

RESOLUTION NO. R-2017- 1636

RESOLUTION APPROVING ZONING APPLICATION DOA-2017-01020  
(CONTROL NO. 2002-00018)  
a Development Order Amendment  
APPLICATION OF Kings Academy Inc, Palm Beach County  
BY Urban Design Kilday Studios, AGENT  
(Palm Beach County Park Site at Sansbury's Way)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2017-01020 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2017;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 DOA-2017-01020, the Application of Kings Academy Inc, Palm Beach County, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan; and delete land area, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 26, 2017.

Filed with the Clerk of the Board of County Commissioners on November 7th, 2017.

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

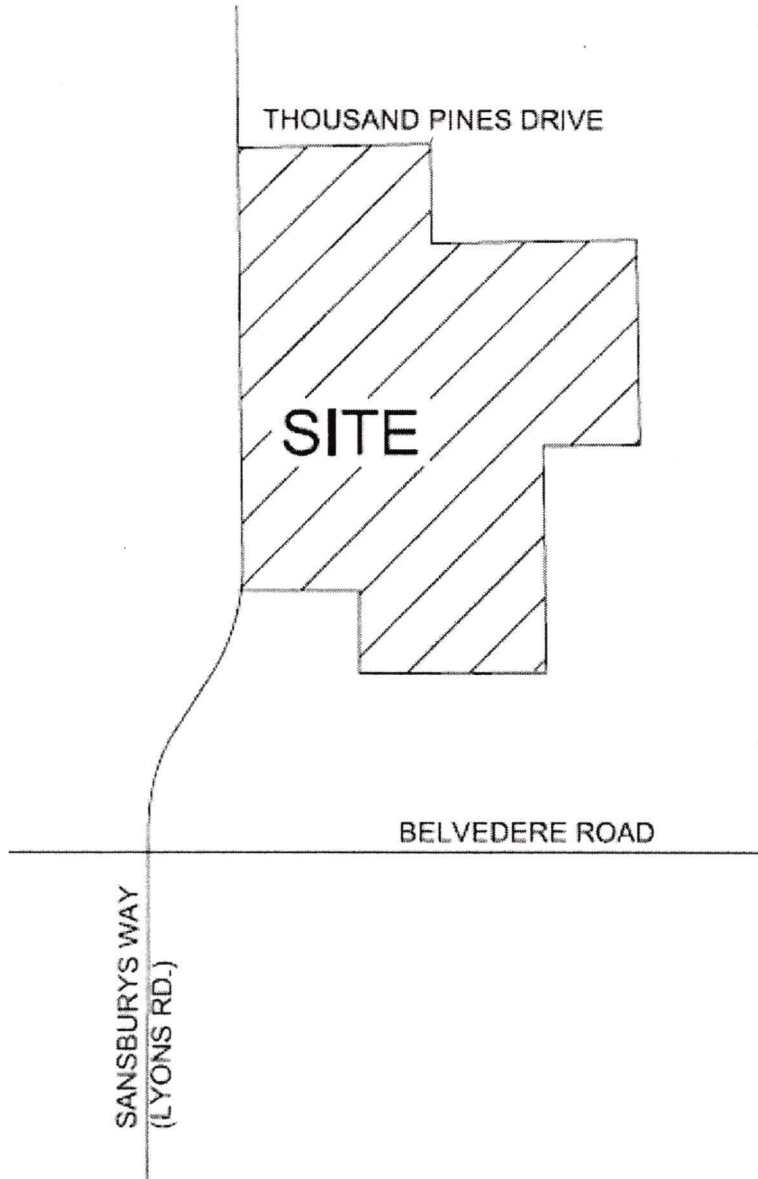
Palm Beach County Park @ Sansbury's Way (aka District Park K)

Legal Description:

A parcel of land lying in Sections 29 and 32, Township 43 South, Range 42 East, and being all of Tracts B, D, and L according to the plat of KING'S ACADEMY AND PALM BEACH COUNTY PARK SITE PLAT, as recorded in Plat Book 100, page 105 of the Public Records of Palm Beach County, Florida.

Consisting of 141.887 Acres More or Less

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment- Conditional Overlay Zone

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2009-163, Control No.2002-00018, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 25, 2002. 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.

##### Is hereby amended to read:

The approved Preliminary Master Plan is dated July 17, 2017. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0163(Control 2002-00018), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Sansbury's Way 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2009-163, Control No.2002-00018)

2. Prior to the issuance of the first building permit or prior to January 15, 2004 whichever shall first occur the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury's Way along the property frontage; and a maximum 400 feet of these adjacent roadway concurrent with Phase 1 construction of the park site. The limits of this additional 400 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its



discretion may use this fill material. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2009-163, Control No.2002-00018)

3. Previously deleted by R-2009-01020 (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2009-163, Control No.2002-00018)

4. Prior to issuance of Engineering permits for Phase II, and with consent from the Thousand Pines Homeowner's Association, appropriate drainage easements along the County Park's north property line shall be established to accommodate drainage through the Pod C drainage system. The existing drainage easement/swale shall be abandoned upon incorporation of the southern portion of the Thousand Pines drainage outfalls into the Pod C drainage system. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2009-163, Control No.2002-00018)

5. The petitioner shall selectively clear the existing drainage ditch along the common property line with the Thousand Pines subdivision to restore water flow. Clearing shall be concurrent with Phase I lake/littoral area construction. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2009-163, Control No.2002-00018)

6. A five (5) to six (6) foot wide asphalt pathway shall be constructed within the Sansbury's Way right-of-way (east side) from the parks southern border to the L-2 Canal. The pathway shall continue north meandering within Pod C, generally paralleling Sansbury's Way road right-of-way (east side) to the entrance of the Thousand Pines subdivision. Funding for the construction of this pathway north of Pod A is currently budgeted in the County's roadway program. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2009-163, Control No.2002-00018)

7. Prior to issuance of Technical Compliance the Petitioner shall provide to the Survey Section evidence of an abandonment or evidence of clear title to the underlying Palm Beach Farms road rights-of-way within the boundary of this project on the map sheet of the Survey. (TC: ENGINEERING - Survey) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2009-163, Control No.2002-00018)

#### **ENVIRONMENTAL**

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2009-163, Control No.2002-00018)

2. A 25% set-aside equal to or greater than 7 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2009-163, Control No.2002-00018)

#### **LANDSCAPE - GENERAL**

1. Prior to issuance of a certificate of occupancy for any phase an alternative landscape plan may be submitted for any perimeter buffer, including the shared property line between the private school and the district park. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2009-163, Control No.2002-00018)

2. Fifty (50%) percent of trees required to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and  
d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2009-163, Control No.2002-00018)

3. All palms required to be planted on site 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2009-163, Control No.2002-00018)

4. All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;  
b. Twenty-four (24) to thirty-six (36) inches medium shrub;  
c. Forty-eight (48) to seventy-two (72) inches large shrub; and  
d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2009-163, Control No.2002-00018)

5. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2009-163, Control No.2002-00018)

6. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2009-163, Control No.2002-00018)

7. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 7 of Resolution R-2009-163, Control No.2002-00018)

8. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:

a. Prior to issuance of building permits, an alternative landscape plan demonstrating native preserve area vegetation will meet the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and  
b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 8 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL-ALONG WEST PROPERTY LINE (SANSBURY S WAY FRONTAGE)**

9. Landscaping along the west property line abutting Sansbury's Way, shall be upgraded to include:

a. A minimum fifteen (15) foot wide right-of-way buffer strip. No width reduction shall be permitted;



- b. One (1) canopy tree for each thirty (30) linear feet of property line;
- c. One (1) palm or pine for each twenty-five (25) linear feet of property line;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 9 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL-ALONG NORTH 650 FEET OF THE EAST PROPERTY LINE AND NORTH PROPERTY LINE (ABUTTING THOUSAND PINES)**

10. Landscaping along the north 650 feet of the east property line and north property line abutting abutting residential shall be upgraded to include:

- a. A minimum thirty (30) foot wide right-of-way buffer strip. No width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, unless an alternative landscape plan is approved;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 10 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL**

11. Prior to application of building permits for Phase II, the Parks and Recreation Department shall meet with each Thousand Pines homeowner with lots abutting the proposed lake/littoral tract. If applicable, an alternative landscape plan shall be submitted to address input provided by the homeowners. (BLDGPMT: PARKS AND RECREATION - Zoning) (Previous LANDSCAPE - GENERAL Condition 11 of Resolution R-2009-163, Control No.2002-00018)

12. Security fences shall be provided on the northern portion of the subject site, follows:

- a. From the northwest corner of the subject site adjacent to the Thousand Pines entrance gate, extending in a southeasterly direction into the edge of the water of the phase II lake area; and
- b. From the northeast corner of the subject site abutting the LWDD L-2 Canal, and extending in a southwesterly direction into the phase II lake area. (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 12 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL-ALONG THE EAST 450 FEET OF THE SOUTH PROPERTY LINE (DISTRICT PARK LWDD L-2 CANAL FRONTAGE)**

13. Landscaping along the east 450 feet of the south property line abutting the Lake Worth Drainage District L-2 Canal shall be upgraded to include:

- a. A minimum twenty (20) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, unless an alternative landscape plan is approved;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a



minimum height of eighteen (18) inches;

e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and

f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 13 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL-ALONG THE NORTH 1,100 FEET OF THE EAST PROPERTY LINE (DISTRICT PARK ABUTTING GOLDEN LAKES)**

14. Landscaping along the east property line abutting Golden Lakes, shall be upgraded to include:

a. A minimum twenty-five (25) foot wide buffer strip. No width reduction shall be permitted;

b. One (1) canopy tree for each twenty (20) linear feet of property line;

c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, unless an alternative landscape plan is approved;

d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;

e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and

f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 14 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL-ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING SADDLEBROOK VILLAGE AND OAKLAND PARK)**

15. Landscaping along the south, east and west property lines abutting Saddlebrook Village and Oakland Park, shall be upgraded to include:

a. A minimum twenty-five (25) foot wide buffer strip. No width reduction shall be permitted;

b. A six (6) foot high black or green vinyl coated chain link fence to be installed at top of berm. Fences may be field adjusted to ensure preservation of existing native vegetation;

c. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from finished grade. Berms may be field adjusted to ensure preservation of existing native vegetation;

d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on each side of the required fence;

e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on each side of the required fence, unless an alternative landscape plan is approved. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 15 of Resolution R-2009-163, Control No.2002-00018)

16. The following landscaping shall be required on the exterior side of the required fence:

a. One (1) large shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of twenty-four (24) inches and maintained at a minimum height of seventy-two (72) inches. (TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 16 of Resolution R-2009-163, Control No.2002-00018)

17. The following landscaping shall be required on the interior side of the required fence:

a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and

b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches.

(TC: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL



Condition 17 of Resolution R-2009-163, Control No.2002-00018)

**LANDSCAPE - GENERAL-PERIMETER SOUTH PROPERTY LINE (ABUTTING OAKLAND PARK)**

18. LANDSCAPE - PERIMETER SOUTH PROPERTY LINE (ABUTTING OAKLAND PARK)

18. The Property Owner, successors and assigns, without recourse to Palm Beach County, shall install and maintain landscaping within the southern 5 feet of the 30 foot access easement (O.R.B. 14712 PG 1859). Design of landscaping shall be approved by the County Engineer and Zoning. Installation of the landscaping shall be concurrent with the paving and drainage improvement for the easement. Any costs shall include, but are not limited to, utility relocations. The landscaping improvements shall include the following:

- a. Six (6) foot high vinyl coated chain link fence;
- b. Six (6) foot high hedge;
- c. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for improvements to the 30 foot wide access easement.
- d. Planting shall be completed prior to the issuance of a Certificate of Completion for the easement improvements. (BLDG/PMT/CC: BUILDING DIVISION - Zoning)

**LIGHTING**

1. All outdoor lighting used to illuminate the subject property, and identification signs, excluding athletic facilities only, shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2009-163, Control No.2002-00018)

2. All outdoor, freestanding lighting fixtures excluding athletic facilities only, shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2009-163, Control No.2002-00018)

3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2009-163, Control No.2002-00018)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2009-163, Control No.2002-00018)

5. All outdoor, freestanding lighting fixtures shall have a minimum setback as follows:

a. South, east and west property line of district park, abutting Oakland Park, Saddle Brook Village and Golden Lakes:

- i. Maintenance area: thirty (30) feet; and
- ii. All other lighting: seventy-five (75) feet;

b. North property line (abutting Thousand Pines subdivision): one hundred and fifty (150) feet; and

c. West property line (Sansbury's Way frontage): twenty-five (25) feet.

(DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 5 of Resolution R-2009-163, Control No.2002-00018)

6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. Height of the athletic field lights shall not exceed the heights as shown on the plan dated June 25, 2002. All heights shall be measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 6 of Resolution R-2009-163, Control No.2002-00018)

**PARKS**

1. Prior to final Development Review Committee site plan approval or application for



building permits, the Parks and Recreation Department shall arrange and meet with representatives from Breakers West, Thousand Pines, Saddle Brook Village, and Oakland Park and the private school/daycare to obtain input regarding the final design of the district park. (BLDGPM/ONGOING: BUILDING DIVISION - Parks and Recreation) (Previous PARKS Condition 1 of Resolution R-2009-163, Control No.2002-00018)

2. If there are objections from any of the Board of Directors of the Homeowners Associations and/or school identified in Condition M.1 that are not resolved by the Parks and Recreation Department prior to final DRC site plan approval or application for building permits, PREM shall schedule the park site plan for further review by the BCC at a regularly scheduled hearing. (ONGOING: BUILDING DIVISION - Property Real Estate Management) (Previous PARKS Condition 2 of Resolution R-2009-163, Control No.2002-00018)

## **SIGNS**

1. District park site: Freestanding signs (excluding directional signage) located on Sansbury's Way, shall be limited as follows:

- a. Maximum sign height: Eight (8) feet;
- b. Maximum sign face area per side: Sixty (50) square feet;
- c. Maximum number of signs: One (1);
- d. Location: Within one hundred (100) feet of the Sansbury's Way entrance; and
- e. Style: Monument only.

(CO: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2009-163, Control No.2002-00018)

## **SITE DESIGN**

1. All outdoor athletic fields and/or facilities shall be setback a minimum of fifty (50) feet from any abutting residential property line, unless variance relief is obtained. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2009-163, Control No.2002-00018)

2. 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 one-hundred (100) feet of all residential property lines. (BLDGPM/ONGOING: CODE ENF - Addressing) (Previous SITE DESIGN Condition 2 of Resolution R-2009-163, Control No.2002-00018)

3. The Phase I lake area shall not extend north of the northernmost portion of the tree islands. If any extensions to the lake are required due to final calculations/mitigation, it shall occur east of the easternmost phase line. All existing vegetation located within the Phase II area shall remain until commencement of construction of Phase II. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2009-163, Control No.2002-00018)

4. No tree islands may be constructed within one-hundred and fifty (150) feet of any Thousand Pines property line. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 4 of Resolution R-2009-163, Control No.2002-00018)

5. No public passive/active uses shall be permitted within Pod C Phase I, with the exception of the public sidewalk located along Sansbury's Way, until construction of Phase II is complete. (TC: ENGINEERING - Engineering) (Previous BUILDING Condition 5 of Resolution R-2009-163, Control No.2002-00018)

## **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.