

RESOLUTION NO. R-2000- 0579

RESOLUTION APPROVING ZONING PETITION DOA82-174(E)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF BENCHMARK DEVELOPMENT CORP.  
BY KILDAY & ASSOCIATES, INC., AGENT  
(WEST BOCA ESTATES 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 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 DOA82-174(E) was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2000; 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 DOA82-174(E), the petition of Benchmark Development Corp., by Kilday & Associates, Inc., agent, for a Development Order Amendment (DOA) to delete land area 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 April 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Absent
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 April 27, 2000.

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

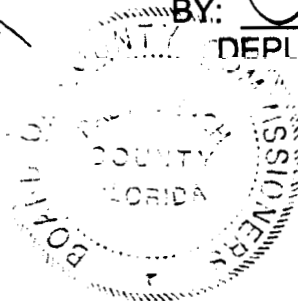


EXHIBIT A

LEGAL DESCRIPTION

A portion of Tract 89 in Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, Pages 45-54, of the Public Records of Palm Beach County, Florida.

Being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 89;

THENCE South 00°00'01" West along the East line of said Tract 89, a distance of 15 feet to the POINT OF BEGINNING;

THENCE continue South 00°00'01" West along the East line of said Tract 89, a distance of 580.00 feet to a point;

THENCE South 89°59'38" West along a line 65 feet North of and parallel with the South line of said Tract 89, a distance of 330.10 feet to a point;

THENCE North 00°00'01"E along the West line of said Tract 89, a distance of 580.00 feet to a point on a line 15 feet South of the North line of said Tract 89;

THENCE North 89°59'38" East along a line 15 feet South of and parallel with the North line of said Tract 89, a distance of 330.10 feet to the POINT OF BEGINNING.

LESS the land being particularly described as follows

A portion of Tract 89 in Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, Pages 45 - 54, of the Public Records of Palm Beach County, Florida.

Being more particularly described as follows:

COMMENCING at the Northeast corner of said Tract 89;

THENCE South 00" 00' 01" West along the East line of said Tract 89, a distance of 15 feet to the POINT OF BEGINNING;

THENCE continue South 00" 00' 01" West, a distance of 226.00 feet;

THENCE North 89" 59' 59" West, a distance of 190.08 feet;

THENCE South 70" 02' 27" West, a distance of 18.07 feet;

THENCE North 89" 59' 59" West, a distance of 123.04 feet to a point on the West line of Tract 89;

THENCE North 00" 00' 01" East, a distance of 232.13 feet to a point on a line 15 feet South of the North line of Tract 89;

THENCE North 89" 59' 38" East along a line 15 feet South of and parallel with the North line of said Tract 89, a distance of 330.10 feet to the POINT OF BEGINNING.

LESS and except the property conveyed in that certain Deed dated November 6, 1988 by and between AFFIRMATION LUTHERAN CHURCH, INC. (Grantor) and STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (Grantee) recorded February 2, 1989, Official Record Book 5955, Page 1222, which property is described as follows:

EXHIBIT A  
LEGAL DESCRIPTION

That portion of tract 89, Block 77 of "PALM BEACH FARMS CO., PLAT NO. 3", as recorded in Plat **Book 2**, Pages 45 through **54** of the Public Records in Palm Beach County, Florida, being more particularly described as follows:

COMMENCE at the Found Copperweld with "X" cut in the Southwest corner in Section 18, Township 47 South, Range 42 East; thence N. 00° 29' 52" **W.**, along the West Section line of said Section 18 a distance of 1,218.09 feet to the BASELINE OF **SURVEY** for State Road 808 (Glades Rd.);

THENCE N. 89° 59' 38" E., along said BASELINE a distance of 2,779.80 feet;

THENCE N. 00° 00' 22" **w.**, a distance of 40.00 feet to the Northerly Existing Right-of-**Nay** line for State Road 808 (Glades Rd.);

THENCE N. 00° 00' 01" E., a distance of 40.00 feet to the POINT OF BEGINNING;

THENCE continue N. 00° 00' 01" E., a distance of 25.00 feet:

THENCE **S. 45° 00' 22" E.**, a distance of 35.36 feet;

THENCE **S. 89° 59' 38" W.**, a distance of 25.00 feet to the POINT OF BEGINNING

Said land lying in Section 18, Township 47 South, Range 42 East, Palm Beach County, Florida, ALL CONTAINING 115,735.68 square feet (2.65 acres), more or less.



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 **A.1** of Resolution R-98-2040, Petition DOA82-174(D) which currently states:

All previous conditions **of** approval applicable to the subject **property**, as contained in Resolution 83-608 (Petition 82-174, Modification **of** Zoning Petition 74-54)) and Resolution R-85-276 (Petition **82-174A**) and Resolution **89-1083** (Petition **82-174B**) and Resolution 90-389 (amending R89-1083) 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.

**Is** hereby amended to read:

All previous conditions **of** approval applicable to the subject property, as contained in Resolution 98-2040, Petition 82-174D 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. Condition **A.2** of Resolution R-98-2040, Petition DOA82-174(D) which currently states:

Development **of** the site is limited to the uses and site design **approved** by the **Board of** County Commissioners. The approved site plan is dated October 1<sup>st</sup>, 1998. 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.

**Is** hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated February 28, 2000. 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. (DRC: ZONING)

3. Condition **A.3** of Resolution R-98-2040, Petition DOA82-174(D) which currently states:

The petitioner, property owner and/or developer shall comply with **all** conditions previously imposed upon the approval **of** Petition **No. 74-54**.

Is hereby deleted. Reason: [condition has been consolidated].

4. The developer shall pay **\$300** per single family unit and **\$200** per multi-family unit, at the time of issuance of building permits, toward meeting the cost of the direct and identifiable traffic impact of this project (Previously Condition A.4 of Resolution R-98-2040, Petition DOA82-174(D))
5. The development of Phase 5 shall be limited to **120** units and the overall development of **235** units. (Previously Condition A.7 of Resolution R-98-2040, Petition DOA82-174(D))
6. Condition A.9 of Resolution R-98-2040, Petition DOA82-174(D) which currently states:  
  
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.  
  
Is hereby deleted. Reason: [Code requirement].
7. Condition A.10 of Resolution R-98-2040, Petition DOA82-174(D) which currently states:  
  
Reasonable measures shall be exercised during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.  
  
Is hereby deleted. Reason: [Code requirement].
8. Condition A.12 of Resolution R-98-2040, Petition DOA82-174(D) which currently states:  
  
The petitioner shall submit appropriate documentation from the respective utilities to allow for the installation of required landscaping.  
  
Is hereby deleted. Reason: [Code requirement].
9. The developer shall preserve the existing cypress stand on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area. This preservation area shall receive appropriate protection from damage and disturbance in accordance with Section **500.36** of the Zoning Code during the site development and construction phase. (Previously Condition A. 13 of Resolution R-98-2040, Petition DOA82-174(D))
10. The petitioner shall provide a landscape buffer along the western property line. This buffer shall consist of a three (3) foot high berm with thirty-six (36) inch high hedge material and supplemented with twelve (12) foot canopy trees planted twenty (20) feet on center. (Previously Condition A.14 of Resolution R-98-2040, Petition DOA82-174(D)). (This condition is applicable to West Boca Estates residential portion only).
11. The petitioner shall preserve and incorporate the existing: nineteen (19) sabal palms, two (2) orchid trees and two (2) pongams, into the perimeter landscape buffers and/or other open space areas on site. (Previously Condition A.15 of Resolution R-98-2040, Petition DOA82-174(D)). (This condition is applicable to West Boca Estates residential portion only).

12. Prior to DRC site plan application, the petitioner shall submit a **revised** master plan indicating the full thirty (**30**) foot landscape buffer **along** the north property line. (Previously Condition A.16 of Resolution R-98-2040, Petition DOA82-174(D)) (DRC: ZONING). (This condition is applicable to West Boca Estates residential portion only).

**B. BUILDING AND SITE DESIGN (DAYCARE CENTER ONLY)**

1. Total gross floor area of the daycare center shall be limited to a maximum of **9,897** square feet. Expansion shall be limited to five percent (**5%**) or **1,000** square feet, whichever is less provided parking requirements are met pursuant to Section **7.2.B** of the ULDC. (Previously Condition B.1 of Resolution R-98-2040, Petition DOA82-174(D)) (DRC: ZONING)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (Previously Condition B.2 of Resolution R-98-2040, Petition DOA82-174(D)) (BLDG PERMIT: BLDG - Zoning)
3. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (**25**) feet. (Previously Condition B.3 of Resolution R-98-2040, Petition DOA82-174(D)) (BLDG PERMIT: BLDG - Zoning)
4. All air conditioning and mechanical equipment 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. (Previously Condition B.4 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: BLDG - Zoning)
5. The minimum setback for the outdoor play/recreational equipment shall be twenty five (**25**) feet from all residentially used property lines. (Previously Condition B.5 of Resolution R-98-2040, Petition DOA82-174(D)) (DRC: ZONING)

**C. DAY CARE**

1. The day care center shall be limited to a maximum licensed **capacity** of **190** children. (Previously Condition C.1 of Resolution R-98-2040, Petition DOA82-174(D)) (ONGOING: HEALTH)

**D. HEALTH**

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on site. (Previously Condition F.1 of Resolution R-98-2040, Petition DOA82-174(D))
2. Water service is available to the property. Therefore, no well shall be permitted on site to provide potable water. (Previously Condition F.2 of Resolution R-98-2040, Petition DOA82-174(D))



E. ENGINEERING

1. The development shall retain onsite **85%** of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. (Previously Condition E.1 of Resolution R-98-2040, Petition DOA82-174(D))
2. The property owner shall convey for the ultimate right of way of Glades Road, **80** feet from centerline 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. (Previously Condition E.2 of Resolution R-98-2040, Petition DOA82-174(D))
3. The developer 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. Presently the Fair Share Fee for this project is **\$5,275.00**. (Previously Condition E.3 of Resolution R-98-2040, Petition DOA82-174(D))
4. The petitioner 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 water 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. (Previously Condition E.4 of Resolution R-98-2040, Petition DOA82-174(D))
5. The petitioner shall construct from **95<sup>th</sup>** Avenue South at Glades Road to the project's entrance as a three (3) lane section plus applicable tapers concurrent with onsite paving and drainage improvements. (Previously Condition E.5 of Resolution R-98-2040, Petition DOA82-174(D))

F. LANDSCAPING - STANDARD (DAYCARE CENTER ONLY)

1. All canopy trees required to be planted on site by this approval 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. (Previously Condition G.1 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: LANDSCAPING - Zoning)

2. **All palms required to be planted on site by this approval, except on individual residential lots, shall 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. (Previously Condition G.2 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

All palms required to be planted on site by this approval shall 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. (Previously Condition G.2 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: LANDSCAPE - Zoning)

3. **A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (Previously Condition 3.3 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: LANDSCAPE - Zoning)**

G. LANDSCAPING - INTERIOR (DAYCARE CENTER ONLY)

- 1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall be five **(5)** 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. (Previously Condition H.1 of Resolution R-98-2040, Petition DOA82-174(D)) (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG NORTH AND THE NORTH 225 FEET OF THE EAST AND THE EAST 200 FEET OF THE SOUTH PROPERTY LINES (DAYCARE AREA ONLY, ABUTTING RESIDENTIAL)

- 1. Condition 1.1 of Resolution R-98-2040, Petition DOA82-174(D) which currently states:

Landscaping and buffering along the above property lines shall include:

  - a. A minimum fifteen **(15)** foot wide landscape buffer strip; and
  - b. One **(1)** canopy tree planted every twenty **(20)** feet on center;

- c. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Thirty (30) 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 seventy-two **(72)** inches. (CO: LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the above property lines shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip; and
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Thirty (30) 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 seventy-two (72) inches; and
- e. The buffer along the remaining South Property line shall meet minimum code requirement. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE NORTH 225 FEET OF THE WEST PROPERTY LINE (ABUTTING 95<sup>th</sup> AVENUE SOUTH) (DAYCARE CENTER ONLY)

- 1. Landscaping and buffering along the above property line shall include:
  - a. A minimum fifteen **(15)** foot wide landscape buffer strip; and
  - b. A continuous berm measured two foot high measured from finished grade; and
  - c. One **(1)** canopy tree planted every thirty (30) feet on center;
  - d. One **(1)** palm or pine tree for each thirty **(30)** linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - e. Twenty four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation and to be planted at the plateau of the berm and to be maintained at a minimum height of thirty-six **(36)** inches. (Previously Condition J.1 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE OUTDOOR PLAY AREA (DAYCARE CENTER ONLY)

- 1. Landscaping and buffering along the outdoor play area shall include:
  - a. A six **(6)** foot high black, vinyl coated chain link fence. (Previously Condition K.1 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: LANDSCAPE)

K. LIGHTING (DAYCARE CENTER ONLY)

1. **All** outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previously Condition L.1 of Resolution R-98-2040, Petition DOA82-174(D)) (CO/ ONGOING: BLDG / CODE ENF - Zoning)
2. **All** outdoor lighting fixtures shall not exceed fifteen (**15**) feet in height, measured from finished grade to highest point. (Previously Condition L.2 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: BLDG - Zoning)
3. **All** outdoor lighting shall be extinguished no later than **9:00 p.m.**, excluding security lighting only. (Previously Condition L.3 of Resolution R-98-2040, Petition DOA82-174(D)) (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed **security** or **low** voltage **landscape/accent** type lights used to emphasize plant material. (Previously Condition L.4 of Resolution R-98-2040, Petition DOA82-174(D)) (ONGOING: CODE ENF)

L. SIGNS (DAYCARE CENTER ONLY)

1. Freestanding point of purchase signs fronting on **95<sup>th</sup> Avenue South** 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 - **60** square feet;
  - c. Maximum number of signs - one (**1**); and
  - d. Style - monument style only. (Previously Condition M.1 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: BLDG)
2. **No** off-premise signs or relocated billboards shall be permitted on the site. (Previously Condition M.2 of Resolution R-98-2040, Petition DOA82-174(D)) (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be limited to the south and west facades of the daycare building. (Previously Condition M.3 of Resolution R-98-2040, Petition DOA82-174(D)) (CO: BLDG)

M. USE LIMITATION (DAYCARE CENTER ONLY)

1. Hours of operation for the daycare shall be limited to the following:
  - a. **6:00 a.m. - 7:00 p.m.** Monday through Friday. (Previously Condition N.1 of Resolution R-98-2040, Petition DOA82-174(D)) (ONGOING: CODE ENF)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be

presented to the Board of County Commissioners for review under the compliance condition of this approval. (Previously Condition 0.1 of Resolution R-98-2040, Petition DOA82-174(D)) (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. (Previously Condition 0.2 of Resolution R-98-2040, Petition DOA82-174(D)) (MONITORING)