

RESOLUTION NO. R-2003-0118

RESOLUTION APPROVING ZONING PETITION PDD2001-066A
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF JAMES SHILLINGLAW, FRANCESKA MALCK, RAJA MALEK
BY HPT CONSULTANTS, INC., AGENT
(PALOMINO PLACE 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 PDD2001-066A was presented to the Board of County Commissioners at a public hearing conducted on January 23, 2003; 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 PDD2001-066A, the petition of James Shillinglaw, FranceskaMalck, Raja Malek by Press Tompkins Jr., agent, for an Official Zoning Map Amendment to a Planned Development District for a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District 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 January 23,2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons 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	-	Absent
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 23,2003.


Filed with the Clerk of the Board of County Commissioners on 26 day of February, 2003

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

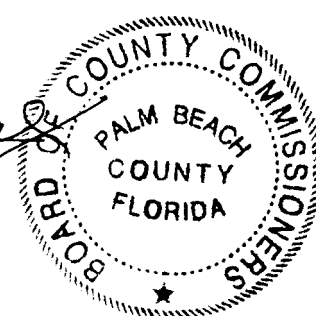


EXHIBIT A
LEGAL DESCRIPTION

Tracts 20,21,22 and 23, Block 25 of the Palm Beach Farms Co. Plat No. 3, according to the plat thereof on file in the office of the Clerk of Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 to 54 inclusive (all lying east of the east right-of-way of the LWDD E-1 canal).

EXHIBIT B
VICINITY SKETCH

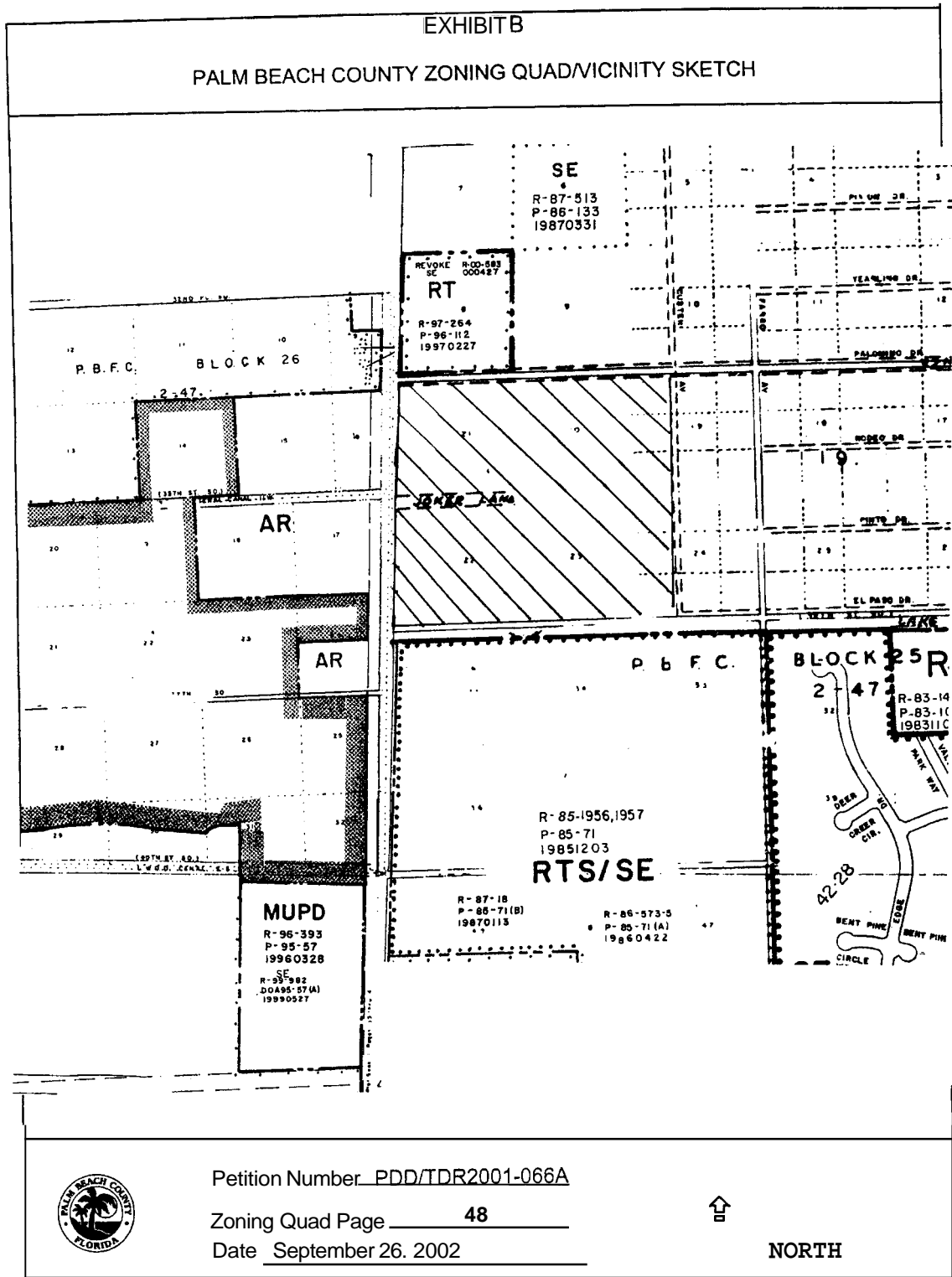


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved Preliminary Development Plan is dated December 18, 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)

B. ERM

1. All existing native trees depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)
2. Should more than 5% of the trees, designated to remain on the site plan, be damaged or destroyed from other than acts of God, the site plan shall be deemed invalid and be remanded to the DRC process to designate a 25% up-land set-aside. The set-aside shall be calculated based on the total amount of acreage of canopy trees that existed prior to development. The location shall be depicted on the site plan in a location that is approved by ERM. A Created Preserve Planting Plan and Preserve Management Plan shall be approved by ERM prior to final DRC Site Plan Certification of the required new site plan. (ONGOING: ERM – ERM)
3. In association with a vegetation violation, a location for Compliance with Vegetation permit #S-0225-99 which requires the installation of 198 native trees at 12 feet in height and 3 inches in diameter at breast height shall be depicted on the site plan prior to final site plan certification. The installation of these trees shall not be counted toward any potential mitigation requirements associated with the construction of this proposed site plan. (DRC: ERM – ERM)
4. Incorporation of a comparable amount of existing native vegetation for a 25% upland set-aside, in lieu of a 25% upland set-aside, shall be depicted within the site plan for preservation in perpetuity or a 25% upland preserve set-aside with a Conservation Easement and Preserve Management Plan shall be provided to and approved by ERM prior to final DRC site plan certification. (DRC: ERM – ERM)
5. The Petitioner shall submit a Gopher Tortoise survey to the Department of Environmental Resources Management for review and approval prior to final DRC Site Plan certification. (DRC: ERM – ERM)

C. 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; and,
 - d. This condition does not apply where a single row of hedge is required on one or both sides of the wall. (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 a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 6. Required berms and landscaping in the north and east landscape buffers shall be installed prior to issuance of building permits for the first unit, excluding dry models. (BLDG PRMT: BLDG - Zoning)
- D. LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF PALOMINO DRIVE)
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 continuous three (3) foot high berm measured from top of curb. Berm may be field adjusted to allow for preservation of existing trees;
 - c. A six (6) foot high wood fence installed at top of berm;
 - d. One (1) native canopy tree for each thirty (30) feet of the property line, alternating on both sides of the fence;
 - e. One (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) small shrub for each two (**2**) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - b. One (1) medium shrub for each four (**4**) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - c. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

3. Along the interior side of the required wall, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)
4. Prior to final Development Review Committee certification, the petitioner shall meet with Landscape staff to ensure that the landscaping materials proposed for the north property line are generally consistent with the materials installed at 9885 Palomino Drive, to the maximum extent feasible. (DRC: LANDSCAPE – Zoning)

E. ENGINEERING

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 West approach on Palomino Drive at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer and shall be in addition to the 40 feet from centerline dedication as referenced in the condition below. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Palomino Drive:
 - a. Forty (40) feet from centerline from the projects east property line, west a distance of 1100 feet:
 - b. Fifty (50) feet from centerline from the projects west property line, east a distance of 120 feet plus the appropriate paved taper.

All right of way shall be conveyed prior to the issuance of the first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING – Eng)

3. The Property owner shall:
 - a. reconstruct: Palomino Drive to non-plan collector street standards, 2-12 foot travel lanes from the projects west property line east to the projects entrance road;
 - b. construct a five foot pedestrian pathway along the south side of Palomino Drive from State Road 7 to the projects east property line.
 - c. construct a right turn lane west approach on Palomino Drive at the project's entrance road.

- i. 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.
 - ii. Permits required by Palm Beach County for the construction identified above shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring – Eng)
 - iii. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)
- 4. Prior to approval of the Preliminary Development Plan the Developer shall abandon the existing 40 foot easement within the site as recorded in ORB 1002 page 491. (DRC: ENG – Eng)
- 5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 54 single family dwelling units shall not be issued until the contract has been awarded for the construction of the following improvements at the intersection of Forest Hill Boulevard and State Road 7:
 - i) additional north approach left turn lane,
 - ii) 4 through lanes north approach ,
 - iii) dual right turn lanes north approach,
 - iv) additional south approach left turn lane,
 - v) 4 through lanes south approach,
 - vi) additional west approach left turn lane

(or) until the contract has been let for the widening of State Road 7 from Forest Hill Boulevard to Lake Worth Road as an eight lane median divided section. (BLDG PERMIT: MONITORING – Eng)
 - b. Building Permits for more than 76 single family dwelling units shall not be issued until the contract has been awarded for the construction of an additional east approach right turn lane and an additional left turn lane north approach at the intersection of Lake Worth Road and State Road 7 or until the contract has been let for the widening of State Road 7, from Forest Hill Boulevard to Lake Worth Road to eight lanes whichever shall first occur. (BLDG PERMIT: MONITORING – Eng)
 - c. No Building Permits for the site may be issued after December 31, 2004. 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)
- 6. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Palomino Drive and State Road 7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

Building Permits for more than 25 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. (BLDG PERMIT: MONITORING – Eng)

7. The Property Owner shall fund the cost of two traffic calming speed humps along Palomino Drive as determined by the County Engineer. Fundings shall be completed prior to June 1, 2003 (DATE: MONITORING – Eng)
8. LANDSCAPE WITHIN MEDIAN OF SR 7

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of State Road 7.

This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- 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)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner,

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along SR 7. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

9. Prior to site plan approval by the DRC, the petitioner shall submit a final drainage design addressing all minimum Palm Beach County and South Florida Water Management Drainage criteria. The final drainage design shall accommodate all drainage inflows onto the site for the three year 24 hour storm event. (DRC APPROVAL: ENGINEERING – Eng)

F. LANDSCAPING ALONG WEST PROPERTY LINE (FRONTAGE OF STATE ROAD 7/US 441)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Berm may be field adjusted to allow for preservation of existing trees;
 - c. One (1) native canopy tree for each thirty (30) feet of the property line;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO LWDDL-11 CANAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. One (1) native canopy tree for each twenty (20) linear feet of the property line;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING PALM BEACH RANCHETTES)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A continuous three (3) foot high berm measured from finished grade. Berm may be field adjusted to allow for preservation of existing trees;
 - c. A six (6) foot high black or green vinyl coated chain link fence on plateau of berm;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, alternating on both sides of the fence; and

- e. One (1) pine for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - b. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
 - c. One (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)
 3. Along the interior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE – Zoning)

I. MASS TRANSIT

1. Prior to recordation of the first plat, the property owner shall convey to Palm Beach County an easement for a bus stop, subject to the approval of Palm Tram. (PLAT: ENG – Palm Tram)
2. If this development is required to be platted, this easement shall be recorded as a separate instrument prior to Technical Compliance of the first plat. Additionally, the petitioner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. The location of the easement shall be shown on the final site plan prior to final approval by the Development Review Committee. (DRC: PALM TRAM – Palm Tram)
3. Prior to the issuance of the 50th unit, the developers shall construct a Palm Tram approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and alighting area Easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the property owner. (BLDG. PERMIT: MONITORING – Eng)

J. 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 – Zoning)
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 (1) side of all internal PUD streets, forty (40) feet in width or greater;
 - b. Along both sides of all internal PUD streets, fifty (50) feet in width or greater; and
 - c. All Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC: ZONING/ENG – Zoning)
3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG – Zoning)

4. No rear setback reductions shall be permitted. (DRC: ZONING – Zoning)
5. Prior to final Development Review Committee (DRC) approval, the Preliminary Development Plan/Site Plan shall be amended to indicate a landscape focal point with specimen tree at the projects entrance. (DRC: LANDSCAPE – Zoning)
6. Landscaping in the four (4) corner cul-de-sac focal points shall be xeriscaped to include the following:
 - a. One (1) native canopy tree or cluster of three (3) palms or pines;
 - b. One (1) twenty-four (24) inch shrub for each ten (10) linear feet of circumference (measured at the curb), to be maintained at under thirty (30) inches measured from the pavement surface;
 - c. Appropriate ground cover; and
 - d. The landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO/DRC: LANDSCAPE/ENG – Zoning)
7. The project entrance, and all pedestrian connections, that cross a road right-of-way shall be in the form of decorative brick pavers or stamped concrete. (DRC/BUILDING PERMIT: ZONING/BLDG – Zoning)
8. 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)
9. 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 parcels shall be turned over to the association at no cost to the residents. (PLAT: ENG – Zoning)
10. Construction traffic for this project shall be prohibited on Palomino Drive. (ONGOING: CODE ENF – Zoning)
11. Irrigation wells shall be prohibited. (BLDG PRMT/ONGOING: BLDG/ CODE ENF – Zoning)
12. Structures on lots along the east property line (lots 17 through 30) shall be limited to one (1) story in height. (BLDG PRMT: BLDG-Zoning)

K. SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect

school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD – School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: MONITORING/SCHOOL BOARD/ENG – School Board)

L. SIGNAGE

1. Project identification signage shall be limited as follows:
 - a. Maximum sign height: six (6) feet;
 - b. Maximum sign face area per side: thirty (30) square feet;
 - c. Maximum number of signs: one (1) pair;
 - d. Location: Project entrance; and
 - e. Style: Entrance wall signs. (CO/DRC: BLDG/ZONING – Zoning)

M. LAKE WORTH DRAINAGE DISTRICT

1. Prior to recording of the plat, the owner shall convey to the District either by warranty deed or easement, the West 45 feet of Tract 22, Block 25 for the required right-of-way for the E-1 Canal. (PLAT: ENG – LWDD)

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 Code Enforcement Special Master to schedule a Status Report before the body

which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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