

RESOLUTION NO. R-93-335

RESOLUTION APPROVING ZONING PETITION NO. 80-73(H)  
SPECIAL EXCEPTION PETITION OF ST. ANDREWS PROPERTY OWNERS  
ASSOCIATION

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 80-73(H) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 30, 1992, and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-73(H), the petition of ST. ANDREWS PROPERTY OWNERS ASSOCIATION, BY DAVID L. CARPENTER, AGENT, for a SPECIAL EXCEPTION TO AMEND THE ST. ANDREWS COUNTRY CLUB PUD MASTER PLAN (RELOCATE COMMERCIAL POD) on a parcel of land known as Parcel #1 lying in Section 33, Township 46 South, Range 42 East, Palm Beach County, Florida, being a portion of Plat No. 2, St. Andrews Country Club, as recorded in Plat Book 45, Page 170, Public Records of Palm Beach County, Florida, being more particularly described as follows: Commencing at the Southeast corner of said Section 33, being common with the Southeast corner of the Plat of St. Andrews Hills, as recorded in Plat Book 68, Page 45, Public Records of Palm Beach County, Florida; thence South 89° 34' 01" West, along the South line of said Section 33 and the Plat of St. Andrews Hills (the South line of Section 33 and St. Andrews Hills is assumed to bear South 89° 34' 01" West and all bearings are relative thereto) a distance of 1500.32 feet to the Southwest corner of said St. Andrews Hills Plat and a point on the boundary of Plat No. 2, St. Andrews Country Club, as recorded in Plat Book 45, Page 170, Public Records of Palm Beach county, Florida, and being the Point of Beginning of the hereinafter described parcel; thence continue South 89° 34' 01" West, along the South line of said Section 33 and Plat No. 2, a

distance of 602.00 feet to a point; thence North 00° 25' 59" West, departing from said South line, a distance of 55.00 feet to a point; thence North 89° 34' 01" East a distance of 150.00 feet to a point; thence North 00° 25' 59" West a distance of 50.00 feet to a point; thence North 89° 34' 01" East a distance of 380.00 feet to a point; thence South 00° 25' 59" East a distance of 50.00 feet to a point; thence North 89° 34' 01" East a distance of 72.00 feet to the common boundary of said Plat No. 2 and said Plat of St. Andrews Hills; thence South 00° 25' 59" East, along said common line, a distance of 55.00 feet to the South line of said Plats, Section 33, and the Point of Beginning; and, Parcel #2, being a parcel of land in Section 33, Township 46 South, Range 42 East, Palm Beach County, Florida, being a portion of Plat No. 2, St. Andrews Country Club, as recorded in Plat Book 45, Page 170, Public Records of Palm Beach County, Florida, being more particularly described as follows: Commencing at the Southeast corner of said Section 33, being common with the Southeast corner of the Plat of St. Andrews Hills, as recorded in Plat Book 68, Page 45, Public Records of Palm Beach County, Florida; thence South 89° 34' 01" West, along the South line of said Section 33 and the Plat of St. Andrews Hills (the South line of Section 33 and St. Andrews Hills is assumed to bear South 89° 34' 01" West and all other bearings are relative thereto) a distance of 2198.61 feet to the Point of Beginning of the hereinafter described parcel; thence continue South 89° 34' 01" West, along the South line of said Section 33 and Plat No. 2, a distance of 300.00 feet to a point; thence North 00° 25' 59" West, departing from said South line, a distance of 55.00 feet to a point; thence North 89° 34' 01" East a distance of 168.89 feet to a point; thence North 05° 00' 00" West, a distance of 70.00 feet to a point; thence North 89° 34' 01" East, a distance of 136.23 feet to a point on the West Right-of-way line of Claridge Oval West, according to said Plat No. 2; thence South 00° 38' 28" East, along said Right-of-way and its Southerly prolongation, a distance of 124.78 feet to the Point of Beginning, and being located at the NE CORNER OF CLINT MOORE RD. AND THE FLORIDA'S TURNPIKE BOUND ON THE S BY LWDD LATERAL # 40, IN THE RE/RT ZONING DISTRICT, was approved on July 30, 1992, as advertised, subject to the following conditions:

**A. ALL PETITIONS**

1. Condition No. 1 of R-90-1299, Petition 80-73(F), which currently states:

"The petitioner shall comply with all previous conditions unless expressly modified herein."

Is hereby amended to state:

"All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, as amended, unless expressly modified." (ZONING/MONITORING)

2. Condition No. 1 of R-89-1080, Petition 80-73(C), which currently states:

"The developer shall comply with all previous conditions of approval, unless expressly modified herein."

**Is hereby deleted.**

3. Condition No. 3 of R-86-456, Petition 80-73(B), which currently states:

"The petitioner shall comply with all previously approved conditions of Petition 80-73 and 80-73(A) except as herein amended."

Is hereby deleted.

B. AFFIDAVIT OF DISCLOSURE

1. Condition No. 5 of R-86-456, Petition 80-73(B), which currently states:

"The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting."

Is hereby deleted.

C. BUILDING AND SITE DESIGN

1. Condition No. 1 of R-84-1287, Petition 80-73(A), which currently states:

"Prior to final approval by the Site Plan Review Committee, the proposed master plan shall be amended to show access and circulation routes in the area being added to the existing PUD."

Is hereby deleted.

2. "Prior to Master Plan Certification, the Master Plan shall be revised to reflect exact dwelling unit counts for all tracts that have been previously site planned and/or platted." Previously Condition No. 6 of R-86-456, Petition 80-73(B). (ZONING)

3. Condition No. 2 of R-90-1299, Petition 80-73(F), which currently states:

"The commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres."

Is hereby amended to read:

"In the event the appropriate variances are not granted by the Board of Adjustment for the 1.2 acre commercial parcel, the commercial parcel may be relocated to the area shown on the previously approved Master Plan. Lot area shall not exceed 1.62 acres."

4. Prior to certification of the Master Plan, all improvements, structures, buildings, parking areas and landscaping on the subject site shall conform with all land development regulations, including, but not limited to, platting and setback requirements and all building requirements of Palm Beach County or meet the requirements for and obtain appropriate variance relief from the Board of Adjustment in accordance with the Unified Land Development Code. (ZONING-Engineering)

5. Prior to August 1, 1994, the petitioner shall remove the temporary structure and construct a permanent structure in accordance with all requirements of Palm Beach County in effect at the time. (MONITORING-Zoning)

**D. CONCURRENCY**

1. Prior to site plan certification, the petitioner shall amend the Concurrency Reservation for the site (Case #90-03-05-004X1) to reflect 6,000 Square Feet on 1.2 acres of commercial.

**E. ENGINEERING**

1. Within 30 months from the date of filing of the first plat the petitioner shall construct at the intersection of Old Clint Moore Road and the project's entrance:
  - a. Right turn lane, north approach
  - b. Left turn lane, north approach
  - c. Right turn lane, east approach
  - d. Left turn lane, west approach. Previously Condition No. 1 of R-80-1003, Petition 80-73. (ENGINEERING)
2. Petitioner shall construct at the intersection of Clint Moore Road and S.R. 7, prior to the issuance of the final 50% Certificates of Occupancy:
  - a. Right turn lane, south approach
  - b. Right turn lane, east approach
  - c. Left turn lane, east approach. Previously Condition No. 2 of R-80-1003, Petition 80-73. (BUILDING-Engineering)
3. Petitioner shall contribute the pro-rata share for the construction at the intersection of Old Clint Moore Road and Military Trail a right turn lane, north approach. Previously Condition No. 3 of R-80-1003, Petition 80-73. (IMPACT FEE COORDINATOR)
4. Petitioner shall extend on Old Clint Moore Road the left turn lane, west approach, as approved by the County Engineer. Previously Condition No. 4 of R-80-1003, Petition 80-73. (ENGINEERING)
5. Petitioner shall contribute the pro-rata share for the cost of signalization of:
  - a. Old Clint Moore Road and Military Trail
  - b. Clint Moore Road and Military Trail
  - c. Clint Moore Road and S.R. 7 when warranted, as determined by the County Engineer. Previously Condition No. 6 of R-80-1003, Petition 80-73. (IMPACT FEE COORDINATOR)
6. Petitioner shall contribute the pro-rata share for the construction at the intersection of Clint Moore Road and S.R. 7 a left turn lane, north approach. Previously Condition No. 5 of R-80-1003, Petition 80-73. (ENGINEERING)

7. Petitioner shall contribute One Hundred Fifty-eight Thousand, Nine Hundred Twenty-five Dollars (\$158,925.00) or Two Hundred Forty-eight Dollars (\$248.00)/dwelling units toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). Previously Condition No. 7 of R-80-1003, Petition 80-73. (BUILDING-Impact Fee Coordinator)
8. This development shall retain on-site the first one inch of stormwater runoff per the Palm Beach County Subdivision and Platting Ordinance No. 73-4, as amended. Previously Condition No. 3 of R-84-1287, Petition 80-73(A). (ENGINEERING)
9. The property owner shall convey for the ultimate right-of-way of Jog Road, 60 feet from centerline, within ninety (90) days of approval. Conveyance must be accepted by Palm Beach County prior to issuance of the first building permit. Previously Condition No. 4 of R-84-1287, Petition 80-73(A). (MONITORING/BUILDING-Engineering)
10. The Developer shall pay a fair share fee in the amount and manner required by "The Fair Share Contribution for Roadway Improvements Ordinance" as it presently exists, or as it may, from time to time, be amended. Presently, the Fair Share Fee for this project is **\$31,400.00** (\$200.00 per dwelling unit). (IMPACT FEE COORDINATOR)

In addition, based upon the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$128,600.00 toward Palm Beach County's existing Roadway Improvement Program. Payment shall be in the form of a clean, irrevocable letter of credit in favor of Palm Beach County posted within two (2) months of Special Exception approval by the Board of County Commissioners. Said funds shall be used to construct roadway improvements in the area, including Military Trail from Clint Moore Road to Linton Boulevard. If the Fair Share Contribution for Roadway Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increase Fair Share Fee. Previously Condition No. 5 of R-84-1287, Petition 80-73(A). (MONITORING)

11. The petitioner shall accept the runoff of the adjacent roads (Jog Road and Clint Moore Road) through this development's internal lake system, and, the design of such drainage plan shall be subject to all applicable government standards. Previously Condition No. 6 of R-84-1287, Petition 80-73(A). (ENGINEERING)
12. The developer shall construct concurrent with the improvements constructed during the first plat:
  - a. Left turn lane, east approach, on Clint Moore Road at Lyons Road.
  - b. Right turn lane, south approach, on Lyons Road at Clint Moore Road. Previously Condition No. 7 of R-84-1287, Petition 80-73(A). (ENGINEERING)
13. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Jog Road and Clint Moore Road along the

property boundary lines along Clint Moore Road and Jog Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements. Previously Condition No. 4 of R-86-456, Petition 80-73(B). (ENGINEERING)

14. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition No. 6 of R-90-1299, Petition 80-73(F). (ENGINEERING/CODE ENFORCEMENT)
15. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$1,650.00 per approved single family dwelling unit. Previously Condition No. 7 of R-90-1299, Petition 80-73(F). (IMPACT FEE COORDINATOR)
16. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. Previously Condition No. 9 of R-90-1299, Petition 80-73(F). (ENGINEERING)
17. The construction access to Pods "O" and "P" shall be permitted on Old Clint Moore Road for a maximum period of three (3) years from the time of issuance of Land Development permits. Previously Condition No. 10 of R-90-1299, Petition 80-73(F). (ENGINEERING)
18. No cross access shall be permitted between Pods P and I of the development. Previously Condition No. 15 of R-90-1299, Petition 80-73(F). (CODE ENFORCEMENT)
19. Prior to site plan approval by the Site Plan Review Committee the property owner shall file a Restrictive Covenant on the site limiting the use of the proposed administrative offices to the exclusive use of a real estate office. (ENGINEERING/County Attorney)
20. Prior to master plan and/or site plan certification, the petitioner shall apply for and obtain a revision to the South Florida Water Management District permit for the overall drainage system. (ENGINEERING)

21. Prior to issuance of a building permit or extension of permits to the existing structure in the commercial tract, the petitioner shall replat the golf course and commercial tract in accordance with all Palm Beach County requirements in effect at the time. (ENGINEERING)

F. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. (LWDD -Zoning)

G. LANDSCAPE WITHIN THE MEDIAN

1. No later than 90 days after award or issuance of a construction contract by Palm Beach County for the widening of Clint Moore Road to a 4 lane median divided section, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Groundcover:

Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall

be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING/BUILDING)

**H. CIVIC SITE**

1. Condition No. 11 of R-80-1003, Petition 80-73, which states:

"Within 30 months from the date of filing the first plat, the petitioner must dedicate the civic site to Palm Beach County, without cost, within ninety (90) days of the filing of the first plat."

Is hereby deleted.

2. The petitioner may exchange the required on-site dedication of land for civic uses either for; 1] a parcel of land off site, acceptable to the county, equal in acreage; or 2] cash of equal value. The value of the site shall be determined by appraisal, acceptable to the county based upon its value as a civic site. This off site acreage or cash contribution shall be used to offset the identifiable impacts directly attributable to this project.

In the event that the off site land dedication is of less cash value than the on-site dedication, the petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications.

The off-site land or cash contribution shall be coordinated and accepted by the Palm Beach County Department of Real Property Management and shall be approved by the Board of County Commissioners. Once this approval is obtained the petitioner shall be deemed to have satisfied the intent of the Zoning Code, Section **500.21.H** (Minimum Land Area Requirements). Previously Condition No. 2 of R-89-1080, Petition 80-73(C). (PREM)

3. Future Board of County Commissioner's approval shall be required to change the land use designation of the civic tract. Previously Condition No. 3 of R-89-1080, Petition 80-73(C). (PREM)
4. The petitioner may exchange the required on-site dedication of land for civic uses either by conveying fee simple title for a parcel of land off-site equal in acreage (**14.0** acres minimum) or cash of equal value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the land shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. [If an off-site land or cash contribution is accepted by Palm Beach County, the petition shall be deemed to have satisfied the intent of Zoning Code Section **500.21.H**.



The value for this release shall be determined by the Department of Property and Real Estate Management, and be approved and accepted by the Board of County Commissioners prior to master plan certification. This agreement shall be clearly noted by the applicant on the approved master plan.

The Petitioner shall have finalized the cash in lieu of land transaction prior to September 1, 1990. Previously Condition No. 3 of R-90-1299, Petition 80-73(F). (MONITORING/PREM)

I. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (CODE ENFORCEMENT)

J. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. Previously Condition No. 9 of R-84-1287, Petition 80-73(A). (ERM)

2. Condition No. 2 of R-86-456, Petition 80-73(B), which currently states:

"Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters."

Is hereby deleted.

3. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification. (ZONING/ERM)

K. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition No. 4 of R-90-1299, Petition 80-73(F). (HEALTH/BUILDING)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 5 of R-90-1299, Petition 80-73(F). (HEALTH/BUILDING)

L. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

M. LAKE WORTH DRAINAGE DISTRICT

1. Within 30 months from the date of filing of the first plat: The Lake Worth Drainage District will require the North 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38. We will also require the West 45 feet of said Section 33 for the right-of-way for Equalizing Canal No. 2-E. We would also require the North 95 feet of the South 1/2 of said Section 33 for the required right-of-way for Lateral Canal No. 39. We would accept all rights-of-way by Quit Claim Deed or an Easement (on our form), whichever the owner prefers. Previously Condition No. 10 of R-80-1003, Petition 80-73. (ENGINEERING)
2. Prior to site plan approval, the Petitioner shall dedicate to the Lake Worth Drainage District the required north 105 feet of Section 33, Township 46 South, Range 42 East for the right-of-way for Lateral Canal No. 38; together with the west 45 feet of said Section 33 for right-of-way for Equalizing Canal No. 2-E; together with the north 95 feet of the south half (S 1/2) of said Section 33 for the required right-of-way for Lateral Canal No. 39, all by way of Quit Claim Deeds or Easement Deeds. Previously Condition No. 4 of R-89-1080, Petition 80-73 (C). (ZONING)
3. Prior to July 1, 1990, the property owner shall convey to the Lake Worth Drainage District the north 95 feet of the west 660 feet of the southwest 1/4 of section 34, township 46, range 42 East for the required right-of-way for Lateral Canal No. 30, by Quit Claim Deed or an Easement Deed in the form provided by said District. Previously Condition No. 8 of R-90-1299, Petition 80-73 (F). (MONITORING)

N. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)

O. LIGHTING

1. All outdoor lighting used to illuminate the premise; and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. (CODE ENFORCEMENT)

P. RECYCLE SOLID WASTE

1. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products. (SWA)

Q. SCHOOL BOARD

1. Within 30 months from the date of filing of the first plat: Petitioner shall enter into a formal contract with the School Board of Palm Beach County to contribute four-tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However,

if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward alleviating some of the development's school impact. Previously Condition No. 9 of R-80-1003, Petition 80-73. (ENGINEERING/SCHOOL BOARD)

2. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis. Previously Condition No. 14 of R-90-1299, Petition 80-73(F). (CODE ENFORCEMENT)

R. USE LIMITATIONS

1. Condition No. 8 of R-80-1003, Petition 80-73, which currently states:

"Within 30 months from the date of filing of the first plat: The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties."

Is hereby deleted.

2. Condition No. 8 of R-84-1287, Petition 80-73(A), which currently states:

"Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance neighboring properties."

Is hereby deleted.

3. Condition No. 1 of R-86-456, Petition 80-73(B), which currently states:

"Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties."

Is hereby deleted.

4. Units within Pod "P" shall not exceed 2 stories in height and shall be single family detached unit types. Previously Condition No. 11 of R-90-1299, Petition 80-73(F). (BUILDING)

5. Condition No. 13 of R-90-1299, Petition 80-73(F), which currently states:

"Land Development activity shall not take place prior to 7:00 a.m. and shall be appropriately muffled."

Is hereby amended to read:

Land Development activity, including deliveries and construction, shall not take place prior to 7:00 a.m. nor continue later than 5:00 p.m. and shall be appropriately muffled. (CODE ENFORCEMENT)

6. Use of the 1.2 acre commercial site northeast of the intersection of Claridge Oval West and Clint Moore Road is limited to 6000 square feet of real estate office use. (BUILDING)
7. The permitted uses on the subject site shall be limited to the following:
  - a. The general administrative offices of Jerome V. Ansel and of Realty, and their respective assignees or successors in interest.
  - b. Real estate sales offices.
  - c. The sale and servicing of property, casualty and life insurance.
  - d. Title insurance offices.
  - e. St. Andrews travel club service for the exclusive use and for benefit of St. Andrews residents only.
  - f. Office related services such as fax, copying, Federal Express and "Mail box" type service; for the exclusive use and for benefit of St. Andrews residents only. (ZONING - BUILDING)
8. There shall be no additional signs permitted. (BUILDING)
9. No access to the subject site from Clint Moore Road shall be permitted. (ZONING - ENGINEERING - BUILDING)

S. VEGETATION PRESERVATION

1. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction. Previously Condition No. 2 of R-84-1287, Petition 80-73(A). (ZONING)

T. VEGETATION REMOVAL

1. All prohibited species shall be removed from site. Previously Condition No. 12 of R-90-1299, Petition 80-73 (F). (CODE ENFORCEMENT/ZONING)

U. COMPLIANCE

1. Condition No. 5 of R-89-1080, Petition 80-73(C), which currently states:

"Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be

taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code."

Is hereby deleted.

2. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit, the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit **or** approval for any developer-owner, commercial-owner, lessee, or user **of** the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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. (MONITORING/ZONING)
3. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board **of** Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, **or** other actions based on a Board of County Commission decision, shall be by petition for writ **of** certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

Mary McCarty, Chair	--	aye
Ken Foster	--	aye
Burt Aaronson	--	aye
Maude Ford Lee	--	aye
Karen T. Marcus	--	aye
Warren H. Newell	--	aye
Carol A. Roberts	--	aye

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
DEPUTY CLERK