

RESOLUTION NO. R-2008- 1707

RESOLUTION APPROVING ZONING APPLICATION DOA/TDR-2007-01202
(CONTROL NUMBER 2003-00011)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Colony At Lake Worth LLC
BY Land Design South, Inc., AGENT
(Colony at Lake Worth 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, 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 DOA/TDR-2007-01202 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 2008; 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 DOADOA/TDR-2007-01202, the application of Colony At Lake Worth Llc, by Land Design South, Inc., agent, for a Development Order Amendment to a Development Order Amendment. to reconfigure site plan, add units, and modify/delete conditions of approval (landscaping, engineering and PUD). 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 September 29, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Robert Kanjian 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
Jeff Koons, Vice Chair	-	Absent
Karen T. Marcus	-	Nay
Robert J. Kanjian	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Nay

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 29, 2008.

Filed with the Clerk of the Board of County Commissioners on 29th day of September, 2008.


This resolution was filed with the Clerk of the Board of County Commissioners on October 17, 2008.


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



Page 2

EXHIBIT A

LEGAL DESCRIPTION

All of COLONY AT LAKE WORTH, A CONDOMINIUM, according to the Declaration of Condominium thereof recorded in Official Records Book 20380, at Page 990, of the Public Records of Palm Beach County, Florida.

Being more particularly described as follows:

A portion of land lying within the Southeast one—quarter (SE ¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida; thence North 01°33'34" East, a distance of 1,379.57 feet; thence North 88°26'26" West, a distance of 637.56 feet to a point being on the West line of the East one-half (E 1/2) of the Southwest one-quarter (SW 1/4) of the Southeast one-quarter (SE 1/4) of said Section 35, the preceding course being coincident with the North right-of-way line for Lantana Road as recorded in Official Records Book 5779, Page 1217, Official Records Book 5721, Page 1590, and Official Records Book 5695, Page 137, all of the Public Records of Palm Beach County, Florida; thence North 01°59'50" East along said West line, a distance of 1,293.49 feet to a point being on the South right-of-way line for Nash Drive as recorded in Deed Book 1088, Page 518 of the Public Records of Palm Beach County, Florida; thence South 88°50'46" East along said South right-of-way line, a distance of 663.76 feet to a point being on the West right-of-way line for Myers Road as recorded in Deed Book 1088, Page 518 of the Public Records of Palm Beach County, Florida, said point to be hereinafter referred to as "Reference Point A"; thence South 02°02'52" West along said West right-of-way line, a distance of 1,273.20 feet to the Northeasterly corner of right-of-way acquisition Parcel No. 110 for Lantana Road as recorded in Official Records Book 5779, Page 1217 of the Public Records of Palm Beach County, Florida; thence South 46°48'22" West along the Northerly line of said right-of-way acquisition Parcel No. 110, a distance of 35.51 feet to the Point of Beginning.

Together with:

A portion of land lying within the Southeast one-quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the aforementioned "Reference Point A"; thence North 02°02'52" East along the Northerly prolongation of the West right-of-way line for Myers Road as recorded in Deed Book 1088, Page 518 of the Public Records of Palm Beach County, Florida, a distance of 50.01 feet to a point being on the North right-of-way line for Nash Drive as recorded in Deed Book 1088, Page 518 of the Public Records of Palm Beach County, Florida, and the Point of Beginning; thence North 88°50'46" West along said North right-of-way line, a distance of 326.90 feet to a point being on the West line of the East one-half (E 1/2) of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of said Section 35; thence North 02°01'21" East along said West line, a distance of 341.64 feet to a point being on a line 1,007.99 feet south of and parallel to (as measured at right angles), the North line of the East one-half (E 1/2) of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of said Section 35; thence South 89°15'01" East along said line, a distance of 327.10 feet to a point being on the West right-of-way line for Myers Road as recorded in Deed Book 1088, Page 518 of the Public Records of Palm Beach County, Florida; thence South 02°02'52" West along said West right-of-way line, a distance of 343.95

feet to the Point of Beginning.

Said lands situate, lying and being in Palm Beach County, Florida.

In all totaling 971,044.219 square feet or 22.292 acres more or less.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous Condition A.1 of Resolution R-2004-158, Control 2003-011 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 November 18, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary master plan is dated September 11, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to DRO approval of the Preliminary Development Plan, the existing road right of way for Thunderbird Drive through this site shall be abandoned by the Board of County Commissioners. (DRO: ENG - Eng) (Previous Condition E.1 of Resolution R-2004-158, Control 2003-011)

2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed an additional 1 foot of right of way for Lantana Road (55 feet from center line). This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3 of Resolution R-2004-158, Control 2003-011)

3. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the projects entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (BLDG PERMIT: MONITORING - Eng) (Previous

Condition E.4 of Resolution R-2004-158, Control 2003-011)

4. The Property owner shall construct a right turn lane east approach on Lantana Road at the Projects Entrance Road.

- a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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. (ONGOING: MONITORING - Eng)
- 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.5 of Resolution R-2004-158, Control 2003-011)

5. Previous Condition E.2 of Resolution R-2004-158, Control 2003-011, which currently states:

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

- a. No Building Permits for the site may be issued after January 1, 2007. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)
- b. The number and mix of approved dwellings within the PUD may be revised by the County Engineer based upon an approved traffic study which complies with the mandatory traffic performance standards in place at the time of the request.

Is hereby amended to read:

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 January 1, 2012. 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)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM) (Previous ERM Condition No. B.1 of Resolution R-2004-0158, Control No. 2003-011)

2. Previous ERM Condition B.2 of resolution No. R-2004-0158, Control No. 2003-011, which currently states:

A 25% upland set-aside equal to or greater than 1.16 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)

Is hereby amended to read:

An upland set-aside preserve equal to or greater than 1.92 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)

3.A Preserve Management Plan and form of recordation such as Conservation

Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRO:ERM-ERM) (Previous ERM Condition No. B.3 of Resolution R-2004-0158, Control No. 2003-011)

LANDSCAPE - STANDARD

1. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan and/or an Alternative 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. (DRO: LANDSCAPE - Zoning)

2. Fifty-percent (50%) of trees to be planted in the perimeter buffer of the Development Area (Multi-family units) shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO: LANDSCAPE - Zoning) (Previous Condition C.1 of Resolution R-2004-158, Control 2003-011)

3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to twenty two (22) feet in height. Along the west facades of Buildings 10 and 11, palm height shall be a minimum of twenty-two (22) feet for screening of the windows; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (DRO: LANDSCAPE - Zoning) (Previous Condition C.2 of Resolution R-2004-158, Control 2003-011)

4. Previous Condition C.3 of Resolution R-2004-158, Control 2003-011 which currently states:

All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches: groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches: medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches: large shrub;
- d. This condition does not apply where a single row of hedge is required on one or both sides of a fence or wall; and,
- e. Seventy percent (70%) of the shrub materials shall be native species. (CO: LANDSCAPE - Zoning)

Is hereby deleted: Reason: [Code Requirements]

5. Previous Condition C.4 of Resolution R-2004-158, Control 2003-011 which currently states:

All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby deleted: Reason: [Code Requirement]

6. A group of three (3) or more palm or pine trees may not supersede the requirement

for a canopy tree in that location, unless specified herein. (DRO:LANDSCAPE Zoning) (Previous Condition C.5 of Resolution R-2004-158, Control 2003-011)

7.Field adjustment of berms, walls and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE - Zoning) (Previous Condition C.6 of Resolution R-2004-158, Control 2003-011)

8.Previous Condition C.7 of Resolution R-2004-158, Control 2003-011, which currently states:

Preservation areas may be excluded from perimeter landscape buffer planting, berm and wall requirements, subject to the following:

- a. Prior to final Development Review Officer (DRO) site plan approval, documentation that demonstrates native preserve area vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and,
- b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

Preservation areas may be excluded from perimeter landscape buffer planting subject to the following:

- a. Prior to final Development Review Officer (DRO) site plan approval, the applicant/property owner shall provide to the Landscape Section for review and approval a set of plans pursuant to Landscape Condition 1. These plans shall demonstrate that the preserve area and other existing vegetation on site will meet or exceed the required perimeter landscaping; and,
- b. the applicant/property owner shall meet with Landscape Section staff on site to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning)

9.Previous Condition C.8 of Resolution R-2004-158, Control 2003-011, which currently states:

Prior to final DRO approval of the PDP/site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning)

Is hereby deleted. Reason: [Replaced by revised Landscape Condition 8].

10.Six (6) months following the issuance of the Notice of Intent to Construct (NIC) for the Type II Excavation (Lake), the property owner shall complete the installation of the six (6) foot wall and two (2) foot berm within the north and west perimeter of the site. Clearing of the site prior to this is restricted to the southeast corner of the site for the sales trailer and sales model buildings. (DATE: MONITORING – ERM/Zoning)

LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE DEVELOPMENT AREA (LANTANA ROAD FRONTAGE)

11.Previous Condition D.1 of Resolution R-2004-158, Control 2003-011, which currently states:

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

- a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. a continuous two and one half (2.5) foot high berm measured from top of curb;
- c. a six (6) foot high opaque concrete panel wall or decorative fence, subject to Zoning

Division approval, shall be located on the plateau of the berm. The exterior side of the wall or fence shall be given a finished architectural treatment that is harmonious and compatible with abutting development;

- d. one (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall or fence;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall or fence;
- 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, and to be planted on both sides of the wall or fence;
- 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, and to be planted on both sides of the wall or 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 (30) inches at installation, and to be planted on the exterior side of the wall or fence. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to code requirements, landscaping and buffering along the south property line of the development area, for the proposed multi-family units shall be upgraded to include:

- a. a continuous two and one half (2.5) foot high berm measured from top of curb;
- b. a six (6) foot high concrete wall shall be located on the plateau of the berm. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE SOUTH 1,273 FEET OF THE EAST PROPERTY LINE OF THE DEVELOPMENT AREA (FRONTAGE OF MYERS ROAD)

12. Previous Condition F.1 of Resolution R-2004-158, Control 2003-011 which currently states:

Landscaping and buffering along the south 1,273 feet of the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. a continuous two (2) foot high berm measured from top of curb;
- c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
- d. one (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the 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, and to be planted on both sides of the wall; and,
- 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, and to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to code requirements, landscaping and buffering along the south 1,273 feet of the east property line of the development area, for the proposed multi-family units shall be

upgraded to include:

- a. a six (6) foot high concrete wall. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property; and,
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation (DRO: LANDSCAPE Zoning)

LANDSCAPING ALONG THE NORTH 344 FEET OF THE EAST PROPERTY LINE (MYERS ROAD FRONTAGE TO THE NORTH OF NASH TRAIL)

13. Previous Condition G.1 of Resolution R-2004-158, Control 2003-011 which currently states:

Landscaping and buffering along the north 344 feet of the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. one (1) canopy tree for each thirty (30) linear feet of the property line;
- 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;
- d. 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; and,
- e. 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. (CO: LANDSCAPE - Zoning)

Is hereby deleted. Reason: [Code requirements].

LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE DEVELOPMENT AREA (NASH TRAIL FRONTAGE)

14. Previous Condition H.1 of Resolution R-2004-158, Control 2003-011 which currently states:

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

- a. a minimum fifteen (15) foot wide landscape buffer strip abutting the north and south limits of Nash Trail, and a minimum of sixty-five (65) feet abutting residential property. No width reduction or easement encroachment shall be permitted;
- b. a continuous two (2) foot high berm measured from top of curb;
- c. a maximum six (6) foot high decorative fence, subject to Zoning Division approval, shall be located on the plateau of the berm along the south frontage of Nash Trail only. The exterior side of the fence shall be given a finished architectural treatment that is harmonious and compatible with abutting development. No chain link fence shall be permitted;
- d. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the required fence;
- e. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the required fence;
- 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, and to be planted on both sides of the required fence; and,
- 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, and to be planted on both sides of the required fence. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping and buffering along the north property line (excluding the east 55 feet of the north property line) of the development area (south side of Nash Trail), for the proposed multi-family units shall be upgraded to include:

- a. a minimum seventy two (72) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an eight (8) foot high opaque fence. The wall shall be given an architectural finish on both sides;
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO: LANDSCAPE Zoning)

LANDSCAPING ALONG THE EAST 55 FEET OF THE NORTH PROPERTY LINE OF THE DEVELOPMENT AREA (NASH TRAIL FRONTAGE)

- 15.a. a minimum thirty-two (32) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an eight (8) foot high opaque fence. The wall shall be given an architectural finish on both sides;
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO: LANDSCAPE Zoning)

LANDSCAPING ALONG THE NORTHWEST PROPERTY LINE (ABUTTING COMMERCIAL STABLE AND HORSE BREEDING FARM)

16.Previous Condition I.1 of Resolution R-2004-158, Control 2003-011 which currently states:

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

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a six (6) foot high opaque concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
- c. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;
- 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, and to be planted on both sides of the wall; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

Is hereby deleted Reason: [Replaced by Condition 14]

LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA (ABUTTING RESIDENTIAL, AGRICULTURAL AND UNDEVELOPED PROPERTIES)

17.Previous Condition J.1 of Resolution R-2004-158, Control 2003-011 which currently states:

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

- a. a minimum sixty-five (65) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a six (6) foot high opaque concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
- c. one (1) native canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- d. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;
- 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, and to be planted on both sides of the wall;
- 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, and to be planted on both sides of the wall; and,
- g. 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, and to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping and buffering along the west property line (excluding the north 265 feet of the west property line) of the development area, proposed multi-family units shall be upgraded to include:

- a. a minimum total of thirty (30) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an eight (8) foot high opaque fence. The wall shall be given an architectural finish on both sides; and,
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO:LANDSCAPE Zoning)

LANDSCAPING ALONG THE NORTH 265 FEET OF THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA (ABUTTING RESIDENTIAL AND AGRICULTURAL PROPERTIES)

- 18.a. a minimum total of sixty (60) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted ;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an eight (8) foot high opaque fence. The wall shall be given an architectural finish on both sides; and,
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO:LANDSCAPE Zoning)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG PERMIT/ONGOING: BLDG/CODE ENF Zoning) (Previous Condition K.1 of

Resolution R-2004-158, Control No. 2003-011)

2.Previous Condition K.2 of Resolution R-2004-158, Control No. 2003-011 which currently states:

All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

Is hereby deleted Reason: [Code Requirement]

3.All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the north and west property lines. (BLDG PERMIT: BLDG - Zoning) (Previous Condition K.3 of Resolution R-2004-158, Control No. 2003-011)

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 - Zoning) (Previous Condition K.4 of Resolution R-2004-158, Control No. 2003-011)

PALM TRAN

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 Preliminary Development Plan and/or final site plan prior to the final approval of the 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) (Previous Condition L.1 of Resolution R-2004-158, Control 2003-011)

2. Previous Condition L.2 of Resolution R-2004-158, Control 2003-011 which currently states:

Prior to the issuance of the first building permit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

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 is required. (PLAT: ENG-PalmTran)

PLANNING

1. Previous Condition N.1 of Resolution R-2004-158, Control 2003-011, which currently states:

Prior to final Development Review Officer (DRO) approval, the Planning Division shall determine whether the Preliminary Development Plan generally conforms with the certified site plan dated November 18, 2003 in terms of the locations of recreation areas, pathways around the lake area and to recreation areas, pedestrian seating areas, and pedestrian access to the preserve area at the northern portion of the site. (DRO PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

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 but is not limited to the following:

a. Guarantees the attainability of all required workforce units, which includes all units required per Article 5.G in the ULDC and all requested TDR units, for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and

b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY- Planning)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall include notations on Master Plans and related Site Plans that the requested TDR units have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants and shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households. (DRO: PLANNING - Planning)

4. On an annual basis, beginning April 1, 2009, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

PLANNED UNIT DEVELOPMENT

1. Previous Condition M.1 of Resolution R-2004-0158, Control No. 2003-011, which currently states:

Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater; and,
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ZONING/ENG - Zoning/Eng)

Is hereby deleted: Reason: [Code requirements].

2. Previous Condition M.2 of Resolution R-2004-0158, Control No. 2003-011, which currently states:

Decorative 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: LANDSCAPE - Eng/Zoning)

Is hereby deleted: Reason: [Code requirements].

3. Previous Condition M.3 of Resolution R-2004-0158, Control No. 2003-011 which currently states:

Prior to final Development Review Officer (DRO) approval, the conceptual site plan shall be amended to indicate staggered setbacks for buildings 8, 9 and 10 as shown on the conceptual site plan dated November 18, 2003. Setbacks shall vary by a minimum distance of six (6) feet. (DRO: ZONING - Zoning)

Is hereby deleted Reason: [Revised design and Plans under this DOA].

4. Previous Condition M.4 of Resolution R-2004-0158, Control No. 2003-011 which currently states:

Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate decorative paving treatment at the

southern access onto Myers Road. This paving shall be provided for the entire surface area of the drive aisles and extend westward from the east property line to connect with the decorative paving treatment at the interior intersection as shown on the Preliminary Development Plan/conceptual site plan dated November 18, 2003. (DRO: ZONING - Zoning)

Is hereby deleted: Reason: [All Petitions Condition 1 shows the approved BCC plan].

5.Previous Condition M.5 of Resolution R-2004-0158, Control No. 2003-011 which currently states:

Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a landscape or architectural focal point within all roundabout islands. (DRO: ZONING - Zoning)

Is hereby deleted: Reason: [All Petitions Condition 1 shows the approved BCC plan].

6.Previous Condition M.6 of Resolution R-2004-0158, Control No. 2003-011, which currently states:

Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a minimum five (5) foot wide meandering pedestrian pathway within the 20-foot wide lake maintenance easement of the 2.76-acre lake tract, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the lake tract. A minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and County Engineer. These shade structures shall be a minimum of 120 square feet each and shall include bench(es) and trash receptacle(s). (DRO: ZONING/ENG - Zoning/Planning)

Is hereby amended to read:

Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pedestrian pathway within the 20-foot wide lake maintenance easement of the 1.81-acre lake tract, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the lake tract. A minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and Engineering Department. These shade structures shall be a minimum of one hundred and twenty (120) square feet each and shall include bench(es) and trash receptacle(s). (DRO: ZONING/ENG - Zoning/Planning)

7.Previous Condition M.7 of Resolution R-2004-0158, Control No. 2003-011 which currently states:

Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a minimum five (5) foot wide meandering pathway through each of the lakefront open space areas as shown on the Preliminary Development Plan/conceptual site plan dated November 18, 2003. These pathways shall provide an uninterrupted connection between the pedestrian sidewalk system on the property and the pedestrian pathway required per Condition M.7. These pathways shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO/PLAT: ZONING - Zoning)

Is hereby amended to read:

Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pathway through each of the lakefront open space areas as shown on the Preliminary Master Plan dated September 11, 2008. These pathways shall provide an uninterrupted connection between the pedestrian sidewalk system on the property and the pedestrian pathway required per

PUD Condition 7. These pathways shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO/PLAT: ZONING - Zoning)

8. Previous Condition M.8 of Resolution R-2004-0158, Control No. 2003-011, which currently states:

Prior to the issuance of a Certificate of Occupancy (CO) for the 75th unit, the property owner shall mulch or pave all pedestrian pathways and install all gazebos, shade structures/trellis, benches and trash receptacles required per Conditions M.7. and M.8. (CO: MONITORING - Zoning/Planning)

Is hereby amended to read:

Prior to the issuance of a Certificate of Occupancy (CO) for the 110th unit, the property owner shall mulch or pave all pedestrian pathways and install all gazebos, shade structures/trellis, benches and trash receptacles required per PUD Condition 1. (CO: MONITORING - Zoning)

9. Prior to the recordation of the first plat, 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 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/COUNTY ATTY - Zoning) (Previous Condition M.9 of Resolution R-2004-0158, Control No. 2003-011)

10. The petitioner 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 of the existence of a commercial stable and horse breeding farm and a private club adjacent to the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2005, and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) (Previous Condition M.10 of Resolution R-2004-0158, Control No. 2003-011)

11. Access to the site by all construction traffic shall be from Lantana Road and the segment of Myers Road from Lantana Road to Nash Trail only. At no time shall construction traffic use Nash Trail to access the site. (ONGOING: CODE ENF - Zoning) (Previous Condition M.11 of Resolution R-2004-0158, Control No. 2003-011)

12. There shall be no recreation areas or recreational equipment within 200 feet of the north property line. (DRO: ZONING-Zoning)

SCHOOL BOARD

1. Previous Condition O.1 of Resolution R-2004-0158 (Control No. 2003-011) which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the developer shall provide a school bus shelter at an adequate location to the School District and Engineering

Department. The subject bus shelter shall be designed and constructed in a manner or form acceptable to both the Palm Beach County School District and Engineering Department. (CO: SCHOOL BOARD/ENG - School Board)

Is hereby amended to read:

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. 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: SCHOOL BOARD/ENG - School Board)

2.Previous Condition O.2 of Resolution R-2004-0158 (PDD 2003-011) which currently states:

The subject development 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 HOME BUYERS/TENANTS AND
PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residents. 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 - School Board)

Is hereby amended to read:

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 - School Board)

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. (Utilities-ONGOING)

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 P.1 of Resolution R-2004-158, Control 2003-011)

2.Previous Condition P.2 of Resolution R-2004-158, Control 2003-011 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)

Is hereby deleted. [REASON: superceeded by new COMPLIANCE 3]

3.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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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 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 a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)