

RESOLUTION NO. R-2000- 0263

RESOLUTION APPROVING ZONING PETITION DOA83-153(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CORONA LAND DEVELOPMENT INC. AND
VICTORIA WOODS JOINT VENTURE
BY JULIAN BRYAN, AGENT
(VICTORIA WOODS PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA83-153(C) was presented to the Board of County Commissioners at a public hearing conducted on February 24, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition DOA83-153(C), the petition of Corona Land Development Inc. and Victoria Woods Joint Venture, by Julian Bryan, agent, for a Development Order Amendment (DOA) to reconfigure master plan and redesignate housing classifications on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on February 24, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Aye
Mary McCarty	—	Absent
Burt Aaronson	—	Aye
Tony Masilotti	—	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 24, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

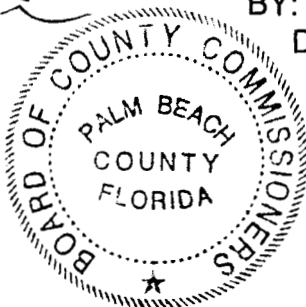


EXHIBIT A

LEGAL DESCRIPTION

Lots 1 through 38, inclusive, Block 35; Lots 2 through 63, inclusive, Block 36 and Lots 1 through 12, inclusive, Block 37, PLAT FOUR OF VICTORIA WOODS, A P.U.D., according to the plat thereof, as recorded in Plat Book 63, Pages 169 through 171, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH,

A parcel of land lying in the Northwest quarter of Section 11, Township 44 South, Range 42 East, Palm Beach County, Florida, being a portion of Tracts 1, 3, 4, 5, 24, 23, all of Tract 2, together with that portion of that certain abandoned right-of-way lying between Tracts 21-24 and Tracts 1-8 of the plat of MODEL LAND CO. SUBDIVISION, of the W. 1/2 of Sec. 11, T.44S., R.42.E, according to the plat thereof, recorded in Plat Book 5, page 76, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northwest quarter of said Section 11; thence South 88°13'17" East, along the North line of said Section 11, a distance of 1109.33 feet to the Northeast corner of Plat One of Victoria Woods, as recorded in Plat Book 51, page 32 of the Public Records of Palm Beach County, Florida; thence South 01°20'43" West, along the East line of said Plat One of Victoria Woods, a distance of 70.00 feet to the point of intersection of said East line and the South line of the 70-foot easement of the Lake Worth Drainage District (L.W.D.D.) per Official Records Book (O.R.B.) 7144, page 1505, being the POINT of BEGINNING.

Thence South 88°13'17" East, departing said East line, along the South line of said 70-foot easement, a distance of 1533.55 feet to the point of intersection of said South line and the West line of the 40-foot easement of the L.W.D.D. per Deed Book 115, page 518; thence South 01°30'08" West, departing said South line, along the West line of said 40-foot easement, a distance of 1591.42 feet to the point of intersection of said West line and the North line of Plat Four of Victoria Woods, as recorded in Plat Book 63, Pages 169 through 171, of the Public Records of Palm Beach County, Florida; thence North 88°12'41" West, departing said West line, along the North line of said Plat Four of Victoria Woods, a distance of 293.97 feet; the following ten (10) courses along the West, North and East line of Plat Two of Victoria Woods, as recorded in Plat Book 53, Pages 83 through 85, of the Public Records of Palm Beach County, Florida; thence North 01°33'09" East, a distance of 335.29 feet; thence North 88°26'51" West, a distance of 355.00 feet; thence North 01°13'09" East, a distance of 290.00 feet (the next 5 courses being along the North Line of the Plat of VICTORIA WOODS PLAT III-A, according to the Plat thereof as recorded in Plat Book 81, Pages 47 and 48 of the Public Records of Palm Beach County, Florida); thence North 88°26'51" West, a distance of 302.33 feet to the point of curvature of a curve to the right; thence Westerly and Southwesterly, along the arc of a curve concave Southerly, having a radius of 635.00 feet, through a central angle of 111°18'12" and an arc distance of 125.27 feet to the point of tangency; thence South 80°14'57" West, a distance of 146.84 feet to the point of curvature of a curve to the right; thence Southwesterly and Westerly, along the arc of a curve concave Northerly, having a radius of 265.00 feet, through a central angle of 111°18'12" and an arc distance of 52.28 feet to the point of tangency; thence North 88°26'51" West, a distance of 16.04 feet; thence North 01°13'09" East, a distance of 10.00 feet to the point of curvature of a curve to the left; thence Northwesterly, along the arc of a curve concave to the Southwest, having a radius of 286.00 feet, through a central angle of 54°12'28" and an arc distance of 270.58 feet to the point of tangency; the following four (4) courses along the Northeasterly line of said Plat One of Victoria Woods; thence North 52°39'17" West, on a radial line, a distance of 603.50 feet to a point on a curve; thence Northeasterly, on a curve concave to the

EXHIBIT A
LEGAL DESCRIPTION

Southeast, having a radius of 150.00 feet, through a central angle of 28100'00" and an arc distance of 73.30 feet to point of tangency; thence North 65120'44" East, a distance of 341.51 feet; thence North 01120'43" East, a distance of 214.44 feet to the POINT of BEGINNING.

All of the above described lands contain 2,761,014 square feet or 63.384 acres, more or less.

EXHIBIT B

VICINITY SKETCH

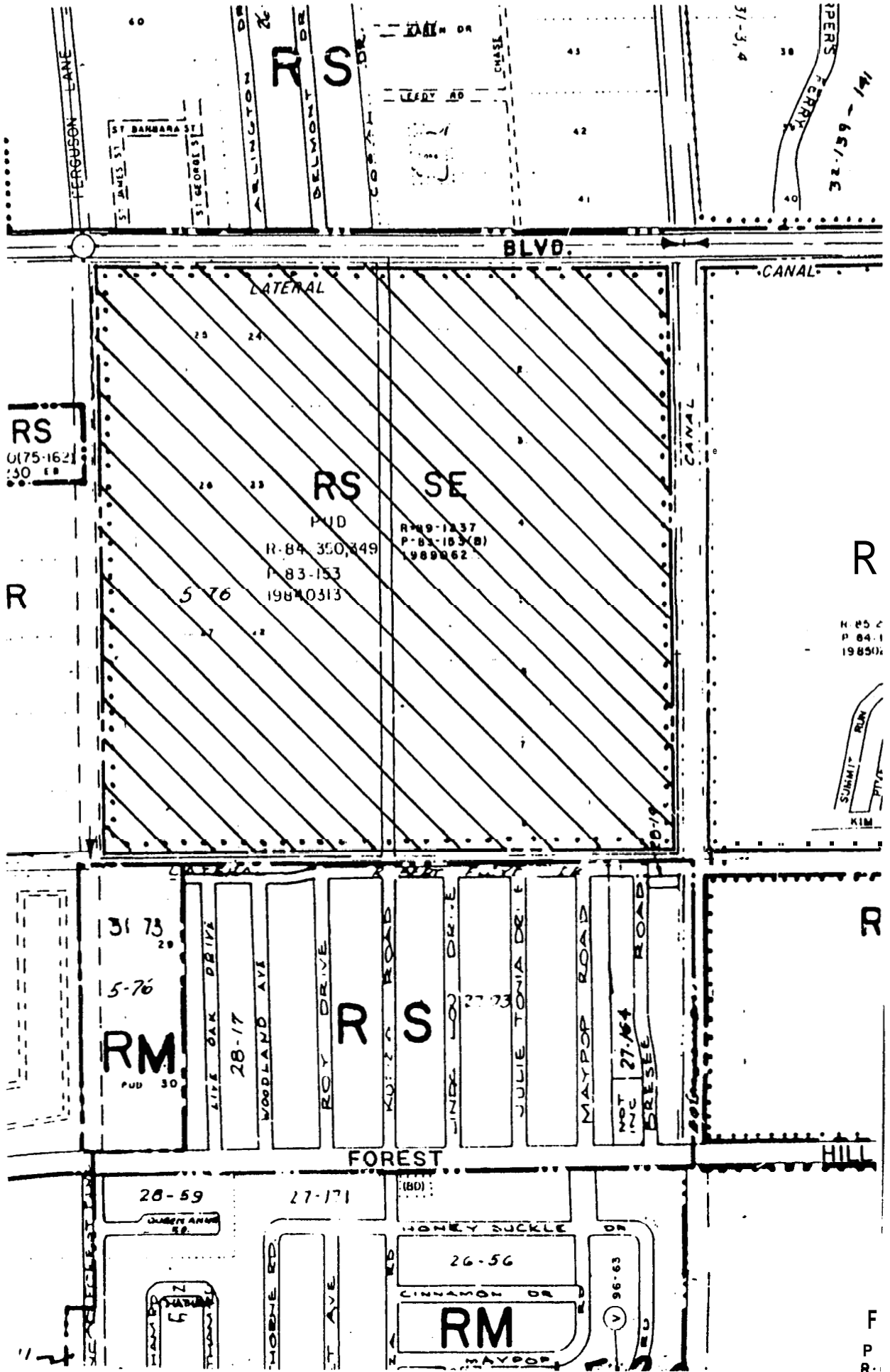


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition, 83-153(C) unless expressly modified.

A. ALL PETITIONS

1. Condition 1 of Resolution 89-1237, Petition 83-153(B) which currently states:

All previous conditions of approval shall apply.

AND

Condition 1 of Resolution R-87-1177, Petition 83-153(A) which currently states:

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Are hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-350 (Petition 83-153), R-87-1177 (Petition 83-153 (A)), and R-89-1237 (Petition 83-153(B)) have 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. (ONGOING: MONITORING - Zoning)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The conceptual site plan is dated November 18, 1999 and the approved preliminary development plan is dated December 1, 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. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Diversity of architectural elevation and exterior color scheme shall be required for the zero-lot line units within Phase III B by complying with the following:
 - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme); and,
 - b. No more than three (3) homes with the same elevation shall be placed next to each other; and,
 - c. No more than three (3) homes with the same exterior color scheme may be placed next to each other.

A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT/CO: BLDG - Zoning)

2. The proposed residential buildings within Phases III B and IV within the affected areas of this petition, 83-153(C), shall be designed and constructed to be similar to the facade elevations contained in the five (5) Welcome Home single-family models and four (4) townhouse models submitted by Continental Homes of Florida, Inc. dated November 5, 1999. Modifications to the architectural treatments may be permitted provided all of the following are met:
 - a. The architectural treatments are equal to or an upgrade in aesthetic and performance above the original architectural treatment;
 - b. The architectural treatments are complementary to the existing residences;
 - c. The architectural treatments are approved by the Zoning Review Section of the Zoning Division. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Prior to certification, the proposed Master Plan shall be amended to reflect the following:
 - a) description of the recreation amenities to be provided for this development.
 - b) a six-foot high solid cypress concrete-anchored fence along the entire west property line except for segments for which the owners of adjoining properties have submitted a written objection to such fence. [Not applicable to current petition, 83-153(C)]
 - c) single family development only, along the entire South boundary of the site. (Previously Condition 9 as amended by Resolution R-87-1177, Petition 83-153(A)) (DRC: ZONING - Parks)
2. The developer shall acknowledge the existence of the agricultural uses located to the West in all sales literature contracts. (Previously Condition 10 of Resolution R-84-0350, Petition 83-153) (ONGOING: CODE ENF - Zoning)
3. The developer shall be bound to the approved master plan with no residential development permitted in open space tracts. The petitioner may be permitted minor changes as permitted by Section 402.7 of the Zoning Code. (Previously Condition 5 of Resolution 89-1237, Petition 83-153(B)) (DRC: ZONING)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A site plan, including a planting plan and section, showing the designation of a Littoral Zone surrounding the Water Management Tracts shall be submitted for approval to Environmental Resource Management and Palm Beach County Engineering prior to site plan certification. (Previously Condition 4 of Resolution 89-1237, Petition 83-153(B)) (DRC: ERM/ENG)
2. An Exotic Vegetation Removal Plan for the entire PUD, excluding existing presently owned lots, shall be submitted to Environmental Resources Management for review and approval prior to DRC Master Plan certification. (DRC: ERM)

E. ENGINEERING

1. Condition 1 of Resolution R-84-0350, Petition 83-153 which currently states:

This development shall retain **onsite** the first one inch of the **stormwater** runoff per Palm Beach County Subdivision and Platting Ordinance **73-4**, as amended.

Is hereby deleted. [REASON: code requirement]

2. The developer shall construct on Summit Boulevard at the project's entrance concurrent with the first plat:

- a) Left turn lane, east approach.
- b) Right turn lane, west approach. (Previously Condition 2 of Resolution R-84-0350, Petition 83-153) (PLAT: ENG) [Completed]

3. The developer shall install signalization at the intersection of Summit Boulevard and the project's entrance road when warranted as determined by the County Engineer, however in no event later than five years after the issuance of the final Certificate of Occupancy. **If** signalization **is** not required prior to the issuance of the 700th Building permit; the developer shall post a bond to cover the cost of signalization. (Previously Condition 3 of Resolution R-84-0350, Petition 83-153) (ONGOING/DATE/BLDG PERMIT: MONITORING - Eng)

4. Under the provisions of Ordinance **81-6** this project has been reviewed as Category "**B**". The developer must construct roadway improvements to offset the project's impact at the intersection of Southern Boulevard & Haverhill Road. Based upon the amount of traffic generated by this development the developer shall contribute Four Hundred Thousand Dollars (**\$400,000.00**), (at the rate of **\$500.00** per dwelling unit), in order to complete Palm Beach County's Haverhill Road Bridge program. [Completed]

This project shall be limited to **238** dwelling units until a contract has been let for the Haverhill Road Bridge over the Palm Beach Canal. Palm Beach County shall fund the remainder of the cost necessary to complete this project to limit the exposure of this developer to Four Hundred Thousand Dollars (**\$400,000.00**). This money shall be made available **by the** developer within **3** years of Special Exception approval. [This portion may be deleted since bridge is already widened]

Palm Beach County shall enter into a formal contract with the developer prior to the issuance of the Building Permit, or within **12** months of Special Exception approval, whichever shall first occur in order to guarantee construction of this bridge. (Previously Condition 4 of Resolution R-84-0350, Petition 83-153) (DATE/BLDG PERMIT: MONITORING - Eng)

5. Condition 5 of Resolution R-84-0350, Petition 83-153, which currently states:

Credit shall be applied toward the "Fair Share" fee for this development based upon the bridge construction as outlined in Condition **#4** above.

Should the developer seek to obtain building permits prior to the letting of a contract for the Haverhill Road Bridge, the developer shall post surety in the amount of **\$200.00** per dwelling unit. These monies or surety shall then be returned to the developer after completion of the bridge construction, as outlined in Condition #4 above.

Is hereby deleted. [REASON: code requirement]

6. Previously Condition 3 of Resolution R-87-1177, Petition 83-153(A), which currently states:

The property owner shall provide Palm Beach County a road drainage easement within the project's internal drainage system which is adjacent to the property capable of accommodating all runoff from those segments of Summit Boulevard along the property frontage and for a maximum **400** foot distance each side of the property boundary lines along Summit Boulevard. The drainage system within the project shall have sufficient **retention/detention** capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (ENG)

Is hereby deleted.

F. LANDSCAPING - STANDARD

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: Twelve (12) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: Six (6) 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 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, 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. (CO: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
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. (DRC: ZONING)

5. Prior to final certification of the revised Preliminary Development Plan (PDF) for the affected area of petition, 83-153(C), a tree survey meeting requirements of the ULDC shall be submitted for the first fifteen (15) feet of the boundaries of the proposed unplatted preservation areas and the entire proposed developable areas within Phase IIIB. This survey shall be used for supplemental plantings within the required perimeter, internal right-of-way and incompatible buffers, or maximum tree preservation within the developable areas of Phase IIIB. (DRC: ZONING - ERM)

G. LANDSCAPING WITHIN THE LIMITS OF PETITION 83-153(C)

1. In addition to the ULDC landscape buffer location, width, and planting requirements, the affected areas of Petition, 83-153(C), shall be upgraded to include:
 - a. Relocated or new canopy trees shall be installed to supplement the existing native vegetation within the gaps or openings of the first fifteen (15) foot width of the preserved area boundaries. Gaps or openings between trees or palms shall not exceed thirty (30) feet. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required canopy trees in that location within the preserved areas; and,
 - b. Minimum thirty (30) inch high shrub or hedge material shall be installed in the required locations. The spacing and minimum maintenance height of the shrub or hedge material shall be pursuant to the ULDC. (CO: LANDSCAPE)

H. LAKE WORTH DRAINAGE DISTRICT

1. The property owner shall convey, either by easement or deed, to the Lake Worth Drainage District, the North **70** feet of the Northwest Quarter (NW 1/4) of Section **11-44/42** for Lateral Canal No. **6** and the South **15** feet of the Northwest Quarter (NW 1/4) if said Section 11 for Lateral Canal No. **7** and the West **20** feet of the East **60** feet of the Northwest Quarter (NW 1/4) of said **Sec. 11** for Equalizing Canal No. **3**. (Previously Condition 8 of Resolution R-84-0350, Petition 83-153) (PLAT: ENG- LWDD) [Completed]

I. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition 2 of Resolution R-89-1237, Petition 83-153(B)) (ONGOING: HEALTH)
2. **Water** service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition 3 of Resolution 89-1237, Petition 83-153(B)) (ONGOING: HEALTH)
3. The developer shall take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 6 of Resolution R-84-0350, Petition 83-153) (ONGOING: CODE ENF)
4. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters. (Previously Condition 7 of Resolution R-84-0350, Petition 83-153) (ONGOING: CODE ENF)

J. MASS TRANSIT

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. (DRC: ZONING)
2. 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 85th unit within Phases III B and IV. 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. (BLDG PERMIT: MONITORING - Eng)

K. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided only within the affected area of petition 83-153(C) pursuant to Section 6.8.A.23.c(1) of the ULDC, and shall be subject to approval by the County or City Engineer. (CO: BLDG - Eng)
2. Street trees within the affected area of petition 83-153(C), shall be provided as follows:
 - a. Along one side of all internal PUD right-of-ways forty (40) feet in width or greater;
 - b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
 - c. At one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. (CO: LANDSCAPE - Zoning)

3. 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 recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

4. Additional guest and overflow parking spaces shall be provided at a ratio of one (1) per every ten (10) units within the townhouse pod(s) within Phase III B. These spaces shall be uniformly distributed within the 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. (DRC/CO: ZONING/BLDG)

5. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within Phase III B consistent with the conceptual site plan dated November 18, 1993. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations	Administrative Deviation or Flexible Regulations	Phase III B
Lot Width/Frontage (Interior ZLL lots only)	40' minimum	x
Minimum Lot Size (ZLL units only)	4,050 s.f. minimum	x

* Pavers shall be provided for the driveways of all units

7. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), or cul-de-sac as shown on the conceptual site plan dated November 18, 1993. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting, or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
8. No rear, side interior or side street setback reductions may be permitted excluding lots adjacent to lake tracts or open space as permitted by the ULDC. (DRC: ZONING) [Affected area of Petition 83-153(C) only]
9. Drainage easements shall not be permitted along the width and within the rear yards of the back-to-back units within the affected areas of this petition (83-153(C)). (DRC: ZONING) [Affected area of Petition 83-153(C) only]
10. All zero-lot line lots (units) which side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING)
11. All residential structures within the lots along the west property line of Phase IV within the affected areas of this petition, 83-153(C), will be restricted to a one-story height limitation or a twenty-five foot setback from the PUD west property line. Accessory screen enclosures may be permitted a setback of ten (10) feet from the west PUD property line. (DRC/BLDG PERMIT: ZONING - BLDG)
12. Prior to April 24, 2000 or final Development Review Committee (DRC) approval of the preliminary development plan for this petition, 83-153(C), whichever comes first, the following shall be repaired and/or replaced to be in compliance with all applicable codes. No administrative time extension may be permitted:
 - a. The existing fence along the PUD west property line; and,

- b. The recreational amenities and parking areas within the 5.6 acre Recreation Pod such as, but not limited to, the swimming pool fencing and gates, pool, playground equipment, light poles, dumpster enclosure, basketball hoop, restroom facilities, tennis net, and concrete wheelstops. (DATE/DRC: MONITORING - BLDG - Zoning/ZONING)

L. SCHOOL BOARD

- 1. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide a 11" X 17" sign to be posted in a clear and visible location in all sales offices and models.

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding, racial balance 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)." (ONGOING: SCHOOL BOARD)

M. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
- 2. Condition 6 of Resolution 89-1237, Petition 83-153(B) which currently states:

Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)