

RESOLUTION NO. R-2005- 1404

RESOLUTION APPROVING ZONING APPLICATION DOA2004-966
(CONTROL NUMBER 1996-086)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF SYMPHONY BUILDERS AT EMERALD PLACE LLC
BY LAND DESIGN SOUTH, INC., AGENT
(EMERALD PLACE)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2004-966 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2005; 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 2.E (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 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 2.K.3.b 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 Application DOA2004-966, the petition of Symphony Builders at Emerald Place LLC, by Land Design South, Inc., agent, for a Development Order Amendment to modify/delete voluntary commitments and reconfigure the site plan with a Conditional Overlay Zone 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 July 28, 2005, 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 GREENE and, upon being put to a vote, the vote was as follows:

| | |
|-----------------------------------|-----------------|
| Tony Masilotti, Chair | - AYE |
| Addie L. Greene, Vice Chairperson | - AYE |
| Karen T. Marcus | - AYE |
| Jeff Koons | - ABSENT |
| Warren H. Newell | - AYE |
| Mary McCarty | - ABSENT |
| Burt Aaronson | - ABSENT |

The Chair thereupon declared that the resolution was duly passed and adopted on July 28, 2005.

Filed with the Clerk of the Board of County Commissioners on 24TH day of AUGUST, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

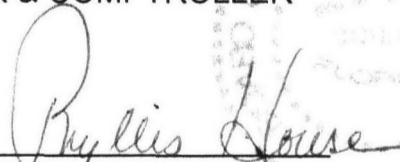
BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER; THENCE SOUTH 00°17'26" EAST, ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER, A DISTANCE OF 2202.06 FEET; THENCE SOUTH 89°42'34" WEST, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°17'26" EAST, ALONG A LINE 120.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 605.89 FEET; THENCE SOUTH 88°05'34" WEST, ALONG A LINE 13.20 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST ONE-QUARTER, A DISTANCE OF 243.96 FEET; THENCE NORTH 00°10'41" WEST, ALONG THE EAST LINE OF LOTS 1 THROUGH 7, "ASPEN RIDGE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68 AT PAGES 10 THROUGH 14 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 632.16 FEET; THENCE NORTH 88°13'54" EAST, ALONG THE SOUTH LINE OF ASPEN RIDGE CIRCLE, AS SHOWN ON SAID PLAT, A DISTANCE OF 217.05 FEET; THENCE SOUTH 46°01'46" EAST, ALONG THE SOUTHERLY LINE OF A RIGHT-OF-WAY PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 5773 AT PAGE 996 OF SAID PUBLIC RECORDS, A DISTANCE OF 35.80 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 3.521 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

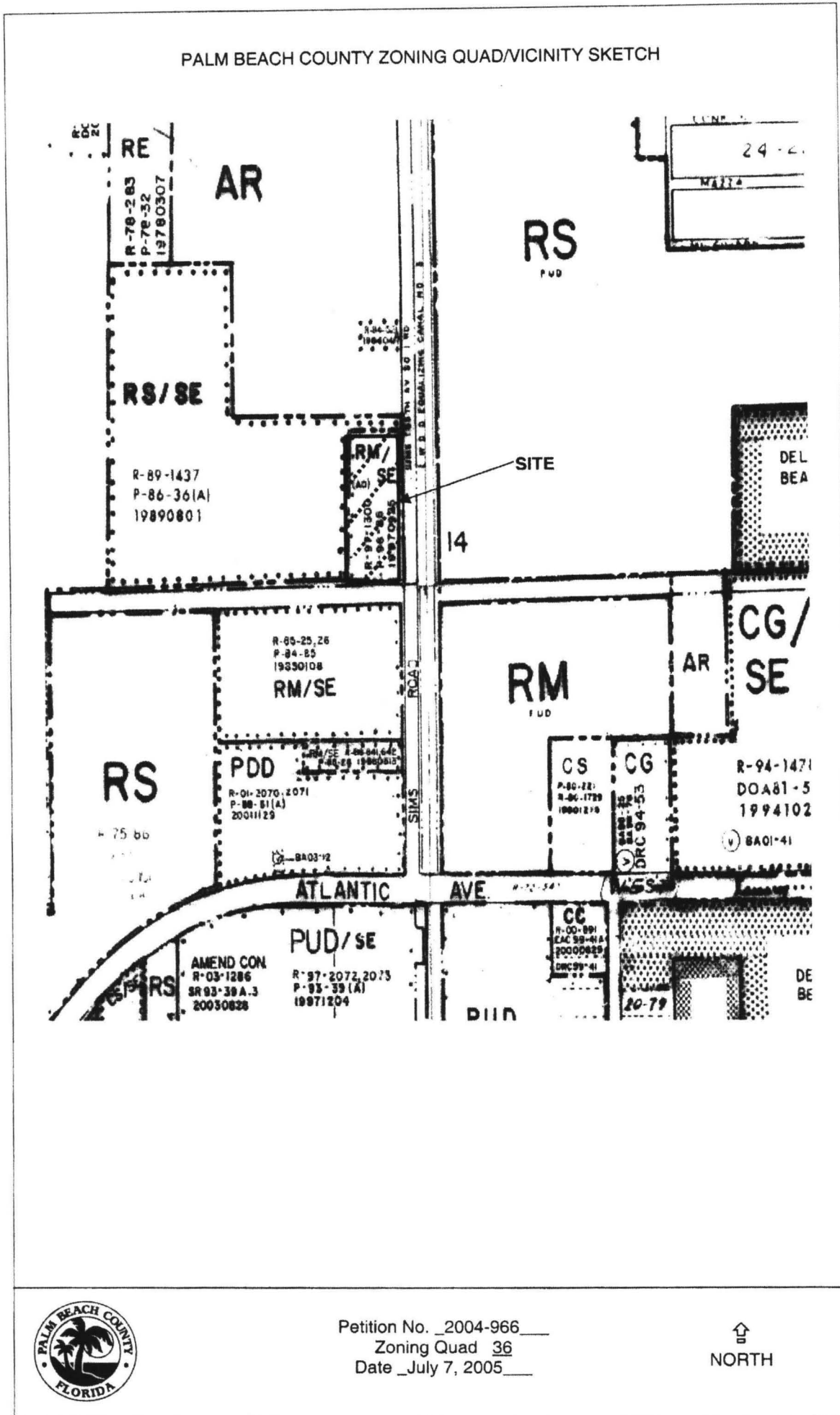


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Voluntary Commitment A.1 of R-1997-0533, Petition Z1996-086 which currently states:

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 October 22, 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)

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated March 29,2005. All modifications must be approved by the Board of County Commissioner unless the proposed changes are required to meet voluntary commitments or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all residential buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. The end units of each residential building shall be limited to a maximum of two (2) stories, and shall not exceed twenty-five (25) feet in height. The interior units shall be a maximum of three(3) stories, and shall not exceed thirty-five (35) feet in height. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW-Zoning)
3. At time of submittal for final Development Review Officer (DRO) approval, all porches, balconies and windows facing the west property line shall incorporate awnings or screening to restrict viewing of the adjacent residential properties to the west. Details and finishes shall be submitted simultaneously with the site plan for final architectural review and approval. (DRO: ARCH REVIEW-Zoning)
4. Design of gutters and downspouts shall be integrated into the architectural design of the residential buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW-Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:- No Building Permits for the site may be issued after July 28, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance

Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. **TEMPORARY ROADWAY CONSTRUCTION EASEMENT**
- Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Sims Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT: MONITORING-Eng)
3. **DRAINAGE** - Property Owner shall accommodate within this site's stormwater drainage system any historical drainage inflow from the adjacent Aspen Ridge PUD. (ONGOING: ENG-Eng)
4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance.
(ONGOING: ENG- Eng)

ZONING - LANDSCAPING - STANDARD

1. Voluntary Commitment B.1 of R-1997-0533, Petition Z1996-086, which currently states:

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.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Voluntary Commitment B.2 of R-1997-0533, Petition Z1996-086), which currently states:

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 or grey wood, whichever is greater;
- 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. (BLDG PERMIT: 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 or grey wood, whichever is greater;
- 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. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Voluntary Commitments C.1 of R-1997-0533, Petition Z1996-086, which currently states:

Landscaping and buffering along the west property line, shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip; and
- b. A six (6) foot high opaque concrete wall located approximately five (5) feet setback from property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)

Is hereby amended to read:

Landscaping and buffering along the west property line, shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. A continuous two (2) foot high berm;
- c. A six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential buildings.
- d. One canopy tree will be planted for each twenty (20) linear feet of property line, alternating on each side of the wall;
- e. One (1) palm or pine for each for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet on center, alternating on each side of the wall;
- f. Thirty-six (36) inch high shrub or hedge material spaced no more than thirty (30) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches, on the exterior side of the required wall; and
- g. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches, along both interior side of the required wall (BLDG PERMIT: LANDSCAPE - Zoning)

- 2. Voluntary Commitments C.2 of R-1997-0533, Petition Z1996-086, which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center;
- b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
- c. 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 forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby deleted. [Reason: Condition incorporated into LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL) Condition 1.]

- 3. Voluntary Commitments C.3 of R-1997-0533, Petition Z1996-086, which currently states:

Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

Is hereby deleted. [Reason: Condition incorporated into LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL) Condition 1.]

ZONING - LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING R.O.W. AND INTERNAL PARKING SPACES)

- 1. Voluntary Commitments D.1 of R-1997-0533, Petition Z1996-086, which currently states:

Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip; and
- b. A six (6) foot high opaque concrete wall located approximately five (5) feet setback from property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)

Is hereby deleted. [REASON: Superceded by new condition for North and East property lines (Frontage of Sims Road and Aspen Ridge Circle)]

- 2. Voluntary Commitments D.2 of R-1997-0533, Petition Z1996-086, which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) canopy tree planted every twenty (20) feet on center;
- b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
- c. 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 forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby deleted [REASON: Superceded by new condition for North and East property lines (Frontage of Sims Road and Aspen Ridge Circle)]

ZONING - LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (FRONTAGE OF SIMS ROAD AND ASPEN RIDGE CIRCLE)

- 1. Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) foot overlap of easement encroachment;
- b. A minimum two (2) foot high continuous berm measured from top of curb;
- c. A six (6) foot high opaque concrete wall shall be located on plateau of berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential buildings;
- d. One (1) native canopy tree for each twenty (20) feet of the property line;
- e. One (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on each side of the wall;
- f. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation, planted on each side of the wall;
- g. 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, to be maintained a minimum height of thirty six (36) inches, planted on each side of the wall; and,
- h. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, to be maintained a minimum height of forty eight (48) inches, alternating on each side of the wall. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING SIMS ROAD AND NO INTERNAL PARKING SPACES)

1. Voluntary Commitments F.1 of R-1997-0533, Petition Z1996-086, which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- 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; and
- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation in areas where the existing wall does not exist, and to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby deleted. [REASON: Superseded by new condition for North and East property lines (Frontage of Sims Road and Aspen Ridge Circle).]

ZONING - LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Voluntary Commitments G.1 of R-1997-0533, Petition Z1996-086, which currently states:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- 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; and
- d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation in areas where the existing wall does not exist, and to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

Is hereby amended to read:

In addition to code requirements and the proposed planting program, landscaping along the south property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted
- b. A six (6) foot high 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 twenty (20) 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) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be planted on both sides of the fence; and
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, to be maintained a minimum height of thirty-six (36) inches, to be planted on both sides of the fence; and,
- h. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, to be maintained a minimum height of forty-eight (48) inches, to be planted on both sides of the fence. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor, freestanding lighting fixtures shall be setback a minimum of twenty-five (25) feet from the west property line. (BLDG PERMIT: BLDG - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include all internal sidewalks, paver brick crosswalks, pedestrian amenities, and external sidewalk connections with any required gates, consistent with the certified site plan dated March 29, 2005. (DRO:PLANNING-Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the

Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO:MONITORING SCHOOL BOARD/ENG School Board.)

SIGNS

1. Freestanding signs fronting on Sims Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - Sixty (60) square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG-Zoning) (Previous Voluntary Commitment I.1 of R-1997-0533, Petition Z1996-086)
2. No freestanding signs shall be permitted on Aspen Ridge Circle. (CO: BLDG-Zoning) (Previous Voluntary Commitment I.2 of R-1997-0533, Petition Z1996-086)

UTILITIES

1. Prior to final site plan approval, the developer shall submit construction details for the removable fence/removable wall sections within utility easements. (DRO:UTILITIES-Utilities)

COMPLIANCE

1. Voluntary Commitments J.1 of R-1997-0533, Petition Z1996-086, 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.

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)

Is hereby amended to read:

1. Failure to comply with any of the voluntary commitments 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 voluntary commitments; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.
(ONGOING: MONITORING - Zoning)
2. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)

Staff may be directed by the Executive Director of PZ&B or the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment 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)