

RESOLUTION NO. R-2007-1431

RESOLUTION APPROVING ZONING APPLICATION DOA2007-181
(CONTROL NUMBER 1997-0780)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF TEMPLE SHAAREI SHALOM, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(TEMPLE SHAARIEI SHALOM EXPANSION)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application DOA2007-181 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2007; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA2007-181, the application of Temple Shaarei Shalom, Inc., by Kilday & Associates, Inc., agent, for a Development Order Amendment to reconfigure site plan, add square footage and modify conditions of approval 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 August 23, 2007, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	-	Aye
John F. Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
District 3 Robert Kanjian	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 23, 2007.

Filed with the Clerk of the Board of County Commissioners on 23rd day of August.


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

BY: 
COUNTY ATTORNEY

SHARON BOCK
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK

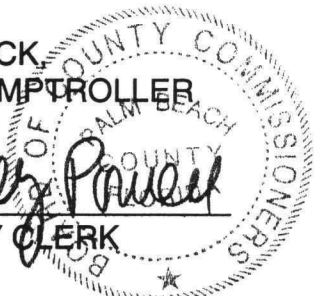


EXHIBIT A
LEGAL DESCRIPTION

TRACT CV, TUSCANY - PARCEL A/B, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 89, PAGE(S) 145, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

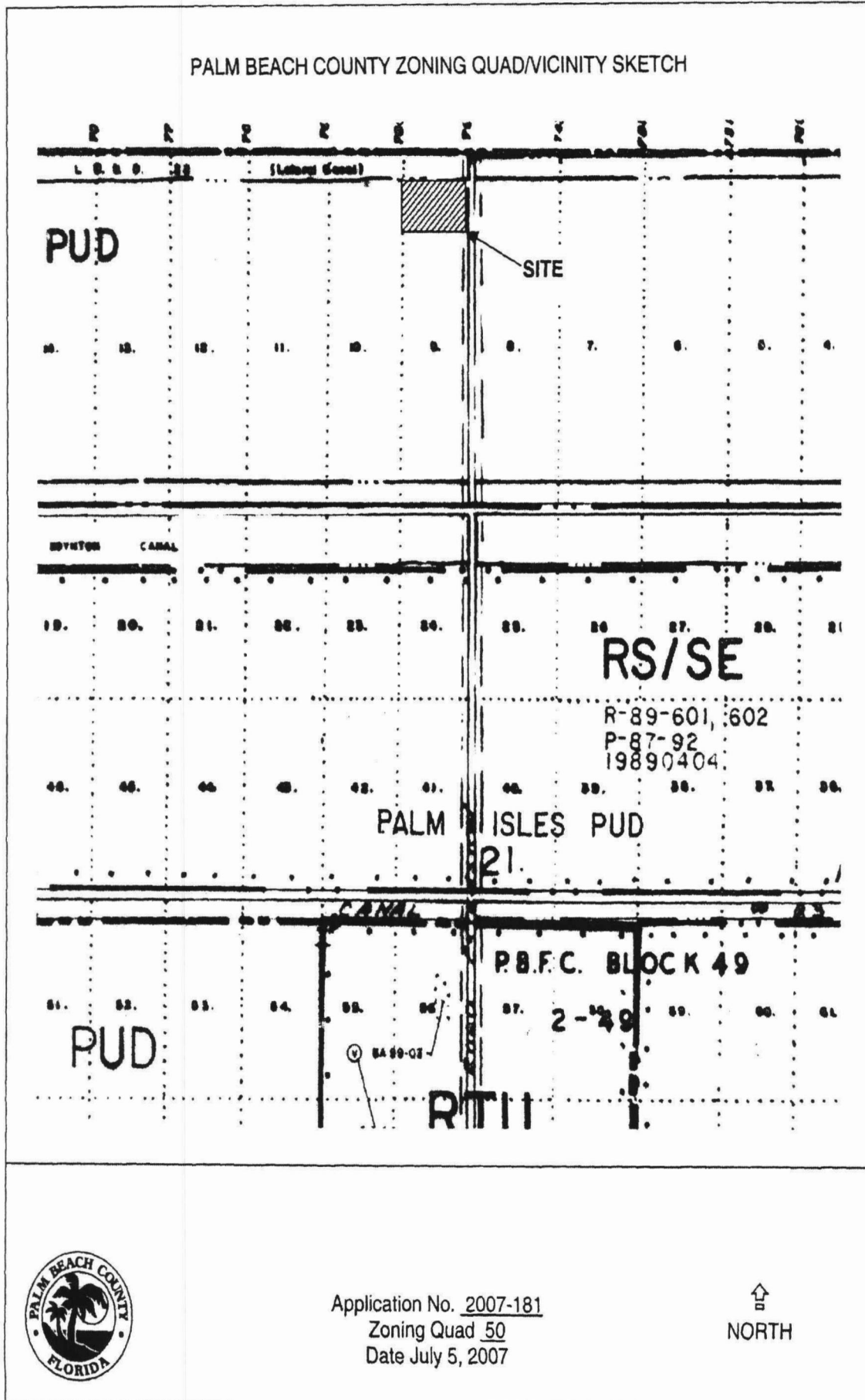


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution 2000-1576, Petition DOA1997-78B which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-0578 (Petition PDD1997-078A) 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1576 (Petition DOA1997-078), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2. of Resolution 2000-1576, Petition DOA1997-78B 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 preliminary development plan is dated August 15, 2000 and conceptual site plan are dated August 25, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved preliminary site plan is dated May 14, 2007. 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. (DRO: ZONING - Zoning)

3. Prior to final DRO certification of the site plan, the petitioner shall submit architectural elevations for the bridge (cross-over LWDD Canal L-12) to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: ZONING-Zoning) (Previous Condition A.3. of Resolution 2000-1576, Petition DOA1997-78B)

BUILDING AND SITE DESIGN (4.41 ACRE CIVIC SITE ONLY)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-2000-1576, Petition DOA1997-078)
2. Prior to final DRO certification of the site plan, the petitioner shall submit architectural elevations to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO:

ARCH REVIEW-Zoning) (Previous Condition B.2 of Resolution R-2000-1576, Petition DOA1997-078B)

3. Previous Condition B.3 of Resolution R-2000-1576, Petition DOA1997-078B, which currently states:

Total gross floor area shall be limited to a maximum of 15,000 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less subject to approval by Traffic Division or DRO. (DRC: ZONING)

Is hereby deleted. Reason: [Building expansion is regulated by code, and by All Petitions Condition 2].

4. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.4 of Resolution R-2000-1576, Petition DOA1997-078B)
5. All ground mounted air conditioning and mechanical equipment including satellite dishes, shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition B.5 of Resolution 2000-1576, Petition DOA1997-078B)

ENGINEERING

1. Off site turn lane requirements:

The Property owner shall construct dual left turn lanes west approach on Boynton Beach Boulevard at Hagen Ranch Road.

- a) This construction shall be concurrent with the six laning of Boynton Beach Boulevard by this property owner as provided for in the conditions below. 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.
- b) Construction shall be completed concurrent with the six lane completion of Boynton Beach Boulevard. (ONGOING:ENG-Eng) (Previous Condition E.1 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

2. TPS Requirements:

The Property owner shall fund the construction plans for Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate tapers. Funding of these construction plans shall be approved by the County Engineer based upon the cost estimate by the Developer's Engineer and approved by the County Engineer. This funding shall also include any right-of-way costs and Plan Review Costs by Palm Beach County. Funding shall be completed on or before June 1, 2000. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng) (Previous Condition E.2 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

3. The Property owner shall fund the construction of Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon the approved construction plans. Funding shall be completed

on or before September 1, 2001. (DATE: MONITORING-Eng) (Previous Condition E.3 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

4. The Property owner shall construct the following intersection improvements at the intersection of Hagen Ranch Road and Boynton Beach Boulevard:

- a) dual left turn lanes north approach,
- b) dual left turn lane south approach,
- c) right turn lane east approach, Note: This turn lane is anticipated to be completed by another developer (Jones PUD)

A) This construction shall be concurrent with the improvements to Hagen Ranch Road Construction by Palm Beach County. 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 the acquisition of any additional right of way. (ONGOING:ENG-Eng) (Previous Condition E.4 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

5. Phasing Requirements:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a) Building Permits for more than 596 dwelling units shall not be issued until construction has begun for Hagen Ranch Road as a 5 lane facility from Boynton Beach Boulevard to Lake Ida Road plus the appropriate paved tapers. County/developer construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.a of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

b) Building Permits for more than 341 dwelling units shall not be issued until construction has begun for dual left turn lanes and a right turn lane east approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by another developer. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.b of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

c) Building Permits for more than 366 dwelling units shall not be issued until construction has begun for Jog Road as a 6 lane section from Boynton Beach Boulevard to Woolbright Road. County Construction Fiscal year 97/98. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.c of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

d) Building Permits for more than 447 dwelling units shall not be issued until construction has begun for Boynton Beach Boulevard as a 6 lane facility from Jog Road to Hagen Ranch Road County. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.d of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

e) Building Permits for more than 609 dwelling units shall not be issued until construction has begun for dual left turn lanes north approach and south approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.e of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

f) Building Permits for more than 613 dwelling units shall not be issued until construction has begun for Gateway Boulevard as a 4 lane section from Jog Road to Military Trail plus the appropriate paved tapers. Construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng) (Previous Condition

E.5.f of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

- g) Building Permits for more than 631 dwelling units shall not be issued until construction has begun for an additional through lane north and south approach, and an additional right turn lane south approach at the intersection of Jog Road and Boynton beach Boulevard. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.g of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]
- h) Building Permits for more than 747 dwelling units shall not be issued until construction has begun for an additional through lane on the north and south approach at the intersection of Jog Road and Woolbright Road. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5.h of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

Acceptable surety shall be posted with the Office of the County Engineer on or before August 26, 1998 for any of the above road improvements identified above and not defined as "assured construction". Surety shall be in the amount of 110% shall be based upon a certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS - maximum 6 month time extension) (DATE: MONITORING-Eng) (Previous Condition E.5 of Resolution R-2000-1576, Petition DOA1997-078B)

Note: Surety was submitted.

The mix of allowable uses listed above may be adjusted 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. (REVISED TRAFFIC STUDY: MONITORING - Eng) (Previous Condition E.5 of Resolution R-2000-1576, Petition DOA1997-078B)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6.A of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain

healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.6.B of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6.C of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]
7. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE
- A. Prior to site plan approval for POD A, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (DRO : ENG-Eng) (Previous Condition E.7 of Resolution R-2000-1576, Petition DOA1997-078B) [ONGOING]
8. The Property owner shall construct a left turn lane south approach on Hagen Ranch Road at the entrance to the 4.41 acre Civic Site.
- a) This construction shall be concurrent with the paving and drainage improvements for the civic 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 for the 4.41 acre civic site. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.8.b of Resolution R-2000-1576, Petition DOA1997-078B)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the 4.41 acre civic site. (CO: MONITORING-Eng) (Previous Condition E.8.c of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]
9. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Gateway Blvd. 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) (Previous Condition E.9 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]
10. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed in that area within Pod E for an expanded intersection at Gateway Blvd. and Jog Road prior to the issuance of the first Building Permit or prior to April 1, 2001 whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Condition E.10 of Resolution Resolution R-2000-1576, Petition DOA 1997-078B) [NOTE: COMPLETED]
11. Prior to technical compliance for the first plat the property owner shall convey a temporary construction easement to Palm Beach County. This roadway

construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG -Eng) (Previous Condition E.11 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

12. The Property owner shall construct concurrent with the project's entrance onto Gateway Boulevard a left turn lane east approach on Gateway Boulevard at the project entrance.
 - 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) (Previous Condition E.12 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

13. LANDSCAPE WITHIN THE HAGEN RANCH ROAD ROUNDABOUT

- A) Prior to June 1, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to upgrade the landscaping within the existing roundabout at Hagen Ranch Road and the project's entrance road. This permit, to be completed by the property owner, shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING-Eng) (Previous Condition E.13.A of Resolution R-2000-1576, Petition DOA1997-078B)
- B) All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. This maintenance shall also include the existing and proposed landscape material within the roundabout at Hagen Ranch Road and the project's entrance road. All existing and proposed landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association including the roundabout at Hagen Ranch Rd. & project entrance road. Perpetual maintenance includes, but is not limited to,

pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to April 1, 2002. (DATE: MONITORING-Eng) (Previous Condition E.13.B of Resolution Resolution R-2000-1576, Petition DOA1997-078B)

- C) If the County does not assume maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to prior to April 1, 2001. (DATE: MONITORING-Eng) (Previous Condition E.13.C of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

14. "CUTOUT" LANDSCAPE STRIPS WITHIN THE JOG ROAD CONCRETE MEDIAN

- A) Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the proposed concrete median of Jog Road Right-of-Way from NW 22nd Avenue to the projects south property line of the PUD. As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and plantings are permitted, the Landscape Material within the concrete cutouts shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.14.A of Resolution R-2000-1576, Petition DOA1997-078B)
- B) All required median landscaping, including an irrigation system if required, the cost of Cutting out the concrete median and the installation of the Landscape material shall be funded at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng) (Previous Condition E.14.B of Resolution R-2000-1576, Petition DOA1997-078B)
- C) Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.14.C of Resolution R-2000-1576, Petition DOA1997-078B) [NOTE: COMPLETED]

15. Prior to master plan approval of the final subdivision plan a Restrictive Covenant shall be filed in the Public Records limiting occupancy of the dwelling units within the PUD to an "adult community." This Restrictive Covenant shall be subject to the approval of the County Attorney. (DRO: ENG-Eng) (Previous Condition E.15 of Resolution R-2000-1576, Petition DOA1997-078B)

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

A) No Building Permits for the site may be issued after July 26, 2010. 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)

17. Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Hagen Ranch Road to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

DUMPSTER

1. At the time of final site plan approval the dumpster will be relocated to the loading area vicinity of the Site Plan dated May 14, 2007. (DRO:ZONING-Zoning)

ENVIRONMENTAL

1. Condition L.1 of Resolution R-2000-1576, Petition DOA1997-078B, which currently states:

A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRO site plan certification. (DRO:ERM-ERM)

Is hereby deleted. Reason: [The document has been submitted].

2. Condition L.2 of Resolution R-2000-1576, Petition DOA1997-078B, which currently states:

The proposed 2.14 acres upland preserve area shall comply with the ERM Preserve criteria including a management plan and recorded conservation easement pursuant to ULDC Section 9.5.2.c. Establishing Natural Area Preserves (DRO:ERM)

Is hereby deleted. Reason: [The preserve has been set-aside].

LANDSCAPE - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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) (Previous Condition D.1 of Resolution R-2000-1576, Petition DOA1997-078B)

LANDSCAPING-ALONG THE NORTH PROPERTY LINE (SOUTH OF LWDD L-22 CANAL), THE SOUTH PROPERTY LINE (ALONG BOYNTON CANAL) AND THE 613 FEET OF THE WEST PROPERTY LINE (ALONG POD E)

2. Landscaping and buffering along the north property line (south of LWDD L-22 canal), the south property line (along Boynton Canal) and the north 613 feet of the west property (along Pod E) shall include:

- a. a minimum ten (10) foot wide landscape buffer strip shall be provided
- b. one (1) canopy tree planted every twenty (20) feet on center; and
- c. 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; and,
- d. 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. (CO: LANDSCAPE-Zoning) (Condition F.1 of Resolution R-2000-1576, Petition DOA1997-078B)

LANDSCAPING FOR BOTH SIDES OF HAGEN RANCH ROAD FRONTAGE, EAST PROPERTY LINE (JOG ROAD FRONTAGE) AND THE NORTH PROPERTY LINE ALONG GATEWAY BOULEVARD

- 3. Landscaping and buffering for both sides of Hagen Ranch Road frontage, east property line (Jog Road frontage) and the north property line along Gateway Boulevard shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No reductions shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center; and
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty (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. A minimum of fifty percent (50%) of the shrub or hedge material shall be installed on the plateau of the berm. (CO: LANDSCAPE-Zoning) (Previous Condition H.1 of Resolution R-2000-1576, Petition DOA1997-078B)

LANDSCAPING ALONG THE WEST PROPERTY LINE (FLORIDA TURNPIKE)

- 4. Landscaping and buffering along the west property lines shall be upgraded to include:
 - a. A minimum twenty five (25) foot wide landscape buffer strip. No reductions shall be permitted ; and
 - b. An undulating three (3) foot high berm measured from top of curb; and
 - c. One (1) canopy tree planted every thirty (30) feet on center; and
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE-Zoning) (Previous Condition I.1 of Resolution R-2000-1576, Petition DOA1997-078B)

LANDSCAPING ALONG THE NORTH PROPERTY LINE (LWDD L-22 CANAL) (4.41 ACRE CIVIC SITE ONLY)

- 5. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;

- c. one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. 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 seventy two (72) inches. (CO: LANDSCAPE-Zoning) (Previous Condition J.1 of Resolution R-2000-1576, Petition DOA1997-078B)

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (4.41 ACRE CIVIC SITE ONLY)

- 6. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum one and half (1.5) foot continuous berm;
 - c. one (1) canopy tree planted every thirty (30) feet on center; and one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - d. twenty-four (24) inch high shrub or hedge material to be planted on the
 - e. plateau of the berm. Shrubs and hedges shall be spaced no more than twenty-four (24) inches on center at installation and to be maintained at a minimum height of fifty-four (54) inches. (CO: LANDSCAPE-Zoning) (Previous Condition K.1 of Resolution R-2000-1576, Petition DOA1997-078B)

LANDSCAPING ALONG THE WEST PROPERTY LINE ADJACENT TO THE MULTI-PURPOSE ROOM AND OFFICE BUILDING ADDITION (4.41 ACRE CIVIC SITE ONLY)

- 7. Screening consisting of a minimum of 12 Sabal Palms having a clear trunk of a minimum of 12 feet and 4 canopy trees a minimum of 14 feet in height by 7 feet spread shall be planted in the vicinity of the western landscape buffer, outside the utility easement on the inside of the screen wall in order to screen the adjacent property owners for the 121 foot length of the 18,342 square feet multi-purpose room and office building addition. (CO: LANDSCAPE-Zoning)

LIGHTING (4.41 ACRE CIVIC SITE ONLY)

- 1. Condition M.1 of Resolution R-2000-1576, Petition DOA1997-078B which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

Is hereby deleted. [REASON: Code Requirement]

- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition M.2 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTED: COMPLETED].
- 3. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Condition M.3 of Resolution R-2000-1576, Petition DOA1997-078B)

4. 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) (Previous Condition M.4 of Resolution R-2000-1576, Petition DOA 1997-078B)
5. Condition M.5 of Resolution R-2000-1576, Petition DOA1997-078B, which currently states:

Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with Condition M.1 above. (CO/ONGOING)

Is hereby amended to read:

Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with ULDC requirements. (BLDG PERMIT:BLDG –Zoning)

MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tram. (DRC: PALM TRAN – Palm Tran) (Previous Condition N.1 of Resolution R-2000-1576, Petition DOA1997-078B) [NOTED: COMPLETED].
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previous Condition N.2 of Resolution R-2000-1576, Petition DOA1997-078B)

PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.
 - a. Minimum parcel size shall be seven thousand five hundred (7,500) square feet exclusive of easements.
 - b. Minimum parcel width shall average seventy five (75) feet with no dimension less than fifty (50) feet.
 - c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet.
 - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the development. (DRC: PARKS-Parks) (Previous Condition O.1 of Resolution R-2000-1576, Petition DOA1997-078B) [COMPLETED].

PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the PUD. (DRO: PLANNING

PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 1, 1999, for a 4.41-acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a) Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D. as it would apply to the civic site.
 - b) All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c) Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d) Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e) By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f) Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g) Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM) (Previous Condition R.1 of Resolution R-2000-1576, Petition DOA1997-078B) [COMPLETED].
2. The property owner shall provide the County with a certified survey of the proposed civic site by March 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM) (Previous Condition R.2 of Resolution R-2000-1576, Petition DOA1997-078B) [COMPLETED].

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by March 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM) (Previous Condition R.3 of Resolution R-2000-1576, Petition DOA1997-078B) [COMPLETED].
4. Prior to March 1, 1999, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM) (Previous Condition R.4 of Resolution R-2000-1576, Petition DOA1997-078B) [COMPLETED].

PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.16.c(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous Condition P.1 of Resolution R-2000-1576, Petition DOA1997-078B)

2. Street trees shall be planted within or adjacent to rights-of-way of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng) (Condition P.2 of Resolution R-2000-1576, Petition DOA1997-078B)
3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning) (Previous Condition P.3 of Resolution R-2000-1576, Petition DOA1997-078B)
4. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show decorative pavement at T-intersection areas in Pod E. (DRO: ZONING-Zoning) (Previous Condition P.4 of Resolution R-2000-1576, Petition DOA1997-078B)
5. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within residential Pods D1 and E. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO/PLAT: ZONING-Zoning) (Previous Condition P.5 of Resolution R-2000-1576, Petition DOA1997-078B)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

 Property Development Regulations Administrative Deviation or Flexible Regulations
 Pods:
 Front Setback - 22.5' All Pods
 Lot Coverage - ZLL 55% All Pods
 Lot Coverage - SF 44% Pod B only
 (Previous Condition P.7 of Resolution R-2000-1576, Petition DOA1997-078B)
7. No rear, side interior or side corner setback reductions shall be permitted unless as permitted by the ULDC. (DRO: ZONING) (Previous Condition P.8 of Resolution R-2000-1576, Petition DOA1997-078B)
8. Drainage easements shall not be permitted along the rear yards of back-to-back units in Pods E and D1. (DRO: ZONING) (Previous Condition P.9 of Resolution R-2000-1576, Petition DOA1997-078B)
9. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: 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. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att) (Previous Condition P.10 of Resolution R-2000-1576, Petition DOA1997-078B)

USE LIMITATIONS (4.41 ACRE CIVIC SITE ONLY)

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 11:00 p.m., excluding holiday services. (ONGOING: CODE ENF) (Previous Condition U.1 of Resolution R-2000-1576, Petition DOA1997-078B)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - ZONING/Zoning) (Previous Condition U.2 of Resolution R-2000-1576, Petition DOA1997-078B)

SCHOOL BOARD

1. The subject development shall post a notice of annual boundary school assignment for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models.

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding 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)."

In the event that this PUD becomes an adult only community, this condition shall not apply. (ONGOING: SCHOOL BOARD) (Previous Condition S.1 of Resolution R-2000-1576, Petition DOA1997-078B)

Is hereby deleted: [no longer applicable].

SIGNS

1. Entrance wall signs fronting on Jog Road, Hagen Ranch Road and Gateway Boulevard 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 - 60 square feet;
 - c. Maximum number of signs - one pair on each road frontage; and
 - d. Style - monument style only. (CO: BLDG) (Previous Condition T.1 of Resolution R-2000-1576, Petition DOA1997-078B)
2. Freestanding signs fronting on Hagen Ranch 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 - 80 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG) (4.41 ACRE CIVIC SITE ONLY) (Previous Condition T.2 of Resolution R-2000-1576, Petition DOA1997-078B)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRO: CODE ENF/ZONING) (4.41 ACRE CIVIC SITE ONLY) (Previous Condition T.3 of Resolution R-2000-1576, Petition DOA1997-078B)

UTILITIES

1. If any relocation/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: Water Utilities-WUD)

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) (Previous Condition W.1 of Resolution R-2000-1576, Petition DOA1997-078B)
2. Condition W.2 of Resolution R-2000-1576, Petition DOA1997-078B 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; 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)

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.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)