

RESOLUTION NO. R-2000- 1234

RESOLUTION APPROVING ZONING PETITION PDD99-077
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF ARTHUR LEBOVIT/ HELEN GODFRIEND/ IRVING DENMARK
BY LAND DESIGN SOUTH, AGENT
(OKEECHOBEE/441 PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD99-077 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 2000; and,

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD99-077, the petition of Arthur Leibovit/ Helen Godfriend/ Irving Denmark by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) on a parcel of land legally described in EXHIBITA, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 24, 2000, subject to the conditions of approval described in EXHIBIT C and CI, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 24, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Atturo*
COUNTY ATTORNEY

BY: *Joan Skewes*
DEPUTY CLERK

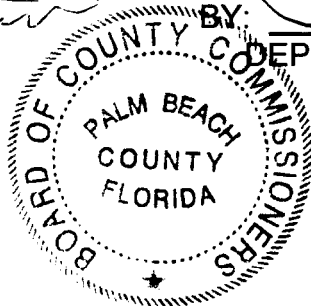


EXHIBIT A
LEGAL DESCRIPTION

TRACTS 2 AND 3 OF BLOCK 1, PALM BEACH FARMS COMPANY, PLAT NO. 9,
ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK
OR THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED
IN PLAT BOOK 5, AT PAGE 58, LESS THE NORTH 70 FEET THEREOF.

EXHIBIT B
VICINITY SKETCH

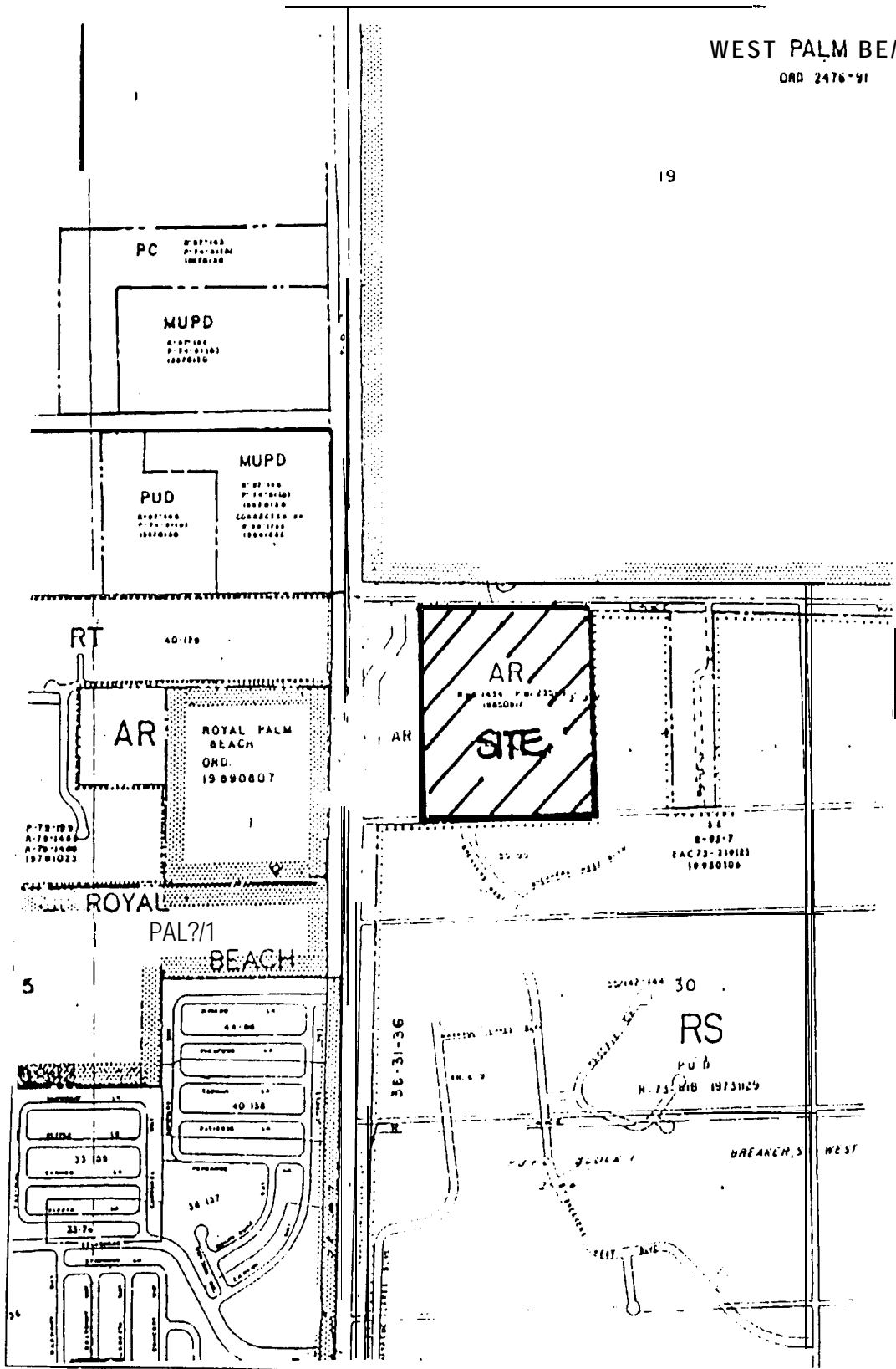


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved development plan and site plan dated August 14, 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)
2. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to show a 4,685 square foot club house. (DRC: CONCURRENCY)
3. Prior to November 1, 2000, the petitioner shall record a deed restriction to provide a minimum two hundred and fifty (250) foot setback from the south and east property lines. (DATE: CTY ATTY/ZONING)

B. ARCHITECTURAL CONTROL

1. Prior to DRC final certification of the site plan, the petitioner shall provide architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: ZONING)
2. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
 - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. **The jog** shall be a minimum of **five (5)** feet in depth;
 - b. Varied window treatments (i.e transoms, glass block, window types, trims, etc.);
 - c. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
 - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
 - e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg)
3. All roof or 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 and character of the principal structure or equivalent landscape material. (BLDG PERMIT: BUILDING - Zoning)
4. The maximum height for all two-story residential buildings and the club house, including all air conditioning 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)

5. The maximum height for all three-story residential buildings, including all air conditioning, mechanical equipment, and satellite dishes shall not exceed **forty-five (45)** feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The minimum setback for all residential buildings shall be two hundred and fifty (250) feet from the south and east property lines. (DRC: BLDG-Zoning)
2. Prior to final DRC site plan approval, the site plan shall be amended to include a car wash area for the residents. (DRC: ZONING)
3. Prior to the platting of the PUD, the property owner shall pursue abandonment of the existing thirty (30) foot Palm Beach Farms rights-of-way adjacent to the south property line of the **Okeechobee/441** PUD. The petitioner shall incorporate the abandoned right-of-way to the southern PUD buffer and landscaped this buffer pursuant to Conditions 1.1 and 1.2 where applicable. In the event the adjacent property owner (Breakers West) turns over their portion of the abandoned right-of-way to the property owner, the property owner shall add the portion to the southern buffer. (PLAT: **ENG/LANDSCAPE** - Zoning)
4. The abandoned right of way as described in Condition C.3 may be incorporated into the Preliminary Development Plan and Site Plan at the time of final approval by the DRC provided the overall density of 5 units per acre is not exceeded. The petitioner must update the petition file by providing a revised legal description and survey to include the additional land area. The processing of this amendment is subject to the approval of the Zoning Director. (DRC: ZONING - Survey)
5. Two (2) 2-story (maximum) residential buildings shall be located on the outer side of the loop road. (CO: LANDSCAPE)
6. A minimum twenty (**20**)% of the required parking shall be accommodated in parking courts with access onto the loop road. (CO: LANDSCAPE)
7. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show focal points:
 - a. at access point of parking courts, driveway intersections;
 - b. open space adjacent and between buildings; and
 - c. paver blocks or decorative pavement in the loop road, defining parking area, parking courts, pedestrian crossing area.

This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: LANDSCAPE)

D. DUMPSTERS

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within two hundred and fifty (250) feet of the south and east property lines and shall be confined to the areas designated on the site plan dated August 14, 2000. (DRC / ONGOING: ZONING / CODE ENF)

E. ENGINEERING

1. The Property owner shall:
 - a) extend the existing Dual left turn lane east approach on Okeechobee Boulevard at S.R. 7 to provide for an additional 200 feet of dual left turn lane;
 - b) extend the existing left turn lane west approach on Okeechobee Boulevard at the existing median opening at this projects east property line to provide for an additional 80 feet of left turn lane;
 - c) Construct a right turn lane west approach on Okeechobee Boulevard at the project's entrance road.
 - 1) 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**.
 - 2) 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)
 - 3) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
2. On or before January 1, 2001, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Okeechobee Boulevard along the property frontage and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate **wingwall** or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng)
3. LANDSCAPE WITHIN MEDIAN OF STATE ROADS
 - 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 Okeechobee Boulevard

road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the 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 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)

- 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. 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 within 90 days notice from the County Engineer to the Developer that the Okeechobee Road widening has been completed. If the final CO for the site is requested prior to the completion of the road widening then acceptable surety shall be provided to insure the planting of the required median landscaping. (ENGINEERING/FINAL CO: MONITORING-Eng)
 - c) If the County does not assume maintenance responsibility, then appropriate property owners 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 the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)
- 4. Prior to DRC Approval the Final Development Plan shall be amended to provide for an adequate turnaround and roadway **geometrics** for the proposed entrance gates entering the individual POD's subject to the County Engineer's Approval. (DRC APPROVAL: ENG)
 - 5. If the eight lane widening of Okeechobee Boulevard adjacent to this site requires expansion of additional right of way within the Lake Worth Drainage District Canal right of way and the Florida Department of Transportation **or the** County Engineer requires the construction of a right turn lane west approach, then prior to March 1, 2001 or prior to the 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 along Okeechobee Boulevard. This right-of-way shall be along the project's frontage, twelve feet in width, and shall be located south of the Lake Worth Drainage District L1 Canal. 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. The 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. (BLDG PERMIT: MONITORING-Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All proposed easements and road rights of way shall be shown on the Master Plan prior to DRC certification and shall not be included in any calculation of proposed preserve area. (DRC: ERM)
2. Prior to final certification of the site plan, the site plan shall be revised to indicate the boundary of both the required and the additional upland preserve areas. (DRC: ERM)

G. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on the Okeechobee Boulevard (north property line) by this approval shall meet the following minimum standards at installation:
 - a. tree height: fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All perimeter canopy trees required to be planted on site by this approval, except along the north property line, shall meet the following minimum standards at installation:
 - a. tree height: twelve (12) feet;
 - b. trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. canopy diameter: six (6) 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 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO LWDD L-I CANAL AND OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip, no reductions or easement encroachments shall be permitted;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - d. thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.(CO: LANDSCAPE)
2. The above requirements may be amended subject to an alternative landscape plan to include areas indicated as an upland preserve or wetland preserve. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE SOUTH, EAST, AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south, east and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
 - c. one (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
 - d. twenty four (24) inch high shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. The above requirements may be amended subject to an alternative landscape plan to include areas indicated as an upland preserve or wetland preserve. (CO: LANDSCAPE)

J. LANDSCAPING INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. Landscaping shall be provided along the outer side of the loop road as indicated on the site plan dated August 14, 2000 and shall consist of the following:

- a. a minimum fifteen (15) foot wide landscape buffer strip, no reductions or easement encroachments shall be permitted;
- b. one (1) native canopy tree planted every thirty (30) feet on center;
- c. one (1) additional palm or pine tree for each thirty (30) linear feet of roadway, 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. Shrubs and hedges shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

K. PLANNING

- 1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those commitments stipulated in the application for "Special Methodologies for Affordable Housing in Compliance with the Traffic Performance Standards" incorporated onto the conceptual site plan and the preliminary development plan dated August 14, 2000. (DRC: PLANNING)
- 2. Prior to final site plan approval by the Development Review Committee, the site plan and preliminary development plan shall be amended to modify the notation which currently reads "Future stub out street not to be constructed unless required for access to adjacent parcel in order to preserve existing native vegetation". The notation shall be amended to read "future stub out street to be paved to the property line for access to adjacent parcel". (DRC: PLANNING)
- 3. Prior to the issuance of the first building permit, the petitioner shall pave the property to the edge of the western property line at the location shown on the master and regulating plan labeled "Future stub out street.....". (BLDG PERMIT: MONITORING-BUILDING/PLANNING)

L. 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)
- 2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.16.c(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
- 3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 4. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
- 5. 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.

6. 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 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 - Co Att)

M. SCHOOL BOARD

1. If this is to be a gated community prior to final site plan approval by the DRC, the petitioner shall provide a bus stop pull off completely out of the right-of-way or bus stop turn around in front of any access control points or gated communities. The bus stops shall be sufficient enough in size to accommodate a school bus and shall be equipped with a bus shelter. The size and location of all such school bus stops shall be coordinated with the Palm Beach County Zoning and Planning Divisions and Engineering Department, along with the School District Planning Department. (DRC: SCHOOL BOARD)
2. The subject development shall post a notice of annual boundary school assignments 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 with the following:

NOTICE TO HOME BUYERS/TENANTS

School age children may not be assigned to the public school closest to their residence. School district policies regarding overcrowding or other boundary policy decision affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 to verify the most current school assignment(s) for the house addresses in this development. (ONGOING: CODE ENF/SCHOOL BOARD)

N. 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)
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. (MONITORING)

EXHIBIT CI

AFFORDABLE HOUSING CONDITIONS
OKEECHOBEE/441 PUD

A. AFFORDABLE HOUSING

1. Prior to Technical Compliance of the first plat, the Engineering Department shall notify the Planning Division of the plat submittal. The Planning Division will use this notification to verify if the developer has recorded the restrictive covenant, as required in Condition A. 2. (PLAT: ENG-PLANNING)
2. Prior to Technical Compliance of the first plat, the developer shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:
 - a) guarantees the affordability of the 10 very low income, 10 low income, and 19 moderate income units for a period of fifteen (15) years.
 - b) guarantees that the 39 affordable units have been identified and rented only to income eligible households, and not further restricted beyond the requirement that the occupants qualify for the income limits.
 - c) guarantees that the Developer and/or the Property Management Company makes available evidence that the 39 affordable units have been occupied at a rate of time equal to or less than the rate of time for the non affordable units.
 - d) guarantees that the Developer and/or the Property Management Company shall submit an annual report to the County Planning, Zoning and Building Department and the Commission on Affordable Housing providing information and documentation to demonstrate compliance with the "Special Methodologies for Affordable Housing in Compliance with the Traffic Performance Standards" criteria.
(PLAT: PLANNING)
3. The petitioner shall provide to the Monitoring Section of the Planning, Zoning and Building Department and the Commission on Affordable Housing an annual report in accordance with the restrictive covenant requirements, starting December 1, 2001, of each year following the issuance of the first certificate of occupancy for an Affordable Unit, for a minimum of fifteen (15) years, which details (e.g. the identity of the petitioner/property management company; the names of the members of the Eligible Households identifying those members who are age 18 or older; the total numbers of persons occupying each Affordable Unit; the annual gross income of the members of the Eligible Households occupying the Affordable Units; and, the identification of and the monthly rent of the Affordable Unit within the Development) to the satisfaction of the County Attorney, Commission on Affordable Housing, and the Planning, Zoning and Building Department that the units are exclusively provided to low and moderate income families which qualify as such.

If found in violation of the condition, the petition shall be remanded to the Board of County Commissioners for its review and appropriate action. (DATE: MONITORING-CAH-PLANNING)
4. Prior to final site plan certification by the Development Review Committee (DRC), the developer shall show the following on the site plan:

- a) indicate the dispersal of the minimum required 10 very low income, 10 low income, and 19 moderate income units within the proposed buildings such that no more than four (4) of the affordable units shall be located within any one of the buildings.
 - b) indicate the required 10 very low income units shall consist of four (4) two bedroom units and six (6) one bedroom units.
 - c) indicate the required 10 low income units shall consist of four (4) two bedroom units and six (6) one bedroom units.
 - d) sidewalks throughout the entire site connecting each of the buildings with the proposed civic/recreation, and sidewalks in front of all parking spaces which link each parking space to the buildings, and the sidewalk fronting the property along Okeechobee Boulevard.
 - e) at a minimum, ten (10) street lights and light posts and three (3) benches with backs and three (3) trash receptacles, which will be consistent in quality and character as those indicated in the "Special Methodologies for Affordable Housing in Compliance with the Traffic Performance Standards" application, and will be located in areas consistent with the conceptual site plan dated February 24, 2000. (DRC: PLANNING)
5. Prior to final site plan certification by the Development Review Committee (DRC), the developer shall provide documentation of the Palm Tran response to the November 4, 1999, letter from the agent, requesting that a proposed future bus stop to be located on the south side of Okeechobee Boulevard in front of the **Okeechobee/441** PUD property. If agreed to by Palm Tran, the general location of the proposed future bus stop shall be indicated on the final site plan. (DRC: PLANNING)
6. Prior to final certificate of occupancy, the petitioner shall:
- a) provide all 189 units with both interior blinds and sun screening or similar treatments, reducing the amount of light entering the units.)
 - b) provide all 189 units with high efficiency (rated above 8EER) stoves and refrigerators.
 - c) provide all 189 units with an enclosed balcony or enclosed patio for the exclusive use of the unit's residents. (CO: **MONITORING-BUILDING/PLANNING**)

B. 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/PLANNING)
- 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 the 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)