

RESOLUTION NO. R-2005- 0158

RESOLUTION APPROVING ZONING PETITION DOA1993-039B
(CONTROL NO. 1993039)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ARCH STONE SMITH
BY CHARLES PUTNAM & ASSOCIATES INC, AGENT
(CAMERON PARK PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1993-039B 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, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA1993-039B, the petition of Arch Stone Smith, by Charles Putnam & Associates Inc., agent, for a Development Order Amendment to add land area, add units, and to reconfigure the master plan for a Residential Planned Unit Development 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 January 27, 2005, 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 GREENE 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

BY:


DEPUTY CLERK

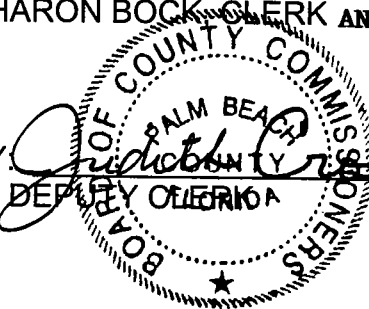


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION (PARCEL A):

A PORTION OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF TRACT "A" OF "CAMERON PARK" AS RECORDED IN PLAT BOOK 81 AT PAGES 114, 115, 116, AND 117 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°55'28" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE (STATE ROAD #806) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93550-2601 RECORDED IN ROAD PLAT BOOK 3, PAGES 24-30 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 376.00 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 1°04'32" EAST, FOR 2.75 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 88°55'28" EAST FOR 59.60 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 00°17'25" WEST FOR 8.78 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 88°07'52" EAST FOR 7.31 FEET TO A LINE THAT LIES 62.70 FEET WEST OF, AND PARALLEL WITH, THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14; THENCE SOUTH 00°17'25" EAST ALONG SAID PARALLEL LINE, FOR 1367.25 FEET TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14; THENCE SOUTH 89°12'59" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 14, FOR 439.44 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EAST LINE OF SAID TRACT "A" THENCE NORTH 00°26'14" WEST ALONG THE EAST LINE OF SAID TRACT "A" AND ITS SOUTHERLY PROJECTION FOR 1358.84 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (PARCEL B):

THAT PORTION OF THE EAST 62.70 FEET OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGH-OF-WAY LINE OF ATLANTIC AVENUE (STATE ROAD #806) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 9355-2601 RECORDED IN ROAD PLAT BOOK 3, PAGES 24-30 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

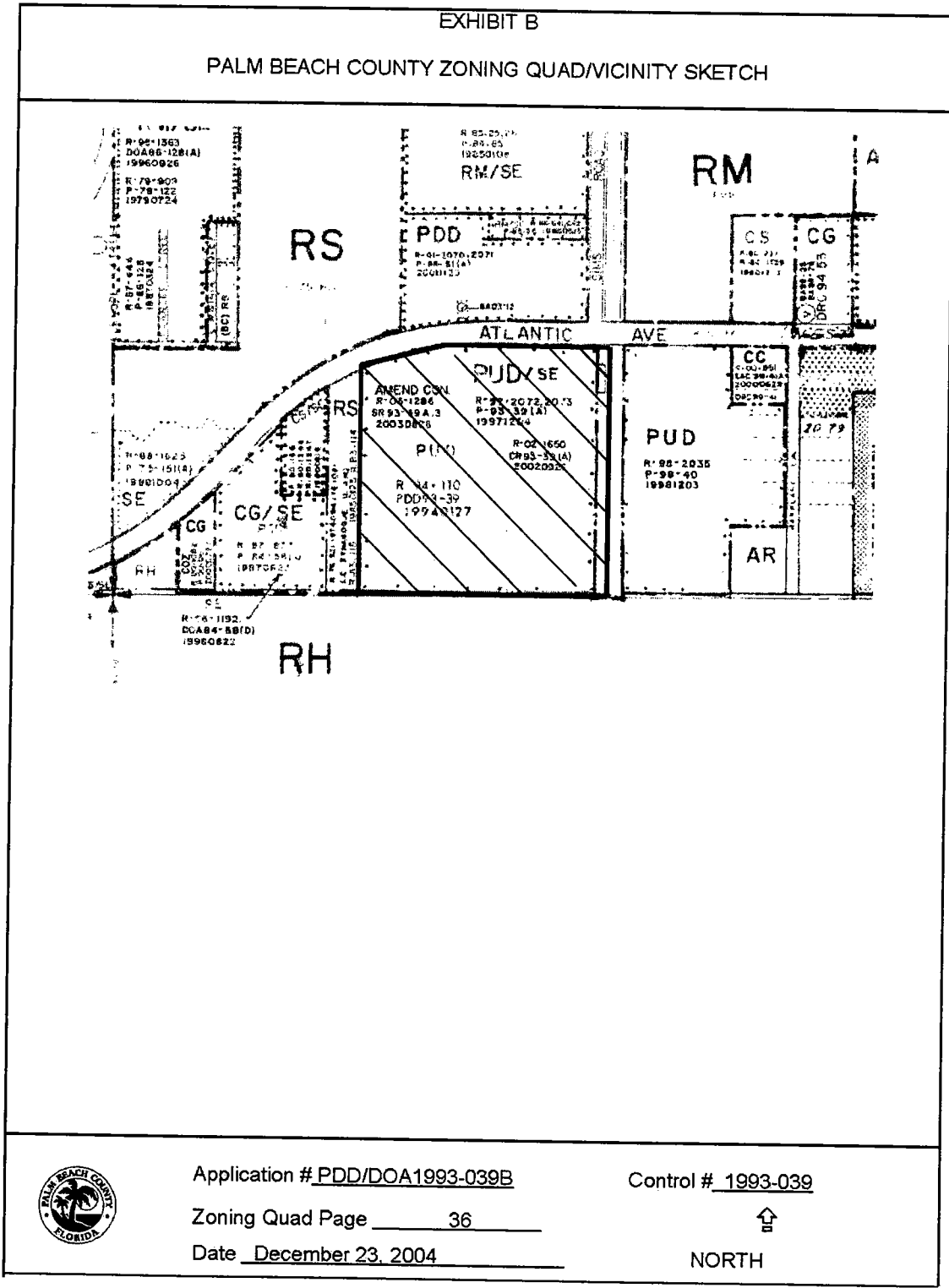


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Previous condition A.1 of Resolution R-98-15 of Petition 1993-39(A), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution 94-110 (Petition 93-39), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-2073 (Petition 1993-39(A)), R-98-15 (Petition 1993-39(A)), R-01-1650 (Petition 1993-39(A)) and R-03-1286 (Petition 1993-39(A)), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Previous condition A.2 of Resolution R-98-15 of Petition 1993-39(A), which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 22, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 19, 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. CIVIC SITE

1. **The private civic site for this petition totals .71 acre.**
 - a. **The Phase 1 civic site portion is .49 acre which has been approved by the BCC to be cashed out for \$31,613. This payment shall be due and payable on October 28, 1997. No administrative**

time extensions beyond October 28th, 1997 will be allowed.
(DATE: MONITORING - PREM)

- b. **Phase 2 shall maintain its .22-acre private civic portion with the option to cash-out still available to the Petitioner. (ONGOING: MONITORING - PREM) (Previous Condition B.1 of Resolution R-98-15, Petition 1993-39(A))**

C. HEALTH

1. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (ONGOING: HEALTH - Health) (Previous Condition C.1 of Resolution R-98-15, Petition 1993-39(A))**
2. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (ONGOING: HEALTH - Health) (Previous Condition C.2 of Resolution R-98-15, Petition 1993-39(A))**

D. IRRIGATION QUALITY WATER

1. **When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (ONGOING: UTILITIES - Utilities) (Previous Condition D.1 of Resolution R-98-15, Petition 1993-39(A))**

E. ENGINEERING

1. **The Property owner shall fund construction of a left turn lane, east approach on West Atlantic Avenue at the project's entrance road. Cost for this left turn lane shall be approved by the County Engineer. The construction shall be concurrent with the widening of West Atlantic Avenue. Funding to Palm Beach County shall be completed prior to receiving Technical Compliance for the first plat. (PLAT: BLDG - Eng) (Previous Condition E.1 of Resolution R-98-15, Petition 1993-39(A)) [Completed]**
2. **The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of West Atlantic Avenue. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (ONGOING: ENG - Eng) (Previous Condition E.2 of Resolution R-98-15, Petition 1993-39(A))**
3. **Previous Condition E.3 of Resolution R-98-15 of Petition 1993-39(A), which currently states:**

The Developer 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 presently at the time of the Building Permit is \$228,690.00 (1,386 trips X \$165.00 per trip).

Is hereby deleted. [Code requirement].

4. **In order to comply with the mandatory traffic performance standards, no building permits for the site shall be issued until West Atlantic Avenue is under construction from Jog Road to Congress Avenue as a six lane median divided roadway. (ONGOING: ENG - Eng) (Previous Condition E.4 of Resolution R-98-15, Petition 1993-39(A)) [Completed]**
5. **The Developer shall install signalization if warranted as determined by the County Engineer at West Atlantic Avenue and project entrance. Appropriate surety shall be posted with the Office of the County Engineer concurrent with the final plat. Should signalization not be warranted after 5 years (60 months) of the final Certificate of Occupancy this property owner shall be relieved from this condition. Surety for this signalization shall be posted concurrent with filing of the final plat. (PLAT: ENG - Bldg) (Previous Condition E.5 of Resolution R-98-15, Petition 1993-39(A))**
6. **Prior to the issuance of a building permit for Phase 2, the property owner shall convey a roadway construction easement along the projects entire frontage of West Atlantic Avenue and Simms Road to Palm Beach County. Construction within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6 of Resolution R-98-15, Petition 1993-39(A))**
7. **Prior to the issuance of a building permit for Phase 2 the property owner shall convey a 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 within this easement shall conform to Palm Beach County Standards. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.7 of Resolution R-98-15, Petition 1993-39(A))**
8. Previous Condition 2 of Resolution R-01-1650, Petition 1993-39(A) which currently states:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Sims Road, 80 feet as shown on the Alignment Map filed in the Zoning Division's Cameron Park PUD file dated June 19, 1997. This additional right of way shall be conveyed on or before August 1, 1998 or prior to the issuance of the first Certificate of Occupancy for Phase 2 whichever shall first occur. Right of way conveyance shall be along the projects east property line and shall be free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. The developer shall purchase any necessary right of way from the Lake Worth Drainage District for Sims Road to accomplish the final alignment as identified above. This final alignment shall have no greater than a four feet offset with Sims Road north of the West Atlantic Avenue Intersection. Also, approval from the Department of Environmental Resource Management Division shall be required

verifying clean up has been completed of any environmental contamination of the property to be conveyed as additional right of way.

This approval shall be obtained prior to conveyance of this additional right of way. (DATE/BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

CORRIDOR CONVEYANCE OF RIGHT OF SIMS ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Sims Road 80 feet on an alignment approved by the County Engineer. Right of way shall be conveyed prior to February 1, 2006. Right of way conveyance shall be free of all encumbrances and encroachments. 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)

9. Previous Condition 2 of Resolution R-03-1286, Petition 1993-39(A)) which currently states:

On or before August 1, 2004, 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 Simms Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. If Palm Beach County excavates within the limits of this easement then the Grantor shall warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of 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. 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) (Previous Condition 2 of Resolution R-03-1286, Petition 1993-39(A))

Is hereby amended to read:

On or before February 1, 2006, 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 a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet and final location of the easement 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. In the event of 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. 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. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**

- a) **Building Permits for more than 99 dwelling units shall not be issued until construction has begun for Military Trail as a 6 lane section from West Atlantic Avenue to Linton Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.10 of Resolution R-98-15, Petition 1993-39(A)) [Completed]**
11. **Prior to approval of the site plan by the DRC the property owner shall amend the Master Plan to reflect an access onto Sims Road from the site subject to the approval of the County Engineer. (DRO: ENG - Eng) (Previous Condition E.11 of Resolution R-98-15, Petition 1993-39(A))**
 12. **The petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue concurrent with the required improvements for the first plat. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of appropriate ground cover. Funds equal to a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median shall be used in the installation of upgraded ground cover. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:**

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

 - a) **All plants shall be container grown or field collected and transplanted from the project site.**
 - b) **All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BLDG/ENG: ENG - Eng) (Previous Condition F.1 of Resolution R-98-15, Petition 1993-39(A)) [Completed]**
 13. **All required median landscaping, including watering, shall be installed prior to July 1, 1998 and be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. (DATE: BLDG/ENG - Zoning) (Previous Condition F.2 of Resolution R-98-15, Petition 1993-39(A)) [Completed]**
 14. **Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the filing of the first plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. If West Atlantic Avenue six laning has not been completed prior to the filing of the first plat, then these documents shall be recorded prior to the finaling of the landscape permit. (PLAT:**

BLDG/ENG - Co Attny) (Previous Condition F.3 of Resolution R-98-15, Petition 1993-39(A)) [Completed]

15. 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 January 1, 2006. 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)
16. Prior to issuance of the next building permit, the property owner shall include in the rental contracts, Master Plans and related Site Plans a disclosure statement identifying Sims Road 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 January 1, 2006 and shall continue on an annual basis until all units within the development have been rented. (BLDG PERMIT/DATE: MONITORING - Zoning)
17. 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)
18. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)

F. LANDSCAPING - GENERAL

1. **To ensure adequate buffering with adjacent single family residences, all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**
 - a. **Tree height: fourteen (14) feet;**
 - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade;**
 - c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length;**
 - d. **Clear trunk: five (5) feet; and,**
 - e. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDG: LANDSCAPE - Zoning) (Previous Condition G.1 of Resolution R-98-15, Petition 1993-39(A))**

H. LANDSCAPING ALONG ALL PROPERTY LINES

1. **To ensure adequate buffering for adjacent property, landscaping along all perimeter PUD property lines, except the north and east property lines shall be upgraded to include:**
 - a. **One (1) native canopy tree planted every twenty (20) feet on center;**
 - b. **One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede**

the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement; and,

- c. **Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (BLDG: LANDSCAPE - Zoning) (Previous Condition H.1 of Resolution R-98-15, Petition 1993-39(A))**
2. **Overlap of easements shall not be permitted into right-of-way buffers, except in area where existing buffers were approved under Petition 1993-039(A). (CO: LANDSCAPE – Zoning)**

I. **LANDSCAPING ALONG WEST AND EAST PROPERTY LINES ABUTTING WEST ATLANTIC AND SIMS ROAD FRONTAGES**

1. **Previous Condition I.1 of Resolution R-98-15, Petition 1993-39(A), which currently states:**

To ensure adequate buffering for adjacent property to the north and to provide a uniform streetscape along West Atlantic Avenue, landscaping along the PUD's north property line shall be upgraded to include:

- a. **A minimum twenty (20) foot wide;**
- b. **One (1) native canopy tree planted every twenty (20) feet on center;**
- c. **One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement;**
- d. **A minimum one (1) to three (3) foot high undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,**
- e. **Thirty (30) inch high shrub or hedge material located on the plateau of the berm spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height.**

Is hereby amended to read:

In addition to the ULDC landscaping requirements, landscaping along West Atlantic Avenue and Sims Road, shall be upgraded to include:

- a. **A minimum twenty (20) foot in width;**
- b. **One (1) native canopy tree planted every twenty (20) feet on center;**
- c. **One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location. No more than twenty five percent of the required trees may be superseded by this requirement;**
- d. **A minimum one (1) to three (3) foot high undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,**
- e. **One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum 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 of twenty-four (24) inches at installation;**

- and,
- g. Thirty (30) inch high shrub or hedge material located on the plateau of the berm spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (BLDG PERMIT: LANDSCAPE - Zoning)

J. MASS TRANSIT

1. a. **Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRO: ZONING - 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 issuance of the certificate of occupancy for the 77th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previous Condition J.1 of Resolution R-98-15, Petition 1993-39(A))**

K. SCHOOL BOARD

Previous condition K.1 of Resolution R-98-15, Petition 1993-39(A)), which currently states:

1. **All sales and notice literature and purchase agreements for the within development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (Previous Condition K.1 of Resolution R-98-15, Petition 1993-39(A)) (ONGOING: SCHOOL BOARD – School Board)**

Is hereby amended to read:

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)

2. School bus shelter fronting along West Atlantic Avenue at the entrance to the site shall comply with the following:

Prior to the issuance of the second Certificate of Occupancy (CO), the school bus shelter along West Atlantic Avenue shall be constructed by the property owner 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, a bike rack, lighting of the bus shelter, garbage receptacle, 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 – School board)

3. School bus shelter fronting along Sims Road at the entrance to the site shall comply with the following:

Six (6) months after the completion date of Sims Road, a school bus shelter shall be constructed by the property owner 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, a bike rack, lighting of the bus shelter, garbage receptacle, 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. (DATE: SCHOOL BOARD – School Board)

4. Previous Condition K.2 of Resolution R-98-15, Petition 1993-39(A), which currently states:

Prior to master plan certification, petitioner(s) shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (DRO: SCHOOL BOARD – School Board)

Is hereby deleted. [Reason: Code requirement.]

L. SIGNS

1. **To ensure compliance with the regulating plan submitted by the petitioner, entry or project identification sign fronting on West Atlantic Avenue shall be limited as follows:**

- a. **Maximum sign height, measured from finished grade to highest point - ten (10) feet;**
- b. **Maximum sign face area per side - 100 square feet;**
- c. **Maximum number of signs - one (1) on West Atlantic Ave.**
- d. **Type - monument style only. (Previous Condition L.1 of Resolution R-98-15, Petition 1993-39(A)) (BLDG: BLDG PERMIT - Bldg)**

M. PLANNED UNIT DEVELOPMENT

1. **Street lights a maximum of twenty (20) feet in height, measured from finish grade to highest point, shall be installed, maintained and operated by the property owner along all platted access tracts,**

easements or road ways. (Previous Condition M.1 of Resolution R-98-15, Petition 1993-39(A)) (BLDG PERMIT: BLDG - Zoning)

2. **Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all access tracts, access easements, road ways or right-of-ways that are interior to the PUD subject to approval by the County Engineer.** (Previous Condition M.2 of Resolution R-98-15, Petition 1993-39(A)) (ENG: PERMIT - Eng)

3. Previous Condition M.3 of Resolution R-98-15, Petition 1993-39(A)), which currently states:

All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code.

Is hereby deleted. [Reason: Code requirement].

4. **All residential structures shall not exceed three (3) stories in height.** (Previous Condition M.4 of Resolution R-98-15, Petition 1993-39(A)) (BLDG PERMIT: BLDG - Zoning)

5. Prior to final Development Review Officer (DRO) site plan approval, the master plan and site plan shall be revised to include a notation indicating the proposed/future location of the sidewalk along Sims Road and a notation indicating the existing location of the sidewalk along Atlantic Avenue. (DRO: PLANNING - Planning)

N. VEGETATION PRESERVATION

1. **The petitioner shall preserve or relocate existing native sabal palms on site and shall incorporate them into the project design.** (VRP: ERM - Erm) (Previous Condition N.1 of Resolution R-98-15, Petition 1993-39(A))

2. **Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:**

a. **All sabal palms to be relocated or preserved shall be identified in the field, tagged and numbered.**

b. **The sabal palms shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.** (ERM: ERM - Erm) (Previous Condition N.2 of Resolution R-98-15, Petition 1993-39(A))

3. Previous Condition N.3 of Resolution R-98-15, Petition 1993-39(A), which currently states:

All prohibited species shall be removed from the property prior to the issuance of the first Certificate of Occupancy (C.O.).

Is hereby amended to read:

All prohibited species shall be removed from the property prior to the issuance of the first Certificate of Occupancy (C.O.) or Certificate of Completion (C.C.) which ever occurs first. (CC/CO: BUILDING - Bldg)

O. COMPLIANCE

1. Previous Condition O.1 of Resolution R-98-15, Petition 1993-39(A), which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

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

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

Is hereby amended to read:

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)