

RESOLUTION NO. R-2005-0151

RESOLUTION APPROVING ZONING PETITION PDD2004-015
(CONTROL NO. 2004015)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GL HOMES OF BOCA RATON ASSOCIATES V, LTD.
BY MILLER LAND PLANNING CONSULTANTS INC, AGENT
(COLLIER PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2004-015 was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2005; 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 PDD2004-015, the petition of GL Homes of Boca Raton Associates V, Ltd. 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 January 27, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner GREENE moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2005.

Filed with the Clerk of the Board of County Commissioners on 9TH day of FEBRUARY, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK AND COMPTROLLER

BY:


COUNTY ATTORNEY

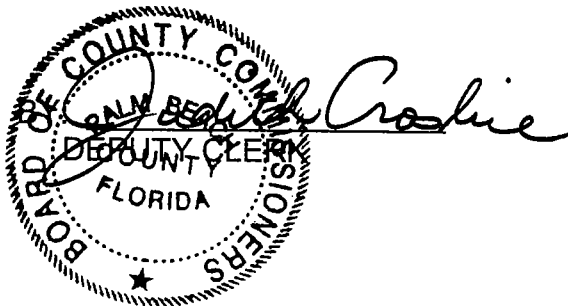


EXHIBIT A

LEGAL DESCRIPTION

BEING ALL OF TRACTS 39 THROUGH 42 INCLUSIVE, ACCORDING TO THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2 AS RECORDED IN PLAT BOOK 1, PAGE 102 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEING A PORTION OF THE SOUTH 15.00 FEET OF A STRIP OF LAND 30 FEET IN WIDTH, AS SHOWN IN THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WITHIN SECTION 14, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (S.W. 1/4) OF SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, SAID PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°50'48" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 89°47'30" WEST, ALONG A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 2641.82 FEET; THENCE NORTH 00°40'28" WEST, A DISTANCE OF 15.00 FEET TO THE SOUTH LINE OF SAID SECTION 11; THENCE NORTH 89°47'30" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 2641.77 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEING A PORTION OF TRACTS 36 THROUGH 38 INCLUSIVE, ACCORDING TO THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, LYING IN SAID SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, SAID PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID, SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST; THENCE NORTH 00°50'48" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER (SW1/4), A DISTANCE OF 659.28 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 89°47'18" WEST, A DISTANCE OF 120.01 FEET; THENCE NORTH 00°50'48" WEST, ALONG A LINE 120.0 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 337.48 FEET; THENCE SOUTH 89°46'57" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°50'48" WEST, ALONG A LINE 135.0 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 654.07 FEET; THENCE NORTH 89°46'54" EAST, ALONG THE NORTH LINE OF SAID TRACT 36, A DISTANCE OF 135.00 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER (SW1/4); THENCE SOUTH 00°50'48" EAST, ALONG SAID EAST LINE, A DISTANCE OF 991.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 44.055 ACRES, MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 25, 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 - Zoning)

B. 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. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
3. Berm height shall be measured from the nearest top of the curb, the crown of the 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)

C. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF CORAL RIDGE DRIVE)

1. Landscape width and berm requirements along the east property line shall be upgraded to include:
 - a. a minimum of twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a minimum one and a half (1.5) foot high continuous berm measured from top of curb. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE NORTH, SOUTH, AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. In addition to the ULDC landscaping requirements, landscaping along the north, south, and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;

- b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with adjacent development.
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - d. one (1) palm or slash 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, where applicable.
 - e. along the north and west property lines, a minimum seventeen (17) foot Drainage Easement (D.E.) located on the exterior (perimeter lot line) side of the minimum fifteen (15) foot wide landscape buffer strip to provide swale drainage for the adjoining lots located on the north and west sides of the development. (BLDG PERMIT: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on both sides 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)

E. ENGINEERING

1. The property owner shall provide for the acquisition funding costs of the right-of-way for Coral Ridge Drive as provided for below:
- a) A minimum of 120 feet in width from the north property line of this PUD, north to the Kahn property.
 - b) Right of way to be acquired by this property owner from the Kahn property shall be a minimum of 79 feet in width from the proposed east right of way line.

Right of way acquisition shall be sufficient to accommodate a 2 lane section. Final alignment for the right of way shall be subject to approval by the County Engineer. Acceptable surety shall be provided to the Office of the County Engineer prior to July 1, 2005. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng)

2. On or before July 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Coral Ridge Drive, Drive a minimum of 120 feet in width from the north property line of this PUD, north to the Kahn property. Right of way to be acquired from the Kahn property shall be a minimum of 79 feet in width from the proposed east right of way line and shall be sufficient to accommodate a 2 lane section. Final alignment for the right of way shall be subject to approval by the County Engineer as referenced above, subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to the Land Development Division. (DATE: MONITORING - Eng)

3. The property owner shall fund the construction plans and construction of Coral Ridge Drive as a 2-lane section from the projects south property line to Kimberly Boulevard. Funding of the construction plans and construction shall be completed on or before October 1, 2005. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - 1) No Building Permits shall be issued until the contract has been let for the 2 lane construction of Coral Ridge Drive from the projects south property line to Kimberly Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

 - 2) No Certificates of Occupancy shall be issued until the construction of Coral Ridge Drive from the projects south property line to Kimberly Boulevard has been completed. (CO: MONITORING -Eng)

 - 3) No Building Permits for the site may be issued after September 23, 2015. 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)

5. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Kimberly Boulevard and Coral Ridge Drive Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
 - 1) Building Permits for more than 20 dwelling units shall not be issued until the developer provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT: MONITORING - Eng).

6. CONVEYANCE OF RIGHT OF RIGHT OF WAY – Coral Ridge Drive

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Coral Ridge Drive, 120 feet in width on an alignment approved by the County Engineer prior to July 1, 2005. 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." (DATE: MONITORING - Eng)

7. The Property owner shall construct:
 - A. A left turn lane north approach on Coral Ridge Drive at Kimberly Drive.
 - B. A left turn lane south approach on Coral Ridge Drive at Kimberly Drive. (BLDG PERMIT: MONITORING - Eng)

8. 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 the construction in A and B above shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
 - b. Construction for the improvements in A and B above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

9. On or before July 1, 2005, 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 Coral Ridge Drive along the property frontage; and up to a maximum of an additional 800 feet of the adjacent right of way. 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)

10. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying Coral Ridge Drive as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information, which appears in written form shall appear in **bold print**. (The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on July 15, 2006 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

11. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Coral Ridge Drive 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. (BLDG PERMIT: MONITORING - Eng)
12. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)
13. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)

F. PLANNED UNIT DEVELOPMENT

1. Street trees shall be required within all street tracts and/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 less than fifty (50) feet in width;
 - b. along both sides of all internal PUD streets fifty (50) feet in width or greater; and,
 - c. roadway cross-section sketches showing the required street trees shall be reflected on the approved Regulating Plan, as applicable. (DRO: ZONING/ENG - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the Master Plan/Site Plan shall be amended to indicate a minimum five (5) foot wide pedestrian pathway along the eastern side of the lake tract (Lake 4) adjacent to the recreational pod. This pathway shall have a direct connection to both the pedestrian system on the property and the adjacent recreation area. (DRO: ZONING - Zoning)
3. Prior to final approval by the Development Review Officer (DRO), the Master Plan/Site Plan shall be amended to indicate a minimum of one (1) fountain in Lake 4. (DRO: ZONING - Zoning)
4. Focal Point 1 as identified on the plans dated May 25, 2004 shall consist of an architectural element. Prior to final approval of the site plan by the Development Review Officer, the property owner shall submit details of this focal point to the Architectural Review Section for approval. (DRO: ARCH REVIEW - Zoning)
5. A minimum of two (2) shade structures shall be provided along the mulch path within the open space adjacent to the south landscape buffer, and subject to the following requirements:
 - a. each structure shall have a minimum dimensions of eight (8) feet in width and sixteen (16) feet in length;
 - b. a minimum of two (2) benches shall be provided at each shade structure area;
 - c. a flowering vine (bougainvillea or similar specie acceptable to the Landscape Section shall be planted at each end of the shade structure; and,
 - d. prior to final site plan approval by the Development Review Officer (DRO), details of the shade structure shall be submitted to the Architectural Review Section for approval. (BLDG PERMIT: ARCH REVIEW/LANDSCAPE - Zoning)
6. Decorative pavers (stamped concrete or paving blocks) shall be provided along the internal driveway and T-intersections as indicated on the master

plan dated May 25, 2004. The minimum dimension for each focal point shall be as follows:

- a. Main access point – 8,400 square feet;
 - b. T-intersections – 2,300 square feet each.
(DRO/BLDG PERMIT: DRO/ZONING – Zoning)
7. 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)
8. The property owner or developer shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective residents that the community is adjacent to a regional county park with active recreational amenities that may be subject to noise and lights from the park's existing and future recreational facilities including but not limited to water park, water ski lakes, outdoor amphitheater, ball fields, etc. Also, the homeowners' documents shall include a statement that all or portions of South County Regional Park Parcel "A" will remain in an unimproved state with no regularly scheduled maintenance until such time as the park is developed in phases and open to the public. The property owner or developer shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on September 30, 2005 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Parks)
9. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses in the vicinity of the development. This disclosure statement shall include notification as to the existence of agricultural uses, including, but not limited to, landscape nurseries, livestock, pets, and row crops; which activities, among other things, generate noise. In addition, the language shall include a statement that each lot owner acknowledges and agrees that the existing agricultural uses to the north and west of the property existing as of the date of development order issuance predate the development of the project. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on September 30, 2005 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

10. Prior to final site plan approval by the Development Review Officer (DRO) the site plan shall be revised to indicate a pedestrian connection from the subject site connecting to the South County Regional Park. This pedestrian connection shall be the proposed sidewalk to be located within the right-of-way of Coral Ridge Drive. (DRO: DRO – Zoning)

G. PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the master plan shall include a pedestrian pathway along lake 4 and a pedestrian pathway along the recreation parcel in areas that do not front residential units. (DRO: PLANNING - Planning)

H. SCHOOL

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-School Board)

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: MONITORING – Eng)

I. 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 Article 2.E 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)