

RESOLUTION NO. R-2006- 1193

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1333  
(CONTROL NO. 2005-456)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF D R HORTON HOMES  
BY JULIAN BRYAN & ASSOCIATES, AGENT  
(EASTWOOD 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), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1333 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; 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 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; 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 Application PDD2005-1333, the application of D R Horton Homes by Julian Bryan & Associates, 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 June 22, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Tony Masilotti, Chair	¥	Absent
Addie L. Greene, Vice Chairperson	¥	Aye
Karen T. Marcus	¥	Aye
Jeff Koons	¥	Aye
Warren H. Newell	¥	Aye
Mary McCarty	¥	Aye
Burt Aaronson	¥	

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 22nd day of June, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

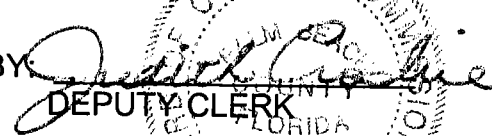
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

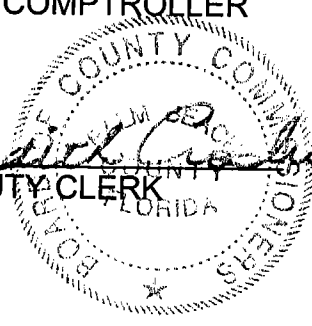


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

TRACT 7 OF BLOCK 4, LESS THE THEREFROM AND EXCEPTING THAT PART LYING EAST OF THE WEST RIGHT-OF-WAY FOR JOG ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL RECORD BOOK 6678, PAGE 1382, OFFICIAL RECORD BOOK 12001, PAGE 46 AND JOG ROAD OVERPASS AS DESCRIBED IN PALM BEACH COUNTY RESOLUTION R-91-628 AND FURTHER LESS AND EXCEPTING LANDS LYING NORTH OF THE SOUTH LINE OF THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY BY ORDER OF TAKING, DESCRIBED IN OFFICIAL RECORD BOOK 18023, PAGE 530 AND MCC BOOK 68, PAGE 196, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 8 OF BLOCK 4, LESS THEREFROM AND EXCEPTING LANDS LYING NORTHWEST OF THE SOUTHEAST LINE OF THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY, ORDER OF TAKING, DESCRIBED IN OFFICIAL RECORD BOOK 18023, PAGE 530 AND MCC BOOK 68, PAGE 196, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 9 OF BLOCK 4 LESS THEREFROM AND EXCEPTING LANDS LYING NORTHWEST OF THE SOUTHEAST LINE OF THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY, ORDER OF TAKING, DESCRIBED IN OFFICIAL RECORD BOOK 18023, PAGE 530 AND MCC BOOK 68, PAGE 196, AND FURTHER LESS AND EXCEPTING THE FLORIDA GAS TRANSMISSION COMPANY BY ORDER OF TAKING DESCRIBED IN OFFICIAL RECORD BOOK 8124, PAGE 1739, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALL OF TRACTS 11 AND 14 OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 12 AND 13 OF BLOCK 4 LESS THEREFROM AND EXCEPTING THAT PART LYING EAST OF THE WEST RIGHT-OF-WAY FOR JOG ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL RECORD BOOK 6678, PAGE 1382, OFFICIAL RECORD BOOK 12001, PAGE 46 AND JOG ROAD OVERPASS AS DESCRIBED IN PALM BEACH COUNTY RESOLUTION R-91-628, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 15 OF BLOCK 4 LESS THEREFROM AND EXCEPTING THE STATE OF FLORIDA TURNPIKE RIGHT-OF-WAY, ORDER OF TAKING, DESCRIBED IN MCC BOOK 68, PAGE 196 AND FURTHER LESS AND EXCEPTING THE FLORIDA GAS TRANSMISSION COMPANY BY ORDER OF TAKING DESCRIBED IN OFFICIAL RECORD BOOK 8124, PAGE 1739 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 18 OF BLOCK 4 LESS THEREFROM THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY FOR BELVEDERE ROAD DESCRIBED AND ESTABLISHED BY ORDER OF TAKING RECORDED IN OFFICIAL BOOK 6995, PAGE 1218, AND IN OFFICIAL BOOK 6678, PAGE 1377, DEED BOOK 1072, PAGE 267, DEED BOOK 693, PAGE 174, OFFICIAL RECORD BOOK 12001, PAGE 45 AND FURTHER LESS AND EXCEPTING THE FLORIDA GAS TRANSMISSION COMPANY BY ORDER OF TAKING DESCRIBED IN OFFICIAL RECORD BOOK 8124, PAGE 1739 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 19 OF BLOCK 4 LESS THEREFROM THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY FOR BELVEDERE ROAD DESCRIBED AND ESTABLISHED BY

AND IN OFFICIAL BOOK 6678, PAGE 1377, DEED BOOK 1072, PAGE 267, DEED BOOK 693, PAGE 174, OFFICIAL RECORD BOOK 12001, PAGE 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 20 OF BLOCK 4 LESS THEREFROM THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY FOR BELVEDERE ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL BOOK 6678, PAGE 1377, DEED BOOK 1072, PAGE 267, DEED BOOK 693, PAGE 174, OFFICIAL RECORD BOOK 12001, PAGE 45, AND FURTHER LESS THEREFROM THAT PART LYING EAST OF THE WEST RIGHT-OF-WAY FOR JOG ROAD DESCRIBED AND ESTABLISHED BY AND IN OFFICIAL RECORD BOOK 6678, PAGE 1382, OFFICIAL RECORD BOOK 12001, PAGE 46, ALL OF THE PUBIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

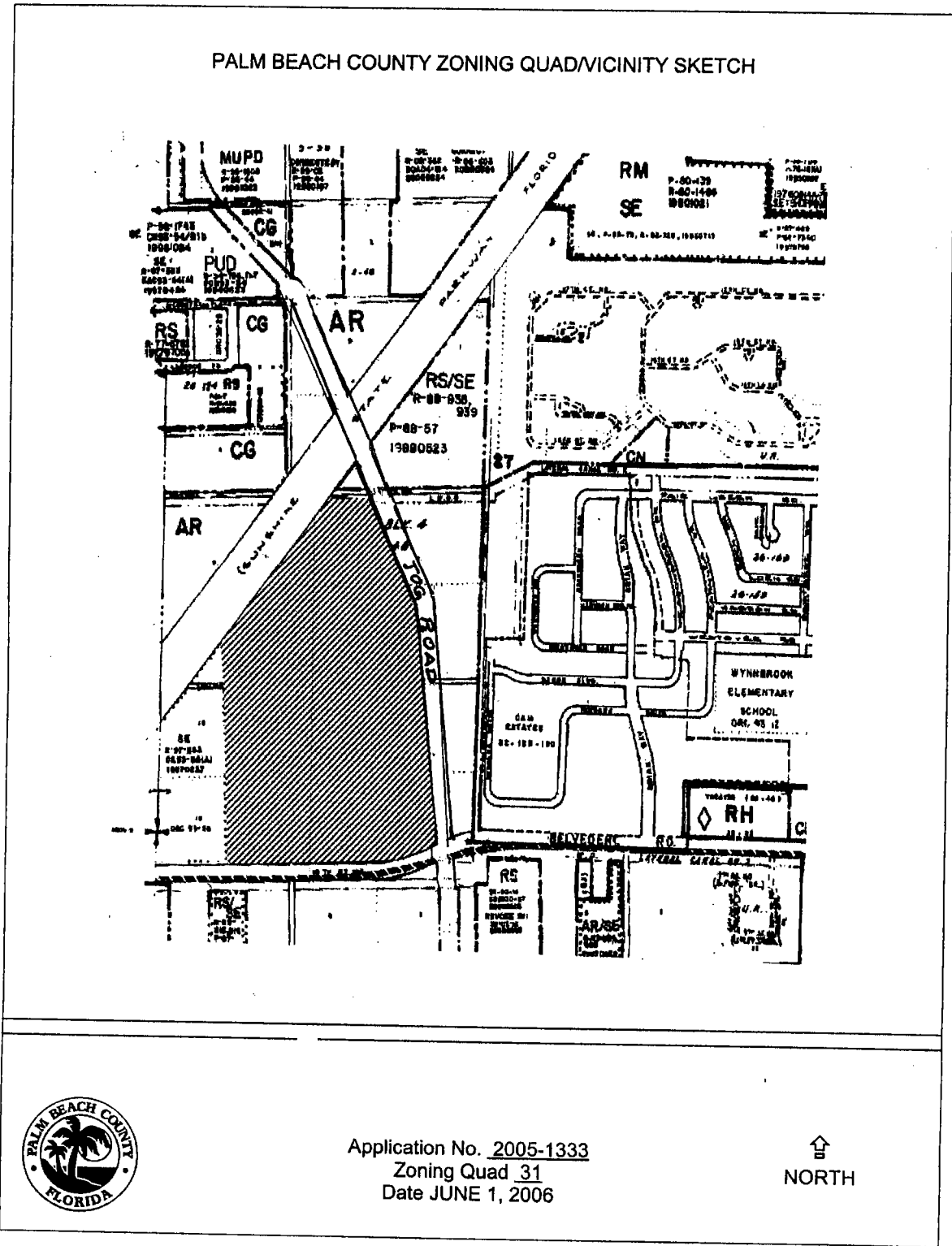
THE 30 FOOT PLATTED ROAD RIGHT-OF-WAYS AS FOLLOWS: COMMENCING WITH THE EAST BOUNDARY OF SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE) RIGHT-OF-WAY RUNNING SOUTHERLY BETWEEN AND ADJACENT TO TRACTS 8 AND 11 AND TRACT 9, TRACTS 14 AND 15 AND TRACTS 18 AND 19 TO THE NORTH BOUNDARY OF BELVEDERE ROAD; AND COMMENCING WITH THE EAST BOUNDARY OF SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE) RIGHT-OF-WAY RUNNING EASTERLY BETWEEN AMD ADJACENT TO TRACT 9 AND TRACT 15, TRACT 11 AND TRACT 14, AND TRACTS 12 AND 13 TO THE WEST BOUNDARY OF JOG ROAD; AND COMMENCING AT THE NORTHWEST BOUNDARY OF SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE) RIGHT-OF-WAY RUNNING WESTERLY AND ADJACENT TO TRACTS 9 AND 15, ALL OF BLOCK 4, RECORDED IN PALM BEACH FARMS COMPANY PLAT NO 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THOSE LANDS LYING WEST OF THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8124, PAGE 1739 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE AFORESAID PARCELS OF LAND ARE LYING AND SITUATE IN PALM BEACH FARMS COMPANY PLAT NO 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS CONTAIN 67.157 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



Application No. 2005-1333  
Zoning Quad 31  
Date JUNE 1, 2006



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated March 31, 2006 and the approved regulating plan is dated March 13, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### ENGINEERING

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

No Building Permits for the site may be issued after June 22, 2009. 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. a. Prior to DRO certification of the Preliminary Development Plan, the Master Plan shall be revised to reflect compliance with the approved noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ZONING /ENGINEERING)
- b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (CO:MONITORING-Eng)
- c. The petitioner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property owner. All sales contracts and homeowner documents shall include a statement that any additional noise mitigation measures requested in the future will not be constructed by Palm Beach County.
- d. The property owner shall submit documentation of compliance with the requirements above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)

3. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC:ENGINEERING-Eng)
4. Landscape Within the Median of Jog Road and Belvedere Road
  - a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Jog Road and Belvedere Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.
  - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
  - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
  - d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
  - e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Jog Road and Belvedere Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: MONITORING-Eng)
5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG- Eng)

#### ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit (or specify an alternative), the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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. (BLDG PERMIT: LANDSCAPE - Zoning)
3. 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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of berm and plant material locations 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)
6. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW - Zoning)

**ZONING - LANDSCAPING-ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING JOG ROAD AND BELVEDERE ROAD)**

1. In addition to code requirements, landscaping along the south and east property lines shall be upgraded to include:
  - a. a minimum thirty (30) foot wide landscape buffer strip plus an additional ten (10) feet of open space;
  - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
  - c. a minimum two (2) foot high to five (5) foot high berm (average height three and one-half (3.5) feet). (BLDG PERMIT: LANDSCAPE - Zoning)

**ZONING - LANDSCAPING-INTERSECTION OF BELVEDERE ROAD AND JOG ROAD**

1. Special planting treatment shall be provided at the intersection of Belvedere Road and Jog Road. Planting shall consist of the following:
  - a. a minimum of three (3) specimen palm (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section);
  - b. a minimum of five (5) flowering trees;
  - c. appropriate shrub or hedge materials and ground cover; and,
  - d. an architectural element consisting of a wall fountain or a project identification sign with planter. The wall fountain/sign shall be a minimum of six (6) feet in height and sixty (60) square feet in face area. (BLDG PERMIT: LANDSCAPE - Zoning)



## MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG-Eng)
3. The location of a Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

## PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes the following:
  - a. Guarantees the attainability of the twenty eight (28) designated workforce housing dwelling units for a period of ten years (ownership) to moderate income (>80% - 120% median income) households, with the unit sales prices determined by Palm Beach County's Housing and Community Development Department; and
  - b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: PLANNING/COUNTY ATTY- Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall indicate the following information on the site plan, consistent with the locations indicated on the site plan dated March 30, 2006:
  - a. The minimum required twenty-eight (28) WHP units shall be equitably distributed through the development area, no concentration of units in one building or area shall occur;
  - b. 28 WHP units are required to be provided to moderate income households; and
  - c. the minimum required twenty (28) WHP units shall include similar variation in bedroom and floor area options as the market rate units. (DRO: PLANNING - Planning)
3. The property owner shall include in sales documents as well as written brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying future residents of this development, that the project has a minimum of twenty eight (28) workforce housing dwelling units and any residents wishing to reside in a unit that has been earmarked as an attainable housing unit shall qualify for eligibility. Every deed of sale for each of the attainable units shall contain a restriction guaranteeing the property is sold and occupied by a qualified income household only, for a period of ten years. The property owner is responsible for disclosure of the location of the minimum twenty-eight (28) affordable units prior to the sale of any units. Beginning on July 1, 2007, the property owner/homeowner

association shall submit an annual report to the Planning Division documenting compliance with the Attainable Housing declaration of restrictive covenants, the sales document disclosure, and the deed of sale restriction. (DATE/ONGOING: MONITORING - Planning)

#### PLANNED UNIT DEVELOPMENT

1. Prior to 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: MONITORING Cty Atty)
2. 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 industrial uses, including a gas transmission facility on the west and a water treatment plant to the east, in the vicinity of the development. 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 June 1, 2007, 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)
3. Prior to final approval by the Development Review Officer (DRO), the site and regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:
  - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
  - b. include a minimum of two (2) pedestrian benches;
  - c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench; (adjust numbers accordingly)
  - d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
  - e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within each OR (specify two to three lakes that have the most prominent locations that can be commonly shared by the residents) lake tract. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)(adjust
5. Prior to the issuance of a Certificate of Occupancy (CO) for the clubhouse, the clubhouse facility shall be equipped with a generator that complies with the following requirements:

- a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- b. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- c. setback in accordance with the Property Development Regulations for a (Recreation or Civic) Pod in accordance with ULDC Table 3.E.2.D-16;
- d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- e. subject to review and approval by the Building Division; and,
- f. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations (CO: MONITORING - Zoning)

#### SCHOOL BOARD

1. 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. 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-School Board)
2. 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). (DRO: SCHOOL BOARD-School Board)

#### UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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)