

RESOLUTION NO. R-2006-2334

RESOLUTION APPROVING ZONING APPLICATION DOA2006-180  
(CONTROL NUMBER 1973-036)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF CHARLSE WATT COMMUNITIES IV, INC.  
BY LAND DESIGN SOUTH, INC., AGENT  
(BOCA LAGO)

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 Application DOA2006-180 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2006; 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 (Monitoring), 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 is consistent with the requirements of the Palm Beach County Unified Land Development Code, including the relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. 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.
4. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a determination on adequate public facilities and complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.
6. 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.
7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

8. 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.
9. This application for a Development Order Amendment has been determined that there are sufficient changed circumstances that require the modification to the previously approved Planned Unit Development.

WHEREAS, 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 DOA2006-180, the application of Charlse Watt Communities IV, Inc., by Land Design South, Inc., agent, for a Development Order Amendment to redesignate land use from government service area and recreation to residential; to reconfigure master plan and add units 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 October 26, 2006, 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 Newell 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 Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 15th day of November, 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 BOCK, CLERK &  
COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

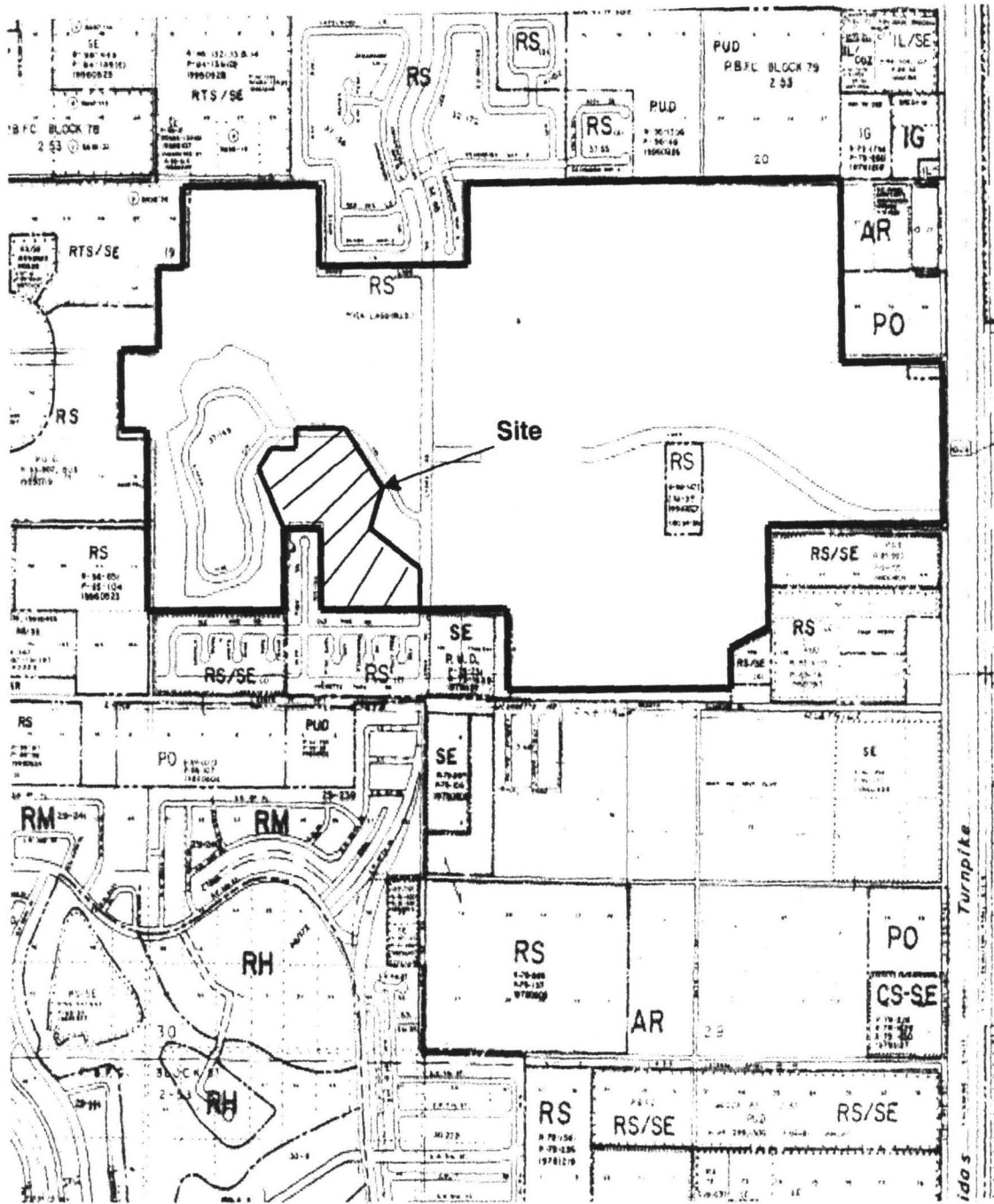
ALL OF P.C. AREA #4 AND P.C. AREA #8, TOGETHER WITH PORTIONS OF TRACT "C" AND A PORTION OF THE GOVERNMENT SERVICE AREA, REPLAT OF BOCA LAGO, (P.B. , PP 244 – 253) ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 31, PAGES 62 THROUGH 70 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "C"; THENCE WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 961.00 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT "C", A DISTANCE OF 675.00 FEET; THENCE WEST ALONG THE SOUTH LINE OF SAID P.C. AREA #4 AND TRACT "C" A DISTANCE OF 330.00 FEET; THENCE N.24°59'34" W., A DISTANCE OF 282.22 FEET; THENCE N.43°49'55"E., A DISTANCE OF 345.45 FEET; THENCE NORTH, A DISTANCE OF 160.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF VISTA DEL LAGO, AS SHOWN ON SAID PLAT; THENCE EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 329.13 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 267.51 FEET AND A CENTRAL ANGLE OF 53°30'00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID SOUTH LINE, A DISTANCE OF 249.79 FEET; THENCE S.36°30'00"E., ALONG SAID SOUTH LINE, A DISTANCE OF 504.31 FEET; THENCE S.21°03'00"W., A DISTANCE OF 322.14; THENCE S.38°24'00"E., A DISTANCE OF 55.53 FEET; THENCE S.68°57'00"E., A DISTANCE OF 437.24 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE FOR LYONS ROAD, AS SHOWN ON SAID PLAT; THENCE SOUTH, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 325.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,068674 SQUARE FEET / 24.533 MORE OR LESS SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENT, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2006-180  
Zoning Quad 54  
Date September 7, 2006



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The conditions of approval as contained herein shall apply to Housing Tract #9 only, (the Affected Area) and shall be limited to the uses and site design approved by the Board of County Commissioners. The approved master plan, site plan and regulating plan are dated August 8, 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)
2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-73-305 (Control No. 1973-36), remain in full force and effect. 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: 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:
  - a) Building Permits for this new POD, Tract 9, 130 multi family dwelling units shall not be issued after August 24, 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. The property owner shall provide to the Palm Beach County Land Development Division a road right of way warranty deed and all associated documents as required by the County Engineer for Lyons Road, 55 feet from centerline. This right of way deed shall be provided on or before June 1, 2007, or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along this additional POD's frontage of Lyons Road and 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. 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." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)
3. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: MONITORING-Eng)



4. SIGNALIZATION - VISTA DEL LAGO AND LYONS ROAD

- a) The Property Owner shall fund the cost of converting the emergency fire signal to the installation of a full signal if warranted as determined by the County Engineer at Vista Del Lago and Lyons Road. The cost of signalization shall also include all design costs and any required utility relocation. Also included in the cost of signalization shall be the total cost of materials and installation of a fiber optic underground communication cable within the right of way of Lyons Road between Boca Lago Blvd. and Palmetto Park Road to permit signal coordination of adjacent traffic signals. (ONGOING-ENG-Eng).
- b) Building Permits for more than 50 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT:MONITORING-Eng).
- c) In order to request release of the surety for the traffic signal at Vista Del Lago and Lyons Road, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENG-Eng)

5. Dedicate to the County Right-of-Way Department the additional right-of-way needed to provide for a two-hundred (200) foot right-of-way for Palmetto Park Road; (Previous Condition 1 of Resolution R-73-305 Petition No. 73-36)  
Note: Complete

6. Previous Condition 2 of Resolution R-73-305 Petition No. 73-36 which currently states:  
  
2. Road grades will be determined in accordance with Engineering Department standards.

Is hereby deleted: Reason - Road geometrics are now a code requirement.

7. Previous Condition 3 of Resolution R-73-305 Petition No. 73-36 which currently states:  
  
3. Build and dedicate required road laneage in accordance with the Palm Beach County Subdivision Regulations.

Is hereby deleted: Reason - Internal roadways have now been completed.

8. Previous Condition 5 of Resolution R-73-305 Petition No. 73-36 which currently states:

5. Condition 5 of Resolution R-73-305 Petition No. 73-36 which currently states:  
  
Construction traffic to be restricted from using Pondwood Road.

Is hereby deleted: Reason - All construction traffic will now use Vista Del Lago and Lyons Road. Therefore, this condition is no longer applicable.

9. Pay for the condemnation necessary to acquire additional right-of-way for Wingate Road; (Previous Condition 7 of Resolution R-73-305 Petition No. 73-36)

10. Construct the additional right-of-way needed to provide for four lanes on said road; (Previous Condition 8 of Resolution R-73-305 Petition No. 73-36)

11. The four lanes shall transverse the subject property and the parcel belonging to Real Properties, Inc., (as described in Petition #73-53) and shall terminate at Boca Raton Road West (S.R. 808); (Previous Condition 9 of Resolution R-73-305 Petition No. 73-36)
12. Construction of additional right-of-way to be in conjunction with Real Properties, Inc. In the event that Real Properties does not participate in the road construction, it is understood that Frankel Enterprises will complete the road widening project. (Previous Condition 10 of Resolution R-73-305 Petition No. 73-36)
13. Landscape Within the Median of Lyons Road
  - A. The property owner shall design, install and perpetually maintain the median landscaping within the median for this additional POD's frontage of Lyons 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 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 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 Lyons 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.
14. Prior to final approval by the Development Review Officer (DRO), the property owner shall indicate a temporary construction access on the site plan. This access point shall be located on Lyons Road subject to the approval of the County Engineer. All construction traffic for Housing Tract #9 shall utilize this temporary access point. (DRO: ENG/ZONING-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)

## HEALTH

1. Prior to final approval by the Development Review Officer, the property owner shall implement site assessment and make related notification and submittals to the Florida Department of Environmental Protection (FDEP) in accordance with Rules 62-780.500 and 62-780.600, Florida Administration Code, relative to the findings of arsenic contamination on the property. Copies of all submittals to the FDEP shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH - Health)
2. Prior to the issuance of a building permit, the property owner shall be in receipt of a Site Rehabilitation Completion Order or a No Further Action determination from the Florida Department of Environmental Protection. (BLDG PERMIT: MONITORING - Health)

## LANDSCAPE - STANDARD

1. Prior to the issuance of a building permit, 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 sixty (60%) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (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)
6. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES OF THE AFFECTED AREA (FRONTAGE ALONG VISTA DEL LAGO AND LYONS ROAD ABUTTING THE FIRE STATION)



In addition to the code requirements, landscaping along the north and east property lines along Vista Del Lago and Lyons Road abutting the fire station shall be upgraded to include:

- a. 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. (BLDG PERMIT: LANDSCAPE-Zoning)

7. LANDSCAPING ALONG THE SOUTH AND SOUTH WEST PROPERTY LINES (ABUTTING ARBOR WOOD PUD)

Landscaping and buffering along the south and southwest property lines shall be upgraded to include the following:

- a. a minimum of twenty (20) foot wide buffer strip;
- b. a six (6) foot high fence, which shall comply with the ULDC requirements. Type of fence shall be submitted to the Landscape Section for final review and approval at the time of submittal for project's building permit;
- c. one (1) canopy tree for each twenty (20) lineal feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
- e. shrub planting shall be in compliance with the Type 1 Incompatibility buffer. The applicant may apply for a variance for the reduction of the six (6) foot high hedge requirement. (BLDG PERMIT:LANDSCAPING-Zoning)

MASS TRANSIT

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall amend the Master Plan to indicate mass transit circulation, bus access, and/or bus stops on or adjacent to the subject property. (DRO: PALM TRAN-Zoning)
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)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide documentation to the Planning Division insuring provision of the minimum nine (9) workforce housing units and/or buildable lots to be provided offsite. This documentation shall include but not be limited to the following, and shall be subject to approval by Housing and Community Development (HCD) and the Planning Director:
  - a. Surveys, legal description, and property control number (pcn) for the minimum 9 workforce housing unit properties;
  - b. Approval from County's Housing and Community Development (HCD) Department accepting the properties for workforce housing needs; and,
  - c. Any agreements involving third parties that will fulfill the workforce housing obligations for the properties. (DRO: PLANNING/HCD - Planning)
2. Prior to final approval by the Development Review Officer (DRO), the master and site plans shall indicate the following information on these plans:
  - a. A note that states that a minimum of nine (9) workforce units will be provided at an offsite location subject to approval by Housing and Community Department and

the Planning Division; and,

b. The Property Control Numbers or parcel identification numbers, whichever is applicable, and the situs address of the properties that are to be provided offsite in order to fulfill workforce housing obligation. (DRO: PLANNING/HCD - Planning)

#### PROPERTY & REAL ESTATE MANAGEMENT

1. All Boca Lago Preserve Conservation (PC) Parcels which were originally dedicated to Palm Beach County by Plat Book 30, pages 244-253 and replatted in Plat Book 31, pages 62-71, shall be conveyed from Palm Beach County and accepted by the Boca Lago Country Club, Inc. prior to recordation of the first plat under application 2006-180. (PLAT: MONITORING-PREM)

#### PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the plat, all property included in the legal description of Housing Tract #9 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; and,
  - 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 plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Zoning)
2. Prior to plat recordation, the master association shall hold an election of its membership in the manner required by its documents to include Housing Tract #9 within the Boca Lago Associates LTD as a sub-association with all rights, benefits and obligations of membership. In the event the above election is held and does not approve inclusion of Housing Tract #9 within the Association, an independent association shall be formed for Housing Tract #9. The members of the Housing Tract #9 association shall receive the same rights, benefits and obligations as members of the Master Association except for membership. (PLAT: MONITORING-Cty Atty/Zoning)
3. Decorative pavement such as precast concrete pavers or stamped concrete shall be provided in the cul-de-sacs in areas as indicated on the Site Plan dated August 8, 2006. (DRO:ZONING-Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the property owner shall indicate on the site plan a pedestrian walkway around a minimum of fifty (50%) percent of the lake track to provide interconnectivity from the pool and cabana to the cul-de-sac in the southeast corner of the site. The walkway shall be a minimum of five (5) feet in width and shall be paved with an ADA accessible surface. (DRO: ZONING-Zoning)
5. Prior to final approval by the Development Review Officer (DRO), the site plan for Housing Tract #9 shall be revised to indicate a minimum of one (1) water fountain as a focal feature within the lake. The location of this fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)
6. Prior to final approval by the Development Review Officer (DRO), the site plan for Housing Tract #9 shall be revised to indicate that all buildings within 50 feet of the

south and west property lines (abutting Arbor Wood PUD) are limited to one story and a maximum height of twenty-five (25) feet. Height shall be measured from the finished grade to the highest point of the building. (DRO/BLDG PERMIT: BLDG/ZONING Zoning)

#### SCHOOL BOARD

1. Prior to Final Site Plan certification, the applicant shall provide a Declaration and Restrictive Covenant" which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO:SCHOOL BOARD- School Board)

#### SENIOR/ADULT ONLY COMMUNITY

1. Starting on August 23, 2007, the property owner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng)

#### 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)