

RESOLUTION NO. R-2004- 2031

RESOLUTION APPROVING ZONING PETITION PDD2003-085
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF SIMSATIONAL HOMES, LLC
BY MILLER LAND PLANNING CONSULTANTS INC, AGENT
(ASPEN GLEN)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-085 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2004; 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 has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 PDD2003-085, the petition of Simsational Homes, LLC by Miller Land Planning Consultants Inc, agent, for an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Residential Planned Unit Development 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 September 30, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner AARONSON moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 30, 2004.

Filed with the Clerk of the Board of County Commissioners on 9th day of NOVEMBER, 2004.

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

PARCEL NO. 1

THE SOUTH 260 FEET OF THE FOLLOWING DESCRIBED PROPERTY: THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. EXCEPT ANY PART THEREOF LYING WITHIN THE RIGHT-OF-WAY OF SIMS ROAD.

PARCEL NO. 2

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; EXCEPT ANY PART THEREOF LYING WITHIN THE RIGHT-OF-WAY OF SIMS ROAD.

PARCEL NO. 3

THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST; LESS THE SOUTH 12.5 FEET THEREOF. SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

PARCEL NO. 4

THE NORTH 200 FEET OF THE WEST TWO ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND EXCEPTING THERE FROM ANY EXISTING RIGHT-OF-WAY FOR ANY AND ALL PUBLIC UTILITIES. TOGETHER WITH AN EASEMENT FOR INGRESS EGRESS OVER THE WEST 20 FEET OF THE EAST THREE ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE NORTH BY THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE EAST BY THE WEST LINE OF THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE SOUTH BY THE SOUTH LINE OF THE NORTH 200 FEET OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE WEST BY THE EAST LINE OF WEST TWO ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

PARCEL NO. 5

THE SOUTH 330 FEET OF THE NORTH 530 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE WEST 2 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF THE NORTH 200 FEET OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE EAST BY THE WEST LINE OF THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE SOUTH BY THE SOUTH LINE OF THE NORTH 530 FEET OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE WEST BY THE EAST LINE OF WEST TWO ACRES OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

PARCEL NO. 6

THE E 1/2 OF THE W 1/5 OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4, LESS THE NORTH 530 FEET AND THE SOUTH 12.5 FEET THEREOF FOR ROAD RIGHT-OF-WAY, LYING IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, SAID LAND LYING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF THE NORTH 530 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

ON THE EAST BY THE WEST LINE OF THE EAST 3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

ON THE SOUTH BY A LINE BEING 12.5 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST;

CONTAINING 11.854 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

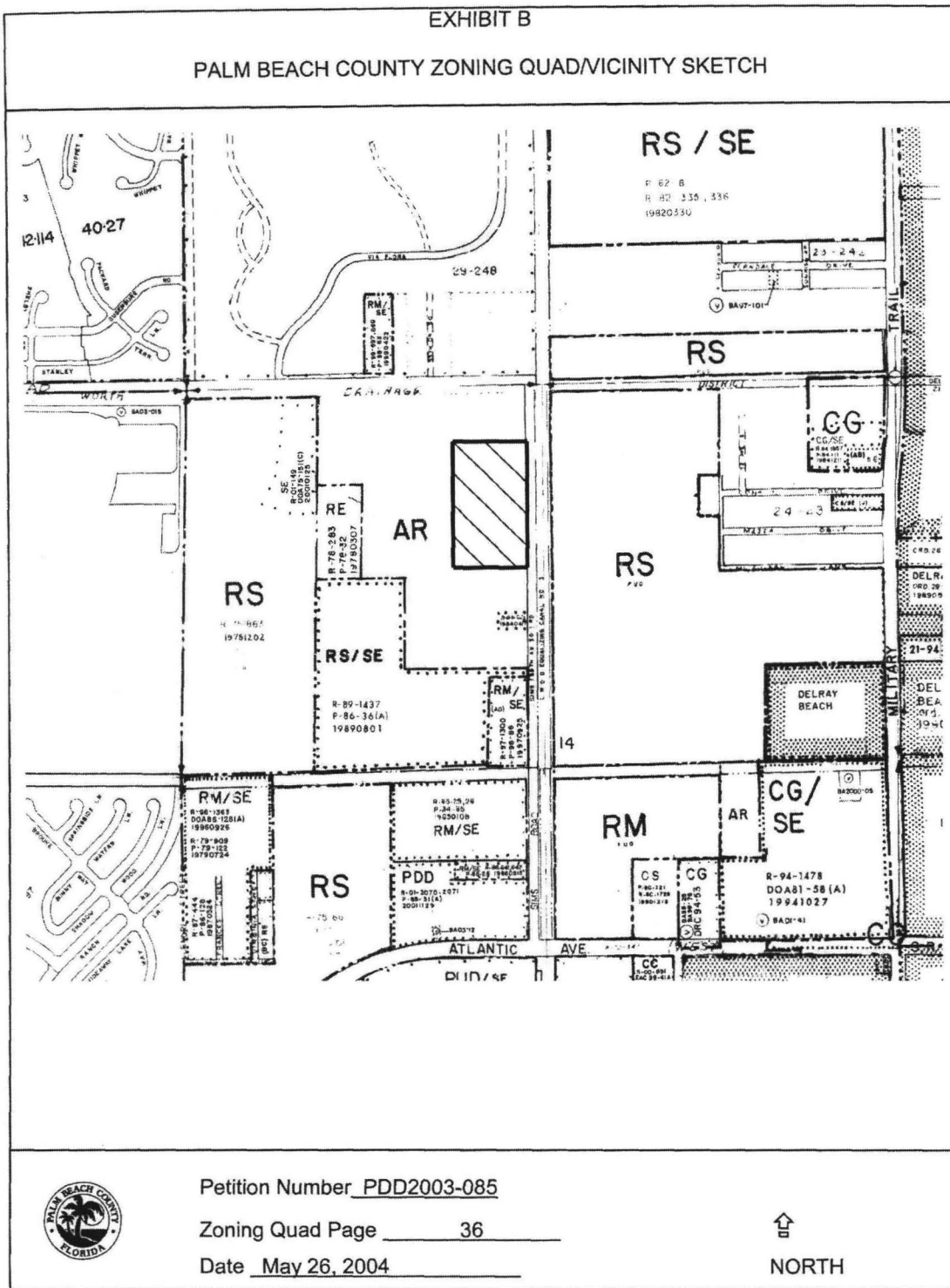


EXHIBIT C

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 master plan is dated June 18, 2004. 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 REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations shall be submitted simultaneously with the master plan for final architectural review and approval for the residential structures. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRO: ARCH REVIEW – Zoning)
2. Diversity of architectural elevations and exterior color schemes for the townhouse units shall be achieved through compliance with the following:
 - a. a minimum of three (3) elevations shall be required for each individual building, to be evenly dispersed amongst the units within each building. Variation in these elevations shall be achieved through the use of differing architectural details such as, but not limited to: roof treatment, stucco banding, reveals, decorative vents and louvers, columns or pilasters, and/or quoins;
 - b. a minimum of three (3) exterior color schemes shall be required for each individual building, to be evenly dispersed amongst the units within each building; and,
 - c. the entire length of the front façade of each unit shall project or be recessed a minimum distance of six (6) feet from the front façade of the adjacent unit to provide the appearance of staggered building setbacks and to achieve a varied streetscape. (BLDG PERMIT: ARCH REVIEW/BLDG – Zoning)

C. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All existing native vegetation, including understory, depicted on the master plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the master plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM)

D. LANDSCAPING - STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and

- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on the property 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)
 3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE – Zoning)
 4. All trees, palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
 5. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy trees in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
 6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE – Zoning)
 7. Field adjustment of plant materials and berm locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing native vegetation. (CO: LANDSCAPE – Zoning)
 8. Berm height shall be measured from the nearest top of the curb or the crown of the adjacent road or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE – Zoning)

E. ENGINEERING

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

No Building Permits for the site may be issued after June 16, 2007. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING – Eng)
2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed or plat for Frost Lane 50 feet north of the existing south right of way of Frost Lane. This right of way shall be conveyed prior to the issuance of the first Building Permit. Right of way conveyance shall be

along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road Right-of-Way conveyances shall be consistent with Palm Beach County's Thoroughfare Right-of-Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT: MONITORING – Eng)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to 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: MONITORING – Eng)
4. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Sims Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING – Eng)
5. The Property owner shall construct a left turn lane south approach on Sims Road at Project's entrance road.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

- a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING – Eng)
- b) Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)
6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG)
7. Concurrent with the first plat the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sims Road along the property frontage; and up to a maximum of an additional 800-feet of these adjacent roadway(s). The limits of this additional 800-feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically

encumbered by said minimum 20-foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24-inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire 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 ALONG THE EAST AND SOUTH PROPERTY LINES (ABUTTING SIMS ROAD AND FROST LANE)

1. Landscaping and buffering along the east and south property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a minimum two (2) foot high undulating berm measured from top of curb;
 - c. one (1) native canopy tree for each thirty (30) feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDG PERMIT: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two (2) foot high berm measured from top of curb;
 - c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (BLDG PERMIT: LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE – Zoning)
3. Along the interior side of the required wall, the petitioner 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. (BLDG PERMIT: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two (2) foot high berm measured from top of curb;
 - c. a six (6) foot high black or green vinyl coated chain link fence to be located on the plateau of the berm;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and,
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (BLDG PERMIT: LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE – Zoning)
3. Along the interior side of the required fence, the petitioner 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. (BLDG PERMIT: LANDSCAPE – Zoning)

I. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE – Eng/Zoning)
2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets, forty (40) feet in width or greater;
 - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater; and,
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ZONING/ENG)
3. Prior to final approval of the master/site plan by the Development Review Officer (DRO), the master plan shall be amended to show an architectural focal point at the roundabout median located at the main access point.

Details of this architectural focal point shall be submitted to the Architectural Review Section for review and approval. (DRO: ARCH REVIEW – Zoning)

4. Decorative pavers (stamped concrete or paving blocks) shall be provided along the internal driveway indicated on the master plan dated June 18, 2004. The minimum dimension for each area shall be as follows:
 - a. Main access point – 6,600 square feet;
 - b. Eyebrow/semi-cul-de-sacs – a minimum of two (2) and 1,800 square feet each;
 - c. T-intersections – 1,500 square feet each; and,
 - d. additional paving areas with planters – a minimum of three (3) and 800 square feet each. (DRO: DRO – Zoning)

5. Shade structures (trellis and/or gazebo) shall be provided in the following locations:
 - a. a minimum of three (3) shade structures to be spaced evenly along the mulch path within the recreation pod as shown on the master/site plan dated June 18, 2004;
 - b. a minimum of one (1) shade structure to be placed along the mulch path adjacent to the east side of the private civic pod; and,
 - c. a minimum of one (1) shade structure to be located at the entrance to the mulch path adjacent to the west side of the roundabout access point.
 - d. The trellis shall have a minimum dimension of seven (7) feet in width, ten (10) feet in length and ten (10) feet in height. (BLDG PERMIT: BLDG – Zoning)

6. Prior to the recordation of the first plat, 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 include the following:
 - a. 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.
 - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY – Zoning)

J. SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: SCHOOL BOARD/ENG – School Board)

K. 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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