

RESOLUTION NO. R-2003-0951

RESOLUTION APPROVING ZONING PETITION DQA1981-020C
DEVELOPMENT ORDER AMENDMENT
PETITION OF AT&T WIRELESS SERVICES
BY THOMAS YONGE, AGENT
(AT&T REZONING)

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 DOA1981-020C was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2003; 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 has considered the findings in the staff report and 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 adapted, 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 DOA1981-020C, the petition of AT&T Wireless Services, by Thomas Yonge, agent, for a Development Order Amendment 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 June 26, 2003, 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 Greene and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 26, 2003.

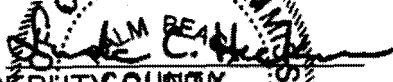
Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY ti. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK
FLORIDA

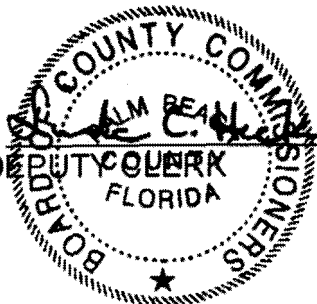


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AND THE NORTH LINE OF SAID SECTION 35; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 400.00 FEET TO A POINT; THENCE SOUTH PARALLEL TO THE WEST BOUNDARY OF SAID MILITARY TRAIL 400.00 FEET TO A POINT; THENCE EAST, PARALLEL TO THE NORTH BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 400.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID MILITARY TRAIL; THENCE NORTH ALONG SAID WEST BOUNDARY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 400.00 FEET TO THE **PLACE OF BEGINNING, LESS** THEREFROM THE FOLLOWING:

- (1) THE SOUTH 55.00 FEET THEREOF;
- (2) THE NORTH 45.00 FEET FOR CANAL RIGHT-OF-WAY, AS PER DEED BOOK 6792, PAGE 1485, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
- (3) THE EASTERLY 27 FEET FOR RIGHT-OF-WAY OF MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 3743, PAGE 1679 OF THE AFORESAID PUBLIC RECORDS;
- (4) THE ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL, **AS** RECORDED IN OFFICIAL RECORD BOOK 7269, PAGE 182 **OF** THE AFORESAID PUBLIC RECORDS;
- (5) **WALGREENS ADDITION**

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER **OF** SAID SECTION 35, THENCE SOUTH 88°53'15" WEST, ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 3743, PAGE 1679 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°40'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 45.35 FEET TO THE ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 7269, PAGE 182 OF THE AFORESAID PUBLIC RECORDS; THENCE SOUTH 00°46'46" WEST, ALONG THE WEST RIGHT-OF-WAY LINE **OF** SAID ADDITIONAL RIGHT-OF-WAY, A DISTANCE OF 88.05 FEET; THENCE SOUTH 03°32'37" WEST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 129.54 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°39'46" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 361.25 FEET; THENCE SOUTH 00°40'15" EAST, A DISTANCE **OF** 87.42 FEET, THENCE NORTH 88°53'15" EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 357.50 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL; THENCE NORTH 00°40'15" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 31.64 FEET; THENCE NORTH 03°32'37" EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 51.06 FEET TO **THE POINT OF BEGINNING**.

CONTAINING IN ALL, 1.81884 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

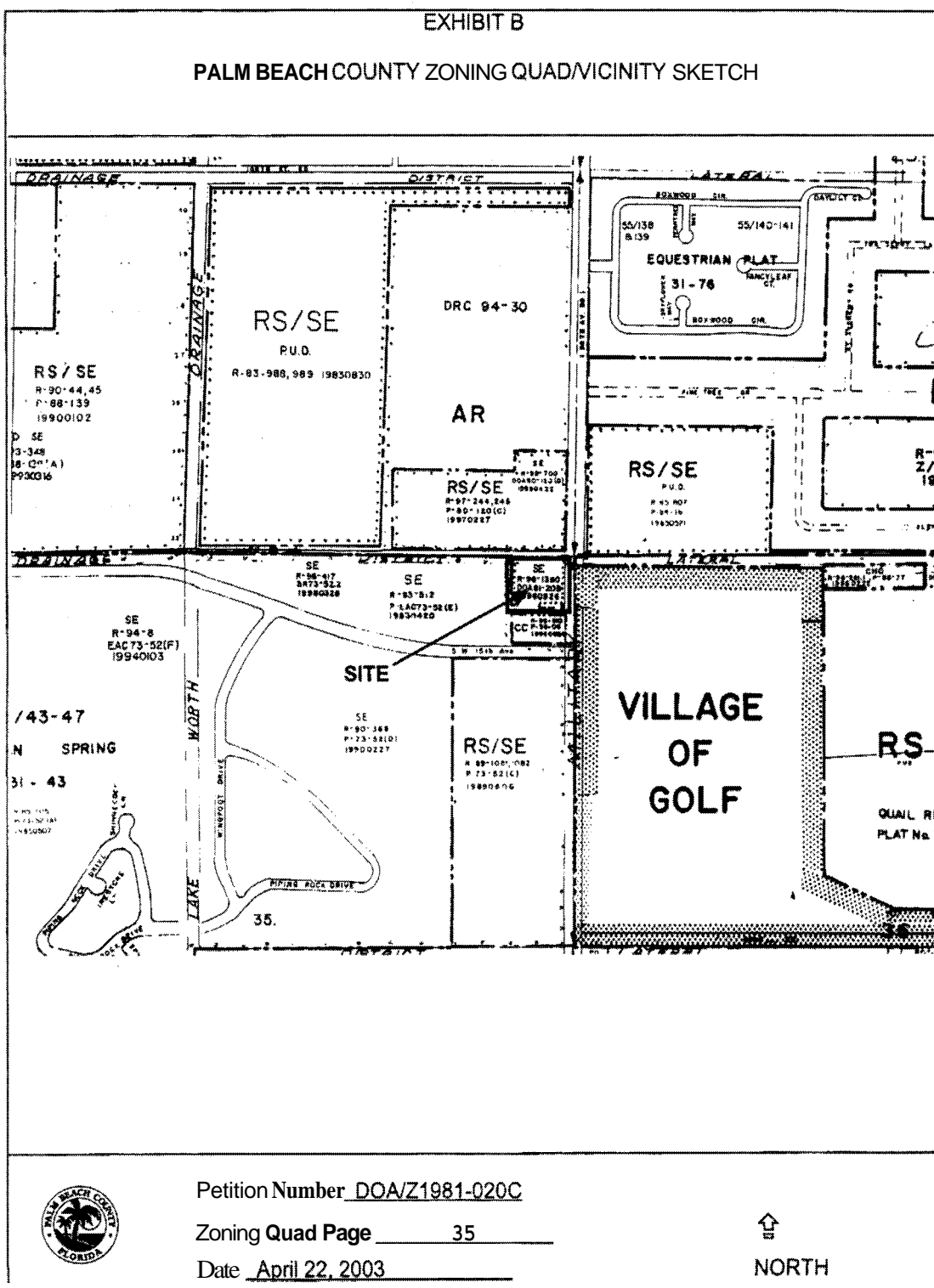


EXHIBIT C
CONDITIONS OF APPROVAL

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. Condition A.1 of Resolution 1996-1360, Petition 1981-020B which currently states:

The petitioner shall comply with all previous conditions of approval, unless expressly **modified** herein. (~~ONGOING:MONITORING-Zoning~~)

~~Is~~ hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-460 (Petition 1981-020), R-91-375 (Petition 1981-020A) and R-1996-535 (Petition 1981-020B) R-1996-1360 (Petition 1981-020B) , 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 1996-1360, Petition 1981-020B which currently states:

The site plan shall be amended to indicate compliance with all **minimum property development regulations** and land **development requirements**. (~~DRC:ZONING~~)

~~Is~~ hereby deleted. REASON: [Code requirement].

3. Condition A.3 of Resolution 1996-1360, Petition 1981-020B which currently states:

Development of **the** site is limited to **the** uses and site design shown on the site **plan** approved by **the** Board of County **Commissioners**. Any modifications must be approved by the Board of County Commissioners unless the proposed use **or** design changes are permitted pursuant to Section **402.7 (E) 2 (b)** (Site Plan Review Committee Powers and Standards of Review). (~~ONGOING:ZONING~~)

Is hereby amended to read:

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 May 28, 2003. 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-Zoning~~)

4. Condition **B.2** of Resolution 1996-1360, Petition 1981-020B which currently states:

Prior to site plan certification, the site plan shall be amended to reflect the following:

- a. Elimination of **two** (2) parking stalls, and
- b. **Provision** for a fifteen (15) foot landscape strip along **Military Trail**.

is hereby deleted. REASON:[Completed].

5. All garbage and refuse receptacles shall be confined to a **designated** area. Dumpsters or other trash collection devices shall **be** concealed behind an enclosure having an **architectural** treatment **compatible** with the principal building. The open end of the enclosure shall have an obscure, opaque gate. (Previous Condition B.1 of Resolution 1996-1360, Petition 1981-020B) (CO: BLDG-Zoning)
6. Prior to site plan **certification** by the Development Review Committee (DRC), the petitioner shall record a cross access agreement from the subject property to the north to the adjacent property to the **south** in a form acceptable to the County Attorney. (Previous Condition B.3 of Resolution 1996-1360, Petition 1981-020B) (DRC: CO ATTORNEY-Zoning)

B. COMMUNICATION TOWER

1. Palm Beach County shall have the right to **co-locate** County **communication** equipment **on** the subject tower provided that the placement of County **equipment** does not interfere with the petitioner's equipment or operations. (Previous Condition C.1 of Resolution 1996-1360, Petition 1981-020B) (ONGOING:PREM-PREM)
2. No future expansion (excluding addition of antennas or tenants) **shall** be permitted on the communication tower. (ONGOING: ZONING-Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition J.1 of Resolution 1996-1360, Petition 1981-020B which currently states:

All prohibited species, including Australian pine, melaleuca, Brazilian pepper and acacia (**Earleaf**), shall be removed from the entire site.

Is hereby deleted. REASON:[Completed].

2. Condition J.2 of Resolution 1996-1360, Petition 1981-0208 which currently states:

The applicant shall submit prior to site plan **certification**:

- a. An eradication program that **specifies** the **planting** program for any required landscaping and the time frames and methods of removal of the **prohibited** species, as well as treatment of the disturbed areas to prevent the **re-establishment** of **prohibited** species.
- b. A management plan that **includes** the **monitoring** of the treated areas from **re-establishment** of the prohibited species.
- c. The eradication program and the management plan shall be **submitted** to the Zoning Division and **Environmental Resources Management** for review and approval prior to Site Plan Certification.

- d. The applicant shall preserve and protect the existing mature native slash pines on site. The site plan shall be modified to reflect the specific location and diameter of each tree.

Is hereby deleted. REASON:[Completed].

D. 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-Health) (Previous Condition D.1 of Resolution 1996-1360, Petition 1981-020B)
2. Sewer **service** is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH-Health) (Previous Condition D.2 of Resolution 1996-1360, Petition 1981-020B)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH-Health) (Previous Condition D.3 of Resolution 1996-1360, Petition 1981-0208)
4. **No** portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10- D-6 Florida **Administrative Code**. (ONGOING: HEALTH-Health) (Previous Condition 0.4 of Resolution 1996-1360, Petition 1981-020B)

E. ENGINEERING

1. **Within** ninety (90) days of Special Exception approval, petitioner **shall** convey to Palm Beach County **60'** from centerline for the ultimate right of way for **Military Trail**. (Previous Condition E.1 of Resolution 1996-1360, Petition 1981-020B) NOTE: [Completed].
2. The open area north of the **12** foot access drive shall be sodded and maintained. (Previous Condition E.2 of Resolution 1996-1360, Petition 1981-020B) NOTE: [Completed].
3. 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. 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**. (Previous Condition E.3 of Resolution 1996-1360, Petition 1981-020B)
4. If required by the County Engineer, prior to June 1, 1991 or prior to the issuance of the first **Building** Permit, the Property owner **shall** convey to Palm Beach County 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 **Military Trail** along the property **frontage** and for a **maximum 400 ft. distance**

each side of the property **boundary** lines along **Military** Trail. 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 hater 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. (Previous Condition E.4 of Resolution 1996-1360, Petition 1981-020B)

5. The property owner shall pay a Fair Share Fee **if** the amount and manner required by the "**Fair Share Contribution** far Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share **Fee** for this project at the time of the Building Permit presently is **\$ 5,720.00 (104 trips X \$55.00 per trip)**. (BLDG.PERMIT:ENG-Eng) (Previous Condition E.5 of Resolution 1996-1360, Petition 1981-020B)
6. Prior to June **1, 1991**, the property owner shalt convey to the Lake Worth Drainage District the North 45 feet of the subject property the required **right-of-way** for Lateral Canal No. 26. (DATE: LWDD-LWDD) (Previous Condition E.6 of Resolution 1996-1360, Petition 1981-020B)
7. The concurrency approval **is** subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance, (DRC:ENG-Eng)

F. LANDSCAPING - STANDARD

1. All replacement or newly planted trees to be installed in the perimeter buffers shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at **4.5** feet above grade;
 - c. canopy diameter: Seven (7)feet = diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All replacement or newly planted palms required to be installed on the property by this approval, shalt 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 - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for all the canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L 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 - Zoning)

5. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)
6. Prior to the sign-off of the building permit of the parking lot of Walgreens, the petitioner shall complete the following on the 1.82 acre AT&T site:
 - a. replace all dead, damaged or missing plant material; and
 - b. replace all or portions of the existing wood fence where damaged. (BLDG PERMIT: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING WALGREENS PARKING LOT)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a minimum six (6) foot high black vinyl coated chain link fence;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence;
 - e. one (1) shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of sixty (60) inches at installation, and to be planted on the interior side of the fence. Shrubs shall be maintained at a minimum height of seventy-two (72) inches at maturity; and
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on the exterior side of the fence. (CO:LANDSCAPE-Zoning)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. **The petitioner shall install along the entire east property line adjacent to Military Trail, in the required fifteen (15) foot landscape strip, a continuous opaque hedge thirty six (36) inches high and twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center, (CO:LANDSCAPE-Zoning) (Previous Condition F.1 of Resolution 1996-1360, Petition 1981-0208)**

I. LANDSCAPING -INTERIOR

1. Condition F.2 of Resolution 1996-1360, Petition 1981-020B which currently states:

The petitioner shall install a thirty-six (36) inch high continuous opaque hedge and ten (10) foot tall native canopy trees, spaced no more than twenty (20) feet on center, on the exterior side of a six (6) foot high opaque wooden fence on the north, south and west perimeters of the tower, equipment building and vehicle circulation area.

Is hereby amended to read:

The petitioner shall install a thirty-six (36) inch high continuous opaque hedge and ten (10) foot tall native canopy trees, spaced no more than twenty (20) feet on center, on the exterior side of a six (6) foot high opaque wooden fence on the north and west perimeters of the tower,

equipment building and vehicle circulation area. (CO: LANDSCAPE-Zoning)

J. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets. (ONGOING: CODE ENF-Zoning) (Previous Condition G.1 of Resolution 1996-1360, Petition 1981-0208)

K. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (ONGOING: CODE ENF-Zoning) (Previous Condition H.1 of Resolution 1996-1360, Petition 1981-0208)

L. SIGN

1. Condition I.1 of Resolution 1996-1360, Petition 1981-020B which currently states:

Signs fronting on **Military** Trail shall be limited as follows:

- a. **Maximum** sign height - fifteen (15) feet.
- b. **Maximum** total sign face area - **200** square feet.
- c. **Maximum** number of signs - one (1).

is hereby amended to read:

Signs fronting on Military Trail shall be limited as follows:

- a. **Maximum** sign height - fifteen (15) feet.
- b. **Maximum** total sign face area - one hundred (100) square feet.
- c. **Maximum** number of signs - one (1). (BLDG. PERMIT:ZONING-Zoning)

2. Condition **12** of Resolution 1996-1360, Petition 1981-020B which currently states:

No off-premise signs shall be permitted on site.

Is hereby deleted. REASON: [Replaced by Condition L/code requirement].

3. Condition **13** of Resolution 1996-1360, Petition 1981-020B which currently states:

If, prior to the issuance of a **building permit** for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede the sign-related conditions of approval.

Is hereby deleted. REASON: [Replaced by Condition L].

M. 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. (ONGOING: MONITORING - Zoning)

2. Condition K.1 of Resolution 1996-1360, Petition 1981-020B which currently states:

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 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.

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**)

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 Code Enforcement Special Master 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. (ONGOING:MONITORING-Zoning)