

RESOLUTION NO. R-2014-0557

RESOLUTION APPROVING ZONING APPLICATION PDD-2013-02611  
(CONTROL NO. 2005-00414)

an Official Zoning Map Amendment to a Planned Development District  
APPLICATION OF Lennar Homes LLC  
BY Urban Design Kilday Studios, AGENT  
(Marquez-Jones)

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 applications relating to zoning;

WHEREAS, the notice and public 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;

WHEREAS, Zoning Application PDD-2013-02611 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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-2013-02611, the application of Lennar Homes LLC, by Urban Design Kilday Studios, agent, for an Official Zoning Map Amendment to a Planned Development District to allow rezoning from the Agriculture Residential (AR) and the Residential Transitional (RT) Zoning Districts to the Planned Unit Development (PUD) Zoning 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 in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2014 subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 24, 2014.

Filed with the Clerk of the Board of County Commissioners on April 25th, 2014.

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

LEGAL DESCRIPTION PORTION TRACT 1

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, RUN SOUTH ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 11, A DISTANCE OF 342.65 FEET TO A POINT; THENCE RUN EASTERLY, MAKING AN ANGLE OF 86°48'01" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST A DISTANCE OF 356.22 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION. FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ON THE SAME COURSE, TO A POINT WHICH IS 672.45 FEET EAST OF THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, THENCE RUN NORTHERLY A DISTANCE OF 341.45 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 11, WHICH POINT IS 665.17 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11, FROM SAID POINT RUN WESTERLY ALONG THE NORTH LINE OF SAID SECTION 11 TO A POINT WHICH IS 352.58 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; FROM SAID POINT RUN SOUTHERLY A DISTANCE OF 342.05 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 80 FEET AS CANAL RIGHT OF WAY.

TOGETHER WITH

LEGAL DESCRIPTION PORTION TRACT 1

A TRACT OF LAND IN THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42, EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42, EAST, WHICH NORTHWEST CORNER IS 5,315.17 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 11, A DISTANCE 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86 DEGREES 48' 01" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST, A DISTANCE OF 672.45 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE EAST A DISTANCE OF 672.45 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 90 DEGREES 46'14" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH; A DISTANCE OF 340.46 FEET; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 665.18 FEET; THENCE SOUTH A DISTANCE OF 341.45 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 80 FEET AS CANAL RIGHT OF WAY AND THE EAST 25 FEET AS A ROAD RIGHT OF WAY.

TOGETHER WITH

LEGAL DESCRIPTION TRACT 2

TRACT NO. 2 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOCIATES, REG.ENG., WEST PALM BEACH, FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NORTHEAST ¼ OF SECTION 11, TOWNSHIP 45 SOUTH OF RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 11, TOWNSHIP 45 SOUTH OF RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, WHICH POINT IS 342.65 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID NORTHEAST ¼ OF SECTION 11, WHICH NORTHWEST CORNER IS 5315.17

FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHEAST ¼ A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86°43'27" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST, A DISTANCE OF 1359.45 FEET; THENCE NORTHERLY MAKING AN ANGLE 90°50'48" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89°13'46" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO WEST, A DISTANCE OF 1344.90 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WEST 42.24 FEET AS CANAL RIGHT-OF-WAY AND THE EAST 25 FEET AS ROAD RIGHT-OF-WAY.

TOGETHER WITH

TRACT 3 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS AND ASSOCIATES REG. ENGINEERS. WEST PALM BEACH. FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY. FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 685.30 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 11 WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4; OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86°38'52" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST. A DISTANCE OF 1374.00 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 90°55'22" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89°09' 12" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO WEST A DISTANCE OF 1359.45 FEET TO THE POINT OF BEGINNING. (EXCEPTING THEREFROM THE WEST 42.24 FEET AS CANAL RIGHT OF WAY AND THE EAST 25 FEET AS ROAD RIGHT OF WAY.)

TOGETHER WITH TRACT 4, HYPOLUXO FARMS. ACCORDING TO THE UNRECORDED PLAT THEREOF, PREPARED BY E. ELLIOTT GROSS AND ASSOC. REG. ENGINEERS. WEST PALM BEACH FLORIDA, JUNE 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH. RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 1027.95 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 11, WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, A DISTANCE OF 342.65 FEEL; THENCE EASTERLY MAKING AN ANGLE OF 86°34'17" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST. A DISTANCE OF 1388.85 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 90°59'57" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH. A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89°04'38" WITH THE PRECEDING COURSE, MEASURED FROM SOUTH TO WEST, A DISTANCE OF 1374.00 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE WEST 42.24 FEET PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS CANAL RIGHT OF WAY AND THE EAST 25 FEET AS ROAD RIGHT OF WAY (SAID ROAD RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED IN THE INSTRUMENT RECORDED IN DEED BOOK 1057 PAGE 225 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA).

TOGETHER WITH

TRACT 6 OF HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOCIATES, REG., ENG., WEST PALM BEACH, FLORIDA, JUNE, 1954, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID POINT BEING 1713.25 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11, WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTER LINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86°25'08" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST A DISTANCE OF 1417.65 FEET; THENCE NORTHERLY MAKING AN ANGLE 91°09'06" WITH THE PRECEDING COURSE, MEASURED FROM WEST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 88°55'28" MEASURED FROM SOUTH TO WEST, A DISTANCE OF 1403.10 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE EAST 25 FEET AS ROAD RIGHT-OF-WAY AND THE WEST 42.24 FEET AS CANAL RIGHT-OF-WAY PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

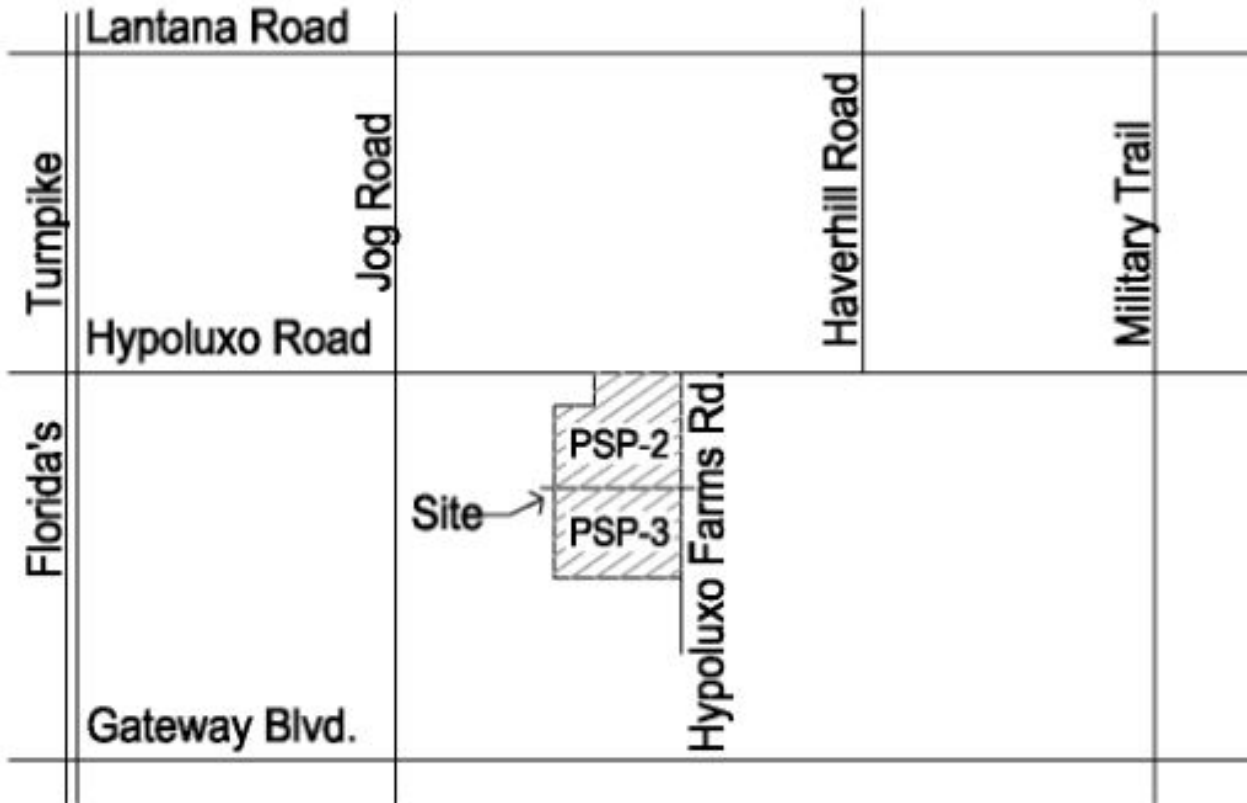
TRACT 5, HYPOLUXO FARMS, ACCORDING TO THE UNRECORDED PLAT THEREOF PREPARED BY E. ELLIOTT GROSS & ASSOC. REG. ENG., WEST PALM BEACH FLORIDA, JUNE, 1954, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST SAID POINT BEING 1370.60 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF THE NORTHEAST CORNER OF SAID SECTION 11, WHICH NORTHWEST CORNER IS 5315.17 FEET WESTERLY FROM THE CENTERLINE OF MILITARY TRAIL; THENCE CONTINUE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 11, A DISTANCE OF 342.65 FEET; THENCE EASTERLY MAKING AN ANGLE OF 86 DEG. 29', 42" WITH THE PRECEDING COURSE, MEASURED FROM NORTH TO EAST, A DISTANCE OF 1403.10 FEET; THENCE NORTHERLY MAKING AN ANGLE OF 91 DEG. 04', 32" WITH THE PRECEDING COURSE MEASURED FROM WEST TO NORTH, A DISTANCE OF 340.26 FEET; THENCE WESTERLY MAKING AN ANGLE OF 89 DEG. 00', 03" WITH THE PRECEDING COURSE, A DISTANCE OF 1388.55 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE EAST 25 FEET AS ROAD RIGHT-OF-WAY AND THE WEST 42.24 FEET FOR CANAL RIGHT-OF-WAY PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID DESCRIBED LANDS (TRACTS 2-6) AFFECTED BY CHANCERY CASE 407 RECORDED IN OFFICIAL RECORDS BOOK 6495 PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA WHICH LESSES OUT THE WESTERLY 42.24 FEET OF THE ABOVE DESCRIBED LANDS. SAID LESS-OUT BEING MEASURED FROM THE CENTERLINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL ACCORDING TO THE UNRECORDED PLAT OF HYPOLUXO FARMS.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 57.19 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

# Location Map



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **PDD- Residential Planned Development District**

##### **ALL PETITIONS**

1. The approved Preliminary Master Plan is dated March, 12, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (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. No Building Permits for the site may be issued after December 31, 2018. 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.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall:

a. Lengthen the existing left turn lane east approach on Hypoluxo Road at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by the County Engineer.

b. Construct separate left and right turn lanes south approach on the project driveway at Hypoluxo Road.

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. Construction of these improvements shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

3. Property Owner shall construct a five foot concrete sidewalk from Hypoluxo Road south to south of the project entrance on Hypoluxo Farms Road, within the seven foot pathway easement, or as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include any utility relocations. These improvements shall be completed concurrently with the onsite paving and grading.

a. Prior to the issuance of the first Building Permit, permits for this sidewalk shall be obtained. (BLDGPM/CO: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, the sidewalk shall be completed. (BLDGPM/CO: MONITORING - Engineering)

4. Prior to the issuance of the first Building Permit, the Property Owner shall provide to Palm Beach County Land Development Division a seven foot pathway easement. This easement shall be a continuous seven foot easement along the project's entire frontage on Hypoluxo Farms Road, or as approved by the County Engineer, and is to provide for a sidewalk along Hypoluxo Farms Road. 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 easements and documents. (BLDGPM/CO: MONITORING - Engineering)

5. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer, at Hypoluxo Road and Project Entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, 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 the 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (BLDGPMT/CO: ENGINEERING - Engineering)

6. Prior to issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, the existing utility easement in conflict with the proposed development. (BLDGPMT: MONITORING - Engineering)

### **ENVIRONMENTAL**

1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. Tree surveys shall only include the native trees of 3 inches and greater. Labeling shall include the location of the native vegetation, tag number, species and Diameter at Breast height (DBH). (DRO: ENVIRONMENTAL RESOURCE MANAGEMENT - Environmental Resource Management)

### **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to issuance of the plat for the Planned Unit Development, the Property Owner shall obtain approval from Lake Worth Drainage District (LWDD) for the issuance of any LWDD permits. The Property Owner shall convey to LWDD either by warranty deed or easement deed the west eighty (80) feet of the northeast quarter of Section 11/45/42 (less lands owned by LWDD). (PLAT: ENGINEERING - Lake Worth Drainage District)

### **SCHOOL BOARD**

1. Prior to the issuance of the first Certificate of Occupancy (CO), the ten (10) feet by fifteen (15) feet school bus shelter shall be constructed by the property owner 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 shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)

2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign eleven (11) feet by seventeen (17) feet 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). (CO: MONITORING - School Board)

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

## **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.