

RESOLUTION NO. R-2002- 2206

RESOLUTION APPROVING ZONING PETITION PDD2002-015
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THE MORTON GROUP
BY ROBERT BENTZ, AGENT
(TIVOLI LAKES 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 PDD2002-015 was presented to the Board of County Commissioners at a public hearing conducted on December 9, 2002; 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 PDD2002-015, the petition of The Morton Group by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Agricultural Residential to Residential Planned Unit Development on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 9, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 9, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of January, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

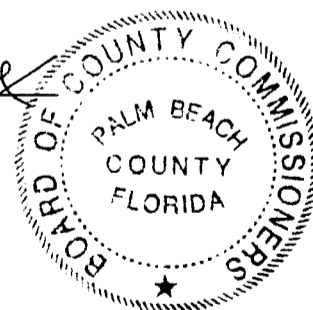


EXHIBIT A

LEGAL DESCRIPTION

ALL OF TRACTS 33 THROUGH 36, 61 THROUGH 64, BLOCK 55, AND ALL OF TRACTS 5, 9 THROUGH 12, 22 THROUGH 27, BLOCK 56, AND A PORTION OF TRACTS 7 AND 8, BLOCK 56, AND A PORTION OF THOSE 30 FOOT AND 50 FOOT PLATTED ROAD RIGHTS-OF-WAY BEING COINCIDENT WITH AFOREMENTIONED TRACTS, ALL LYING AND BEING IN PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, AND A PORTION OF TRACT "C", MIZNER FALLS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 91, PAGES 7 THROUGH 14, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "C"; THENCE NORTH 00°24'29" WEST, ALONG THE EAST LINE OF SAID PLAT OF MIZNER FALLS, A DISTANCE OF 1,377.38 FEET; THENCE NORTH 89°04'26" EAST, ALONG A LINE 81.84 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 6 THROUGH 8, SAID BLOCK 56, A DISTANCE OF 1037.84 FEET; THENCE NORTH 00°27'06" EAST, ALONG THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 81.84 FEET; THENCE NORTH 89°04'26" EAST, ALONG THE NORTH LINE OF SAID TRACT 5, A DISTANCE OF 328.90 FEET; THENCE SOUTH 00°28'19" EAST, ALONG THE EAST LINE OF SAID TRACTS 5 AND 12, A DISTANCE OF 1,486.06 FEET; THENCE SOUTH 89°34'10" WEST, ALONG THE SOUTH LINE OF SAID TRACT 12, A DISTANCE OF 329.02 FEET; THENCE SOUTH 00°27'56" EAST, ALONG THE EAST LINE OF SAID TRACTS 22 AND 27, A DISTANCE OF 1350.41 FEET; THENCE SOUTH 89°37'22" WEST, ALONG THE SOUTH LINE OF TRACTS 25 THROUGH 27, SAID BLOCK 56, AND WESTERLY PROLONGATION THEREOF, A DISTANCE OF 1015.64 FEET; THENCE SOUTH 89°34'49" WEST, ALONG THE SOUTH LINE OF TRACTS 61 THROUGH 64, SAID BLOCK 55, AND EASTERLY PROLONGATION THEREOF, A DISTANCE OF 1343.85 FEET; THENCE NORTH 00°23'39" WEST, ALONG THE WEST LINE OF SAID TRACTS 36 AND 61 AND THE NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 1,364.22 FEET; THENCE NORTH 89°34'10" EAST, ALONG THE NORTH LINE OF SAID TRACT "C", A DISTANCE OF 1,318.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 118.046 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

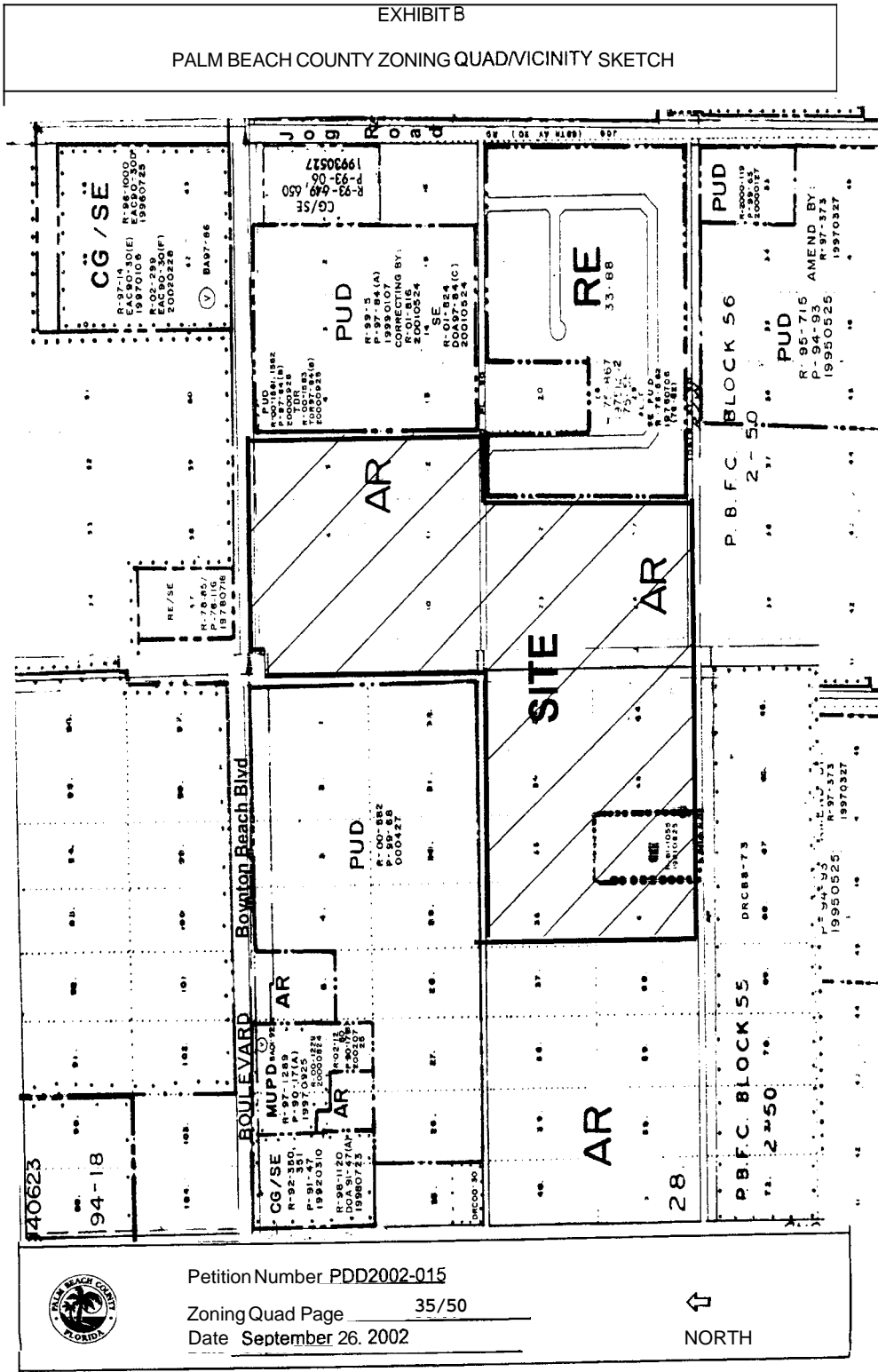


EXHIBIT C

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 preliminary development plan is dated November 20, 2002. 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)
2. Resolution R-81-1055, granting approval of Petition 81-120 is hereby revoked. (ONGOING: MONITORING-Zoning)
3. Prior to final DRC certification of the preliminary development plan, the petitioner shall revise the concurrency application to be consistent with the number of units approved by the BCC. (DRC: ZONING-Zoning)
4. Construction access for the site shall not be from 102nd Ave. to the east of the site next to the Tara Estates development. This restriction shall not apply to the work such as water, sewer, utility and paving improvements that will be necessary within the ROW of 102nd Avenue. (ONGOING: MONITORING-Zoning)

B. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer 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. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, 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)
3. 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 to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the fence; and
 - e. a minimum of fifty (50) percent of the shrub materials shall be native species. (CO: LANDSCAPE-Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 6. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation. (CO: LANDSCAPE - Zoning)
- C. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)
1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a minimum two to three (2) to (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one canopy tree for each twenty (20) linear feet of the property line;
 - d. one palm (Royal Palm) planted at forty (40) feet on center with (Ixora) shrubs at base of each palm; and,
 - e. one small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one 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,
 - g. one large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)
- D. 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 twenty (20) foot wide landscape buffer strip along the south and west property lines, and the north 1,486 feet of the east property line. A minimum of twenty-one (21) foot wide landscape buffer along the east property line abutting Tara Estates (Petition 75-55). No width reduction shall be permitted;
 - b. along the east property line abutting Tara Estates (Petition 75-55), a continuous berm with a minimum height of three (3) feet, measured from the top of the curb, shall be provided;
 - c. a minimum of six (6) foot high black or green, vinyl coated chain link fence to be installed along the plateau of the required berm per Condition D.1.b.
 - d. one canopy tree for each twenty (20) linear feet of the property line. Trees shall be planted alternating on both sides of the fence in areas where the fence is required;
 - e. one palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.

- Palms or pines shall be planted alternating on both sides of the fence in areas where the fence is required;
- f. one small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- g. one 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. Medium shrubs shall be planted alternating on both sides of the fence in areas where the fence is required; and,
- h. one large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) linear feet at installation.

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for no more than 230 single family adult dwelling units, shall be issued until the contract has been awarded for the 2 lane construction of Woolbright Road from Hagen Ranch Road to Jog Road. (BLDG PERMIT: MONITORING-Eng)
 - b) No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer only if 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)
2. Acceptable surety for the design; right of way acquisition; Construction Engineering and Inspection Costs and all construction costs for the 2 lane construction of Woolbright Road from Hagen Ranch Road to Jog Road to include right of way and all associated construction costs. All surety shall be posted with the **Land Development Division** on or before May 5, 2003. Amount of the Surety shall be 110% of a Cost Estimate based on the review of the preliminary construction plans available for Woolbright Road and a preliminary cost estimate by the Developers Engineer and approved by the County Engineer for Woolbright Road. Amount of the preliminary surety shall be approved by the County Engineer. (TPS) (DATE: MONITORING-Eng)
3. The Property Owner shall complete the funding for the 2 lane construction of Woolbright Road on or before December 5, 2003. Funding shall be provided to the **Land Development Division** with the amount based on a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. (DATE:MONITORING-Eng)
4. **LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD**

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Boynton Beach Boulevard. Installation of this landscaping and irrigation material shall strictly conform with the specifications as outlined and approved by the Palm Isles Subdivision's Boynton Beach Corridor Design Standards.

 - a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING- Eng)
 - b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO:MONITORING-Eng)

5. Prior to Certification of the Final Development Plan:
 - o the right of way for both 70th Avenue and 102nd Place shall be abandoned by the Palm Beach County Board of County Commissioners within the limits of this property. (DRC: ENG-Eng)
 - o a restrictive covenant for the PUD shall be recorded limiting the PUD to an age restricted (over 55 years of age) community. Prior to the recordation this restrictive covenant shall be approved by the County Attorney and the County Engineer. (DRC :ENGINEERING-Eng)

F. PLANNED UNIT DEVELOPMENT

1. 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: BLDG - Eng)
2. 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;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC:ZONING/ENG-Zoning/Land Dev.)
3. Prior to final DRC certification of the site plan, the petitioner shall revise the-preliminary development plan to show the following:
 - a. provision of a minimum of one (1) decorative bridge with pedestrian walkway in the area where lakes abut the spine road (between the single family and zero lot line pods). Details/elevations of the bridge design shall be reviewed and approved by the Architectural Review Section;
 - b. recreation uses provided in accordance with Section 6.8.B.4.A.(6).(b).(i) of the ULDC shall be located on a minimum of 0.1 acre, and approximate locations as shown on the Preliminary Development Plan dated November 20, 2002. Such recreation uses shall have a direct connection to the pedestrian system within the project, and shall include recreation amenities such as benches with shaded structures, gazebo, fitness station, rest station, or similar items subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC:ARCH REVIEW/ZONING-Zoning)
4. Administrative deviations shall be permitted only for the increase of lot coverage and up to a maximum of ten (10) percent only. No front setback reduction shall be permitted. (DRC:ZONING-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. 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-Zoning)

6. 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. (MONITORING: ZONING/CO ATTY-Zoning)

G. PLANNING

1. At time of submittal for final DRC certification, architectural elevations for all non-residential buildings and structures shall be submitted simultaneously with the Preliminary Development Plan for final architectural review and approval in accordance with Section 4 – "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. Residential buildings and structures are also encouraged to be designed and constructed in accordance with Section 4 – "Architectural Design Guidelines. " All development shall be consistent with the approved architectural elevations. (DRC:BLDG PERMIT: BLDG - Planning)
2. The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions, with the exception of median landscaping standards which have now been superseded by the County's median landscaping program:
 - a. Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median; and
 - b. Section 3: Landscaping Guidelines. (ONGOING: PLANNING-Planning)
3. Prior to final Development Review Committee (DRC) Certification of the Preliminary Development Plan, the petitioner shall submit a conceptual landscape plan to the Planning Division for consistency review with the Boynton Beach Turnpike Interchange Corridor Design Guidelines. (DRC:PLANNING-Planning)
4. Prior to final Development Review Committee (DRC) Certification of the Preliminary Development Plan, the applicant shall dedicate one (1) well site on the site in a location acceptable to the Water Utilities Department. (DRC: PLANNING/WATER UTILITIES-Planning)
5. Prior to final site plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the Preliminary Development plan dated November 20, 2002 (Rec.# 35 and 37) regarding shaded pedestrian pathways and vehicular and pedestrian connections. (DRC:PLANNING-Planning)
6. Prior to final preliminary development/site plan certification by the Development Review Committee (DRC), the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks of this project pursuant to Recommendation 35 of the West Boynton Area Community Plan. (DRC:

H. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by May 1, 2004, which shall be used as the day of closing on a net 2.36 acre Public civic site (exclusive of buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O). The developer shall plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance:
 - a. The developer shall provide a title policy insuring marketable title to Palm Beach County for the civic site. All title exception documentation to be provided to County by April 1, 2004. The title policy is subject to the approval of Property & Real Estate Management Department (PREM) and the County Attorney. The title policy shall be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal shall be obtained by the Developer. The County shall have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site. (DATE: MONITORING –PREM)
2. The developer shall assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation. The developer shall request-both PREM and the Traffic Division input as to the size of a structure which the civic site would support and the corresponding amount of trips.
 - a. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated to the day of closing or a prior day of closing as mutually agreed upon by the County and property owner.
 - b) The civic site shall be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - c) The developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The developer shall specifically address the following issues:
 1. The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 2. As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - d. By acceptance of these conditions, the developer shall agree to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - e. The developer shall prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.

- f. The developer shall provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
3. The property owner shall provide a survey of the proposed civic site certified to Palm Beach County by April 1, 2004. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
 - a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay shall be provided.
 - c. The survey shall include a location of any proposed water retention area that will border the civic site.
 - d. The survey shall also be subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)
 4. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by April 1, 2004. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. The assessment shall include but not be limited to the following:
 - a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
 - b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.
 - c. The assessment shall reflect whether the civic site or any bordering property is on the following lists:
 1. EPA's National Priorities list (NPL)
 2. Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 3. Hazardous Waste Data Management System List (HWDMS).
 - d. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
 5. The Petitioner may request to exchange the required on-site dedication of and for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County

property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (ONGOING: MONITORING - PREM)
(NOTE: On 12/09/02, the BCC approved the cash out option as the avenue by which this condition will be satisfied.)

I. SCHOOL BOARD

1. Prior to Final Site Plan certification, the applicant shall provide a "Declaration and Restrictive Covenant" which prohibits children under nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the County Attorney. (DRC:COUNTY ATTY/SCHOOL BOARD-School Board.)

J. SIGNS

1. Freestanding signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point, (excluding architectural features such as towers, columns, etc.) – six (6) feet;
 - b. maximum total sign face area per side (excluding architectural features such as wing walls) – sixty (60) square feet;
 - c. maximum number of signs - one pair;
 - d. style - monument style only; and,
 - e. location - within fifty (50) feet on both sides of the main access driveway. (CO: BLDG-Zoning)
2. Prior to final certification by the DRC, all signs on the site shall be designed and constructed in accordance with Section 5 – "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996 (DRC/BLDG PERMIT: PLANNING/ZONING - Planning)

K. 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 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. (MONITORING)