLAT NO. 1; THENCE, **SOUTH 14°01'12"** EAST,

EXHIBIT A
LEGAL DESCRIPTION

CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF **33.87** FEET; THENCE, SOUTH **56°40'06"** EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF **75.80** FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF **125.49** FEET; THENCE, EASTERLY ALONG SAID CURVE, AND CONTINUING ALONG SAID NORTHERLY LINE, THROUGH A CENTRAL ANGLE OF **23°50'00"**, A DISTANCE OF **52.20** FEET TO THE POINT OF TANGENCY; THENCE, SOUTH **80°30'06"** EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF **520.46** FEET TO THE POINT OF CURVATURE OF CURVE TO THE LEFT HAVING A RADIUS OF **70.00** FEET; THENCE, EASTERLY ALONG SAID CURVE AND CONTINUING ALONG SAID NORTHERLY LINE, THROUGH A CENTRAL ANGLE OF **11°00'00"** A DISTANCE OF **13.44** FEET TO THE POINT OF TANGENCY; THENCE NORTH **88°29'54"** EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF **51.91** FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORD BOOK **6624**, PAGE **1024**, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH **43°29'54"** EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **35.36** FEET; THENCE, NORTH **01°30'06"** WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **90.00** FEET; THENCE, SOUTH **88°29'54"** WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF **76.91** FEET; THENCE SOUTH **75°55'26"** WEST, A DISTANCE OF **222.97** FEET; THENCE, NORTH **80°30'06"** WEST, A DISTANCE OF **307.51** FEET TO THE POINT OF CURVATURE OF CURVE TO THE RIGHT HAVING A RADIUS OF **100.49** FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF **23°50'00"**, A DISTANCE OF **41.80** FEET TO THE POINT OF TANGENCY; THENCE, NORTH **56°40'06"** WEST, A DISTANCE OF **66.05** FEET; THENCE, NORTH **14°01'12"** WEST, A DISTANCE OF **14.66** FEET TO A POINT ON A CURVE CONCAVE WESTERLY HAVING A RADIUS OF **239.00** FEET AND WHOSE RADIUS POINT BEARS NORTH **63°45'58"** WEST; THENCE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF **35°17'08"**, A DISTANCE OF **147.19** FEET; THENCE, NORTH **09°03'06"** WEST, A DISTANCE OF **187.15** FEET; THENCE NORTH **01°29'54"** EAST, A DISTANCE OF **226.77** FEET TO THE POINT OF BEGINNING.

CONTAINING: 61.07 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

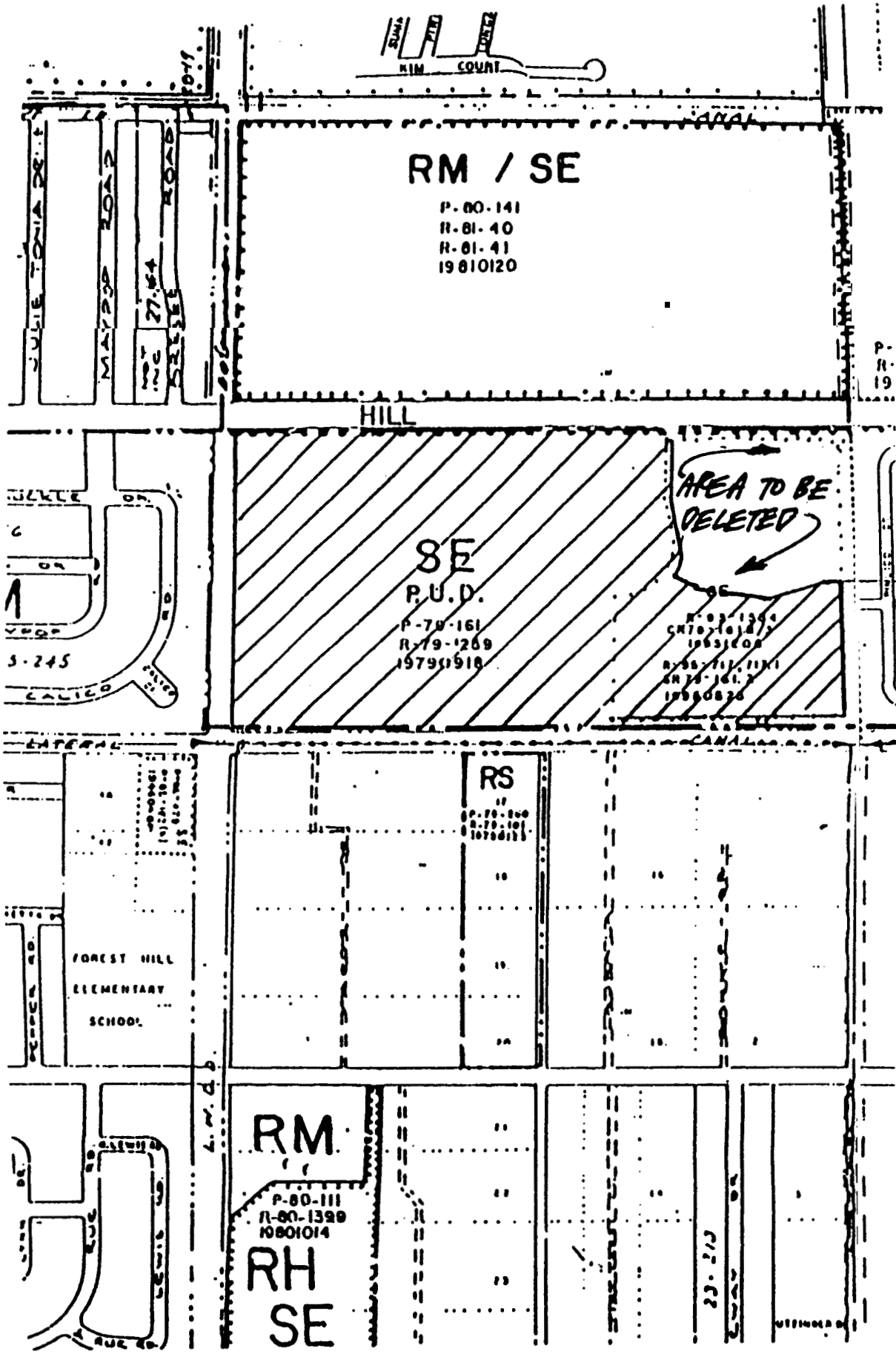


EXHIBIT C

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 1 of Resolutions R-89-1074, Petition 79-161(A) and R-90-1322, Petition 79-161(B) and R-95-717, Status Report 79-161.2, ~~which~~ currently states:

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

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as **contained** in Resolutions R-79-1259 (Petition 79-161), R-89-1074 (Petition 79-161(A)), R-90-1322 and R-90-1323 (Petition 79-161(B)) and R-95-717 (Status Report SR79-161.2), 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)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 13, 1996. **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)

B. BUILDING AND SITE DESIGN

1. **Prior** to certification, the master plan shall be amended to indicate the following:
 - a. The required twenty-five (**25**) foot buffer along Haverhill Road;
 - b. **54** category "A" dwelling units and **105** category "B" dwelling units in Section 1;
 - c. **76** category "A" dwelling units in Section 5; and
 - d. Interconnect the roadway system (Abbey Park Road to the proposed Haverhill extension) with a minimum fifty (**50**) foot right-of-way as shown in Exhibit **No. 39** (Prior approved master plan). (ZONING) (Previously Condition 2 of Resolution R-89-1074, Petition 79-161(A))
2. **The** maximum number of dwelling units permitted in "Section 2 and **Section 3**", a **25.45** acre parcel shall **be 260** category **B** Type units and **5** Category A Type units. (ZONING) (Previously Condition 4 of Resolution Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

3. The site plan graphics for Section 2 and Section 3 presented at the Board of County Commissioners Public Hearing shall be submitted to the Zoning Division for inclusion into the official record. (ZONING) (Previously Condition 5 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

C. COUNTY ATTORNEY

1. The petitioner shall execute and record restrictive covenants and agreements against the property limiting its use to low and moderate income housing. The documents shall be subject to approval by the County Attorney's Office and Planning Division prior to Site Plan Review Committee certification of the Master Plan"

The petitioner shall provide to the Planning, Zoning and Building Department an annual report, starting April 1, 1991, until all units are sold or a minimum of ten (10) years, which details (e.g. purchase contracts, agreements for sale, lease agreements, lease hold interests and other appropriate documentation as determined by the Department) to the satisfaction of the County Attorney and the Planning, Zoning and Building Department that home prices are in compliance with the restrictive covenants and agreements and that units are exclusively provided to low and moderate income families.

If found in violation of the condition, the petition shall be remanded to the Board of County Commissioners for its review and appropriate action. (Previously Condition 2 of Resolution R-95-717, Status Report SR 79-161.2)

2. The County Attorney's office will review within ten (10) days the Master Association documents to ensure the petitioner is required to contribute its share of the maintenance, replacement of the common elements as defined in the Master Association documents. If the County Attorney determines the Master Association documents do not provide for the subject property's contribution in the upkeep and maintenance of the common areas, the petitioner shall execute and record a unilateral Declaration of Maintenance. (Previously Condition 11 of Resolution R-89-1074, Petition 79-161(A))

D. ERM

1. Lakes shall be designed and planted with littoral zones. Plans for the lake design shall be submitted to Environmental Resources Management for approval prior to site plan certification. (Previously Condition 6 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

E. ENGINEERING

1. Condition 1 of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
2. Condition 2 of Resolution R-76-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
3. Condition 3 of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.

4. Condition 4 of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
5. Condition 5 of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
6. Condition 6 of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
7. ~~Condition 7~~ of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
8. Condition 8 of Resolution R-79-1259, Petition 79-161 deleted by Resolutions R-90-1322 and R-90-1323.
9. We will require the West **50** feet of that part of the Southeast Quarter of Section 11, ~~44/42~~, lying South of Forest Hill Boulevard for ~~Right-of-way of~~ Equalizing Canal No. 3 (E-3). We would also request the inclusion of the **South 40** feet of the said Southeast Quarter for the Right-of-way of Lateral Canal No. 8 (L-8). We will accept a Quit Claim Deed or Easement (on our form) whichever the owner prefers. **(ENG)** (Previously Condition 9 of Resolution R-79-1259, Petition 79-161)
10. Condition 6 of Resolution R-89-1074, Petition 79-161(A) deleted by Resolutions R-90-1322 and R-90-1323.
11. Condition 7 of Resolution R-89-1074, Petition 79-161(A) deleted by Resolutions R-90-1322 and R-90-1323.
12. Prior to August 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the expanded intersection at Forest Hill Boulevard and Haverhill Road and for the right turn lane at the project's entrance to Haverhill Road:
 - a. Forest Hill Boulevard, **76** feet from centerline; and [Completed]
 - b. Haverhill Road, **54.5** feet from centerline; and [Completed]
 - c. construction of a right turn lane on Haverhill Road at the project's entrance road. This right-of-way shall be a **minimum of 150** feet in length, **twelve** feet in width and a taper length of **180** feet. [Completed]

All free of 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. **(Previously Condition 11 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))**

13. The Property owner shall construct a right turn lane, north approach on Haverhill Road at the project's entrance road **concurrent** with onsite paving and drainage improvements. Construction **shall** be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition 12 of Resolutions R-90-1322 and R-90-1323, Petition 79-121(B))

14. The Property owner shall convey to Palm Beach County within **90** days of the approval of **this** project adequate road drainage tract through the project's internal surface water management system to provide legal positive **outfall** for all runoff from those segments of Forest Hill Boulevard and Haverhill Road along the property frontage and for a maximum **400 ft.** distance each side of the property boundary lines along Haverhill Road and Forest Hill Boulevard. Said easements shall be no less than **20** feet in width. The drainage system **within the project** shall have sufficient **retention/detention** capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management **for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.** If required by the County Engineer the **property** owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate **wingwall or** other structures. Elevations of all construction **shall** be approved by the County Engineer. (Previously Condition 13 of Resolutions R-90-1322 and R-90-1323, Petition 79-121(B))
[Completed]

15. 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 this project presently is **\$1,155.00** per approved multi-family dwelling unit. (Previously Condition 14 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

16. The property owner shall convey to the Lake Worth Drainage **District** the South **10** feet of the subject property (Section **2**) for the **required** right-of-way for Lateral Canal **No. 8**, by Quit Claim Deed **or** an **Easement** Deed in the form provided by said District prior to August **1, 1990.** (Previously Condition 15 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

17. The Developer shall install signalization if warranted as determined by the County Engineer at:
 - a. project's entrance(s) and Forest Hill Boulevard; and
 - b. project entrance and Haverhill Road.

Should signalization not be warranted after **12** months of the **final** Certificate of Occupancy **this** property owner shall be **relieved** from this condition. (Previously Condition 16 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

18. 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 17 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))
19. The developer of Pine Glen at Abbey Park Plat One (aka New Pine Glen) shall reconstruct the drainage system for Abbey Road East to provide legal positive outfall through the Abbey Park PUD drainage system. This construction shall be completed on or before November 30, 1997. No building permits or certificates of Occupancy shall be issued after November 30, 1997 unless this construction is complete. Certification of completion by the developers engineer shall be provided to the County Engineer. (DATE: MONITORING - Eng)

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition 4 of Resolution R-89-1074, Petition 79-161(A) and Condition 7 of Resolutions R-90-1322 and R-90-1323 Petition 79-161(B))
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition 5 of Resolution R-89-1074, Petition 79-161(A) and Condition 8 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

G. LANDSCAPE

1. A twenty-five (25) foot buffer shall be provided around the North and East perimeter of Section 2 and 3. This buffer shall be planted with minimum twelve (12) foot high native canopy trees alternately spaced at a maximum of twenty-five (25) feet on center. (ZONING) (Previously Condition 2 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

H. SCHOOL BOARD

1. Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) if the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact. (SCHOOL BOARD) (Previously Condition 10 of Resolution R-79-1259, Petition 79-161)
2. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters.

This documentation shall be updated on an annual basis. (Previously Condition 9 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

I. **SWA**

1. The property owner shall participate in a recycling program when available in the area. (Previously Condition 18 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B))

J. **COMPLIANCE**

1. Condition 12 of Resolution R-89-1074, Petition 79-161(A), which currently states:

Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provide in the Palm Beach County Zoning Code.

and

Condition 19 of Resolutions R-90-1322 and R-90-1323, Petition 79-161(B), which currently states:

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 noncompliance, 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.

Are 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; 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 noncompliance, 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)