

05/5/

RESOLUTION NO. R-98- 568

RESOLUTION APPROVING ZONING PETITION EAC86-31(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF MERIDIAN PARK VILLAGE LTD. PARTNERSHIP  
BY KILDAY & ASSOCIATES, INC., AGENT  
(FREEDOM VILLAGE)

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 EAC86-31(B) was presented to the Board of County Commissioners at a public hearing conducted on April 23, 1998; 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 EAC86-31(B), the petition of Meridian Park Village Ltd. Partnership, by Kilday & Associates, Inc., agent, for a Development Order Amendment/Expedited Application Consideration (EAC) To redesignate land uses (model center to active recreation 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 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty 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	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on April 23, 1998.

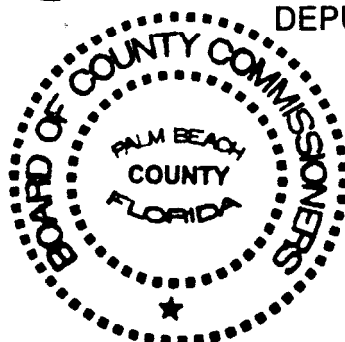
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Altman*  
COUNTY ATTORNEY

BY: *Jan Haverly*  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

**TRACTS "2", "A", "B", "C" AND "D" AND THE PRESERVATION AREA, FREEDOM VILLAGE LAKESIDE, A PART OF SPORTSMEN'S CLUB P.U.D., AS RECORDED IN PLAT BOOK 71, PAGES 65 THROUGH 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

**TOGETHER WITH (PARCEL "A")**

**A PARCEL OF LAND LYING WITHIN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE WEST QUARTER SECTION CORNER OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 87 DEGREES, 20 MINUTES, 55 SECONDS EAST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 5, A DISTANCE OF 2861.32 FEET; THENCE NORTH 02 DEGREES, 39 MINUTES, 05 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE PLAT OF FREEDOM VILLAGE LAKESIDE, AS RECORDED IN PLAT BOOK 71, PAGES 65 THROUGH 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 09 DEGREES, 34 MINUTES, 22 SECONDS EAST ALONG THE EAST LINE OF SAID PLAT OF FREEDOM VILLAGE LAKESIDE, SAID EAST LINE ALSO BEING THE EAST LINE DESCRIBED IN DEED NUMBER 19520 ISSUED BY THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND AND RECORDED AT DEED BOOK 889, PAGE 184 OF SAID PUBLIC RECORDS, A DISTANCE OF 414.33 FEET TO THE SOUTH LINE OF THE PLAT OF LANAIR PARK, AS RECORDED IN PLAT BOOK 21, PAGE 58 OF SAID PUBLIC RECORDS, THENCE NORTH 88 DEGREES, 03 MINUTES, 22 SECONDS EAST ALONG SAID SOUTH LINE OF LANAIR PARK, A DISTANCE OF 88.92 FEET; THENCE SOUTH 17 DEGREES, 14 MINUTES, 18 SECONDS WEST, A DISTANCE OF 130.36 FEET; THENCE SOUTH 07 DEGREES, 41 MINUTES, 46 SECONDS WEST, A DISTANCE OF 122.50 FEET; THENCE SOUTH 87 DEGREES, 20 MINUTES, 55 SECONDS WEST ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL WITH SAID EAST-WEST QUARTER SECTION LINE, A DISTANCE OF 63.67 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 45.51 ACRES MORE OR LESS**

**EXHIBIT A**

**LEGAL DESCRIPTION**

DESCRIPTION OF RECREATION PARCEL

A PORTION OF TRACT 2, FREEDOM VILLAGE LAKESIDE A PART OF SPORTSMEN'S CLUB P.U.D., AS RECORDED IN PLAT BOOK 71, PAGES 65 THROUGH 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

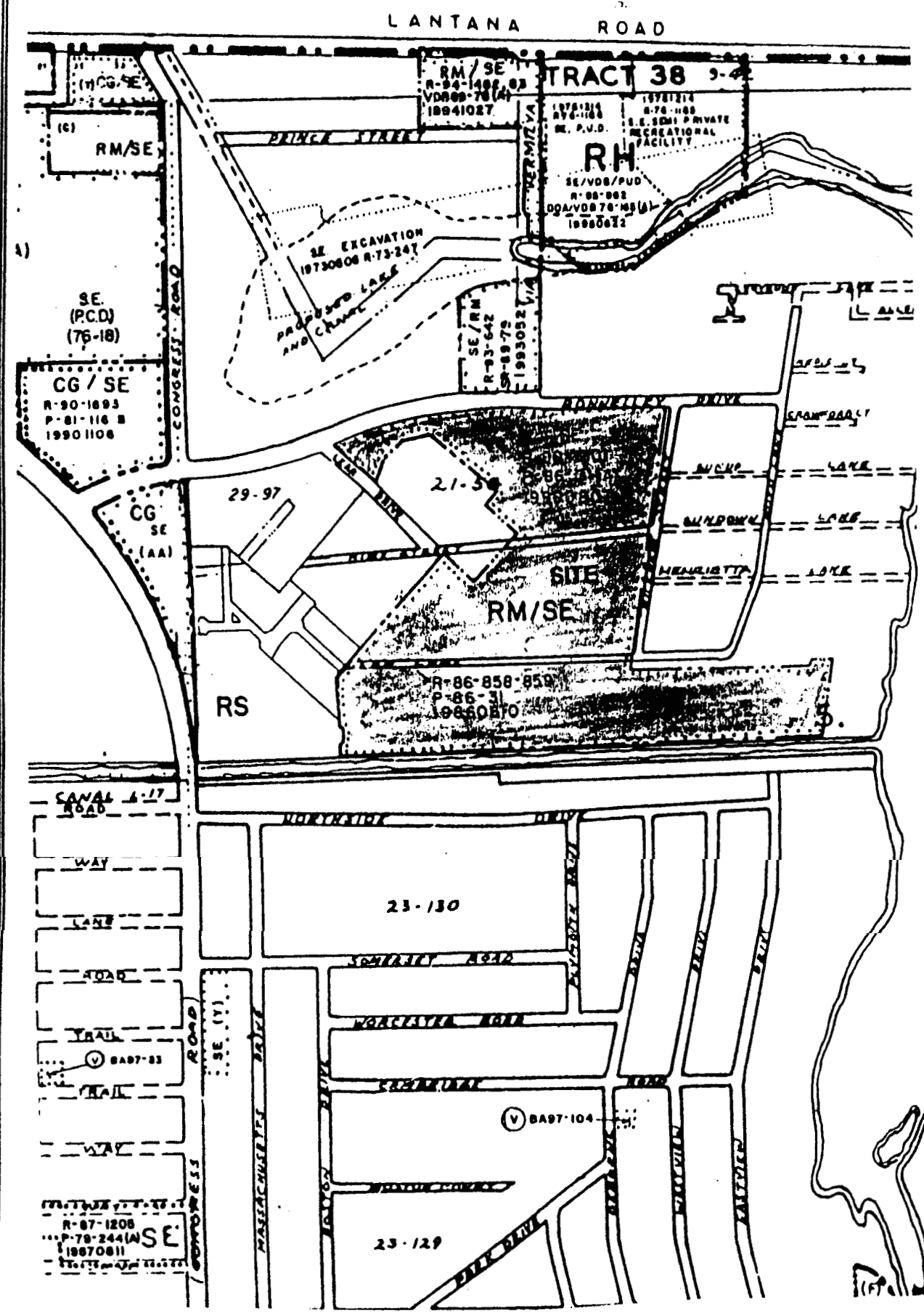
BEGINNING AT THE NORTHWEST CORNER OF WATER MANAGEMENT TRACT "A" AS SHOWN ON FREEDOM VILLAGE LAKESIDE A PART OF SPORTSMEN'S CLUB P.U.D. AS RECORDED ~~IN~~ PLAT BOOK 71, PAGES 65 THROUGH 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, **FLORIDA**, SAID NORTHWEST CORNER BEING THE INTERSECTION OF THE WESTERLY LINE OF TRACT "2" AS SHOWN ON *SAID* FREEDOM VILLAGE LAKESIDE A PART OF SPORTSMEN'S CLUB P.U.D. AND THE LINE COMMON TO SAID TRACT 2 **AND** SAID WATER MANAGEMENT TRACT "A"; THENCE NORTH 42 DEGREES, 43 MINUTES, 03 SECONDS EAST ALONG *SAID* COMMON LINE, A DISTANCE OF 145.00 FEET; THENCE NORTH 05 DEGREES, 00 MINUTES, 31 SECONDS WEST TO THE RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHEAST WITH A **RADIUS OF 1600.21** FEET, **SAID** CURVE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF DONNELLY DRIVE AS SHOWN ON SAID FREEDOM VILLAGE LAKESIDE A PART OF SPORTSMEN'S CLUB P.U.D.; THENCE WESTERLY ALONG THE ARC OF *SAID* CURVE **AND SAID** SOUTH RIGHT OF WAY LINE OF DONNELLY DRIVE, THROUGH A CENTRAL ANGLE OF 12 DEGREES, 07 '' U T E S, 24 SECONDS, A DISTANCE OF 338.59 FEET TO A NON-TANGENT INTERSECTION WITH **THE** NORTHERLY EXTENSION OF SAID WESTERLY LINE OF TRACT 2; THENCE **SOUTH 47 DEGREES, 16 MINUTES, 57 SECONDS EAST** ALONG SAID NORTHERLY EXTENSION OF THE WESTERLY LINE OF TRACT 2 AND SAID WESTERLY LINE OF TRACT 2, A DISTANCE OF 340.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 58,566.75 SQUARE FEET OR 1.35 ACRES MORE OR LESS



EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition No.: 86-031 (B)  
 Zoning Quad Page: 19  
 Date: 1-21-98



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** Resolution R-90-1301, Petition 86-31(A) ~~with~~ currently states:

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

~~Is~~ here amended to read:

**All** previous conditions **of** approval applicable to the subject property, as contained in Resolutions ~~R-86-859~~ (Petition 86-31) and R-90-1301 (Petition ~~86-31(A)~~), 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. Copies of all graphics presented at the public hearing shall be made part **of the** Zoning Record prior **to** Site Plan Review Committee. Lakes and Landscaping shall be provided as represented **on** these graphics (Exhibit ~~46~~). (Previous Condition 20 **of** Resolution R-90-1301, Petition ~~86-31(A)~~)
3. All property included in the legal description of this Zoning Petition shall be subject **to** a Declaration of Restrictions and Covenants, acceptable to County Attorney's office, which shall provide, among ~~other~~ things, for ~~the following~~: **Formation of a single** "master" property owners' association, and automatic membership in the "master" property owners' association by any property holding title to any portion of the property included in the P.U.D. (Previous Condition 3 of Resolution ~~R-86-859~~, Petition 86-31)

**B.** BUILDING AND SITE DESIGN

1. Prior to master plan certification, the master plan shall be revised to reflect **all** areas **of** significant native vegetation. (Previous Condition 1 of Resolution R-86-859, Petition 86-31)
2. Any ~~three~~ story structures shall be set back a minimum of **60** feet from the south property line. (Previous Condition 14 of Resolution ~~R-86-859~~, Petition 86-31)
3. **An** exact copy **of** the buffer treatment graphic displayed at the Board of County Commissioners Public Hearing shall be submitted to the Zoning Division prior to certification of the master plan. The southern boundary line shall be landscaped as shown in the graphic. This graphic is identified as Section A-A, Drawing **85-83**, dated **4-3-86** by Kilday and Associates. (Previous Condition **15 of** Resolution R-86-859, Petition 86-31)

4. **Prior** to Site Plan Review submittal, the Master Plan shall be amended to indicate:
  - A** Compliance with Zoning Code regulations and Property Development requirements.
  - B.** Landscape **Alternative** No. 3 along Donnelly Drive from the entry drive for the project east to the eastern property line, along the entire length of Hickman Road and along the entire north **property** line of Pod **#4** as shown on the Master Plan. Preserved **or** relocated vegetation shall be incorporated and credited towards Alternative **#3** buffer requirements. **A** landscaping shall be provided on the eastern side of the lakes.
  - C.** Prior to site plan approval, the petitioner shall submit:
    1. **A** tree survey at **50** scale **or** larger **or** an acceptable alternative to the Zoning Division and to Environmental Resources Management.
    2. **A** Landscape Betterment Plan that maximizes **the** preservation of existing vegetation. This plan shall relocate and cluster the multi-family **CLF's** and parking spaces **to** preserve additional vegetation, as necessary.
  - D.** Native vegetation not located within **preservation/relocation** areas and deemed relocatable by Environmental Resource Management, shall be relocated to perimeter buffers **or** other open space areas on site.
  - E.** **A** portion of the excess parking spaces shall be eliminated if deemed necessary by the Zoning **staff** in order to preserve native vegetation on site. Prior to site plan review submittal, **the** parking shall be reduced **a** minimum of forty **(40)** spaces from **540** to **500** spaces pending review by the Zoning staff of a tree survey **or** acceptable alternative to locate native vegetation. (Previous Condition **2** of Resolution R-90-1301, Petition 86-31**(A)**)
5. Use of the site shall **be** limited to a **120** bed - Nursing Home and a total **of 754** bed - CLF Type **3's**, a maximum of **3** story in height. (Previous Condition **5** of Resolution R-90-1301, Petition 86-31**(A)**)

**C. ERM**

1. The developer shall preserve existing vegetation within the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction. (Previous Condition **4** of Resolution **R-86-859**, Petition 86-31)
2. Areas of existing vegetation to be preserved shall be shown upon the approved development plan **prior** to master plan **and/or** site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include

highlighting of preservation areas through the installation of stakes installed a maximum of **fifty (50)** feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected **area**. **Marking** materials shall not be attached to a protected tree.

In addition, individual trees not within the preserved area shall be **protected** by a barrier, **constructed of** metal or wood, placed a distance of six feet apart, **or** at the radius of the **dripline** whichever is **greater**.

Additional **tree** preservation guidelines can be obtained from The Tree Preservation Manual for Builders and Developers published by the Division of **Forestry** of the Florida Department of Agricultural and Consumer **Services**. (Previous Condition **5 of** Resolution **R-86-859**, **Petition 86-31**)

3. Prior to commencing with vegetation removal operations or any land development permits, the petitioner shall:
  - A. Clearly identify and mark **all** trees to **be** preserved consistent with the approved Landscape Betterment Plan.
  - B. Install appropriate protective barriers around individual and groups of trees to be preserved.
  - C. **No** clearing shall commence until all protection **devices** are installed by the petitioner and inspected and approved **by** the Zoning Division.
  - D. A survey shall be performed for the number of gopher tortoise **burrows**, and an estimate made **of** the population. The results of this survey and the plans **to** address the **on-site** tortoise population shall be submitted **to** the Dept. of Environmental Resources Management for approval prior to Site Plan certification. **An on-site** preserve shall **be** established in the area where the highest density of tortoise burrows occurs. The size of the preserve shall **be** based on **one-half** acre per tortoise. **Off-site** relocation of all **or** part of the tortoise population will **be permitted** with the approval of Florida **Game** and Freshwater Fish Commission. **No** land clearing activities shall take place until the gopher tortoise population **is** relocated. (Previous Condition **3 of** Resolution R-90-1301, **Petition 86-31(A)**)
4. Twenty-five **(25)** percent of the scrub habitat and the scrubby **flatwoods** shall be preserved on site. The preserved habitat shall be a continuous parcel that could **also** serve as a preserve for the gopher tortoises. (Previous Condition **6 of** Resolution R-90-1301, **Petition 86-31(A)**)
5. A management plan for the preserve area shall be submitted to Environmental Resource Management **(ERM)** for approval prior to site plan certification. (Previous Condition **18 of** Resolution R-90-1301, **Petition 86-31(A)**)
6. **No** intrusion into preserve areas with utility lines shall be **permitted** except through existing utility easements. (Previous Condition **19 of** Resolution R-90-1301, **Petition 86-31(A)**)



**D. HEALTH**

1. 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. (Previous Condition **6** of Resolution **R-86-859**, Petition 86-31)
2. Reasonable measures shall be employed during site **development** to insure that **no** pollutants from this property shall enter adjacent or nearby surface waters. (Previous Condition **7** of Resolution **R-86-859**, Petition 86-31)
3. Sewer service is available **to** the property. Therefore, no **septic** tank shall be permitted on the site. (Previous Condition **7** of Resolution **R-90-1301**, Petition **86-31(A)**)
4. Water service is available to the property. Therefore, no well shall **be** permitted on the site to provide potable water. (Previous Condition **8** of Resolution **R-90-1301**, Petition **86-31(A)**)

**E. ENGINEERING**

1. This development shall retain onsite the first one inch **of** the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **73-4**, **as** amended. **The** drainage system shall be **maintained** in an acceptable condition per the County Engineer approval. (Previous Condition **8** of Resolution **R-86-859**, Petition 86-31)
2. **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. (Previous Condition 9 of Resolution **R-86.859**, Petition 86-31)
3. The property owner shall plat each parcel per the County Engineers approval. (Previous Condition 11 of Resolution **R-86-859**, Petition 86-31)
4. The property owner shall install signalization if warranted as determined by the County Engineer at Donnelly Road and Congress Avenue and Old Lantana Road and Lantana Road. Should signalization not be warranted after **12** months of the final Certificate of **Occupancy** this property owner shall be relieved from this condition. (Previous Condition 12 **of** Resolution **R-86-859**, Petition 86-31)
5. 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 9 of **Resolution** **R-90-1301**, Petition **86-31(A)**)

6. A) Prior to July 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 a) Hickman Road, 30 feet from centerline and b) Donnelly Drive a total of 80 feet as shown on the proposed plat 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.
- B) The property owner shall provide a 15-foot drainage easement to be shown at the south side of property to serve Hickman Road. This easement shall expire after 10 (ten) years from the date of the Resolution approval if not required for a street improvement program (Previous Condition 10 of Resolution R-90-1301, Petition 86-31(A))
7. The Property owner shall construct Donnelly Drive as a 2 lane roadway (collector street standard two 12 foot travel lanes) from the project's entrance to Lear Drive. This construction shall be concurrent with the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previous Condition 11 of Resolution R-90-1301, Petition 86-31(A))
8. The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Donnelly Drive along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Donnelly Drive. 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. (Previous Condition 12 of Resolution R-90-1301, Petition 86-31(A))
9. 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 \$105,710.00 (1,922 trips X \$55.00 per trip). (Previous Condition 13 of Resolution R-90-1301, Petition 86-31(A))
10. The property owner shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 17, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to June 1, 1990. This right-of-way shall be subject to a review of the applicant's field survey. (Previous Condition 14 of Resolution R-90-1301, Petition 86-31(A))

11. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance ~~73-4~~ as amended. (Previous Condition 15 of Resolution R-90-1301, Petition 86-31(A))
12. Appropriate easements shall be conveyed to Lantana Pines at the time of platting so that irrigation facilities may be maintained. (Previous Condition 21 of Resolution R-90-1301, Petition 86-31(A))
13. The secondary access point to the nursing home facility shall be eliminated. (Previous Condition 22 of Resolution R-90-1301, Petition 86-31(A))
14. The developer shall construct a 4 foot concrete sidewalk from the existing terminus of the sidewalk to the eastern most end of the projects driveway. This developer shall have the option of:
  - A. Funding this sidewalk to Palm Beach County in the amount of \$4,500. This funding shall then be completed prior to August 1, 1998 and shall be made available to the County Engineer (DATE: MONITORING - Eng)
  - (or)
  - B. The developer may himself complete the construction prior to November 1, 1998. (DATE: MONITORING - Eng)

F. LANDSCAPE

1. The developer shall provide a minimum 15 foot landscape buffer along the northwestern 60 foot right-of-way to include any combination of the following: 3 foot berm, hedge and / or wall to be maintained at a minimum height of 6 feet supplemented with one tree per 30 linear feet. (Previous Condition 2 of Resolution R-86-859, Petition 86-31)

G. LIGHTING

1. Security lighting shall be low intensity and directed away from surrounding residences and rights-of-way through the use of side shields. Lighting fixtures shall not exceed twelve (12) feet in height. (Previous Condition 4 of Resolution R-90-1301, Petition 86-31(A))

H. 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 23 of Resolution R-90-1301, Petition 86-31(A) which currently states:

As provided in the Palm Beach County Zoning Code, Sections 400.2 and 4026, 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 **pernit** **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)