

RESOLUTION NO. R-2003-1760

RESOLUTION APPROVING ZONING PETITION DOA/EAC2000-052A  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF GL HOMES OF BOYNTON BEACH ASSOC. IV & GL HOMES VI  
BY KILDAY & ASSOCIATES INC, AGENT  
(VALENCIA SHORES PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA/EAC2000-052A was presented to the Board of County Commissioners at a public hearing conducted on October 23, 2003; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

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

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

WHEREAS, Article 5 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 DOA/EAC2000-052A, the petition of GL Homes of Boynton Beach Assoc. IV & GI Homes VI, by Kilday & Associates Inc, agent, for a Development Order Amendment / Expedited Application Consideration to modify an Engineering condition of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 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     Masilotti     and, upon being put to a vote, the vote was as follows:

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

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

Filed with the Clerk of the Board of County Commissioners on   24   day of   November  , 2003.

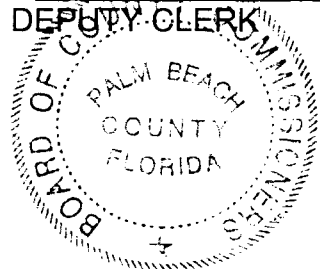
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

A parcel of land lying within a portion of Blocks 42 and 43 of the PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida, said lands also lying within Sections 7 and 8, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of Tract 101, Block 43, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida; thence N.00°29'27"W., along the west line of said Tract 101 and the west line of Tract 100 of said Block 43 and the northerly prolongation of the west line of said Tract 100, a distance of 1,335.52 feet; thence N.88°58'41"E., along the centerline of a 30 foot roadway situated between Tracts 73 through 88 of said Block 43, on the North and Tracts 89 through 100 of said Block 43, on the South, a distance of 5,340.07 feet to a point on the west line of Block 42 of said PALM BEACH FARMS COMPANY PLAT NO. 3; thence N.01°02'18"W., along the centerline of a 50 foot roadway situated between Tracts 59 and 88 of said Block 43, on the West and Tracts 69 and 70 of said Block 42, on the East, said centerline also being the west line of said Block 42, a distance of 1,335.49 feet; thence N.88°57'43"E., along the westerly prolongation of the north line of Tract 69 of said Block 42, a distance of 25.00 feet to the northwest corner of said Tract 69; thence S.01°02'18"E. along the west line of said Tract 69, a distance of 35.64 feet; thence N.88°57'43"E. along a line that is parallel with and 35.64 feet

south of, as measured at right angles to, the north line of Tracts 68 and 69 of said Block 42, a distance of 659.77 feet to a point on the east line of said Tract 68; thence S.01°02'01"E. along the east line of said Tract 68, a distance of 0.66 feet; thence N.88°57'43"E. along a line that is

parallel with and 36.30 feet south of, as measured at right angles to, the north line of said Tract 67, a distance of 659.77 feet to the east line of said tract 67; thence N.01°01'44"W. along the east line of said Tract 67, a distance of 0.66 feet; thence N.88°57'43"E. along a line that is parallel

with and 35.64 feet south of, as measured at right angles to, the north line of Tracts 64, 65, and 66 of said Block 42, a distance of 989.65 feet to a point on the east line of said Tract 64; thence S.01°01'18"E. along the east line of said Tract 64, a distance of 0.36 feet; thence N.88°57'43"E.

along a line that is parallel with and 36 feet south of, as measured at right angles to, the north line of said Tract 63, a distance of 329.88 feet to a point on the east line of said Tract 63; thence N.01°01'09"W. along the east line of said Tract 63, a distance of 36.00 feet to the northeast

corner of said Tract 63; thence N.88°57'43"E. along the easterly prolongation of the north line of said Tract 63, a distance of 30.00 feet to the northwest corner of said Tract 62; thence S.01°01'09"E. along the west line of said Tract 62, a distance of 46.00 feet; thence N.88°57'43"E. along a line that is parallel with and 46 feet south of, As measured at right angles to, the north line of said Tract 62, a distance of 329.88 feet to a point on the east line of said Tract 62; thence S.01°01'01"E. along the east line of said Tract 62, a distance of 0.20 feet; thence N.88°57'43"E.

along a line that is parallel with and 46.20 feet south of, as measured at right angles to, the north lines of Tracts 57 through 61 of said Block 42, a distance of 1,787.42 feet to a point in the westerly limits of lands as described in the Order of Taking recorded in Official Record Book 8223, Page 1084 of the Public Records of Palm Beach County, Florida; thence S.05°08'39"W., a distance of 382.15 feet; thence S.01°06'52"E., a distance of 732.79 feet; thence S.04°51'23"E., a distance of 1516.81 feet to a point on the south line Tract 108 of said Block 42, the preceding three courses also being coincident with those lands as described in said Order of Taking; thence S.88°58'42"W., along a line parallel with and 25 feet north of, as measured at right angles to, the south line of said Block 42, a distance of 4,872.20 feet to a point on the centerline of a 50 foot roadway situated between

said Blocks 42 and 43, said point also being on the west line of said Block 42; thence continue S.88°58'42"W. along a line parallel with and 25 feet north of, as measured at right angles, to the south line of said Block 43 a distance of 5,352.84 feet to the Point of Beginning.

All of the above said lands situate, lying and being in Palm Beach County, Florida.

Containing 19,780,085 square feet or 454.088 acres, more or less.

EXHIBIT B  
VICINITY SKETCH

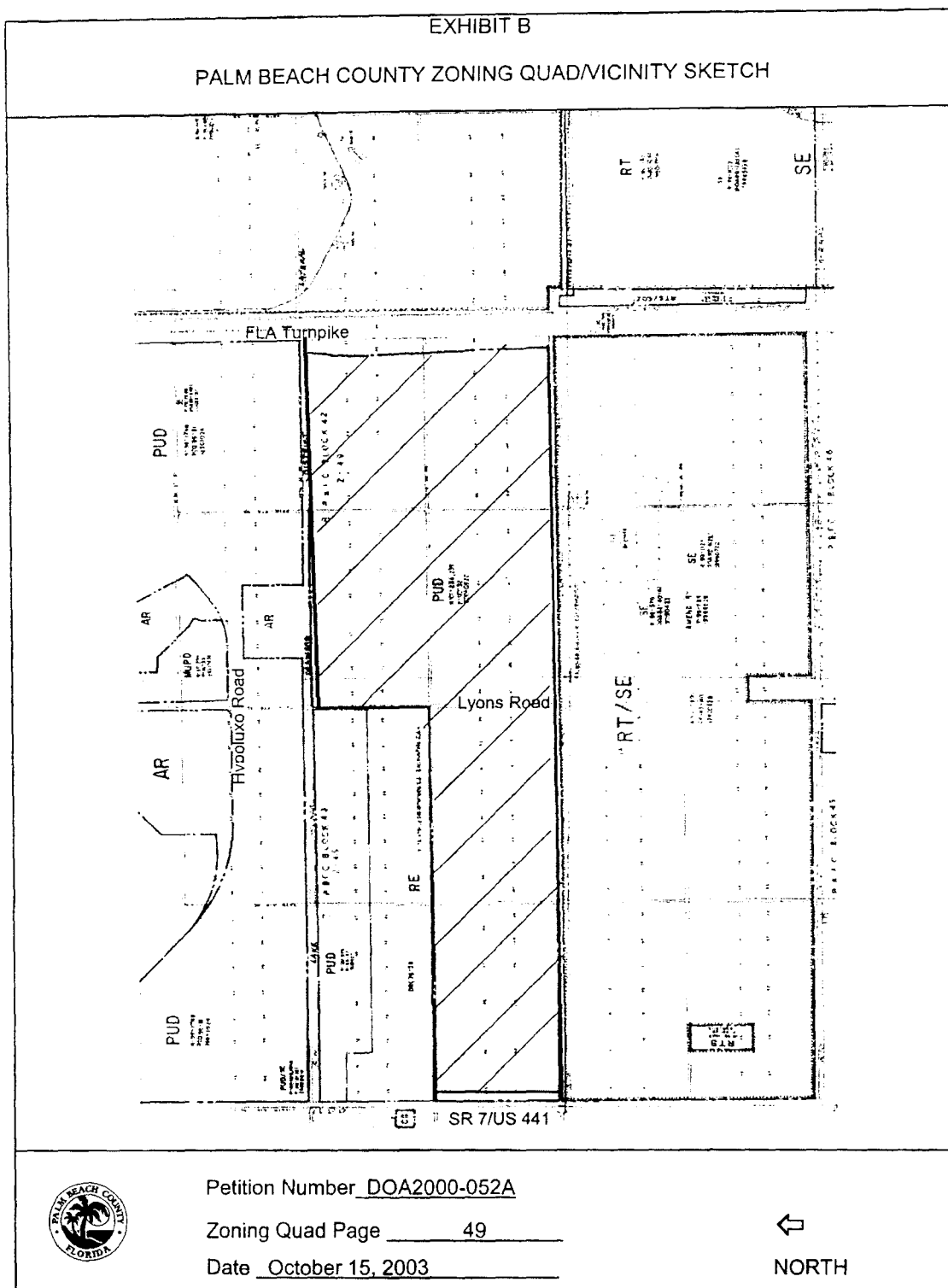


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2001-0238, Petition PDD2000-052 which currently states:

**Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated November 21, 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)**

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated August 22, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

B. ARCHITECTURAL CONTROL

1. **Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:**
  - a. **No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).**
  - b. **No more than three (3) homes with the same elevation shall be placed next to each other; and,**
  - c. **No more than three (3) homes with the same exterior color scheme may be placed next to each other.**

**This obligation shall be included in the Homeowners Association's documentation. A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. (BLDG PERMIT: BLDG/ZONING) (Previous Condition B.1 of Resolution R-2001-0238, Petition PDD2000-052)**

2. **Prior to final DRC certification of the preliminary development 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) (Previous Condition B.2 of Resolution R-2001-0238, Petition PDD2000-052)**

C. LANDSCAPING - STANDARDS

1. **Fifty (50) percent of all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**

- a. **Tree height: Fourteen (14) 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) (Previous Condition C.1 of Resolution R-2001-0238, Petition PDD2000-052)**
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) (Previous Condition C.2 of Resolution R-2001-0238, Petition PDD2000-052)**
3. **A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree. (CO: LANDSCAPE - Zoning) (Previous Condition C.3 of Resolution R-2001-0238, Petition PDD2000-052)**
4. **All internal buffers between pods and perimeter TDR compatibility buffers shall be approved by the Development Review Committee (DRC) in accordance with the ULDC unless specifically modified by the Board of County Commissioners as part of this approval. (DRC: ZONING) (Previous Condition C.4 of Resolution R-2001-0238, Petition PDD2000-052)**
5. **Modification to spacing of plant material in the landscape buffer strips may be permitted to accommodate transversing utility or drainage easement crossings. (Previous Condition C.5 of Resolution R-2001-0238, Petition PDD2000-052)**
- D. **LANDSCAPING ALONG NORTH PROPERTY LINE EAST OF LYONS ROAD (ADJACENT TO VILLAGES OF WINDSOR PUD AND AWAD PROPERTY)**
1. **Landscaping and buffering along this portion of the north property line shall be upgraded to include:**
- a. **A thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;**
  - b. **One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;**
  - c. **A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of curb;**
  - d. **One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;**
  - e. **A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,**
  - f. **Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. 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.** (DRC/CO: ZONING/LANDSCAPE-Zoning)  
(Previous Condition D.1 of Resolution R-2001-0238, Petition  
PDD2000-052)

E. ENGINEERING

1. **Prior to July 1, 2001, the property owner shall convey a temporary roadway construction easement along Lyons Rd. to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.** (DATE: MONITORING-Eng)  
(Previous Condition E.1 of Resolution R-2001-0238, Petition PDD2000-052)
2. **The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:**
  - a) **Lyons Rd., 110 feet of right of way on an alignment approved by the County Engineer. This right of way shall be conveyed prior to July 1, 2001.** (DATE: MONITORING-Eng) (Previous Condition E.2.a of Resolution R-2001-0238, Petition PDD2000-052)
  - b) **Additional right of way for the Lyons Road overpass over the project's south east west road with the alignment and location to be approved by the County Engineer. This right of way shall be conveyed prior to July 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur.** (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2.b of Resolution R-2001-0238, Petition PDD2000-052)
  - c) **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 north and south approach on Lyons Road 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.** (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2.c of Resolution R-2001-0238, Petition PDD2000-052)

**All 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer.** (Previous Condition E.2 of Resolution R-2001-0238, Petition PDD2000-052)

3. **Prior to final subdivision approval for any PODs adjacent to the Florida Turnpike a required buffer/berm combination shall be shown on the site plan along the Florida Turnpike in accordance with DOT approval. This buffer/berm shall then be constructed concurrent with the required improvements for the affected POD.** (DRC APPROVAL: ENG) (Previous Condition E.3 of Resolution R-2001-0238, Petition PDD2000-052)
4. **Condition E.4. of Resolution R-2001-0238, Petition PDD2000-052 which currently states:**



## 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 SR 7 Right-of-Ways. 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 on or before June 1, 2002. (DATE: 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)**

Is hereby amended to read:

4. **LANDSCAPE WITHIN THE MEDIAN OF SR 7**
  - a) **The petitioner shall design, install and perpetually maintain the median landscaping within the median of the abutting right of way of SR 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County**

Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in sub paragraph d below.

- b) 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)
- c) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)
- d) At 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. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. 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 petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
- e) Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along State Road 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

**5. The Property owner shall construct the following turn lane improvements:**

- I. Project's Entrance at SR 7;**
  - a) Left turn lane north approach;**
  - b) left turn lane east approach**
- II. Project Entrance Road and Lyons Road;**
  - a) left turn lane north approach;**
  - b) right turn lane south approach;**
  - c) left turn lane east approach;**
  - d) right turn lane east approach;**
- a) Permits required by Palm Beach County and the Florida Department of Transportation for construction of the above turn lanes shall be submitted prior to Technical Compliance for the plat containing the project's entrance road onto either SR 7 or Lyons Road. (PLAT: ENG) (Previous Condition E.5.a of Resolution R-2001-0238, Petition PDD2000-052)**

- b) **This construction shall be concurrent with the construction of the Project's Entrance Road onto either SR 7 or Lyons Road. 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. (Previous Condition E.5.b of Resolution R-2001-0238, Petition PDD2000-052)**
6. **The property owner shall provide for the acquisition of Lyons Road, 110 feet of right of way from the present terminus south of Lantana Road to the present terminus at Melrose PUD. This condition does not apply to any portion of Lyons Road in which there is a minimum of 108 feet of existing right of way. All funding for the cost of the right-of-way and associated costs as referenced in the Condition above shall be provided with acceptable surety to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before May 1, 2001. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng) (Previous Condition E.6 of Resolution R-2001-0238, Petition PDD2000-052)**
7. **On or before June 1, 2001 the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING-Eng) (Previous Condition E.7 of Resolution R-2001-0238, Petition PDD2000-052)**
8. **Prior to June 1, 2001, the Property owner shall fund the construction plans for Lyons Road as a 3 lane section plus the appropriate paved tapers from the present terminus south of Lantana Road to the present terminus at Melrose PUD. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng) (Previous Condition E.8 of Resolution R-2001-0238, Petition PDD2000-052)**
9. **The property owner shall fund the construction of Lyons Road as a 3 lane section in accordance with the condition above. Funding for this construction shall be completed on or before February 1, 2002. (DATE: MONITORING-Eng) (Previous Condition E.9 of Resolution R-2001-0238, Petition PDD2000-052)**
10. **Acceptable surety required for the Lyons Road improvements as outlined in the Conditions above and for the construction of Dual Left turn lanes east approach at the intersection of Lake Worth Road/Lyons Road shall be posted with the Office of the Land Development Division on or before July 25, 2001. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS) (DATE: MONITORING-Eng) (Previous Condition E.10 of Resolution R-2001-0238, Petition PDD2000-052)**

11. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at:

- project's entrance and Lyons Road
- project's entrance and SR 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 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng) (Previous Condition E.11 of Resolution R-2001-0238, Petition PDD2000-052)

12. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents, all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for Lyons Road. Information which appears in written form shall appear in bold print. (PLAT: ENG) (Previous Condition E.12 of Resolution R-2001-0238, Petition PDD2000-052)

- a) The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 1, 2002, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING-Eng) (Previous Condition E.12.a of Resolution R-2001-0238, Petition PDD2000-052)
- b) The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.12.b of Resolution R-2001-0238, Petition PDD2000-052)

Condition E.13 of Resolution R-2001-0238, Petition PDD2000-052 which currently states:

13. (a) Building permits for no more than entitlement density (or 44 adult single-family housing units) shall be issued until contracts are let for construction of the following roadway improvements:
- 1. SR 7 from Boynton Beach Boulevard to West Atlantic as a 4-lane divided cross section.
  - 2. SR 7 from Lake Worth Road to Boynton Beach Boulevard as a 6-lane divided cross section.
  - 3. Lyons Road from the present terminus south of Lantana Road to present terminus at Melrose PUD. (BLDG PERMIT:MONITORING-Eng) (Previous Condition E.13.a of Resolution R-2001-0238, Petition PDD2000-052)
- (b) Building permits for no more than 653 adult single-family housing units (the equivalent of 5228 tpd) until construction commences on Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane divided section. This construction shall be assured by the developer. Surety in the

amount of 110% of the certified cost estimate submitted by the Developers Engineer, and approved by the County Engineer shall be provided to Land Development on or before July 25, 2001. Construction costs shall include all right of way acquisition costs, construction plans, and construction costs. (DATE:MONITORING-Eng)

- (c) Building permits for no more than 1089 adult single-family housing units shall be issued until the following:
  - 1. Construction contracts are let for Lantana Road from SR 7 to Grand Lacuna Boulevard as a 4/6 lane divided section (including intersection improvements at Lantana Road/Lyons Road).

Is hereby amended to read:

- 13. (a) Building permits for no more than entitlement density (or 44 adult single-family housing units) shall be issued until contracts are let for construction of the following roadway improvements:
  - 1) SR 7 from Boynton Beach Boulevard to West Atlantic as a 4-lane divided cross section.
  - 2) SR 7 from Lake Worth Road to Boynton Beach Boulevard as a 6-lane divided cross section.
  - 3) Lyons Road from the present terminus south of Lantana Road to present terminus at Melrose PUD. (BLDG PERMIT:MONITORING-Eng) (Previous Condition E.13.a of Resolution R-2001-0238, Petition PDD2000-052)
- (b) Building permits for no more than 653 adult single-family housing units (the equivalent of 5228 tpd) until construction commences on Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane divided section. This construction shall be assured by the developer. Surety in the amount of 110% of the certified cost estimate submitted by the Developers Engineer, and approved by the County Engineer shall be provided to Land Development on or before July 25, 2001. Construction costs shall include all right of way acquisition costs, construction plans, and construction costs. (DATE:MONITORING-Eng)
- (c) Building permits for no more than 1089 adult single-family housing units shall be issued until the following:
  - 1. Construction contracts are let for Lantana Road from SR 7 to Grand Lacuna Boulevard as a 4/6 lane divided section (including intersection improvements at Lantana Road/Lyons Road).
  - 2. Construction commences on a second westbound left turn lane at the intersection of Lake Worth Road/Lyons Road. This construction shall be assured by the developer. (BLDG PERMIT:MONITORING-Eng) (Previous Condition E.13.c of Resolution R-2001-0238, Petition PDD2000-052)
- (d) The number and mix of approved dwellings within the PUD may be revised by the County Engineer based upon an approved traffic study which complies with the mandatory traffic performance standards in place at the time of the request. (Ongoing)

14. **The Property Owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at the intersection of Boynton Beach Boulevard and Lyons Road. This funding shall be shared with any and all other developers with this same condition based on the total project traffic impacting this intersection. 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 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng). (Previous Condition E.14 of Resolution R-2001-0238, Petition PDD2000-052)**

**F. LANDSCAPING ALONG NORTH PROPERTY LINE WEST OF LYONS ROAD (ADJACENT TO JACK RABBIT FARMS)**

1. **Landscaping and buffering along the westerly 2,470 foot portion of the north property line shall include:**
  - a. **A minimum thirty (30) foot wide landscape buffer located on the north side of the proposed project entrance road with a maximum five (5) foot easement encroachment;**
    - 1) **Double row of native canopy trees for each twenty (20) linear feet of property line with a maximum spacing of thirty (30) feet on center except traversing utility or drainage easement crossings;**
    - 2) **A continuous minimum four (4) foot high berm measured from top of curb;**
    - 3) **One (1) additional palm or pine tree every twenty (20) linear feet of property line; with a maximum spacing of sixty (60) feet between palm or pine;**
    - 4) **Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of seventy-two (72) inches. (CO:LANDSCAPE-Zoning)**
  - b. **A minimum twenty-five (25) foot wide landscape buffer located on the south side of the proposed project entrance road with a maximum five (5) foot easement encroachment;**
    - 1) **One (1) native canopy tree for each twenty (20) linear feet of property line with a maximum spacing of thirty (30) feet on center except traversing utility or drainage easement crossings;**
    - 2) **A continuous minimum three and one-half (3.5) foot high berm measured from top of curb;**
    - 3) **One (1) additional palm or pine tree every twenty (20) linear feet of property line; with a maximum spacing of sixty (60) feet between palm or pine;**
    - 4) **A group of three (3) or more native palm or pine trees may supersede the required native canopy trees in the buffer; and,**
    - 5) **Twenty-four (24) inch high shrub or hedge material with a minimum fifty (50) percent installed on the plateau of the berm. 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. (Previous Condition F.1 of Resolution R-2001-0238, Petition PDD2000-052) (CO:LANDSCAPE-Zoning)**

2. **Landscaping and buffering along the easterly 2,870 foot portion of the north property line shall include:**
  - a) **A minimum fifty-five (55) foot wide landscape buffer with a maximum five (5) foot easement encroachment;**
  - b) **Double row of native canopy trees for each twenty (20) linear feet of property line with a maximum spacing of thirty (30) feet on center except traversing utility or drainage easement crossings;**
  - c) **A continuous minimum eight (8) foot high berm measured from top of curb;**
  - d) **One (1) additional palm or pine tree every twenty (20) linear feet of property line; with a maximum spacing of sixty (60) feet between palm or pine;**
  - e) **Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of seventy-two (72) inches. (Previous Condition F.2 of Resolution R-2001-0238, Petition PDD2000-052) (CO:LANDSCAPE-Zoning)**

**G. LANDSCAPING ALONG US 441/SR 7 AND BOTH SIDES OF LYONS ROAD EXTENSION**

1. **Landscaping and buffering along US 441/SR 7 and both sides of Lyons Road extension shall consist of the following:**
  - a. **A minimum thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;**
  - b. **One (1) native canopy tree for each (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center;**
  - c. **A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of curb;**
  - d. **One (1) additional palm or pine tree every twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between palm or pine clusters;**
  - e. **A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,**
  - f. **Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. 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. (DRC/CO: ZONING/LANDSCAPE) (Previous Condition G.1 of Resolution R-2001-0238, Petition PDD2000-052)**

**H. LANDSCAPING ALONG THE FLORIDA TURNPIKE**

1. **Landscaping and buffering along the Florida Turnpike shall consist of the following:**
  - a. **A minimum thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;**
  - b. **One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;**
  - c. **A minimum fifteen (15) foot high berm and/or wall combination measured from top of curb;**
  - d. **One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;**

- e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
- f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. 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. (DRC/CO: ZONING/LANDSCAPE) (Previous Condition H.1 of Resolution R-2001-0238, Petition PDD2000-052)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO MELROSE PUD)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
  - b. One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;
  - c. 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;
  - d. One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;
  - e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
  - f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. 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. (DRC/CO: ZONING/LANDSCAPE-Zoning) (Previous Condition I.1 of Resolution R-2001-0238, Petition PDD2000-052)

J. MASS TRANSIT

- 1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previous Condition J.1 of Resolution R-2001-0238, Petition PDD2000-052)
- 2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT:



K. PLANNED UNIT DEVELOPMENTS

1. **Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng) (Previous Condition K.1 of Resolution R-2001-0238, Petition PDD2000-052)**
2. **Street trees shall be provided along both sides of all internal streets at the equivalent of one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters. Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. Prior to DRC certification of the preliminary development plan, street tree planting details and cross sections shall be approved by the Zoning Division, Utilities departments, and the County Engineer. (DRC/CO: ZONING/UTILITIES/ENG/LANDSCAPE - Zoning) (Previous Condition K.2 of Resolution R-2001-0238, Petition PDD2000-052)**
3. **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) (Previous Condition K.3 of Resolution R-2001-0238, Petition PDD2000-052)**

4. **The petitioner has agreed to provide the following exemplary design elements:**
  - a. **Varied building elevations and color schemes;**
  - b. **Pavers or decorative pavement shall be provided for the driveways of all units;**
  - c. **Focal points within a neighborhood recreation area or open space tract;**
  - d. **Utilize perimeter canals and proposed water bodies, open space and perimeter buffers to minimize potential impacts on the adjacent residential uses.**
  - e. **Eighty (80) percent or more of all lots shall be adjacent to water management tracts, canals, open space or perimeter landscape buffers. (DRC: ZONING) (Previous Condition K.4 of Resolution R-2001-0238, Petition PDD2000-052)**
5. **Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show;**
  - a. **Focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabouts, open space or cul-de-sac consistent with the Conceptual Site Plan dated November 3, 2000. These focal points shall be public areas and shall be in the form of accent landscaping with lighting**

or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING) (Previous Condition K.5 of Resolution R-2001-0238, Petition PDD2000-052)

6. All recreation areas used towards the Parks and Recreation Department's minimum recreation requirement shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING) (Previous Condition K.6 of Resolution R-2001-0238, Petition PDD2000-052)
7. No reduction in width for any of the perimeter landscape buffers shall be permitted. (DRC: ZONING) (Previous Condition K.7 of Resolution R-2001-0238, Petition PDD2000-052)
8. Flexible Regulations and/or Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following reduction in lot width and increased lot coverage:

Property Development Regulations	Code	Admin. Deviation (10% max.)	Flexible Regs (20% max.)	Proposed Reduction/ Increase
Minimum lot width (double Z lots)	45'	42'		-3'
Building coverage (Z-lots)	50%	55%		+0.05
Building Coverage (S.F. lots)	40%	44%		+0.04

(Previous Condition K.8 of Resolution R-2001-0238, Petition PDD2000-052)

9. Drainage easements shall not be permitted in the side or rear yards of any back-to-back lots. (DRC: ZONING) (Previous Condition K.9 of Resolution R-2001-0238, Petition PDD2000-052)
10. All zero-lot line lots where a side yard abuts the rear yard of two (2) or more lots shall be restricted to one (1) story in height. (DRC: ZONING) (Previous Condition K.10 of Resolution R-2001-0238, Petition PDD2000-052)
11. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses, water craft and water skiing activities in the vicinity of and adjacent to the development. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2002 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association.

(DATE/ONGOING: MONITORING) (Previous Condition K.11 of Resolution R-2001-0238, Petition PDD2000-052)

12. Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the

existence of agricultural uses, water craft and water skiing activities acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit. (ONGOING/DRC: CODE ENF/ZONING - Cty Att) (Previous Condition K.12 of Resolution R-2001-0238, Petition PDD2000-052)

13. **No side interior, rear or side street setback reductions (structure, pool/spa and/or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6 of the ULDC. (DRC:ZONING) (Previous Condition K.13 of Resolution R-2001-0238, Petition PDD2000-052)**
14. **To promote interconnectivity, vehicular access shall be permitted from the adjacent parcel of land (Jack Rabbit Farms) onto the project's private entrance road (west parcel) in a location acceptable to Jack Rabbit Farms, the petitioner and the County Engineer. (DRC:ZONING) (Previous Condition K.14 of Resolution R-2001-0238, Petition PDD2000-052)**
15. **Lighting elements utilized along the projects entrance road adjacent to Jack Rabbit Farms shall be installed in a manner so as direct lighting toward the ground and away from the adjacent property. Further, lighting elements along the north side of the entrance road (west parcel) shall include a sliding metal light cut-off shield to direct lighting away from the adjacent property (Jack Rabbit Farms). (DRC:ZONING) (Previous Condition K.15 of Resolution R-2001-0238, Petition PDD2000-052)**

L. PLANNING

1. **Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 36, 37, 40, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development for all proposed road right-of-ways. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of fifty (50) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. (DRC: PLANNING) (Previous Condition L.1 of R-2001-0238, Petition PDD2002-052)**
2. **Prior to final site plan approval, the site plan shall indicate street cross sections, which depict landscaping for the pathway/sidewalk system along Lyons Road in order to provide shade/canopy trees for the pedestrian walkway. (DRC: LANDSCAPE-Planning) (Previous Condition L.2 of Resolution R-2001-0238, Petition PDD2000-052)**

M. PREM

1. **The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 1, 2002, for a 9.0 acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer to 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) **Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to 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 to be obtained the Developer. The County to 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.**
  - b) **All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.**
  - c) **Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.**
  - d) **Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. 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.**
  - e) **By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.**
  - f) **Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.**
  - g) **Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM) (Previous Condition M.1 of Resolution R-2001-0238, Petition PDD2000-052)**
2. **The property owner shall provide the County with a certified survey of the proposed civic site by January 1, 2002. 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 should be provided.**
  - c) **The survey should include a location of any proposed water retention area that will border the civic site.**

**Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM) (Previous Condition M.2 of Resolution R-2001-0238, Petition PDD2000-052)**

- 3. **The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by January 1, 2002. 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 will 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.

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)
  - c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM) (Previous Condition M.3 of Resolution R-2001-0238, Petition PDD2000-052)
4. Prior to March 1, 2002, the petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 and 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 petitions 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 sufficiently met the intent of ULDC 6.8.B.6.a(2). (DATE: MONITORING-PREM) (Previous Condition M.4 of Resolution R-2001-0238, Petition PDD2000-052)

#### 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) (Previous Condition N.1 of Resolution R-2001-0238, Petition PDD2000-052)

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

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning) (Previous Condition N.2 of Resolution R-2001-0238, Petition PDD2000-052)