

RESOLUTION NO. R-2006-1211

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1730  
(CONTROL NO. 2002-011)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF WESTBROOKE HOMES  
BY SARA LOCKHART, AGENT  
(WD GARDENS 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1730 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (Action by Board of County Commissioners) 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 PDD2005-1730, the application of Westbrooke Homes by Sara Lockhart, agent, for an Official Zoning Map Amendment to a Planned Development District from the Multiple Use Planned Development District to the Residential Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 22, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 11th day of July, 2006.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

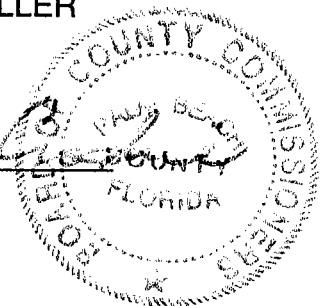


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING PORTIONS OF BLOCKS 5 AND 6, INCLUDING THE PLATTED RIGHTS-OF-WAY CONTAINED THEREIN, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

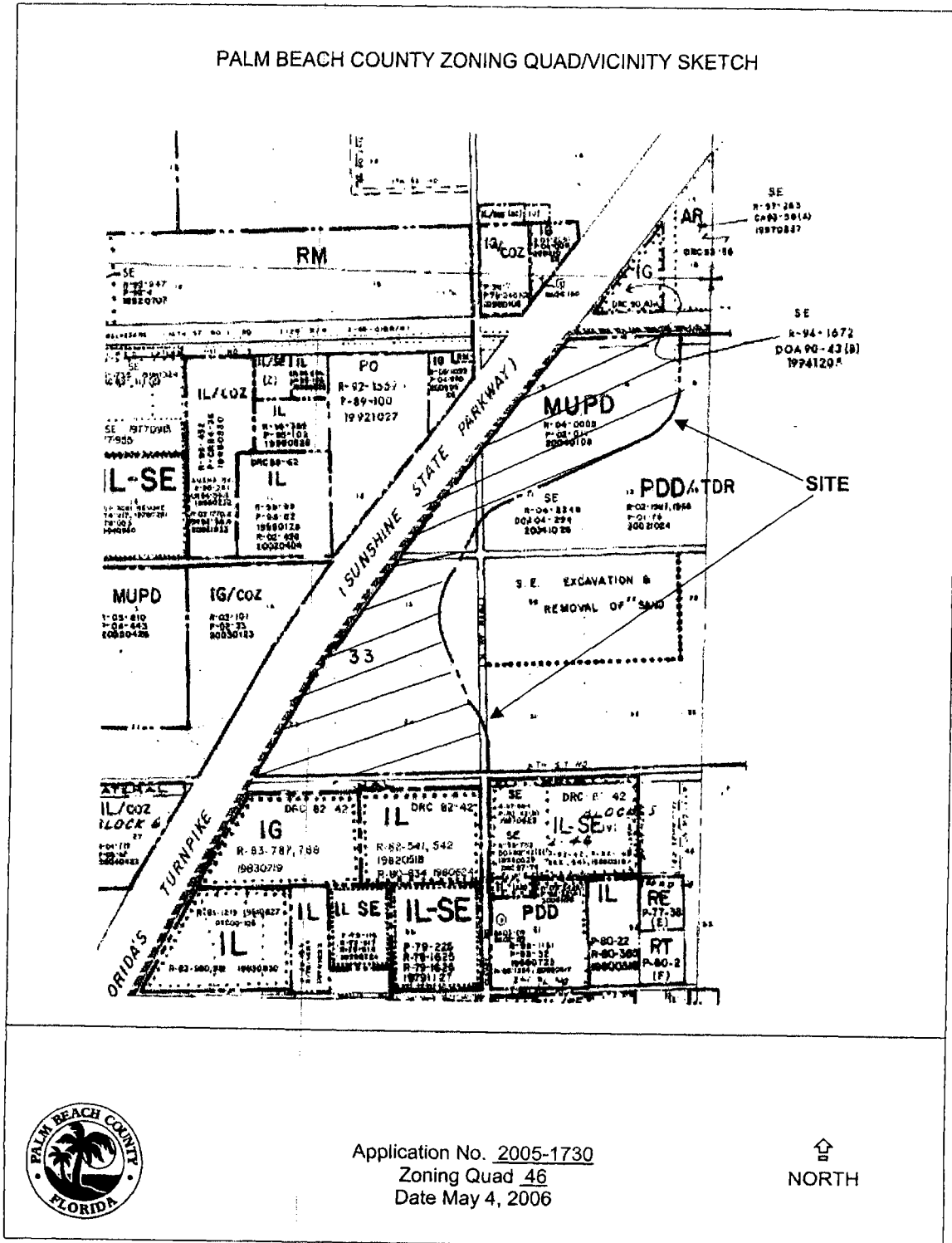
COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF CLEARY ROAD WITH THE CENTERLINE OF WESTPORT ROAD, AS SHOWN ON WESTPORT INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 49, SAID PUBLIC RECORDS; THENCE, NORTH 89°01'06" EAST, ALONG SAID CENTERLINE OF WESTPORT ROAD, A DISTANCE OF 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID CLEARY ROAD; THENCE, NORTH 00°58'54" WEST, DEPARTING SAID CENTERLINE AND ALONG SAID EAST RIGHT-OF-WAY LINE AND THE NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 344.97 FEET TO THE SOUTH LINE OF TRACT 31, SAID BLOCK 5 AND THE POINT OF BEGINNING;

THENCE, CONTINUE NORTH 00°58'54" WEST, A DISTANCE OF 250.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 590.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'25", A DISTANCE OF 242.40 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 24°31'19" WEST, A DISTANCE OF 382.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 510.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 53°16'42", A DISTANCE OF 474.24 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 28°45'23" EAST, A DISTANCE OF 253.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 435.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°28'26", A DISTANCE OF 299.69 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 68°13'49" EAST, A DISTANCE OF 976.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°10'29", A DISTANCE OF 410.49 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 00°56'40" WEST, A DISTANCE OF 301.77 FEET TO THE NORTH LINE OF TRACT 9, SAID BLOCK 5; THENCE, SOUTH 89°03'20" WEST, ALONG THE NORTH LINE OF TRACTS 9 AND 10, SAID BLOCK 5, A DISTANCE OF 739.72 FEET TO THE EAST LINE OF THE FLORIDA STATE TURNPIKE RIGHT-OF-WAY; THENCE, SOUTH 40°37'50" WEST, ALONG SAID RIGHT-OF-WAY, DEPARTING SAID TRACT LINES, A DISTANCE OF 1509.86 FEET TO THE POINT OF TANGENCY OF A CURVE TO THE LEFT HAVING A RADIUS OF 11359.16 FEET; THENCE, SOUTHWESTERLY, ALONG SAID CURVE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 09°02'15", A DISTANCE OF 1791.73 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 30°59'16" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 132.40 FEET TO THE SOUTH LINE OF TRACT 23, SAID BLOCK 6; THENCE, NORTH 89°04'15" EAST, ALONG THE SOUTH LINE OF TRACTS 23 AND 24, SAID BLOCK 6 AND THE EASTERLY PROLONGATION THEREOF, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1546.96 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 31, SAID BLOCK 5; THENCE, NORTH 89°02'42" EAST, ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF SAID TRACT 31, A DISTANCE OF 40.80 FEET TO THE POINT OF BEGINNING.

CONTAINING: 54.63 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated February 21, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2009. 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.
  - A. Prior to final approval by the Development Review Officer (DRO), the Master Plan shall be revised to reflect compliance with the Board of County Commission adopted policy for noise levels of no greater than 66 decibels for residential developments. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENG-Eng)
  - B. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis, shall be completed prior to the issuance of the first certificate of occupancy. (CO:MONITORING-Eng)
  - C. The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property owner. All sales contracts and homeowner documents shall include a statement that any additional noise mitigation measures requested in the future will not be constructed by Palm Beach County. (ONGOING: MONITORING- Eng)
  - D. The property owner shall submit documentation of compliance with the requirements above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)

3. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC:ENG-Eng)
4. The Property owner shall construct a 5 foot pedestrian pathway along the west side of Cleary Road. Limits of this pathway shall be from Southern Boulevard north to the existing southern terminus of the existing pathway on the west side of Cleary Road
  - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
5. Landscape Within the Median of Belvedere Road
  - A. The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Belvedere Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d below.
  - B. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
  - C. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
  - D. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property owner.

- E. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Belvedere Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT:MONITORING-Eng)

6. SIGNALIZATION REQUIRMENTS - Cleary Road and Belvedere Road

- a) The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Cleary Road and Belvedere Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. (ONGOING:ENG-Eng)
- b) Building Permits for more than 25 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT:MONITORING-Eng).
- c) In order to request release of the surety for the traffic signal at Cleary Road and Belvedere Road, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENG-Eng)

7. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG-Eng)

ENVIRONMENTAL

1. A 25% upland set-aside equal to or greater than 2.60 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING:ERM-ERM)
2. Prior to final approval by the Development Review Officer (DRO), a Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM and recorded by the applicant. (DRO:ERM-ERM)

LANDSCAPE STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A minimum of seventy-five (75%) percent of canopy trees to be planted in the landscape buffers shall be native. (BLDG PERMIT: LANDSCAPE-Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
5. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW - Zoning)
6. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (FRONTAGE OF BELVEDERE AND ABUTTING INDUSTRIAL)

In addition to the code requirements, landscaping along the north and south property lines shall be upgraded to include:

- a. a six (6) foot high opaque concrete wall, measured from finished floor elevation. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

7. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF CLEARY ROAD)

In addition to the code requirements, landscaping along the west property line shall be upgraded to include:

- a. a two (2) foot high continuous berm;
- b. a five (5) foot high aluminum rail fence on the plateau of the berm, measured from finished floor elevation;
- c. the 5.33 acre lake tract may be exempt from the fence; and,
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

8. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING THE FLORIDA TURNPIKE)

In addition to code requirements, landscaping along the west property line shall be upgraded to include:

- a. a minimum fourteen (14) foot high prefabricated noise barrier wall for a distance of 1,473 linear feet, plus a distance of 100 linear feet along the north and south property lines. Interior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structures; and,
- b. one (1) palm or pine for each 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 wall. (BLDG PERMIT: LANDSCAPE - Zoning)



## MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG-Palm Tran)

## PLANNING

1. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying future residents of the PUD, the PUD's existence in the Palm Beach International Airport Flight Path and proximity to the Florida Turnpike and that residents may experience some airport and traffic related noise. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of the Planning, Zoning and Building Department beginning on June 1, 2007 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING – Planning/Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:
  - a. Guarantees the affordability of workforce housing units for moderate income households (80-120% of area median income) for a period of ten years (ownership), with unit sales prices determined by Palm Beach County's Housing and Community Development Department; and,
  - b. Guarantees that the workforce housing units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: PLANNING/CO ATTORNEY- Planning)
3. Prior to final approval by the Development Review Officer (DRO), the property owner shall show the following on the site plan consistent with the locations indicated on the site plan dated February 21, 2006:
  - a. the minimum required twenty-eight (28) units will be equitably distributed through the buildings, no concentration of units in one building or area shall occur;
  - b. units are required to be provided as twenty-eight (28) units to moderate income households (80-120% of area median income);
  - c. the minimum required twenty-eight (28) affordable units shall include similar variation in bedroom and floor area options as the market rate units. (DRO: PLANNING -Planning)
  - d. Subsequent changes to the location of affordable units may be allowed and shall be subject to approval by the Development Review Officer (DRO); the locations shall be indicated on the site plan. (DRO: PLANNING -Planning)

4. The property owner shall include in sales documents as well as written brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying future residents of the WD Gardens PUD project, that the project has twenty-eight (28) affordable housing units and any residents wishing to reside in a unit that has been earmarked as an affordable housing unit shall qualify for eligibility. Every deed of sale for each of the twenty-eight (28) affordable units shall contain a 10 year restriction guaranteeing the property is sold and occupied by a moderate income household only, for the 10 year period. The property owner is responsible for disclosure of the location of these twenty-eight (28) affordable units prior to the sale of any units. The developer or property owner shall submit documentation of compliance with this condition on an annual basis to the Planning Division of the Planning, Zoning and Building Department beginning on June 1, 2007 and shall continue on an annual basis by either the developer or subsequent property owner of the unit. (DATE: MONITORING- Planning)

#### PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the subject property shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
  - a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
  - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
  - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG- Cty Atty)

#### SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. 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. (ONGOING: SCHOOL BOARD-School Board)
2. The property owner shall post a notice of annual boundary school assignments for students from this development prior to the issuance of the first Certificate of Occupancy (CO). 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). (CO: SCHOOL BOARD-School Board)

## UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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. 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 Article 2.E 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)