

RESOLUTION NO. R-98-1315

RESOLUTION APPROVING ZONING PETITION DOA85-171(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WELCOME HOMES OF WPB LTD.
BY KILDAY & ASSOCIATES, AGENT
(DORFMAN PUD - CLF)

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 DOA85-171(C) was presented to the Board of County Commissioners at a public hearing conducted on August 27, 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 DOA85-171(C), the petition of Welcome Homes of WPB Ltd., by Kilday & Associates, agent, for a Development Order Amendment (DOA) to modify Conditions, amend master plan and add 19 beds to CLF 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 August 27, 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 Foster and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 27, 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

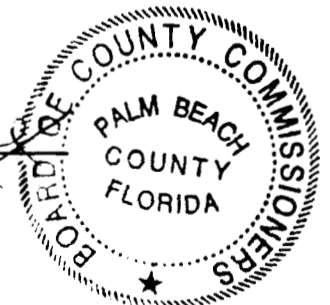


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

A parcel of land situate in Section 13, Township 43 South, Range 42 East, Palm Beach County, Florida; said parcel being more particularly described as follows:

The North 480.00 feet of the West 416.00 feet less and except the West 4.0 feet thereof, deeded to county for Haverhill Road Right-of-Way of the following described parcel of land:

Commencing at the Southwest corner of said Section 13; thence North 01" 29' 17" East, along the West line of said Section 13, a distance of 65.09 feet; thence South 88" 30' 43" East, a distance of 50.00 feet to the Point of Beginning. Said Point of Beginning on the Easterly Right-of-way line of Haverhill Road as is now laid out and in use.

From the Point of Beginning; thence North 01" 29' 17" East, along a line 50.00 feet East of and parallel with the West line of said Section 13, and along said Easterly Right-of-way line, a distance of 1254.88 feet; thence South 88° 34' 18" East, along the South perimeter of the Plat of "Pineridge of Haverhill" (Plat Book 43, Pages 11-12), and along the North line of the South 1320 feet of said Section 13, a distance of 1365.86 feet; thence South 01" 59' 22" West, a distance of 989.96 feet; thence South 88" 34' 19" East a distance of 70.56 feet; thence South 01" 59' 22" West, a distance of 251.47 feet to the Northerly Right-of-way line of 12th Street (Road Book 5, Page 124) (O.R.B. 2535, Page 1518), and a point on a curve having a radius of 1949.86 feet from which a radial line bears South 03" 38' 57" West; thence along said Right-of-way line of the following courses and distances:

1. Westerly along the arc of said curve, subtending a central angle of 02" 13' 16", a distance of 75.59 feet; thence
2. North 88" 34' 18" West, a distance of 316.80 feet to the beginning of a tangent curve concave to the South having a radius of 2904.79 feet; thence
3. Westerly along the arc of said curve, subtending a central angle of 05" 50' 50", a distance of 296.44 feet; thence
4. South 85" 34' 50" West, a distance of 100.00 feet to the beginning of a tangent curve concave to the North having a radius of 2824.79 feet; thence
5. Westerly along the arc of said curve, subtending a central angle of 05" 50' 51", a distance of 288.29 feet; thence
6. North 88" 34' 19" West, a distance of 324.95 feet; thence
7. North 43" 35' 44" West, a distance of 35.41 feet to the Point of Beginning.

Less that portion conveyed to Palm Beach County in Official Records Book 5402, at Page 662.

Said lands situate in Palm Beach County, Florida:

Containing 195,840 Square Feet / 4.4959 Acres, more or less.

EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Condition 1 of Resolution R-88-1236, Petition 85-171(B), which currently states:

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

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-573-11 (Petition 85-171(A), R-88-1236 (Petition 85-171(B) and R-94-1680 (SR 85-171.2), 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. 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 June 23, 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. ARCHITECTURAL CONTROL

1. The proposed congregate living facility building shall be designed and constructed to be consistent with the facade elevations by Miklos & Associates, P.A. **Architects/Planners** dated July 17, 1998. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, **character** and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)
3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south and east property lines of the 4.5 acre CLF parcel. (DRC/ONGOING: ZONING/CODE ENF)

4. Prior to final site plan approval by the Development Review Committee, the site plan and preliminary development plan shall be revised to indicated internal vehicular and nonvehicular connection between the **4.5** acre CLF parcel and the adjacent multi-family pod. The design of the accessway shall **be** approved by the Zoning Division and the Engineering Department. (DRC: ZONING/ENG)

D. HEALTH

1. 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. (Previously Condition 4 of Resolution R-86-573-11, Petition 85-171(A))
2. 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 5 of Resolution R-86-573-11, Petition 85-171(A))
3. Since sewer service **is** available at the site, septic tank shall not be approved for use on said property. (Previously Condition 4 of Resolution R-88-1236, Petition 85-171(B))
4. Since public water service **is** available to the property, a well shall not be approved for potable water use on said property. (Previously Condition 5 of Resolution R-88-1236, Petition 85-171(B))

E. ENGINEERING

1. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **73-4**, as amended. This drainage system shall be maintained in an acceptable condition per the County Engineers approval. (Previously Condition 6 of Resolution R-86-573-11, Petition 85-171(A))
2. The property owner shall convey for the ultimate right-of-way for:
 - a) Haverhill Road, **54** feet from centerline
 - b) Military Trail, **60** feet from centerline
 - c) The construction of a right turn lane North approach at the project's north entrance onto Military Trail. The minimum length of this right-of-way shall be **150** feet long, **12** feet in width, with a minimum taper length of **180** feet.

All within **90** days of adoption of the Resolution by **the** Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (Previously Condition 7 of Resolution R-86-573-11, Petition 85-171(A))

3. The property owner shall construct:
 - a) on Haverhill Road at the project's entrance road a left turn lane, north approach and a right turn lane, south approach. (Previously Condition **8.a** of Resolution R-86-573-11, Petition 85-171(A))

- b) on 12th Street at both project's entrance roads a left turn lane, west approach and a right turn lane, east approach. (Previously Condition 8.b of Resolution R-86-573-11, Petition 85-171(A))
 - c) on Military Trail at the project's north entrance road a left turn lane, south approach and a right turn lane, north approach per the Florida Department of Transportation approval. This construction shall include eliminating the existing median opening to the north with raised mountable curbing concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (Previously Condition 8.c of Resolution R-86-573-11, Petition 85-171(A))
4. **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 12th Street, Haverhill Road and Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along 12th Street, Haverhill Road and Military Trail. 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 9 of Resolution R-86-573-11, Petition 85-171(A))
 5. **If the** Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$134,792.00 shall be credited toward the increased Fair Share Fee. (Previously Condition 12 of Resolution R-86-573-11, Petition 85-171(A))
 6. The property owner shall plat the entire parcel per the County Engineers approval. (Previously Condition 13 of Resolution R-86-573-11, Petition 85-171(A))
 7. Property owner shall align the eastern-most entrance/exit onto 12th Street with the proposed shopping center to the south or as approved by the County Engineer. (Previously Condition 15 of Resolution R-86-573-11, Petition 85-171(A))
 8. "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 present! **is:**
 - a. Phase One • Multiple Family Apartments = \$173,342.00 (2,156 trips X \$80.40 per trip). (Previously Condition 6.a of Resolution R-88-1236, Petition 85-171(B))
 - b. Phase Two • 109 tenant ACLF = \$9,430 (352 trips X \$26.79 per trip). (Previously Condition 6.b of Resolution R-88-1236, Petition 85-171(B))
 - c. Phase Three • J.C.C. Recreation Area = \$66,975.00 (2,500 trips X \$26.79 per trip). (Previously Condition 6.c of Resolution R-88-1236, Petition 85-171(B))

9. Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional **\$124,874.00** toward Palm Beach County's existing Roadway Improvement Program. Total funds of **\$374,621.00** are to be paid as follows:
 - a) **\$290,902.00** is to be paid for western half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of a site plan for either Phase 1 (multiple family apartment!) or Phase 2 (ACLF) by the Site Plan Review Committee whichever shall first occur. (Previously Condition 7.a of Resolution R-88-1236, Petition 85-171(B))
 - b) **\$83,719.00** is to be paid for the eastern half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of any site plan for Phase 3 (J.C.C. recreation areas) by the Site Plan Review Committee, whichever shall first occur, (Previously Condition 7.b of Resolution R-88-1236, Petition 85-171(B))
10. In order to comply with the mandatory traffic performance standards the property owner(s) shall be restricted to no more than 276 building permits for rental units until the contract has been let for 45th Street as a 4 lane section from 1-95 to Haverhill Road plus the appropriate paved tapers.

There shall be no additional access from the proposed ACLF onto Haverhill Road. (Previously Condition 8 of Resolution R-88-1236, Peition 85-171(B))
11. Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a temporary roadway construction easement along Haverhill Road. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT DATE: MONITORING - Eng)
12. Prior to the issuance of a building permit or prior to February 1, 1399, whichever shall first occur, the property owner shall convey to Palm Beach County a 55 foot drainage/utility easement from Haverhill Road to the project's east property line. The location of this easement shall be approved by the County Engineer prior to recordation. (BLDG PERMIT DATE: MONITORING - Eng)
13. Prior to June 1, 1999, if required by the County Engineer the property owner shall construct within this drainage easement a closed piping system, appropriate wingwall or other structures including exfiltration system as approved by the County Engineer. Elevation and location of this drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

F. LANDSCAPING- STANDARD

1. Condition 2.a of Resolution R-88-1236, Petition 85-171(B), which currently states:

Prior to master plan certification by the Site Plan Review Committee, the master plan shall be amended to indicate the following:

a. Required number of trees.

Is hereby deleted. [Reason: DRC requirement]

2. Condition 3 of Resolution R-88-1236, Petition 85-171(B), which currently states:

“The developer shall preserve existing vegetation as indicated on the master plan. Said vegetation shall satisfy Zoning Code Sections 500.35.f.17 (Eradication Program For Prohibited Plant Species) and 500.36.D.3.b. (2) (b) (Protection of Groups of Trees or Vegetation).”

Is hereby deleted. [Reason: Code requirement]

3. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: twelve (12) 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

4. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights **(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)

5. A group of three or more palm or pine trees may supersede the requirement for a perimeter canopy tree in that location. Only fifty (50) percent of the required canopy trees may be replaced by the clustered palm or pine trees within each required buffer. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE

1. **In addition to** the ULDC requirements for a Type 2 buffer, landscaping and buffering along the north property line of the **4.5** acre CLF parcel shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip; and,
- b. One **(1)** palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters. (CO: LANDSCAPE)

- a. One (1) canopy tree planted every twenty (20) linear feet;
 - b. One (1) palm or pine tree for each twenty-five (25) linear feet, with a maximum spacing of sixty (60) feet on center between cluster;. A group of three or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location; 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. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING - INTERIOR

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
- a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / 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. 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 the County Engineer. (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 Palm Tran, and County Engineer prior to **issuance of the first certificate of occupancy (CO)**. 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)

H. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO PALM LAKES APARTMENTS)

1. In addition to the ULDC requirements for the Type 2 buffer, landscaping and buffering along the south and east property lines of the 4.5 acre CLF parcel shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip. Encroachment of the drainage/utility easement as required by Condition E.12 shall only be permitted along the south 120' of the east property line and five (5) feet along the south property line consistent with the easement/buffer detail dated August 11, 1998; (see attached). Encroachment of existing lift station and water and sewer lines which traverse the buffers may be permitted;
 - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters; and,
 - c. The required landscaping materials of this condition, within the south 120' of the east property line, shall be relocated to the west to provide additional screening for the service/dumpster area. (CO: LANDSCAPE)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO HAVERHILL ROAD)

1. In addition to the ULDC requirements for this right-of-way buffer, landscaping and buffering along the west property line of the 4.5 acre CLF parcel shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A one (1) to three (3) foot undulating berm, with an average height of (2) feet, measured from the top of the curb; and,
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters. (CO: LANDSCAPE)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures, including wall mounted lights, shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K. 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 the County Engineer. (JRC: ZONING)

- B. 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 the issuance of the certificate of occupancy for the CLF. 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. (CO: MONITORING - Eng)

L. PLANNED UNIT DEVELOPMENT

- 1. Condition 3 of Resolution R-86-573-11, Petition 85-171(A), which currently states:

All property included in the legal description of this zoning petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to the County Attorney's office, which shall provide among other things, for the following: Formation of a single "master" property owners' association, automatic voting membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.

Is hereby amended to read:

All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

M. SIGNS

- 1. Freestanding signs, including entrance wall, directional and point of purchase signs, fronting on Haverhill Road 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 - 32 square feet;

- c. Maximum number of signs - one (1); and,
- d. Style - monument style only. (BLDG PERMIT/CO: ZONING/BLDG)

N. USE LIMITATIONS

1. **Prior to site plan certification, the Master Plan shall be revised to reflect the following:**
 - a) **Designation of the acreage and the amenity package of the recreation tract within the housing tract.**
 - b) **Areas of preservation of significant native vegetation including that within the required buffer area and central and eastern portion of the site. (Previously Condition 1 of Resolution R-86-573-11, Petition 85-171(A)) [Completed]**
2. Condition 2, of Resolution R-94-1680, SR 85-171.2, which currently states:

Prior to the issuance of a building permit, the preliminary development plan shall be amended by the Development Review Committee to provide for a maximum of 77 residents.

 Is hereby amended to read:

 The CLF shall be limited to a maximum of ninety-six (96) residents. (LRC: BLDG/HEALTH - Zoning)
3. Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No construction activities permitted on Sunday. (ONGOING: CODE ENF - Zoning)
4. Deliveries, other than emergency medical supplies or services shall not be allowed to the site prior to 7:00 a.m. nor continue later than 6:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No deliveries on Sunday except for medical emergency provisions. (ONGOING: CODE ENF - Zoning)

O. 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)