

RESOLUTION NO. R-2006- 1203

RESOLUTION APPROVING ZONING APPLICATION DOA2005-1733
(CONTROL NUMBER 1978-005)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF PALM BEACH COUNTY
BY LAND DESIGN SOUTH, INC., AGENT
(HAMPTONS AT BOCA RATON)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-1733 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA2005-1733, the petition of Palm Beach County, by Land Design South, Inc., agent, for a Development Order Amendment to delete land area on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 22, 2006, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

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

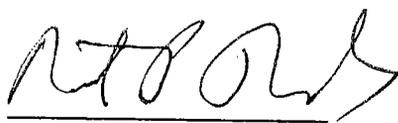
Filed with the Clerk of the Board of County Commissioners on 22nd day of June, 2006.

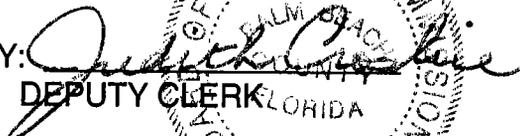
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

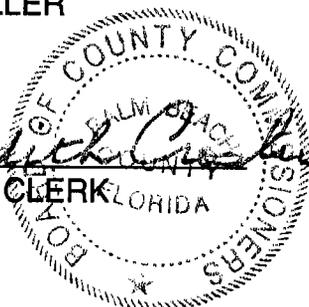


EXHIBIT A

LEGAL DESCRIPTION

TRACTS 1 THROUGH 46, INCLUSIVE, TRACTS 51 THROUGH 78, INCLUSIVE AND TRACTS 83 THROUGH 96, INCLUSIVE, AND THE NORTH 433 FEET OF TRACTS 97 THROUGH 112, INCLUSIVE, BLOCK 74, TOGETHER WITH TRACTS 2 THROUGH 17, INCLUSIVE, TRACTS 20 THROUGH 29, INCLUSIVE, TRACTS 32 THROUGH 59, INCLUSIVE, TRACTS 62 THROUGH 89, INCLUSIVE, TOGETHER WITH THE NORTH 433 FEET OF TRACTS 92 THROUGH 101, INCLUSIVE AND TOGETHER WITH THAT PART OF TRACTS 1, 30, 31, 60, 61 AND 90, AND THE NORTH 433 FEET OF TRACT 91, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF FLORIDA=S TURNPIKE, ALL IN BLOCK 75, PALM BEACH FARMS COMPANY, PLAT NO. 3, IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54. LESS, HOWEVER, THE WEST 215 FEET OF TRACTS 46, 51, 78, AND 83, BLOCK 74, SAID PALM BEACH FARMS COMPANY, PLAT NO. 3.

EXCEPTING THE NORTH 50.00 FEET OF SAID TRACTS 15 AND 16, BLOCK 74, AND EXCEPTING THE NORTH 50.00 FEET OF THE WEST 215 FEET OF SAID TRACT 14, BLOCK 74, FOR LAKE WORTH DRAINAGE DISTRICT L-42 CANAL RIGHT-OF-WAY.

EXCEPTING THE PLAT OF FOUR FORTY ONE ASSOCIATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 81, PAGE 177, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PARCEL OF BEING A PORTION OF TRACTS 14, 15, 16, 17, 18 AND 19, BLOCK 74, AND A PORTION OF THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT-OF-WAY LYING WESTERLY OF, AND CONTIGUOUS TO, SAID TRACTS 16 AND 17, ALL IN PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PLAT OF FOUR FORTY ONE ASSOCIATES, AS RECORDED IN PLAT BOOK 81, PAGE 177, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00_50'56" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH 89_36'59" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, AND ALONG A LINE 50 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINES OF SAID TRACTS 14, 15 AND 16 AND THEIR WESTERLY PROLONGATION, A DISTANCE OF 1004.61 FEET TO A POINT ON A LINE 215.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SAID TRACTS 14 AND 19; THENCE SOUTH 00_23'01" EAST ALONG SAID LINE AND ALONG THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-1 CANAL, A DISTANCE OF 834.40 FEET; THENCE SOUTH 89_36'59" WEST, DEPARTING SAID LINE AND SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 264.31 FEET; THENCE, NORTH 06°22'44" WEST, A DISTANCE OF 68.38 FEET; THENCE, NORTH 16°12'28" WEST, A DISTANCE OF 52.05 FEET; THENCE, NORTH 64°22'45" WEST, A DISTANCE OF 110.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 63°47'05", A DISTANCE OF 38.96 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 00°35'40" WEST, A DISTANCE OF 78.62 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°55'24", A DISTANCE OF 34.16

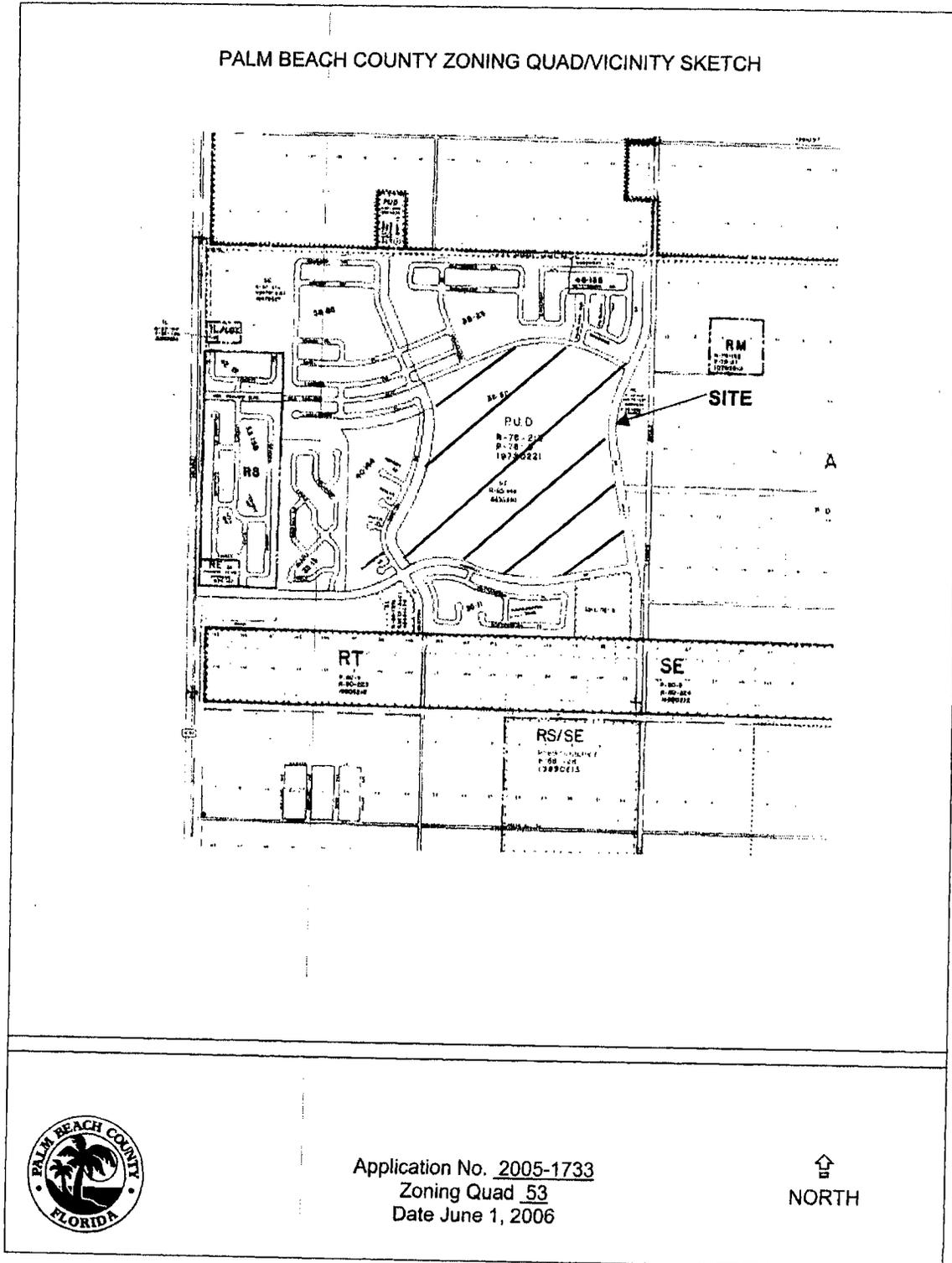
FEET TO THE POINT OF TANGENCY; THENCE, NORTH 56°35'35" WEST, A DISTANCE OF 39.76 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°55'47", A DISTANCE OF 21.95 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 87°28'38" WEST, A DISTANCE OF 39.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE, SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°51'40", A DISTANCE OF 26.18 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 44°36'58" WEST, A DISTANCE OF 62.51 FEET; THENCE, SOUTH 45°23'02" EAST, A DISTANCE OF 16.11 FEET; THENCE, SOUTH 44°36'58" WEST, A DISTANCE OF 103.50 FEET; THENCE, SOUTH 10°53'55" WEST, A DISTANCE OF 161.55 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF SAID PLAT OF PLAT OF FOUR FORTY ONE ASSOCIATES; THENCE, SOUTH 89°36'59" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 324.00 FEET TO THE POINT OF BEGINNING.

CONTAINING IN TOTAL: 982.66 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH



Application No. 2005-1733
Zoning Quad 53
Date June 1, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Previous Condition A.1 of Resolution R-99-1683.1, Petition 78-005(E) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-374 (Petition 78-005(E) (Petition 78-05(D) Withdrawn), 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 Resolutions R-99-1683.1, R-97-374 (Petition 78-005(E) (Petition 78-05(D) Withdrawn), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous Condition A.2 of Resolution R-99-1683.1, Petition 78-005(E) 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 master plan is dated May 21, 1999. 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 and site design as approved by the Board of County Commissioners. The approved master plan is dated April 17, 2006. 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)

3. Development of the site for the place of worship Petition 78-05(F) is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 24, 1999. 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-Zng) (Previous Condition A.3 of Resolution R-99-1683.1, Petition 78-005(E)).

B. BUILDING AND SITE DESIGN- DAY CARE CENTER - COMMERCIAL POD

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. The proposed structure for the day care center, shall be labeled as "two-story".
 - b. The dumpster, if located outside, shall be completely screened by a six foot (6') high solid fence and located away from the outdoor play area. (DRO: ZONING-Zng) (Previous Condition B.1 of Resolution R-97-374, Petition EAC78-05(E))

2. The day care center shall be limited to a maximum of 220 children. (ONGOING: CODE ENF-Zoning) (Previous Condition B.2 of Resolution R-97-374, Petition EAC78-05(E))
3. No outdoor loud speaker system shall be permitted on site. (ONGOING: CODE ENF-Zoning) (Previous Condition B.3 of Resolution R-97-374, Petition EAC78-05(E))(ONGOING: CODE ENF-Zoning)
4. The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the employees. (ONGOING: CODE ENF-Zoning) (Previous Condition B.4 of Resolution R-97-374, Petition EAC78-05(E))(ONGOING: CODE ENF-Zoning)
5. Adequate directional sign area shall be installed to enable users to access and leave the site in a controlled manner. (ONGOING: CODE ENF-Zoning) (Previous Condition B.5 of Resolution R-97-374, Petition EAC78-05(E)) (ONGOING: CODE ENF-Zoning)
6. The landscaping along the six foot (6') fence, on the south perimeter of the outdoor play area, shall be upgraded to include a minimum of ten foot (10') tall native canopy trees spaced twenty feet (20') on-center. A minimum of one (1) twelve foot (12') tall tree shall be planted for each 500 square feet of outdoor activity area. (ONGOING: LANDSCAPE-Zoning) (Previous Condition B.6 of Resolution R-97-374, Petition EAC78-05(E))

C. BUILDING AND SITE DESIGN- PLACE OF WORSHIP - RECREATION POD

1. Use of and access to parking for the recreation pod shared with the place of worship, and other uses including recreational activities, shall not be roped off, specially designated, or restricted in any manner. (ONGOING: CODE ENF-Zoning) (Previous Condition C.1. of Resolution R-99-1683.1, Petition 78-005(E))
2. Foundation planting or grade level planters shall be provided along the front and side facades of the structure to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 40% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO:ZONING-Zng) (Previous Condition C.2 of Resolution R-99-1683.1, Petition 78-005(E))
3. Additional signage shall be limited to directional and wall signs only. Wall signs shall be limited to one sign with a maximum fifty (50) square feet sign face area to be located on the south facade only (front of the building facing the parking lot) (CO: BLDG PERMIT-Zng) (Previous Condition C.3 of Resolution R-99-1683.1, Petition 78-005(E))

D. PREM

1. Developer shall dedicate two (2) percent of the project area to Palm Beach County or other civic use as allowed by the Code to be determined by Palm Beach County.(ONGOING: PREM-PREM)(Previous Condition C.1 of Resolution R-97-374, (Petition EAC78-05(E))
2. Developer shall provide an additional fifty (50) acres of recreation area to be comprised of an eight (8) foot bike path system throughout the project; a passive linear park system forty (40) feet in width around the lake frontage; and three (3) piers for boating access to the lake, one (1) being located on each of the major recreation areas on the lake. In addition, within ninety (90) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (\$50,000.00) to Palm Beach County to be utilized offsite in the Boca Greens Park dedication area. (ONGOING: PREM-PREM (Previous Condition C.2 of Resolution R-97-374, Petition EAC78-05(E))

E. ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the daycare expansion is \$26,235.00 (477 additional trips X \$55.00 per trip) (IMPACT FEE CORD). (Previous Condition E.1 of Resolution R-97-374, Petition EAC78-05(E))

[Is hereby deleted. Code requirement]
2. Developer shall submit traffic impact analysis. (ONGOING:ENG-Eng) (Previous Condition E.2 of Resolution R-97-374, Petition EAC78-05(E))
[May be deleted. Reason: code requirement]
3. Developer shall submit Master Drainage Report including Design High Water, recurring high water for twenty-five (25) year period, flood elevation for one hundred (100) year storm and compatibility of drainage facilities within lake Worth Drainage District facilities. (ONGOING:ENG-Eng) (Previous Condition E.3 of Resolution. R-97-374, Pet. EAC78-05(E))

[Is hereby deleted: Reason code requirement]
4. Palm Beach County Engineering Department to provide design and drainage for Lyons Road to State Road 808 and said road shall be constructed by the developer. (ONGOING:ENG-Eng) (Previous Condition E.4 of Resolution R-97-374, Petition EAC78-05(E))

[Completed]
5. Developer shall improve and signalize the intersections of State Road No.7 and development entrance roads, when recommended by the Department of Transportation. Developer shall provide State Road No. 7 by- pass. (ONGOING:ENG-Eng) (Previous Condition E.5 of Resolution R-97-374, Petition EAC78-05(E))

[Completed]
6. Developer shall construct Lyons Road within the property. (ONGOING:ENG-Eng) (Previous Condition E.6 of Resolution R-97-374, Petition EAC78-05(E))

[Completed]
7. Developer shall construct Lyons Road from the south property line to Glades Road as a two-lane section. Palm Beach County Engineering Department shall provide design and drainage for this section of road. (ONGOING:ENG-Eng) (Previous Condition E.7 of Resolution R-97-374, Petition EAC78-05(E) (ENG))

[Completed]
8. Developer shall construct Lyons Road within the project limits as a four-lane section; the alignment of which shall be approved by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.8 of Resolution R-93- 374, Petition EAC78-05(E))

[Completed]
9. Developer shall construct a left turn lane, west approach, a right turn lane, east approach, and a right turn lane and dual left turn lane, north approach, at the intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.9 of Resolution R-97- 374, Petition EAC78-05(E))

[Completed]

10. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R. 7. (ONGOING:ENG-Eng) (Previous Condition E.10 of Resolution R-97-374, Petition EAC78-05(E))
[Completed]
11. Developer shall signalize the intersection of Kimberly Boulevard and SR 7 when warranted as determined by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.11 of Resolution R-97- 374, Petition EAC78-05(E))
12. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at the intersection of New England Boulevard and SR 7. (ONGOING:ENG-Eng) (Previous Condition E.12 of Resolution R-97- 374, Petition EAC78-05(E))
[Completed]
13. Developer shall construct left and right turn lanes at the west, north and south approaches at the intersection of Kimberly Boulevard and Lyons Road. (ONGOING:ENG-Eng) (Previous Condition E.13 of Resolution R-97- 374, Petition EAC78-05(E))
[Completed]
14. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.1 4 of Resolution R-97 374, Petition EAC78-05(E))
[Completed]
15. Developer shall construct a left turn lane, south approach, and a left turn lane, west approach, at the intersection of New England Boulevard and Lyons Road. (ONGOING:ENG-Eng) (Previous Condition E.15 of Resolution R-97- 374, Petition EAC78-05(E))
[Completed]
16. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.16 of Resolution R-97- 374, Petition EAC78-05(E))
17. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (ONGOING:ENG-Eng) (Previous Condition E.17 of Resolution R-97- 374, Petition EAC78-05(E))
[Completed]
18. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (ONGOING:ENG-Eng) (Previous Condition E.18 of Resolution R-97-374, Petition EAC78-05(E))
[Completed]
19. Developer shall provide access to the major recreational tract on Lyons Road from within the multi-family area and no permanent driveways shall be allowed to Lyons Road. A temporary driveway to the sales office shall be allowed during initial construction. (ONGOING:ENG-Eng) (Previous Condition E.19 of Resolution R-97- 374, Petition EAC78-05(E))
[May be deleted. Access points are code requirements.]

20. Developer shall signalize the intersection of Lyons Road and Glades Road when warranted as determined by the County Engineer. Developer's participation in this requirement shall be limited to a pro-rata share of total cost based upon traffic volumes at the time the traffic warrant is met, as determined by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.20 of Resolution R-97- 374, Petition EAC78-05(E))

[Completed]

21. Developer shall construct a left turn lane, east approach, at the intersection of Kimberly Boulevard and the shopping center entrance. The entrance shall be located a minimum of six hundred sixty (660) feet from the centerline of Lyons Road. (ONGOING:ENG-Eng) (Previous Condition E.21 of Resolution R-97- 374, Petition EAC78-05(E))

[Completed]

22. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location of the entrance road shall be approved by the County Engineer. (ONGOING:ENG-Eng) (Previous Condition E.22 of Resolution R-97- 374, Petition EAC78-05(E))

[Completed]

23. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be two (2) lanes in and two (2) lanes out. (ONGOING:ENG-Eng) (Previous Condition E.23 of Resolution R-97- 374, Petition EAC78-05(E))

F. MULTI-FAMILY DEVELOPMENT

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: SWA-SWA) (Previous Condition G.1 of Resolution R-97- 374, Petition EAC78-05(E))

G. SCHOOL BOARD

1. Prior to Final Site Plan Approval by the Development Review Officer (DRO), or no later than January 1, 2007, whichever shall occur first, the Developer shall donate fifty thousand dollars (50,000.00) to the School Board of Palm Beach County. (DRO/DATE: SCHOOL BOARD-School Board)(Previous Condition F.1 of Resolution R-97- 374, Petition EAC78-05(E))

H. COMPLIANCE

1. Previous Condition H.1 of Resolution R-97-374, Petition 78-005(E) which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 amended to read:

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. 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. (ONGOING: MONITORING - Zoning)