

RESOLUTION NO. R-98- 567

**RESOLUTION APPROVING ZONING PETITION PDD97-78
OFFICIAL ZONING ~~MAP~~ AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF NOVARTIS SEEDS, INC.
BY BOB **BENTZ**, AGENT
(CIBA-GEIGY PUD)**

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

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

WHEREAS, Zoning Petition PDD97-78 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 1998; and,

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD97-78, the petition of Novartis Seeds, Inc. by Bob Bentz, agent, for an Official Zoning Map Amendment (PDD) Rezoning from the Agricultural Residential (AR) to the Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that ~~the~~ resolution was duly passed and adopted on **April 23, 1998.**

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

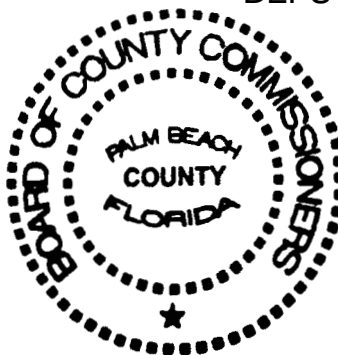


EXHIBIT A

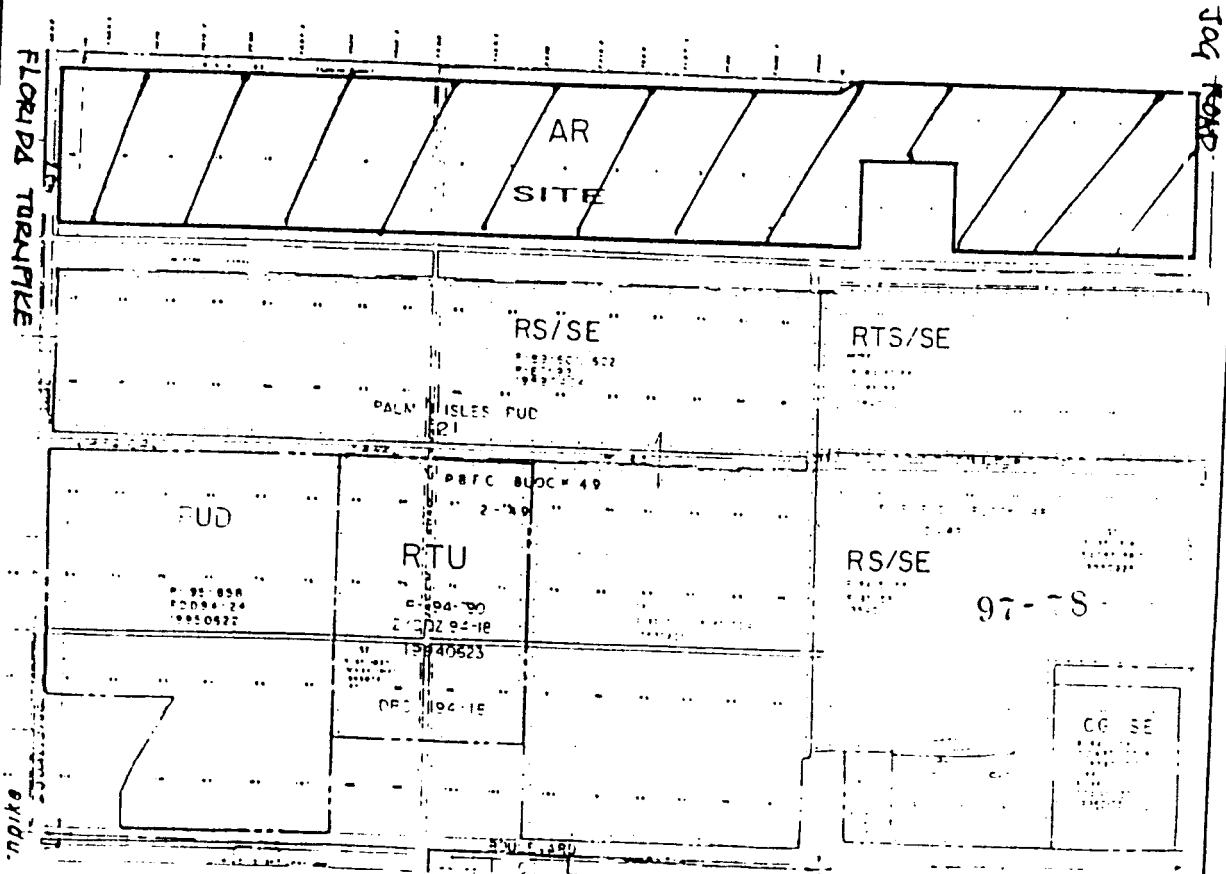
LEGAL DESCRIPTION

LEGAL DESCRIPTION

Tracts 1 through 16, inclusive, Block 49; Tracts 1 through 8, inclusive, and Tracts 11 through 15, inclusive, Block 48, PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, pages 45 through 54, inclusive, said lands situate, lying and being in Palm Beach County, Florida, except the West 35 feet of Tract 16, Block 49, of the above described Parcel.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-78

Zoning Quad Page _____

Date: 7-15-97



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 11, 1998. All modifications must **be** approved by the Board of **County** Commissioners unless ~~the~~ proposed changes are required to **meet** conditions of approval ~~or~~ are in accordance with the ULDC. (ONGOING: ZONING)
2. Prior to DRC certification of the master plan, a revised legal description, survey and master plan will be submitted to reflect the addition of ~~the~~ fifty (50) foot right-of-way between Pods C and D into the Planned Unit Development land area. (DRC: ZONING)

B. CONCURRENCY

1. Prior to final DRC ~~the~~ applicant shall obtain approval for an Equivalttnncy Determination to **change** ~~the~~ unit count to match the final certified Site Plan. (DRC: CONCURRENCY)

C. LANDSCAPING - STANDARD

1. 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: **3.5** inches measured **4.5** feet above grade.
 - c. Canopy diameter: seven **(7)** feet. Diameter shall **be** determined by *the* average canopy radius at **3** points measured from the trunk to the **outermost** branch tip. Each radius shall measure at least **3.5** feet in length.
 - d. Credit may **be** given for existing ~~or~~ relocated **trees** provided they meet **current** ULDC requirements. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE NORTH PROPERTY LINE (LWDD I-22 CANAL)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip shall be provided for Pod A and *three* hundred and fifty (350) feet west of Jog Road for Pod D. No reductions **shall be** permitted. Reduction of width for **Pod A** may only **be** requested **and** subject to DRC's approval if ~~the~~ proposed **multi-family homes** are replaced by single-family or **zero** ~~lot~~ **homes**. A minimum of ten **(10)** foot wide **landscape** buffer shall **be** provided for Pods **B, C** and the remaining west **2,570** feet for Pod **D**; and
 - b. **One (1)** canopy tree planted every thirty (30) feet ~~on~~ center; and
 - c. One **(1)** palm ~~or~~ pine tree for **each** twenty **(20)** linear feet, with a maximum spacing of sixty (60) feet ~~on~~ center. A group of three or more palm ~~or~~ pine trees may not supersede the requirement **for** a canopy tree in that location; and

- d. **Twenty (24)** inch high shrub ~~or~~ hedge material spaced no more than twenty four **(24)** inches on center at installation, to **be** maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. ~~Off~~ site **turn** lane requirements:

The Property owner shall **construct** dual left turn lanes west approach on Boynton Beach Boulevard at Hagen Ranch Road.

- A) This construction shall **be** concurrent with *the* six laning of Boynton Beach Boulevard by this property owner as provided for in the conditions **below**. 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.
- B) Construction shall be completed concurrent with the six lane completion of Boynton Beach Boulevard. (ENG)

TPS Requirements:

2. The Property owner shall fund the construction plans for Boynton Beach Boulevard as a **6** lane section from Hagen Ranch Road to Jog Road plus the appropriate tapers. Funding of these construction plans shall be approved by the County Engineer based upon the cost estimate by the ~~Developer's~~ Engineer and approved by the County Engineer. This funding shall also include any right-of-way costs and Plan Review Costs by Palm Beach **County**. Funding shall be completed on ~~or~~ before June 1, 2000. All canal crossings (bridges and/or culverts) within the project limits shall **be constructed to** their ultimate paved configuration. Required utility relocations shall **be** coordinated through ~~the~~ Engineering Department, Roadway Production Division. (DATE/MONITORING-Eng)
3. ~~The~~ Property owner shall fund the construction of Boynton Beach Boulevard as a **6** lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Funding amount for this construction shall **be** approved by the County Engineer based upon the approved construction plans. Funding shall be completed ~~on~~ or before September 1, 2001. (DATE:MONITORING-Eng)
4. The Property owner shall construct the following intersection improvements at the intersection of Hagen Ranch Road and Boynton Beach Boulevard:
 - a) dual left turn lanes north approach,
 - b) dual left turn lane south approach,
 - c) **right** turn lane east approach, Note: This turn lane is anticipated to **be** completed by another developer (Jones PUD)
 - A) This construction shall **be** concurrent with ~~the~~ improvements to Hagen Ranch Road **Construction** by Palm Beach County. 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 the acquisition of any additional right of way. (ENG)

5. Phasing Requirements:

In order to comply with the mandatory Traffic Performance Standard, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits for more than 596 dwelling units shall not be issued until construction has begun for Hagen Ranch Road as a 5 lane facility from Boynton Beach Boulevard to Lake Ida Road plus the appropriate paved tapers. County/developer construction Fiscal year 2000/01 (BLDG PERMIT: MONITORING-Eng)
- b) Building Permits for more than 341 dwelling units shall not be issued until construction has begun for dual left turn lanes and a right turn lane east approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by another developer. (BLDG PERMIT: MONITORING-Eng)
- c) Building Permits for more than 366 dwelling units shall not be issued until construction has begun for Jog Road as a 6 lane section from Boynton Beach Boulevard to Woolbright Road. County Construction Fiscal year 97/98. (BLDG PERMIT: MONITORING-Eng)
- d) Building Permits for more than 447 dwelling units shall not be issued until construction has begun for Boynton Beach Boulevard as a 6 lane facility from Jog Road to Hagen Ranch Road County. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng)
- e) Building Permits for more than 609 dwelling units shall not be issued until construction has begun for dual left turn lanes north approach and south approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng)
- f) Building Permits for more than 613 dwelling units shall not be issued until construction has begun for Gateway Boulevard as a 4 lane section from Jog Road to Military Trail plus the appropriate paved tapers. Construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng)
- g) Building Permits for more than 631 dwelling units shall not be issued until construction has begun for an additional through lane north and south approach, and an additional right turn lane south approach at the intersection of Jog Road and Boynton beach Boulevard. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng)
- h) Building Permits for more than 747 dwelling units shall not be issued until construction has begun for an additional through lane on the north and south approach at the intersection of Jog Road and Woolbright Road. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng)

Acceptable surety shall be posted with the Office of the County Engineer on or before August 26, 1998 for any of the above road improvements identified above and not defined as "assured construction". Surety shall be in the amount of 110% shall be based upon a certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TIPS - maximum 6 month time extension) (DATE: MONITORING-Eng)

The mix of allowable uses listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING - Eng)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- 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 Jog Road right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement 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 existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns 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 the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

7. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE

- A. Prior to site plan approval for POD A, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (DRC APPROVAL - ENG)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (BOYNTON CANAL & RESIDENTIAL)

1. Landscaping and buffering along the above property line shall include:
- a. A minimum ten (10) foot wide landscape buffer strip; and

- b. One (1) canopy tree planted every thirty (30) feet on center; and
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING FOR BOTH SIDES OF THE HAGEN RANCH ROAD AND EAST PROPERTY LINE (JOG ROAD FRONTAGE)

- 1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No reductions shall be permitted; and
 - b. An undulating two (2) foot high berm measured from top of curb; and
 - c. One (1) canopy tree planted every thirty (30) feet on center; and
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (FLORIDA TURNPIKE)

- 1. Landscaping and buffering along the west property lines shall be upgraded to include:
 - a. A minimum twenty five (25) foot wide landscape buffer strip. No reductions shall be permitted; and
 - b. An undulating three (3) foot high berm measured from top of curb; and
 - c. One (1) canopy tree planted every thirty (30) feet on center; and
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - 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 at installation and to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

I. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

J. MASS TRANSIT

- 1. A 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 Palm Tram. (DRC: ZONING)

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 Tram, 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: MONITORING - Eng)

K. PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.
 - a. Minimum parcel size shall be seven thousand five hundred (7,500) square feet exclusive of easements.
 - b. Minimum parcel width shall average seventy five (75) feet with no dimension less than fifty (50) feet.
 - c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet.
 - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the development. (DRC:PARKS)

L. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
4. 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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING/ ENC - Co Att)

M. PLANNING

1. Prior to **final** master plan certification by the Development Review Committee (DRC), ~~the~~ applicant shall provide street cross-section details depicting sidewalks for pedestrian and bicycle circulation through the PUD. (DRC: PLANNING)

N. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 1, 1999, for a 4.41 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. 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)
2. The property owner shall provide the County with a certified survey of the proposed civic site by March 1, 1999. 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)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by March 1, 1999. 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)

4. **Prior to March 1, 1999**, 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 & 3 above **will** also apply. **If** the land off-site is **of** less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site **and** off-site land shall **be** subject to the County appraisal process and **be** at the cost **of** the petitioner **or** **if** the petitioner is a **contract** purchaser the per acre value **used** for the entire PUD may **be** used to determine the civic site value. **If** off-site land **or** cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2) (DATE: MONITORING - PREM)

O. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales **offices** and model homes a sign provided by the School Board of Palm Beach County which indicates that **school** age children in the development may not **be** assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)
2. The subject development shall post a notice of annual boundary school assignments for students *from* this development. The District will provide an 11" X 17" sign to **be** posted in a clear and visible location in all sales **offices** and models. (ONGOING: SCHOOL BOARD)

P. SIGNS

1. **Entrance** ~~and~~ signs fronting **on** Jog Road and Hagen Ranch Road (east and west sides) shall be limited as follows:
 - a. **Maximum** sign height, measured from finished grade to highest **point** - eight (8) feet;
 - b. **Maximum** **sign** face area per side - 60 square feet;
 - c. **Maximum** number of signs - one pair on each road frontage; and
 - d. **Style** - monument style only. (CO: BLDG)

Q. WATER UTILITIES

1. The developer shall grant utility easements to Palm Beach County for the existing potable water and wastewater transmission mains prior to final DRC approval. (DRC: WATER **UTILITIES**)

R. COMPLIANCE

1. **In** granting this approval, the Board of County Commissioners relied **upon** ~~the~~ oral **and** written representations of the petitioner both **on** the record **and** as part **of** *the* application process. Deviations from **or** violation of these representations shall cause the approval to **be** presented to the Board **of** County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any **of** the conditions of approval for the subject property at any time may result in:

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

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

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