

RESOLUTION NO. R-93- 348

RESOLUTION APPROVING ZONING PETITION NO. 88-139(A)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF RUBY R. BENNETT

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

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 88-139(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 27, 1992; and

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

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-139(A), the petition of RUBY R. BENNETT, by Xieran J. Kilday, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS - CONDITIONS 9, 11, 13 THRU 21, RESOLUTION R-90-1672 (CAMBRIDGE PARK PUD), on a parcel of land lying in the Southwest 1/4 of Section 26, Township 45 South, Range 42 East, Palm Beach County, Florida; **LESS** the North 1,089.00 feet **of** the West 1,600.00 feet thereof, and being located on the S. **of** 105 St. S., E. of El Clair Ranch Road, W. of LWDD Equalizing Canal # 3, N. of S.W. 15th Street, in the RS District, was approved on August 27, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with **all** previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, as amended, unless expressly modified. (MONITORING)

2. The petitioner shall receive certification of the master plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, on or before January 31, 1993. (MONITORING - Zoning)

B. BUILDING AND SITE DESIGN

1. Prior to certification, the master plan shall be amended to indicate the following:
  - a. Open space tabular computation in accordance with Section 500.21.J of the Zoning Code.
  - b. Delete from the tabular data reference to plus or minus. (Previously Condition No. 24 of Resolution No. 90-1672, Petition No. 88-139.) (ZONING)

C. CIVIC SITE

1. Condition No. 26 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"Prior to Master Plan Certification, the petitioner shall:

- a. Dedicate the civic site by unencumbered fee simple title deed to Palm Beach County, 2% of the gross area of the planned unit development (2.2 acres); or
- b. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H."

Is hereby amended to read:

"Prior to July 1, 1993, the petitioner shall:

- a. Convey unencumbered fee simple title to the civic site by Statutory Warranty Deed to Palm Beach County, comprising 2% of the gross area of the planned unit development (2.2 acres) according to the Unified Lane Development Code Article 6.8-B6a(2) (a)(i).
- b. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site equal in acreage or cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the

value of the on-site and off-site land dedications. The value of the on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. If an off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Zoning Code Section 500.21.H," (PREM)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition No. 27 of Resolution No. 90-1672, Petition No. 88-139.) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. 28 of Resolution No. 90-1672, Petition No. 88-139.) (HEALTH)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition No. 1 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)
2. At the time of recording the first plat or within twelve (12) months of the Resolution approving this project or when requested by the County Engineer (whichever shall first occur), the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for El Clair Ranch Road, 55 feet from centerline 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 2 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING/MONITORING)
3. The Property owner shall construct:
  - a. left turn lane, west approach and a right turn lane, east approach on S.W. 15th Avenue at the project's entrance road.

- b. left turn lane, north approach and a right turn lane, south approach on El Clair Ranch Road at the project's entrance onto El Clair Ranch concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Building Permit, except for models. Previously Condition No. 3 of Resolution No. 90-1672, Petition No. 88-139. (ENGINEERING/BUILDING)
4. The Property owner shall convey to Palm Beach County, at the time of recording the first plat or within twelve (12) months of the Resolution approving this project or when requested by the County Engineer (whichever shall first occur), adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of El Clair Ranch Road and S.W. 15th Avenue along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along El Clair Ranch Road and S.W. 15th Avenue. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. (Previously Condition No. 4 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)
5. The Developer shall install signalization if warranted as determined by the County Engineer:
  - a. El Clair Ranch Road and S.W. 15th Avenue;
  - b. Project's entrance road and S.W. 15th Avenue; and,
  - c. Project's entrance and El Clair Ranch Road.Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition No. 6 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)
6. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. (Previously Condition No. 7 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)
7. Palm Beach County shall construct at the intersection of S.W. 15th Avenue and Military Trail:
  - a. Dual left turn lane, east and west approach;
  - b. 2 through lanes, east approach;
  - c. A separate right turn lane, east approach;
  - d. Separate right turn lane, north and south approaches; and,
  - e. Dual left turn lanes, north and south approaches.

All construction on the east and west approaches shall be concurrent with the S.W. 15th Avenue construction while construction on the north and south approaches shall be concurrent with the Military Trail construction. (Previously Condition No. 8 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)

8. Condition No. 9 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The project shall be limited to 450 single-family units of 2,000 square feet or less living area or equivalent traffic generation associated with larger single-family units as approved by the County Engineer."

Is hereby deleted.

9. Condition No. 10 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$361,800.00 (4,500 x \$80.40 per trip).

Credit for the cost of plan preparation and construction or any work performed as listed in Condition Nos. 8.a., 8.c., 8.d., 8.e., 11, 12, 13, 14, 15, 16, 19 and 21 shall be given against the existing traffic impact fee and also against any increases in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements Ordinance" be amended."

Is hereby deleted.

10. Condition No. 11 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The property owner shall provide construction plans for S.W. 15th Avenue (Woolbright Road) as a six-lane median divided section from west of Congress Avenue to 1-95 with the appropriate paved tapers. The construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. These construction plans shall be started by July 1, 1989 and shall be completed prior to January 1, 1991. All canal crossing (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division."

Is hereby deleted.

11. The property owner shall provide all necessary right-of-way acquisition documents including but not limited to surveys, property owner's map, legal descriptions for acquisitions, and parcelled right-of-way maps required for the construction of S.W. 15th Avenue as referenced

above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. The right-of-way documents shall be provided by January 1, 1990. (Previously Condition No. 12 of Resolution No. 90-1672, Petition No. 88-139.) (MONITORING-Engineering)

12. Condition No. 13 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The property owner shall fund construction plans for Military Trail as a six-lane median divided section from Steiner Road to Boynton Beach Boulevard with the appropriate paved tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossing (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. These construction plans shall be completed prior to October 1, 1991. The property owner shall provide the funds to Palm Beach County on or before October 1, 1990."

Is hereby deleted.

13. Condition No. 14 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The property owner shall fund all necessary right-of-way acquisition documents including, but not limited to surveys, property owner's map, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Military Trail as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. The right-of-way documents shall be provided by January 1, 1991."

Is hereby deleted.

14. Condition No. 15 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The property owner shall fund construction of S.W. 15th Avenue as a six-lane median divided section from Congress Avenue to 1-95 in accordance with condition #11. Construction shall be commenced by February 1, 1991 and completed by January 1, 1992. Palm Beach County shall acquire all necessary Right-of-way for this section."

Is hereby deleted.

15. Condition No. 16 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"Palm Beach County shall consider modification of its Five-Year Road Program to provide that Palm Beach County will acquire all necessary right-of-way and construct Military Trail as a six-lane median divided section from Steiner Road to Boynton Beach Boulevard in accordance with the conditions above. All construction shall be scheduled in Fiscal Year 1991/92. The property owner shall contribute to Palm Beach County \$575,000, less the cost of Condition No. 14. These funds shall be made available to Palm Beach County in a form and time frame to allow Palm Beach County to commence the construction during Fiscal Year 1991/92. Palm Beach County shall consider modifying the Five-Year Road Program for Fiscal Year 1991/92 by allocating funds which will be added to the property owner's funds to complete the construction of Military Trail. The modification of the Five-year Road Program by Palm Beach County shall be addressed in the annual update which occurs in October, 1989. If the Board of County Commissioners does not modify the Five-year Road Program to add this project, then this approval shall be null and void and shall be readdressed by the Board of County Commissioners. No further approvals of this project (site plan, building permit etc.) shall be given until such time as the Board of County Commissioners has approved adding this section of roadway to the Five-year Road Program."

Is hereby deleted.

16. Condition No. 17 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"In order to comply with the mandatory traffic performance standards, the property owner shall be restricted to the following phasing schedule:

- a. PHASE I: Maximum of 29 single family units, until construction commences for the widening of Military Trail as a minimum of four lanes from Old Boynton Road to Miner Road by Palm Beach County (scheduled for FY 1988-89).
- b. PHASE II: Maximum of 94 single-family units, until construction commences for the widening of Boynton Beach Boulevard as a minimum of four lanes from El Clair Ranch Road to Military Trail by the Florida Department of Transportation (scheduled for FY 1988-89).

- c. PHASE 111: Maximum of 120 single-family units, until construction commences for the widening of S.W. 15th Avenue (Woolbright Road) as a minimum of six lanes from Congress Avenue to 1-95 (currently uncommitted). This phasing restriction shall be lifted after February 1, 1991, based upon fulfilling the time frames specified in Condition No. 11, 12 and 15.
- d. PHASE IV: Maximum of 136 single-family units, until construction commences for the widening of Military Trail as a minimum of six lanes from Lake Ida Road to Steiner Road by Palm Beach County (scheduled for FY 1989-90).
- e. PHASE V: Maximum of 167 single-family units, until construction commences for the widening of Military Trail from Atlantic Avenue to Lake Ida Road by Palm Beach County (scheduled for FY 1989-90).
- f. PHASE VI: Maximum of 179 single family units, until construction commences for the four-lane extension of S.W. 15th Avenue from Congress Avenue to Military Trail by Palm Beach County (scheduled for FY 1990-91).
- g. PHASE VII: Maximum of 187 single-family units, until construction commences for the widening of Boynton Beach Boulevard as a minimum of four-lanes from Jog Road to El Clair Ranch Road by the Florida Department of Transportation (scheduled for FY 1988-89).
- h. PHASE VIII: Maximum of 214 single-family units, until construction commences for the widening of Military Trail as a minimum of six-lanes from Miner Road to Hypoluxo Road by Palm Beach County (scheduled for FY 1988-89).
- i. PHASE IX: Maximum of 250 single-family units, until construction commences for widening of Military Trail as a minimum of six lanes from Steiner Road to Boynton Beach Boulevard (currently uncommitted). This phasing restriction shall be lifted after September 30, 1992, based upon fulfilling the time frames specified in Conditions 13, 14 and 16.
- j. PHASE X: Maximum of 300 single family units, until construction commences for widening of Military Trail as a minimum of six lanes from Boynton Beach Boulevard to Miner Road (as required of the Boynton West Development (Petition No. 87-92) but currently uncommitted). This phasing restriction shall be lifted after December 1, 1991, based upon Palm Beach County's Five Year Road Program and fulfillment of the time frames and commitments outlined in Condition No. 16.
- k. PHASE XI: Maximum of 328 single-family units, until construction commences for widening of Boynton Beach Boulevard as a minimum of four-lanes from Florida's Turnpike to Jog Road by the Florida Department of Transportation (scheduled for FY 1988-89).



1. PHASE XII: Maximum of 333 single-family units, until construction commences for the widening of Congress Avenue as a minimum of six lanes from Boynton Beach Boulevard to N.W. 22nd Avenue (as required of the Boynton West Development (Petition No. 87-92) but currently uncommitted). This phasing restriction shall be lifted after December 1, 1991, based upon fulfillment of the time frames and commitments outlined in Condition No. 19."

Is hereby deleted.

17. Condition No. 18 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"The construction listed in Sub-paragraphs a, d, e, f and h above, which is scheduled as part of Palm Beach County's Five Year Road Program is considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed."

Is hereby deleted.

18. Condition No. 19 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"In order to further comply with the mandatory traffic performance standards, the following shall apply:

- a. The property owner shall fund construction plans for Congress Avenue as a six-lane divided section from Boynton Beach Boulevard to N.W. 22nd Avenue with the appropriate paved tapers. All canal crossing (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. The property owner shall provide the funds to Palm Beach County on or before August 1, 1990.
- b. The property owner shall fund all necessary right-of-way acquisition documents including but not limited to surveys, property owner's maps, legal descriptions for acquisition, and parcelled right-of-way required for the construction of Congress Avenue as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. The right-of-way documents shall be provided in the same time frame as the construction plans.
- c. The property owner shall construct Congress Avenue as a six-lane divided section from Boynton Beach Boulevard to N.W. 22nd Avenue in accordance with the Condition above. All construction shall be commenced at the 333th Building permit and shall be completed within one year of commencement.

- d. The property owner shall provide surety in the amount of 110 percent of the estimated cost for the off-site improvements listed in this condition by June 1, 1991. Should Boynton West fail to fulfill its surety requirement.
- e. Conditions 19a, 19b, 19c and 19d are required in the PUD Conditions of Approval for the Boynton West Development (Petition No. 87-92). This condition (19) shall only apply to the Cambridge PUD if surety for the construction of Congress Avenue from Boynton Beach Boulevard to N.W. 22nd Avenue is not posted by Boynton West Development or others, and as necessary for Condition 17.1."

Is hereby deleted.

19. Condition No. 20 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"Surety based upon a certified engineering cost estimate shall be posted for the developer's obligations as required in Condition No. 15, prior to October 1, 1990 and for Condition No. 16, prior to January 2, 1991."

Is hereby deleted.

20. Condition No. 21 of Resolution No. 90-1672, Petition No. 88-139, which presently states:

"In order to comply with the mandatory traffic performance standards, the following shall apply:

- a. The property owner shall fund construction plans for Military Trail as a six-lane divided section from Boynton Beach Boulevard to Old Boynton Road with the appropriate paved tapers. All canal crossing (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. The property owner shall provide the funds to Palm Beach County on or before August 1, 1990.
- b. The property owner shall fund all necessary right-of-way acquisition documents including but not limited to surveys, property owner's maps, legal descriptions for acquisition and parcelled right-of-way maps required for the construction of Military Trail as referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. The right-of-way documents shall be provided in the same time frame as the construction plans.

- c. The property owner shall fund the construction of Military Trail as a six-lane divided section from Boynton Beach Boulevard to Old Boynton Road in accordance with the Condition above. All construction shall be commenced at the 300th Building permit and shall be completed within one year of commencement.
- d. The property owner shall provide surety in the amount of 110 percent of the estimated cost for the off-site improvements listed in this Condition by June 30, 1990, should Boynton West fail to fulfill its surety requirement.
- e. Conditions 21a, 21b, 21c and 21d are required in the PUD Conditions of Approval for the Boynton West Development (Petition No. 87-92). This Condition (21) shall only apply to the Cambridge PUD if surety for the construction of Military Trail from Boynton Beach Boulevard to Old Boynton Road is not posted by Boynton West development or others, and as necessary for Condition No. 17.j."

Is hereby deleted.

- 21. The project's main entrance onto El Clair Ranch Road shall be relocated a minimum distance of 660 feet north of S.W. 15th Avenue. (Previously Condition No. 22 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)
- 22. The property owner shall construct the existing bike path along S.W. 15th Avenue to the minimum distance as defined by the Florida Department of Transportation Green Book standards relative to the distance of the bike path to the existing travel lanes of S.W. 15th Avenue. (Previously Condition No. 23 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING)
- 23. New phasing conditions based upon the project's approved Traffic Impact Analysis are as follows:

Phase I: Limited to a maximum of 131 single-family units, until construction commences for the widening of Military Trail between Woolbright Road (S.W. 15th Avenue) and Golf Road from a four-lane divided roadway to a six-lane divided roadway by Palm Beach County. Scheduled for FY 1992-93.

Phase II: Limited to a maximum of 137 single family units, until construction commences for the widening of Military Trail between Golf Road and Steiner Road, from a four lane divided roadway to six-lane divided roadway by Palm Beach County. Scheduled for FY 1992-93.

Phase III: Limited to a maximum of 251 single family units until construction commences for the widening of Military Trail between Boynton Beach Boulevard and Woolbright Road (S.W. 15th Avenue) from a four-lane divided roadway to six-lane divided by Palm Beach County. Scheduled for FY 1992-93. (BUILDING - Engineering)

24. No building permits for the site shall be issued after January 1, 1997. (BUILDING/ENGINEERING)
25. The property owner shall pay a Fair Share Fee in the amount of \$742,500.00 (4,500 x \$165.00 per trip) toward the construction of Military Trail from Steiner Road to Boynton Beach Boulevard. Credit for the cost of plan preparation and construction or any work performed as listed in conditions No. 11, 12, 13, 14, 15 of resolution No. 90-1672, Petition 88-139, with approval by the County Engineer, shall be given against the aforementioned traffic impact fee. These funds shall be deposited with Palm Beach County prior to July 1, 1993. (MONITORING - Engineering)
26. No interior roadways shall be located adjacent to the east PUD property line. (ENGINEERING)

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

G. LAKE WORTH DRAINAGE DISTRICT

1. The property owner shall convey to the Lake Worth Drainage District the south 35 feet of the north 55 feet of the southwest 1/4 of Section 26, Township 45 South, Range 42 East less the west 1,600 feet thereof for the required right-of-way for Equalizing Canal No. 25 and the west 35 feet of the east 75 feet of the southwest 1/4 of said Section 26 for the required right-of-way for Equalizing Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District, at the time of recording of the first plat or within twelve (12) months, of the approval of the Resolution approving this project (whichever shall first occur). (Previously Condition No. 5 of Resolution No. 90-1672, Petition No. 88-139.) (ENGINEERING/MONITORING - LWDD)

H. LANDSCAPING - GENERAL

1. Prior to master plan certification, the petitioner shall revise the landscape tabular data on the master plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. The petitioner shall sod, irrigate and perpetually maintain all pervious areas abutting El Clair Ranch Road and Woodbright Road from pavement's edge to the subject property, subject to approval by the County Engineer. (ZONING)

I. LANDSCAPING WITHIN TWENTY-FIVE FOOT PUD BUFFER

1. Landscaping within the required twenty-five (25) foot Planned Unit Development (PUD) buffer shall be upgraded to include:

- a. One (1) native canopy tree a minimum of twelve (12) feet in height at installation, planted every twenty (20) feet on center.
  - b. A six (6) foot wall, hedge, fence, berm or combination thereof. (ZONING)
2. A minimum six (6) foot high hedge at installation, required trees within the PUD buffer and irrigation shall be installed along the entire east property line prior to commencement of site development. (ZONING)

J. RECYCLE SOLID WASTE

1. All property owners and/or lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SOLID WASTE AUTHORITY)
2. The petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products. (SOLID WASTE AUTHORITY)

K. PLANNED UNIT DEVELOPMENT

1. Each primary structure within the PUD shall clearly display a street address number on the facade of the building which is legible from the street. (BUILDING/CODE ENFORCEMENT)

L. SCHOOL BOARD

1. All sales and notice literature and purchase agreements for all property within the development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. (SCHOOL BOARD)
2. Prior to master plan certification, the petitioner shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (SCHOOL BOARD)

M. VEGETATION PRESERVATION

1. The native slash pine identified in the northeast portion of the property and along the northern property line shall be preserved and incorporated into the site design to the greatest extent possible. (Previously Condition No. 25 of Resolution No. 90-1672, Petition No. 88-139.) (ZONING)

N. COMPLIANCE

1. Condition No. 29 of Resolution No. 90-1672, Petition No. 88-139, which presently 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 as follows:

"As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:

- a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
  - b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
  - c. Rezoning of the property;
  - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
  - e. Citation of the property owner for violation of the Zoning Code."
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)
  3. The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for the property. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

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

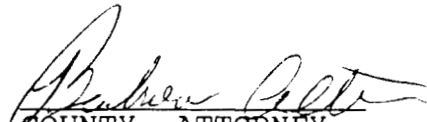
Mary McCarty, Chair	--	aye
Ken Foster	--	aye
Burt Aaronson	--	aye
Maude Ford Lee	--	aye
Karen T. Marcus	--	aye
Warren H. Newell	--	aye
Carol A. Roberts	--	aye

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK