

RESOLUTION NO. R-2022- 0784

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-01576
(CONTROL NO. 1982-00040)
a Development Order Amendment
APPLICATION OF Melrose Center Boynton LLC
BY WGINC, AGENT
(Melrose PUD Commercial)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2021-01576 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2022;

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 (Application Processes and 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 Processes) 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.B.6.C (Board Action) 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/CA-2021-01576, the Application of Melrose Center Boynton LLC, by WGINC, Agent, for a Development Order Amendment to modify the Site Plan and Master Plan; add square footage, and uses; and, delete a Condition of Approval, 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Nay
Commissioner Maria Sachs	- Nay
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

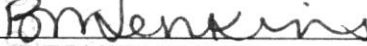
BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

OVERALL MELROSE PUD

EAST PARCEL

MELROSE P.U.D (VENETIAN ISLES) AS RECORDED IN PLAT BOOK 85, PAGES 9 THRU 13, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
292.93 ACRES MORE OR LESS

TOGETHER WITH:

WEST PARCEL

MELROSE PARK AS RECORDED IN PLAT BOOK 41, PAGES 22 THRU 26, PUBLIC RECORDS PALM BEACH COUNTY, FLORIDA. LESS TRACT 45, IN BLOCK 45 PALM BEACH FARMS COMPANY PLAT NO.3 SHEET 5 AS RECORDED IN PLAT BOOK 2 PAGE 49 OF THE PUBLIC RECORDS PF PALM BEACH COUNTY.
319.306 ACRES MORE OR LESS

TOTAL PUD ACREAGE 612.24 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

Location Map (overall PUD)

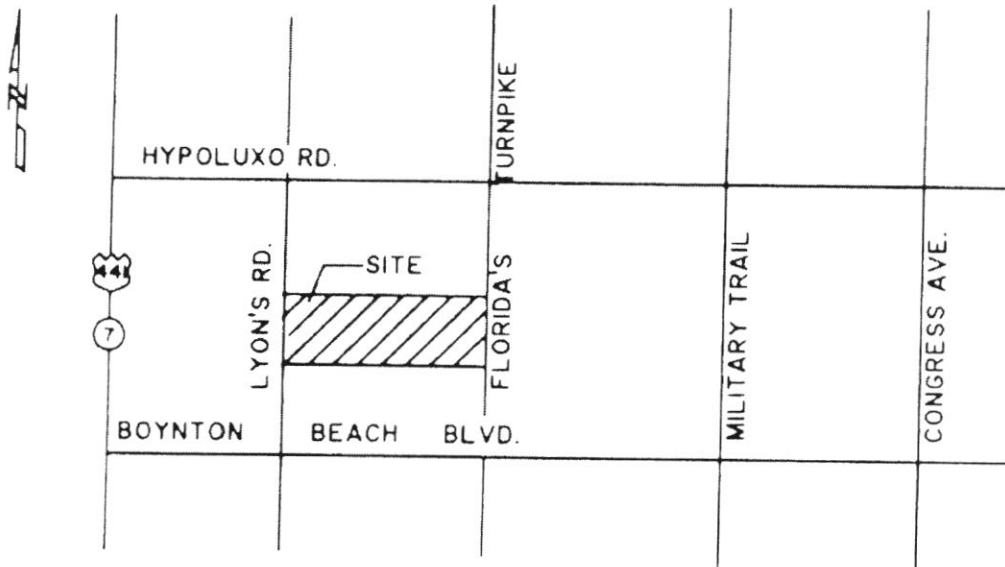


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. The developer shall properly notify prospective buyers of abutting active agricultural activities. (ONGOING: CODE ENF - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

2. Previous ALL PETITIONS Condition 2 of Resolution R-1999-1223, Control No.1982-00040, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-570 and R-98-734, (Petition DOA82-04C (A)), has been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-99-1223 (Control No. 1982-00040), 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, unless expressly modified. (ONGOING: ZONING - Zoning)

3. The approved Preliminary Master Plan is dated January 24, 2022. 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. (ONGOING: ZONING - Zoning)

4. The approved Preliminary Site Plan, 4.9 acre Commercial Pod, is dated February 10, 2022. 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. (ONGOING: ZONING - Zoning)

5. Previous ALL PETITIONS Condition 3 of Resolution R-1999-1223, Control No.1982-00040, 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 preliminary development plan and conceptual site plan for Pod B-2 are dated May 20, 1999. 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 Conceptual Site Plan, Pod B-2, is dated May 20, 1999. 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. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

6. Prior to certification of the preliminary development plan (PDP) by the Development Review Committee for this petition, Petition 82-40 (B), the petitioner shall amend all

affected certified site plans of record, within the scope of the request for Petition 82-40(B), to comply with the conditions of approval of this petition and ULDC requirements. All data on the site plans within the PUD and on the approved final PDP for this petition shall be consistent with each other. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-1999-1223, Control No.1982-00040)

ARCHITECTURAL REVIEW-FOR 4.9 ACRE COMMERCIAL POD

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of the following:

- a. Similar materials for the building facades;
- b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.);
- c. Similar colors; or,
- d. Similar roof materials and treatment (i.e. pitched roof, dormers, etc.) (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

2. Similar architectural character and treatment shall be provided on all sides of the buildings. (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

3. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides by a parapet or a full pitched roof. (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-1999-1223, Control No.1982-00040)

4. Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-1999-1223, Control No.1982-00040, which currently states:

Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the buildings' architecture. (BLDGPMT: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footage as shown on the approved preliminary development plan dated May 20, 1999. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous CONCURRENCY Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

ENGINEERING

1. Deleted by Resolution R-98-570 (Previously Condition E.1 of Resolution R-99-1223, Control No.1982-00040)

2. a. Fund all associated costs for the acquisition of any remaining right of way not acquired by this property owner for Lyons Road. Width of this road right of way shall be 108 foot, with the limits from the project's north property line to Boynton Beach Boulevard. Surety shall be provided acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before September 1, 1998. Notification by the developer shall be given to the Land Development Division. [Note: COMPLETED] (Previously Condition E.2.a of Resolution R-99-1223, Control No.1982-00040) (DATE: MONITORING- Eng).

b. Prior to September 1,1998 the petitioner shall provide to Palm Beach County the required right-of-way maps for the Lyons Road right of way acquisition as outlined above and approved by the County Engineer. [Note: COMPLETED] (Previously Condition E.2.b of Resolution R-99-1223, Control No.1982-00040) (DATE: MONITORING- Eng)

c. Prior to January 1, 1999, the property owner shall provide completed construction plans for Lyons Road as a 2 lane section, expandable to 4 lanes, from the projects north property line to Boynton Beach Boulevard plus the appropriate paved tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. [Note: COMPLETED] (Previously Condition E.2.c of Resolution R-99-1223, Control No.1982-00040) (DATE: MONITORING - Eng)

d. Property owner shall construct Lyons Road, as a two lane section, from the project's north property line to Boynton Beach Boulevard. This construction shall be completed on or before January 1, 2031 or prior to the issuance of the first certificate of occupancy for the POD's east of Lyons Road, whichever shall first occur. [Note: COMPLETED] (Previously Condition E.2.d of Resolution R-99-1223, Control No.1982-00040) (DRC/ DATE: ENG/MONITORING- Eng)

e. Property owner shall post acceptable surety for the construction of Lyons Road, as a two lane section, from the project's north property line to Boynton Beach Boulevard. Surety for this construction shall be posted within 60 days notice to the property owner that all necessary right of way has been acquired for the Lyons Road Construction. Surety shall be in the amount of 110% of a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. [Note: COMPLETED] (Previously Condition E.2.e of Resolution R-99-1223, Control No.1982-00040) (ONGOING: ENG)

3. Petitioner shall abandon all existing Palm Beach Farms platted roads within the project's limits [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1999-1223, Control No.1982-00040)

4. Petitioner shall construct on S.R. 7 at the project's entrance:

a. Right turn lane, south approach.

b. Left turn lane, north approach. (Previously Condition E.4 of Resolution R-99-1223, Control No.1982-00040) (ENG) [NOTE: completed. Also the widening of SR 7 by the Florida DOT reincorporates these turn lanes into the new construction]

5. Deleted by Resolution R-98-570 (Previous ENGINEERING Condition 5 of Resolution R-1999-1223, Control No.1982-00040)

6. Deleted by Resolution R-98-570 (Previous ENGINEERING Condition 6 of Resolution R-1999-1223, Control No.1982-00040)

7. Deleted by Resolution R-98-570 (Previous ENGINEERING Condition 7 of Resolution R-1999-1223, Control No.1982-00040)

8. Petitioner shall convey to the Lake Worth Drainage District the North 45 feet of Tracts 1 to 15, inclusive, Block 45 and the North 45 feet of Tracts 2 to 11, Block 46 for Lateral Canal No. 20. No additional Right-of-Way for Lateral Canal No. 21 is required. We will require a parcel of land in Tracts 2, 21, 24 and 53, Block 46. Said parcel is to be 35 feet in width lying immediately west of and adjacent to the existing West Right-of-Way line of Equalizing Canal No. 2-W (E-2W). The said existing West Right-of-way line is also known as the original West Right-of-way line of the Florida Turnpike. They will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers. [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-1999-1223, Control No.1982-00040)

9. RIGHT OF WAY/EASEMENT CONVEYANCES:

a. Prior to July 1, 1998, the developer shall convey to Palm Beach County by road right-of-way warranty deed, 108 feet for the ultimate right of way for Lyons Road within the project's limits excluding the single out parcel. This right of way 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County

Engineer. [Note: COMPLETED] (Previously Condition E.9.a of Resolution R-99-1223, Control No.1982-00040) (DATE/BLDG PERMIT: MONITORING - Eng)

b. The property owner shall convey to Palm Beach County by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Lyons Road on both the north and south approach at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. Deeds shall be submitted to the Land Development Division for processing prior to recordation.

1. Conveyance of this additional right-of-way on the west side of Lyons Road shall be completed and a deed recorded prior to the recordation of a plat located west of Lyons Road; and, [Note: COMPLETED] (Previously Condition E.9.b.1 of Resolution R-99-1223, Control No.1982-00040) (PLAT: ENG)

2. Conveyance of this additional right-of-way on the east side of Lyons Road shall be completed and a deed recorded prior to the recordation of a plat located east of Lyons Road. [Note: COMPLETED] (Previously Condition E.9.b.2 of Resolution R-99-1223, Control No.1982-00040) (PLAT: ENG)

c. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to 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. [Note: COMPLETED] (Previously Condition E.9.c of Resolution R-99-1223, Control No.1982-00040) (PLAT: ENG)

d. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County along the property frontage adjacent to Lyons Road. Construction by the applicant within this easement shall conform to 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. [Note: COMPLETED] (Previously Condition E.9.d of Resolution R-99-1223, Control No.1982-00040) (PLAT: ENG) (Previous ENGINEERING Condition 9 of Resolution R-1999-1223, Control No.1982-00040)

10. Deleted by Resolution R-98-570 (Previous ENGINEERING Condition 10 of Resolution R-1999-1223, Control No.1982-00040)

11. Deleted by Resolution R-98-570 (Previous ENGINEERING Condition 11 of Resolution R-1999-1223, Control No.1982-00040)

12. The developer shall construct at the intersection of Lyons Road and the project's entrance road, at the time of construction of Lyons Road:

- a. Left turn lane, north approach
- b. Right turn lane, north approach
- c. Left turn lane, south approach
- d. Right turn lane, south approach (ONGOING: MONITORING - Engineering)
- e. Left turn lane, east approach
- f. Right turn lane, east approach
- g. Left turn lane, west approach (Previous ENGINEERING Condition 12 of Resolution R-1999-1223, Control No.1982-00040)

13. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- a. a. the projects entrance and Lyons Road.
- b. Lyons Road and Boynton Beach Boulevard
- c. c. the projects entrance and SR 7 Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from :his condition. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-1999-1223, Control No.1982-00040)

14. Deleted by Resolution R-98-570 (Previous ENGINEERING Condition 14 of Resolution R-1999-1223, Control No.1982-00040)

15. The developer shall receive impact fee credits towards the funds expended for the design, acquisition of right-of-way and the construction of Lyons Road from Boynton Beach Boulevard to the project's north property line. (ONGOING: LAND DEVELOPMENT - Land Development) (Previous ENGINEERING Condition 15 of Resolution R-1999-1223, Control No.1982-00040)

16. No building permits for the portion of the project located east of Lyons Road shall be issued until construction has commenced for Lyons Road as a two-lane section from Boynton Beach Boulevard to the project entrance. This condition shall not apply to the POD's located west of Lyons Road. (LYONS ROAD CONSTRUCTION/ BLDGPERMIT: BLDG - Eng) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-1999-1223, Control No.1982-00040)

17. Prior to the recordation of the next plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number lanes for the road(s). Information which appears in written form shall appear in bold print. [Note: COMPELTE] (Previously Condition E.17 of Resolution R-99-1223, Control No.1982-00040) (PLAT: ENG)

a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 1999 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. [Note: COMPELTE] (Previously Condition E.17.a of Resolution R-99-1223, Control No.1982-00040) (DATE: MONITORING - Eng)

b. Prior to June 1, 1999 or prior to the issuance of 232 building permits whichever shall first occur, the subject property shall be appropriately signed by the developer. These signs shall be approved by the County Engineer. [Note: COMPELTE] (Previously Condition E.2.a of Resolution R-99-1223, Control No.1982-00040) (DATE/PLAT RECORDATION: ENG)

c. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-1999-1223, Control No.1982-00040)

18. A. The developer shall construct at the intersection of Boynton Beach Boulevard and Lyons Road:

- a. left turn lane west approach
- b. right turn lane east approach
- c. left turn lane north approach

B. Construction plans for the turn lanes on Boynton Beach Boulevard shall be permitted prior to September 1, 1999. [Note: COMPELTE] (Previously Condition E.18.B of Resolution R-99-1223, Control No.1982-00040) (DATE: MONITORING- Eng)

c. In the event FDOT will not issue the permit because the available right of way is

inadequate to satisfy FDOT requirements, then the developer shall remit funds equal to the cost of the construction of these turn lanes to Palm Beach County. This funding shall be completed within 30 days after FDOT has denied the required permits and condition shall then be deemed satisfied. In no event shall the developer be required to acquire right of way to

construct these turn lanes. (Previously Condition E. 18.C of Resolution R-99-1223, Control No.1982-00040)(ONGOING: ENG) (Previous ENGINEERING Condition 18 of Resolution R-1999-1223, Control No.1982-00040)

19. Prior to master approval the developer shall record a restrictive covenant of the property to limit POD's D, E, F, G, H, and I to an adult only community. [Note: COMPLETED] (Previous ENGINEERING Condition 19 of Resolution R-1999-1223, Control No.1982-00040)

20. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE

Prior to site plan approval for PODs G and H, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 20 of Resolution R-1999-1223, Control No.1982-00040)

21. Prior to the issuance of the first land development permit for any POD west of Lyons Road, the developer shall construct a temporary barricade acceptable to the County Engineer. The location of this temporary barricade shall be between lots 156 and 60A and shall be installed along the right of way for Talway Circle. This barricade shall then be removed concurrent with the extension of Talway Circle. (PLAT: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 21 of Resolution R-1999-1223, Control No.1982-00040)

22. The developer shall construct the unpaved section of Talway Circle and install a swing vehicular access gate operated by magnetic cards in order to limit vehicular traffic from Talway Circle to Lyons Road. This construction shall be completed prior to September 1,2000. Required permits for this construction shall be submitted for approval prior to July 1,2000. Time extensions may only be applied for due to government caused delay. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 22 of Resolution R-1999-1223, Control No.1982-00040)

23. A. All construction traffic shall access the property from State Road 7 through the existing shell pit road located on the north side of Armone Place until Lyons Road is open for traffic. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 23 of Resolution R-1999-1223, Control No.1982-00040)

24. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF STATE ROAD 7

a.Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the concrete median of SR7 road Right-of-Way contiguous to the frontage. This permit to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the Florida Department of Transportation, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the Florida Department of Transportation. (DATE:MONITORING - Eng.)

b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. All new and existing landscape, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner s Association for the western portion of the PUD from Lyons Road to State Road 7, excluding the existing one acre lots. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed within ninety (90) days of notification to the property owner by the County Engineer that the permit from the Florida Department of Transportation has been issued and the SR 7 road widening is completed.
(ENGINEERING)

c. Restrictive covenants establishing the Property Owners Association for the western portion of the PUD from Lyons Road to State Road7, excluding the existing one acre lots, shall include or be amended to include this obligation and shall be approved and recorded prior to January 1,2000. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 24 of Resolution R-1999-1223, Control No.1982-00040)

25. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

a. Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Right-of-Ways. This Permit, to be completed by the property owner shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent wiih the landscaping theme adopted for this roadway. All landscape material, installation and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standard; may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED]

b. all required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All new and existing landscape material shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners Association for the western portion of the PUD from Lyons Road to SR 7, excluding the existing one acre lots. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed within ninety (90) days of notification to the property owner by the County Engineer that the permit form the Florida Department of Transportation has been issued and the SR 7 road widening is completed. (ONGOING: ENGINEERING - Engineering)

c. Restrictive covenants establishing the Property Owners Association for the western portion of the PUD from Lyons Road to State Road 7, excluding the existing one acre lots, shall include or be amended to include this obligation and shall be approved and recorded prior to January 1, 2000. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 25 of Resolution R-1999-1223, Control No.1982-00040)

26. LYONS ROAD

The property owner shall submit plans to Palm Beach County for approval for two (2) agricultural equipment cross-overs, including appropriate signage, along Lyons Road

between the Melrose development and Boynton Beach Boulevard. These plans shall be submitted to Palm Beach County by November 15, 1999. These cross-overs shall be installed within 180 days after the permit is issued by Palm Beach County for the installation of these cross-overs. Installation and permitting of the cross-overs shall not affect the current permitting and bond of Lyon's Road. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 26 of Resolution R-1999-1223, Control No. 1982-00040)

27. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer and/or FDOT at Armone PI and SR-7. 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 new Building Permits in the commercial portion of the development 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. (ONGOING: ENGINEERING - Engineering)

28. The Property Owner shall construct left turn lane west approach on Armone PI at project's eastern driveway as approved by the County Engineer. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

ENVIRONMENTAL

1. The property owner shall provide a 2.8 acre upland preservation area within pod 8-2, prior to final certification of the preliminary development plan by the Development Review Committee (DRC). (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-1999-1223, Control No. 1982-00040)

2. A tree survey in accordance to Sections 3.2 and 7.3 of the ULDC for the 2.8 acre upland preservation area within Pod 8-2 shall be submitted as part 1 of the Development Review Committee (DRC) preliminary development plan application for Petition 82-40(B). (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-1999-1223, Control No. 1982-00040)

3. Prior to final certification of the preliminary development plan for Petition 82-40(B) by the Development Review Committee (DRC), a tree preservation and transplant plan for the upland preservation area of Pod 8-2 shall be approved by ERM, Landscape Section, and the Zoning Division. The transplanted materials shall be evenly distributed along the south property line of Pod B-2 adjacent to Lots #8-12 of Pod A to ensure an opaque naturalistic buffer. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 3 of Resolution R-1999-1223, Control No. 1982-00040)

HEALTH

1. The developer shall take reasonable precaution during the development of this project to

insure that fugitive particulates (dust particles) "from this project do not become a nuisance to neighboring proper ties. (ONGOING: ZONING - Zoning) (Previous HEALTH Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

2. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (ONGOING: ZONING - Zoning) (Previous HEALTH Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

3. The developer shall obtain water and sewer service from County Utilities prior to the issuance of residential building permits. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous HEALTH Condition 3 of Resolution R-1999-1223, Control No.1982-00040)

LANDSCAPE - GENERAL

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

a. Tree height: fourteen (14) feet.

b. Trunk diameter: 3.5 inches measured 4.5 feet above grace.

c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDGPMPT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standard 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. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-1999-1223, Control No.1982-00040)

3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-1999-1223, Control No.1982-00040)

4. All internal PUD buffers between pods shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 5 of Resolution R-1999-1223, Control No.1982-00040)

LANDSCAPE - INTERIOR-FOR 4.9 ACRE COMMERCIAL POD

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

a. The minimum width of the required landscape areas shall be five (5) feet;

b. The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and,

c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

LANDSCAPE - PERIMETER-STANDARD

1. A fifty (50) foot buffer shall be provided on the preliminary development plan along perimeter PUD property lines unless expressly modified herein. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

LANDSCAPE - PERIMETER-ALONG NORTH PROPERTY LINE

2. Landscaping and buffering along the LWDD L-20 canal shall be consistent with the Administrative Inquiry (AI 98-09) approved by the BCC on July 23, 1998 and be upgraded to include:

- a. A minimum twenty-five (25) foot wide buffer strip, inclusive of a fifteen (15) foot LWDD easement encroachment;
- b. One (1) canopy tree planted every thirty (30) feet on center, within the southern ten (10) foot portion of the buffer;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters, within the southern ten (10) foot portion of the buffer;
- d. A one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from finished grade. The slope of the northern fifteen (15) foot portion of the berm shall comply with the LWDD requirements; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. The shrubs shall not be located within the northern ten (10) foot portion of the buffer. (BLDGPM/CO: ZONING - Zoning) [Note: COMPLETED] (Previous L Condition 1 of Resolution R-1999-1223, Control No. 1982-00040)

LANDSCAPE - PERIMETER-ALONG SOUTH PROPERTY LINE

3. Landscaping and buffering along the south property line of the east portion of the PUD shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters;
- d. A one three foot undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (BLDGPM/CO: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 1 of Resolution R-1999-1223, Control No. 1982-00040)

LANDSCAPE - PERIMETER-ALONG EAST AND WEST PROPERTY LINES (ALONG RIGHT-OF-WAY)

4. Landscaping and buffering along the frontages of SR71441 (north of Armone Place), Lyons Road (both sides), and Florida Turnpike shall be upgraded to include:

- a. One (1) canopy tree planted every thirty (30) feet on center;
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters;
- c. A two (2) to four (4) foot undulating berm, with an average height of three (3) feet, measured from the top of the curb; and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (BLDGPM/CO: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 1 of Resolution R-1999-1223, Control No. 1982-00040)

LANDSCAPE - PERIMETER-FOR POD B-2

5. Landscaping and buffering along the south property line of Pod B-2 adjacent to Lots #8-12 of Pod A shall be upgraded to include the following:

- a. A minimum forty-five (45) foot preservation buffer, no reductions shall be permitted;
- b. A minimum three (3) to four (4) foot high undulating berm, with an average height of three and one-half (3.5) feet, measured from finished grade. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the south property line buffer;
- c. Gaps between tree/palm clusters shall not exceed twenty (20) feet;
- d. Forty-eight (48) inch high native shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, located at the plateau of the required berm, and maintained at a minimum height of eight (8) feet; and,
- e. This buffer shall be completed prior to the issuance of the first certificate of occupancy of

the residential units within Pod B-2. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

6. Landscaping and buffering between Pods B-1 and B-2 shall be upgraded to include the following:

- a. A minimum fifteen (15) foot incompatibility buffer; and,
- b. All landscaping materials installed within this buffer shall be pursuant to minimum ULDC requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

LANDSCAPE - PERIMETER-FOR 4.9 ACRE COMMERCIAL POD

7. In addition to landscape requirements in the ULDC, the R-O-W Buffers for the Commercial POD shall include a two to three-foot-high continuous or undulating berm. (BLDGPM: ZONING - Zoning)

PALM TRAN

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for the 100th unit within the affected area of this petition, 82-40(A). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDGPM/DRO: PALM-TRAN - Palm-Tran) [Note: COMPLETED] (Previous MASS TRANSIT Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

PARKS

1. Prior to final preliminary development plan (PDP) certification of Petition 82-40(B) by the Development Review Committee (DRC), the site data for the PDP shall be amended to reference the correct required and proposed recreational data based on the total number of units and proposed areas indicated on the PDP and conceptual site plan for Pod 6-2 dated May 20, 1999. (ONGOING: PARKS AND RECREATION - Zoning) [Note: COMPLETED] (Previous PARKS Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

PLANNED DEVELOPMENT

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for 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. The property shall not be subjected to the Declaration of Restrictions in phases.

Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit within the affected area of petition, 82-40 (A), or recordation of the first plat for any portion of the planned development within the affected area of petition 82-40 (A), whichever occurs first. This Declaration shall be amended when additional units of this petition, 82-40 (B), are added to the PUD and prior to the issuance of the first building permit or recordation of the first plat for any portion of the planned development within the affected area of petition 82-40(B), whichever occurs first. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 1 of Resolution R-1999-1223, Control No.1982-

00040)

2. Additional guest and overflow parking spaces shall be provided at a ratio of one (1) per every ten (10) units within all townhouse pods west of Lyons Road. These spaces shall be uniformly distributed within each pod and be located within 200', measured by the path of travel, of the units which they will be serving. No more than thirty (30) percent of the additional parking spaces may be located within the recreation parcels. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous MULTIPLE USE PLANNED DEVELOPMENT Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11 "X 17" sign to be posted in a clear and visible location in all sales offices and models. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

SIGNS-FOR COMMERCIAL PODS

1. Previous SIGNS Condition 1 of Resolution R-1999-1223, Control No.1982-00040, which currently states:

All freestanding signs (i.e. point of purchase, entrance wall, directory) for the 4.9 acre commercial pod (west portion) shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - Ten (10) feet along SR7/441 and eight (8) feet along Armone Place;
- b. Maximum sign face area per side - 100 square feet along the SR71441 frontage and sixty (60) square feet along Armone Place;
- c. Maximum number of signs - one (1) along SR7/441 and one (1) along Armone Place;
- d. Location - Within twenty-five (25) feet of the commercial pod's driveway along the internal road; and,
- e. Style -monument style only.

Is hereby amended to read:

All freestanding signs (i.e. point of purchase, entrance wall, directory) for the 4.9 acre commercial pod (west portion) shall be limited as follow:

- a. Maximum sign height, measured from finished grade to highest point - Ten (10) feet along SR7/441 and eight (8) feet along Armone Place;
- b. Maximum sign face area per side - 80 square feet along the SR7/441 frontage and sixty (60) square feet along Armone Place;
- c. Location - Within twenty-five (25) feet of the commercial pod's driveway along the internal road; and,
- d. Style -monument style only. (BLDGPMT/ONGOING: ZONING - Zoning)

2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

SITE DESIGN-FOR 4.9 ACRE COMMERCIAL POD

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 fifty (50) feet of any residentially zoned property lines. (DRO/ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

2. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDGPM/CO/ONGOING: ZONING - Code Enforcement) (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-1999-1223, Control No.1982-00040)
3. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BLDGPM/CO: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-1999-1223, Control No.1982-00040)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding lighting for security lighting only. (ONGOING: CODE ENF - Zoning) (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-1999-1223, Control No.1982-00040)
5. 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 BUILDING AND SITE DESIGN Condition 5 of Resolution R-1999-1223, Control No.1982-00040)
6. Total gross floor area for the 4.9-acre Commercial Pod shall be limited to a maximum of 53,361 square feet; and, individual tenants in the building(s) shall be limited to a maximum of fifteen thousand (15,000) square feet. (BLDGPM/DRO: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 6 of Resolution R-1999-1223, Control No.1982-00040)
7. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDGPM: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 7 of Resolution R-1999-1223, Control No.1982-00040)
8. Prior to final approval by the Development Review Officer, the Applicant shall amend the site plan to convert the two parking spaces near the northwest corner of the building, west of the stop bar, into a turn around spaces. (DRO: ZONING - Zoning)
9. Prior to DRC certification of the preliminary Development Plan, the 4.2-acre Commercial Pod, within the east portion of the PUD, shall be deleted. The land area shall be converted to open space or additional land area for the lots within the adjacent residential pods. No additional units shall be permitted as a result of this conversion. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 8 of Resolution R-1999-1223, Control No.1982-00040)

SITE DESIGN-FOR POD B-2

10. The maximum height for all townhouse structures within Pod B-2, that are abutting Pod A, including all air conditioning and mechanical equipment and satellite dishes, shall not exceed thirty-two (32) feet in height measured from finished grade to the highest point. The top of the window openings for the residential buildings adjacent to lots #8-12 of Pod A shall not exceed twenty (20) feet height measured from finished grade to the highest point. The buildings abutting Pod A shall be limited to a maximum of four (4) units per building. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 3 of Resolution R-1999-1223, Control No.1982-00040)
11. The minimum setback for all townhouse buildings and parking areas adjacent to the south property line of Pod B-2 adjacent to Lots #8-12 of Pod A shall be sixty-five (65) feet, measured from the pod boundary, or no less than the required setback of the townhouse buildings taken from the inside edge of the buffer. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 4 of Resolution R-1999-1223, Control No.1982-00040)
12. The development of Pod 8-2 shall be limited to fee simple units. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 5 of Resolution R-1999-1223, Control

No.1982-00040)

13. Prior to the issuance of the first certificate of occupancy for the residential buildings, the developer shall install a six (6) foot high black vinyl coated c link fence along the south property line of Pod B-2 from the commercial pod eastward to the security entrance/gate on Armone Place. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 6 of Resolution R-1999-1223, Control No.1982-00040)

14. Prior to the issuance of the first certificate of occupancy for the residential buildings, the developer shall install a sign at the west access gate that reads "residents only, no deliveries". (BLDGPM/CO: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 8 of Resolution R-1999-1223, Control No.1982-00040)

15. Prior to the issuance of the first certificate of occupancy for the residential buildings, the developer shall install a "no outlet" sign on Armone Place, subject to approval from Palm Beach County. (BLDGPM/CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 7 of Resolution R-1999-1223, Control No.1982-00040)

16. Prior to issuance of the final Certificate of Occupancy for Pod B-2 the developer shall install speed bumps/humps on Armone Place, subject to approval from the Palm Beach Engineering Department. (BLDGPM/CO: ZONING - Zoning) [Note: COMPLETED] (Previous P Condition 9 of Resolution R-1999-1223, Control No.1982-00040)

USE LIMITATIONS-FOR 4.9 ACRE COMMERCIAL PODS

1. Hours of operation for all uses, including deliveries, shall be limited to 6:00 a.m. - 10:00 p.m. daily. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-1999-1223, Control No.1982-00040)

2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-1999-1223, Control No.1982-00040)

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: MONITORING - Monitoring)

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: MONITORING - Zoning)

DISCLOSURE

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