

RESOLUTION NO. R-2006-1205

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1736  
(CONTROL NO. 2005-597)  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
APPLICATION OF VANGARD REALTY AND DEVELOPMENT CORP  
BY LAND DESIGN SOUTH, INC., AGENT  
(YAMATO COURT MUPD)

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 PDD2005-1736 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 PDD 2005-1736, the application of Vanguard Realty and Development Corp. by Land Design South, Inc., agent, for an Official Zoning Map Amendment from the Planned Unit Development District to the Multiple Use Planned 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	-	Aye

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 11th day of July, 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

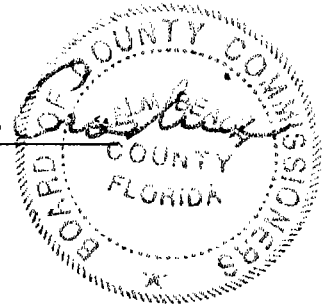


EXHIBIT A

LEGAL DESCRIPTION

**PARCEL I**

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 15, 16 AND 17 OF BLOCK 74, AND THE ABANDONED 25.00 FOOT PALM BEACH FARMS COMPANY PLAT NO. 3 RIGHT OF WAY ADJACENT TO THE WEST BOUNDARY OF THE AFOREMENTIONED TRACTS OF "PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF "PLAT OF FOUR FORTY ONE ASSOCIATES" AS RECORDED IN PLAT BOOK 81, PAGES 177 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°48'47" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), A DISTANCE OF 800.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-42 CANAL; THENCE NORTH 89°39'08" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 504.61 FEET TO A POINT ON A LINE 45.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE SAID TRACT 16; THENCE SOUTH 00°20'52" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 313.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 197.19 FEET; THENCE SOUTH 00°20'52" EAST, A DISTANCE OF 167.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 183.51 FEET; THENCE SOUTH 00°48'47" EAST, A DISTANCE OF 320.01 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED "PLAT OF FOUR FORTY ONE ASSOCIATES"; THENCE SOUTH 89°39'08" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 5.66 ACRES, MORE OR LESS.

**PARCEL II**

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 15, 16, 17 AND 18 OF BLOCK 74 OF "PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF "PLAT OF FOUR FORTY ONE ASSOCIATES", AS RECORDED IN PLAT BOOK 81, PAGES 177 THROUGH 178, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°39'08" EAST, ALONG THE NORTH LINE OF SAID "PLAT OF FOUR FORTY ONE ASSOCIATES", A DISTANCE OF 324.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 10°56'04" EAST, A DISTANCE OF 161.55 FEET; THENCE NORTH 44°39'07" EAST, A DISTANCE OF 103.50 FEET; THENCE NORTH 45°20'53" WEST, A DISTANCE OF 125.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 39.49 FEET; THENCE NORTH 00°20'52" WEST, A DISTANCE OF 167.00 FEET; THENCE NORTH 89°39'08" EAST, A DISTANCE OF 197.19 FEET TO A POINT ON A LINE 45.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 16 AND 17; THENCE SOUTH 00°20'52" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 487.00 FEET; THENCE SOUTH 89°39'08" WEST, A DISTANCE OF 174.11 FEET TO

THE POINT OF BEGINNING.

CONTAINING: 1.74 ACRES, MORE OR LESS.

### **PARCEL III**

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 15 OF THE BLOCK 74 OF "THE PALM BEACH FARMS COMPANY PLAT NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 244.94 FEET OF THE WEST 289.94 FEET OF THE SOUTH 313.00 FEET OF THE NORTH 363.00 FEET OF THE SAID TRACT 15, BLOCK 74 OF "THE PALM BEACH FARMS COMPANY PLAT NO. 3".

CONTAINING: 1.76 ACRES, MORE OR LESS.

### **PARCEL IV**

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACTS 14, 15, 18 AND 19, ALL OF BLOCK 74 OF "PALM BEACH FARMS COMPANY NO. 3" RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 215 FEET OF TRACT 14 AND THE WEST 215 FEET OF TRACT 19, LESS AND EXCEPT THE NORTH 50 FEET OF TRACT 14 AND LESS AND EXCEPT THE SOUTH 435.60 FEET OF TRACT 19.

TOGETHER WITH:

THE EAST 285 FEET OF TRACT 15 AND THE EAST 285 FEET OF TRACT 18, LESS AND EXCEPT THE NORTH 50 FEET OF TRACT 15 AND LESS AND EXCEPT THE SOUTH 435.60 FEET OF TRACT 18.

TOGETHER WITH:

THE WEST 45 FEET OF THE SOUTH 470 FEET OF TRACT 18, LESS AND EXCEPT THE SOUTH 435.60 FEET THEREFROM.

LESS AND EXCEPT THE FOLLOWING:

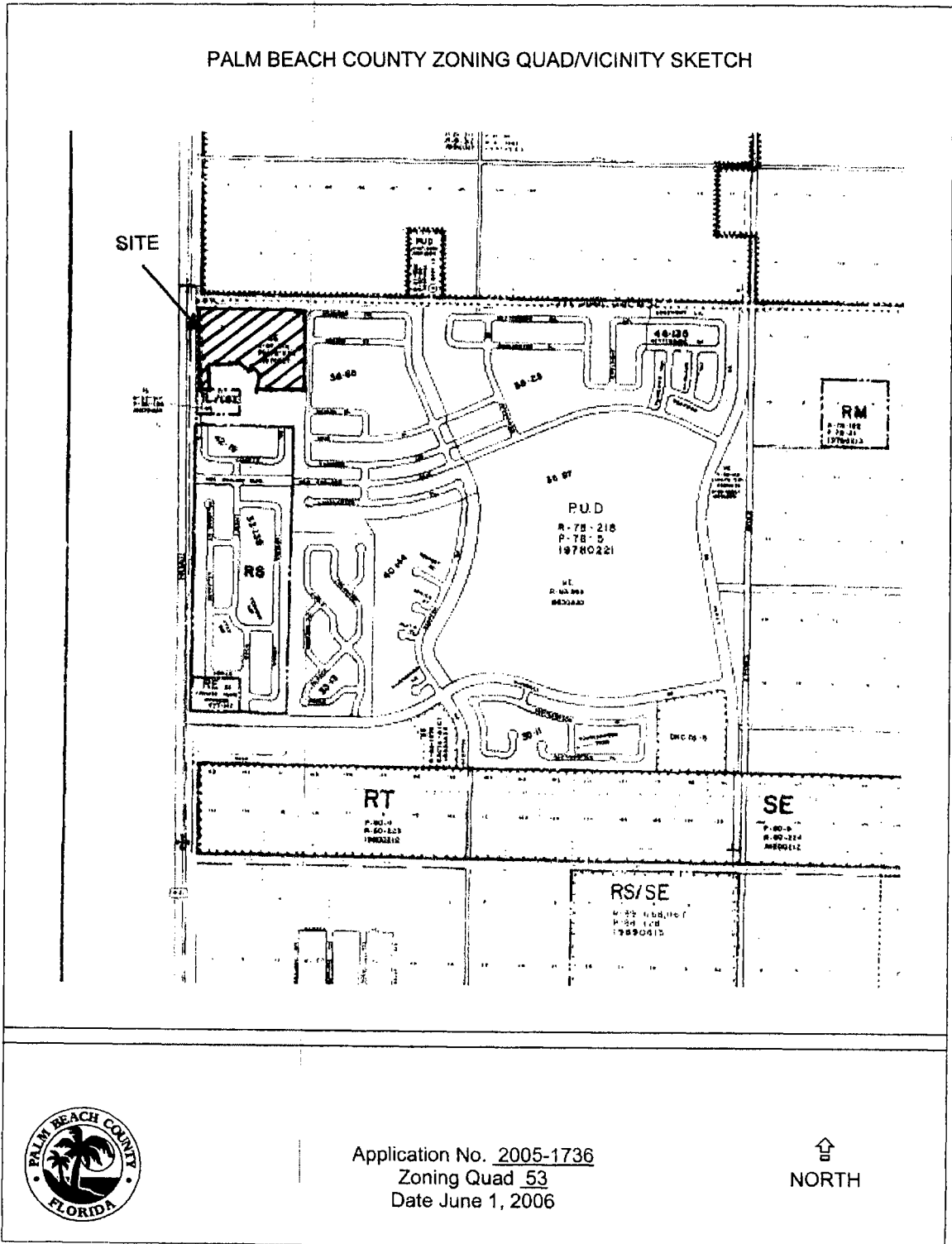
THE EAST 244.94 FEET OF THE WEST 289.94 FEET OF THE SOUTH 313.00 FEET OF THE NORTH 363.00 FEET OF THE TRACT 15, BLOCK 74.

ALL OF SAID PROPERTY LYING IN BLOCK 74 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF THE PALM BEACH COUNTY, FLORIDA.

CONTAINING 7.85 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the site design and uses approved by the Board of County Commissioners. The approved site plan and regulating plans are dated April 13, 2006. 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)

#### ARCHITECTURAL REVIEW

1. Design of gutters and downspouts shall be integrated into the architectural design. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning)
2. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
  - a. No Building Permits for the congregate living facility or general commercial buildings may be issued after January 1 2009.
  - b. Building Permits for more than 32 bed concrete living facility and more than 14900 square feet of gross leasable commercial shall be issued until contract has been awarded for the construction of turn lane improvements at Yamato Road and Lyons Road which will provide for dual left turn lanes east approach. Construction shall include appropriate receiving lanes. (BLDG PERMIT: MONITORING-Eng)
  - c. a time extension for dates within this condition of approval 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. Prior to issuance of a Building Permit the Property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
3. The Property owner shall:
  - a. construct a left turn lane east approach on Yamato Road at the projects entrance road. Construction shall include a restricted median opening subject to the approval of the Florida Department of Transportation.
  - b. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the 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.

- c. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - d. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. Landscape Within the Median of Yamato Road and SR 7
- a. The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Yamato Road and SR 7. 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 property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner 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 property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner 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 property owner. The property owner 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 Property owner.
  - e. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification 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 Yamato Road and SR 7. 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: ENG-Eng)
5. The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for Yamato Road an additional 15 feet of right of way along this projects north property line prior to the issuance of a building permit. Right of way conveyance shall be free of all encumbrances and encroachments. Property owner 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 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG. PERMIT: MONITORING-Eng)

6. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Yamato Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG. PERMIT: MONITORING-Eng)
7. Acceptable surety required for the offsite road improvements as outlined in the Traffic Performance Standards Condition E1b above shall be posted with the Office of the Land Development Division on or before December 22, 2006 . Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng)
8. Prior to February 1, 2007 the Property owner shall complete construction plans of the offsite Traffic Performance Standards intersection improvements outlined in condition E1 b above. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE:MONITORING-Eng)
9. Prior to October 1, 2007 the Property owner shall complete construction of the offsite Traffic Performance Standards intersection improvements outlined above in Condition E1b. (DATE:MONITORING-Eng)

## ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM)

## ZONING - LANDSCAPE STANDARDS

1. Prior to the issuance of building permit, the property owner shall submit a Landscape Plan for the entire development to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the 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 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)

#### ZONING - LANDSCAPE-INTERIOR

1. Prior to final approval by the Development Review Officer (DRO), the proposed landscape focal points located between Retail Buildings 2 and 3 shall be redesigned to accommodate the following requirements:
  - a. the focal point located at the north end shall be designed as an architectural feature, including but not limited to a foundation, arcade, gazebo etc. Details of this focal point shall include elevations, dimensions and construction/decorative materials shall be submitted to the Architectural Review Section for review and approval;
  - b. focal points located at the center and the south end of Buildings 2 and 3 may remain as landscape focal points. The proposed plant materials shall be of specimen specie(s) and size(s) subject to the review and approval by the Landscape Section; and,
  - c. the Regulating plan(s) dated April 13, 2006 shall be revised to include all approved details. (DRO: ARCH REVIEW – Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the proposed landscape focal point located between Retail Buildings 4 and 5 shall be redesigned to accommodate the following requirements:
  - a. the proposed plant materials shall be of specimen specie(s) and size(s) subject to the review and approval by the Landscape Section;
  - b. a minimum of four (4) benches shall be provided adjacent to the landscape focal point. Bench details, which include elevations, dimensions and construction/decorative materials, shall be submitted to the Architectural Review Section for review and approval; and,
  - c. the Regulating plan(s) dated April 13, 2006 shall be revised to include all approved details. (DRO:LANDSCAPE – Zoning)
3. The Trellis detail as shown on the Regulating Plan dated April 13, 2006 shall be redesigned to include architectural design features of the proposed buildings within the MUPD. The trellis shall be supported of columns with a minimum circumference of twelve (12) inches. Trellis details, which include elevations, dimensions and construction/decorative materials, shall be submitted to the Architectural Review Section for review and approval prior to final approval by the Development Review Officer (DRO). The Regulating plan(s) dated April 13, 2006 shall be revised to include all approved details. (DRO:ARCH REVIEW-Zoning)
4. The bus stop shelter detail as shown on the Regulating Plan dated April 13, 2006 shall be redesigned to include architectural design features of the proposed buildings within the MUPD. The bus stop shelter details, which include elevations, dimensions and construction/decorative materials, shall be submitted to the Architectural Review Section for review and approval prior to by the Development

Review Officer (DRO). The Regulating plan(s) dated April 13, 2006 shall be revised to include all approved details. (DRO:ARCH REVIEW – Zoning)

#### ZONING - LANDSCAPING-ALONG THE EAST AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. In addition to code requirements, landscaping along the east and south property lines (adjacent to the Hamptons PUD) shall be upgraded to include:
  - a. A continuous two (2) foot high berm;
  - b. a six (6) foot high opaque concrete wall, to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
  - c. one additional palm or pine shall be planted every twenty (20) linear feet on alternating sides of the wall; and,
  - d. 3 layers of shrubs required to be planted on both sides of the of the wall.  
(BLDG PERMIT: LANDSCAPE-Zoning)

#### LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor freestanding lighting fixtures be setback fifty (50) feet from the south and east property lines adjacent to residential property. (BLDG PERMIT: BLDG - Zoning)
3. No outdoor lighting shall be installed at the school over the recreation fields, excluding security lighting only. (ONGOING: CODE ENF - 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, 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-Palm Tran)

#### PARKS

1. Prior to final plat approval the property owner shall enter into a lake maintenance easement agreement in a form acceptable to Palm Beach County's Property and Real Estate Management Division for the perpetual upkeep of the shoreline of the existing lake and any submerged plantings, where it abuts Yamato Court's southerly property boundary. (PLAT: PARKS- PREM)

#### PLANNING

1. Non-residential development on the CL/8 portion of the site shall be limited to a maximum of 50,000 square feet. (DRO/ONGOING: PLANNING - Planning)
2. Development on INST/8 portion of the site shall be limited to school uses with a maximum of 72,000 square feet and a Congregate Living Facility (CLF) with a maximum of 94 beds. If the site develops alternatively with residential uses (other

than a CLF), the site shall be governed by the density allowed under the HR-8 land use designation. (ONGOING: PLANNING - Planning)

#### SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within seventy-five (75) feet of any property line, and shall be confined to the areas designated on the site plan. (DRO: ZONING-Zoning)

#### 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)

