

RESOLUTION NO. R-98- 1106

RESOLUTION APPROVING ZONING PETITION DOA97-56(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DANILE KODSI
BY KILDAY & ASSOCIATES, AGENT
(PONTE VERDE 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

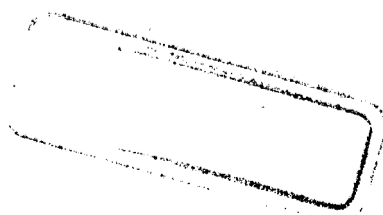
WHEREAS, Zoning Petition DOA97-56(A) was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; and

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 made 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 DOA97-56(A), the petition of Danile Kodsi, by Kilday & Associates, agent, for a Development Order Amendment to add land area (4.76 acres) and add units (+18) 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 July 23, 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 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

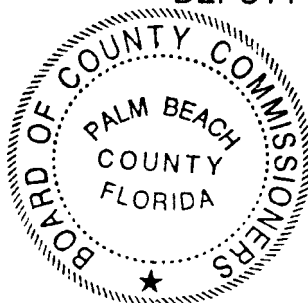


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION

A PORTION OF TRACTS 13 AND 14, TRACT **15**, LESS THE WEST 60.72 FEET THEREOF, AND ALL OF TRACTS 12, **16** AND 17, BLOCK 78, TOGETHER WITH ALL OF THAT CERTAIN 30 FOOT WIDE ROAD RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO TRACTS 17, **16** AND TRACT 15, LESS THE WEST 60.72 FEET ~~THEREOF~~, BLOCK 78, "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 15, BLOCK 78;

THENCE NORTH $89^{\circ}37'02''$ EAST, ALONG THE SOUTH LINE OF SAID TRACT 15, A DISTANCE OF 60.72 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH $00^{\circ}53'32''$ WEST, ALONG A LINE 60.72 EAST ~~OF~~ AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 15 AND 14, A DISTANCE OF 1,127.29 FEET;

THENCE NORTH $89^{\circ}37'02''$ EAST, ALONG A LINE 192.76 FEET, AS MEASURED AT RIGHT ANGLES, SOUTH OF AND PARALLEL WITH THE NORTH LINE ~~OF~~ SAID TRACTS 13 AND 14, A DISTANCE ~~OF~~ 1,271.57 FEET TO THE EAST LINE ~~OF~~ SAID TRACT 13;

THENCE NORTH $00^{\circ}22'58''$ WEST, ALONG THE EAST LINE OF SAID TRACT 13, A DISTANCE ~~OF~~ 165.04 FEET;

THENCE NORTH $89^{\circ}37'02''$ EAST, A DISTANCE OF 330.00 FEET, TO THE **EAST** LINE OF TRACT **12**;

THENCE SOUTH $00^{\circ}22'58''$ EAST, ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 632.28 FEET;

THENCE NORTH $89^{\circ}37'02''$ EAST, ALONG THE NORTH LINE OF SAID TRACTS 18, 19 AND 20, A DISTANCE OF 990.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 20;

THENCE SOUTH $00^{\circ}22'59''$ EAST, ALONG THE **EAST** LINE OF SAID TRACT 20 AND SAID EAST LINE EXTENDED SOUTHERLY, 675.00 FEET TO THE SOUTH CENTERLINE OF A 30 FOOT WIDE PLATTED ROAD RIGHT-OF-WAY;

THENCE NORTH $89^{\circ}37'02''$ EAST, ALONG SAID CENTERLINE, 985.29 FEET;

THENCE SOUTH $00^{\circ}22'58''$ EAST, 15.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 30 FOOT WIDE PLATTED ROAD RIGHT-OF-WAY;

THENCE SOUTH $89^{\circ}37'02''$ WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF "ARBOR OAKS AT BOCA WTON, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 72, PAGES 93 THROUGH 95 ~~OF~~ SAID **PUBLIC** RECORDS, A DISTANCE OF 1,595.99 FEET;

THENCE NORTH $00^{\circ}53'32''$ WEST, 30.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA CONTAINING 59.004 ACRES (2,570,228 SQUARE FEET), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

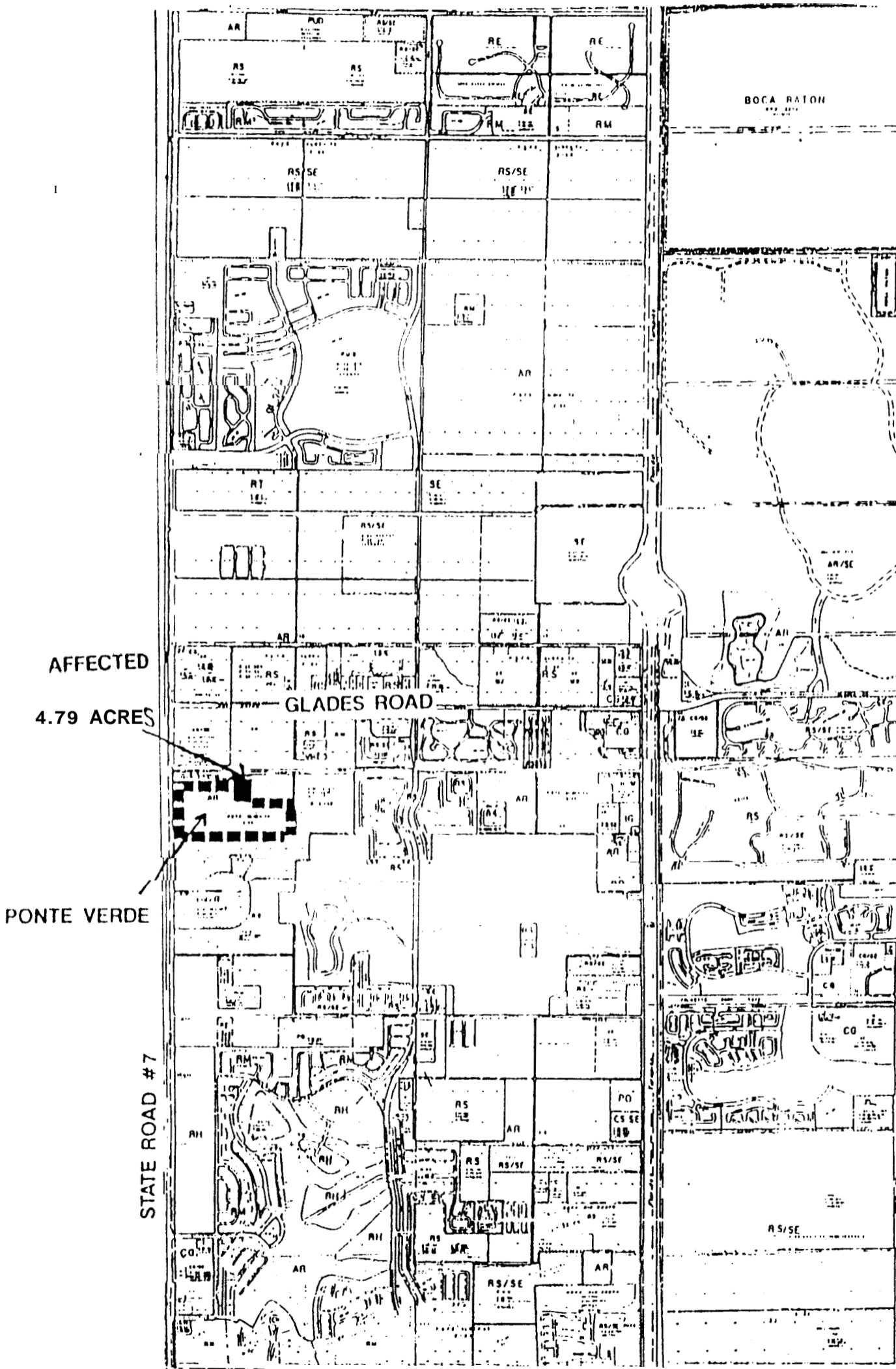


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-2069 (Petition 97-56), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Condition A.1 of Resolution R-97-2069, Petition PDD97-56, 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 August 27, 1997. 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 site plan is dated May 5, 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)

B. 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) (Previously Condition B.1 of Resolution R-97-2069, Petition PDD97-56)

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)(Previously Condition 8.2 of Resolution R-97-2069, Petition PDD97-56)

C. LANDSCAPING ALONG SOUTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. Previously Condition C.1 of Resolution R-97-2069, Petition PDD97-56, which currently states:

Landscaping and buffering along the south property line shall include:

- a. A minimum ten **(10)** foot wide landscape buffer strip;
- b. One **(1)** canopy tree for each twenty-five **(25)** linear feet of frontage with a maximum spacing of thirty **(30)** feet on center;
- c. One **(1)** palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty **(60)** feet on center between clusters. A group of three **(3)** palms shall not be substituted for a perimeter canopy tree; and
- d. Twenty four **(24)** inch high 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. (CO: LANDSCAPE)

Is hereby amended to read:

Unless a Board of Adjustment variance is obtained for the southern perimeter buffer of the civic parcel, the Landscaping and buffering along the south property line shall include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
- c. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
- d. Twenty four (24) inch high 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. (CO: LANDSCAPE)

D. LANDSCAPING ALONG EAST PROPERTY LINES (ABUTTING 95TH AVE.)

1. Previously Condition D.1 of R-97-2069, Petition PDD97-56, which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide **landscape** buffer strip;
- b. One (1) canopy tree planted every ~~twenty~~ (20) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
- d. Thirty (30) 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)

Is hereby amended to read:

Unless a Board of Adjustment variance is obtained for the southern perimeter buffer of the civic parcel, the landscaping and buffering along the east property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
- d. Thirty (30) 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. The property owner shall provide access to the not included 5 acre parcel located 1200 feet east of State Road 7, north of this site. Access shall be through this projects internal roadway system. The width of this right-of-way shall be subject to the approval of the County Engineer. (Previously Condition E.1 of Resolution R-97-2069, Petition PDD97-56)
2. The property owner shall construct a left turn lane north approach on State Road 7 at the project's entrance road.
 - a. This construction shall be concurrent with the paving and drainage improvements for the first plat. 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. (Previously Condition E.2.a of Resolution R-97-2069, Petition PDD97-56)
 - b. Permits required by Palm Beach County for this construct on shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)(Previously Condition E.2.b of Resolution R-97-2069, Petition PDD97-56)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)(Previously Condition E.3.c of Resolution R-97-2069, Petition PDD97-56)

3. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

Condition E.3.a of Resolution R-97-2069, Petition PDD97-56 which currently states:

- a. Prior to technical compliance by the Land Development Division, 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 Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. 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 March '994 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. (TC: ENG)

Is hereby amended to read:

- A. Prior to technical compliance by the Land Development Division, 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 Florida Department of Transportation Road 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 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. (TC: ENGINEERING)

Condition E.3.b of Resolution R-97-2069, Petition PDD97-56 which currently states:

- 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 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 concurrent with the improvements with the first plat. (PLAT FINAL: ENG)

Is hereby amended to read:

- 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 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 concurrent with the improvements with the first plat. (PLAT FINAL: ENGINEERING)

Condition E.3.c of Resolution R-97-2069, Petition PDD97-5 which currently states:

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the recordation of the first plat to reflect this obligation. (PLAT: ENG)

Is hereby amended to read:

- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to recordation of the first plat. (PLAT RECORDATION:ENGINEERING)
- 4. An additional ingress/egress point may be added to the southwest corner of the civic site at a location approved by the County Engineer. (ONGOING: ENG)(Previously Condition E.4 of Resolution R-97-2069, Petition PDD97-56)

F. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING SR7/US441)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum ten **(10)** foot wide landscape buffer strip;
 - b. One **(1)** canopy tree planted every twenty **(20)** feet on center;

- c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;**
- d. **A continuous one foot six inch (1' 6") high berm measured from top of curb; and,**
- e. **Twenty-four (24) inch high shrub or hedge material, installed on the plateau of the berm, and 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) (Previously Condition F.1 of Resolution R-97-2069, Petition PDI 97-56)**

G. LANDSCAPING ALONG NORTH PROPERTY LINES

1. Landscaping and buffering along the 632 and 165 foot portions of the (north property line) subject 4.76 acre parcel (Tract 12), adjacent to the private school and day care of Petition #84-139 and commercial and utility uses of Petition #88-99, shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet between clusters. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
 - d. A minimum six (6) foot fence, hedge or berm combination which will provide the necessary height and opacity at time of installation. Credit may be given for any existing six (6) foot opaque non-living barrier immediately located along these portions of the property line; and,
 - e. Thirty (30) inch high shrub or hedge material as required within the combination above shall be installed spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

2. Landscaping and buffering along the 330 foot portion of the north property line, adjacent to the LWDD L-46 canal, shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center; and,
 - c. Thirty (30) 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 forty-eight (48) inches. (CO: LANDSCAPE)

3. Unless a Board of Adjustment variance is obtained for the northern perimeter buffer of the civic parcel, the landscaping and buffering along the remainder of the north property line shall remain as previously approved by the Board of County Commissioners (site plan dated August 27, 1997). (ONGOINGICO: ZONING/LANDSCAPE)

H. LWDD

1. Prior to the issuance of any construction or building permits, the owner will convey to the District either by Quit Claim or Easement the North 30 feet of Tract 12 less the lands owned by the District for the required Right-of-way for L-46. (CONSTRUCTION OR BLDG PERMIT: MONITORING - LWDD/ENG)

I. MASS TRANSIT

1. 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 more than **25%** (68) of the units. 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)(Previously Condition G.1 of Resolution R-97-2069, Petition PDD97-56)

J. PLANNING

1. Condition **H.1** of Resolution R-97-2069, Petition 97-56 which currently states:

Development of the site is subject to the conditions as outlined in Ordinance 96-61 and restrictive covenant as identified in OR BOOK 9619 PAGE **734**. The restrictive covenant includes the conditions listed below:

- a. A maximum gross density of **5** dwelling units per acre. Application for density increases thru the Transfer of Development Rights (TDR) or Voluntary Density Bonus (VDB) programs are not permitted.
- b. The east **15** acres of the PUD shall be used for private civic uses only;
- c. The west **25** acres of the PUD shall be used for residential uses only.
- d. The west **25** acre residential area of the PUD shall be permitted access onto State Road **7/US441**. No vehicular access to the civic parcel or 95th Avenue South shall be provided for the residential uses.
- e. The private civic area shall be permitted access onto **95th** Avenue South if it is part of the contiguous private civic use to the north, south and east of the project site. (ONGOING: PLANNING)

Is hereby amended to read:

The subject property shall be subject to the conditions as outlined in Ordinances 96-60 and 96-61 and restrictive covenants as identified in O.R.B. No. 9619 PAGE 734. (ONGOING: PLANNING)

- a. A maximum gross density of 5 dwelling units per acre. Application for density increases thru the Transfer of Development Rights (TDR) or Voluntary Density Bonus (VDB) programs are not permitted.
- b. The east 15 acres of the PUD shall be used for private civic uses only;
- c. The west 25 acres of the PUD shall be used for residential uses only;
- d. The west 25 acre residential area of the PUD shall be permitted access onto State Road 7/U.S. 441. No vehicular access to the civic parcel or 95th Avenue South shall be provided for the residential uses.
- e. The private civic area shall be permitted access onto 95th Avenue South if it is part of the contiguous private civic uses to the north, south and east of the project site. (ONGOING: PLANNING)

K. 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)(Previously Condition 1.1 of Resolution R-97-2069, Petition PDD97-56)
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)(Previously Condition 1.2 of Resolution R-97-2069, Petition PDD97-56)
3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty **(50)** feet in width, pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)(Previously Condition 1.3 of Resolution R-97-2069, Petition PDD97-56)
4. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (PLAT: ENG - Zoning)(Previously Condition 1.4 of Resolution R-97-2069, Petition PDD97-56)
5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of **Restrictions** in phases. Approval **of** the Declaration must be obtained **from** the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / FLAT: MONITORING/ ENG - Co Att) (Previously Condition **1.5** of Resolution R-97-2069, Petition PDD97-56)

L. 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)(Previously Condition **J.1** of Resolution R-97-2069, Petition PDD97-56)

M. COMPLIANCE

1. Condition K.1 of Resolution R-97-2069, Petition PDD97-56, which currently states:

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; 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)

Is hereby amended to read:

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 noncompliance, 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)

2. 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)