

RESOLUTION NO. R-94- 786

RESOLUTION APPROVING ZONING PETITION **PDD93-54**, IN PART  
OFFICIAL ZONING MAP AMENDMENT (REZONING) TO THE  
RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT  
PETITION OF LAND SERVICES GROUP, INC.

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition **PDD93-54** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and,

WHEREAS, Zoning Petition **PDD93-54** was approved in part, and denied in part, by the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; 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 official zoning **map** amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning **map** amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning **map** amendment (rezoning) is compatible with surrounding uses and zones, and consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,

7. This official zoning **map** amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 **PDD93-54**, the petition of Land Services Group, Inc., for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the LIGHT INDUSTRIAL (IL) ZONING DISTRICT and RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT to the RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt <b>Aaronson</b>	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Nay

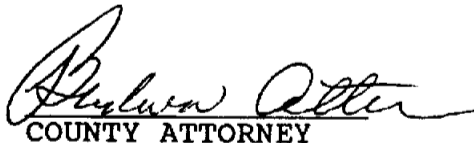
The chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

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

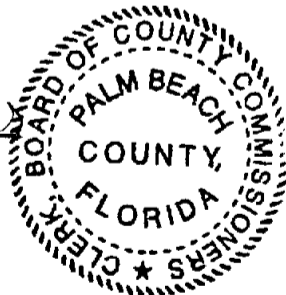


EXHIBIT A

LEGAL DESCRIPTION

85-499

LEGAL DESCRIPTION

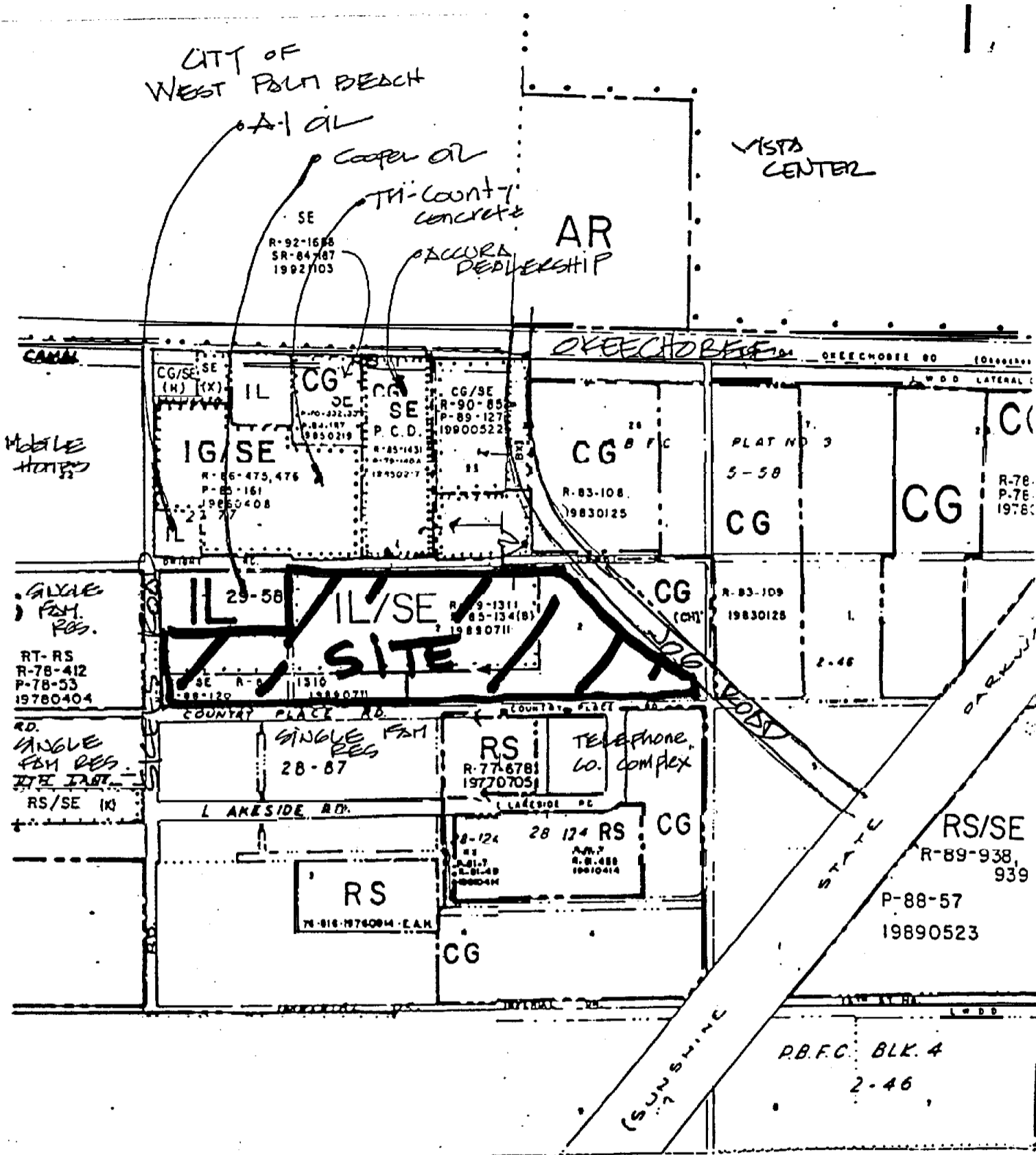
ALL THAT PART OF TRACT 2, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WESTERLY AND SOUTHERLY OF THE WESTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF THE PROPOSED JOG ROAD RIGHT-OF-WAY, AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 7071, PAGES 990 THROUGH 993, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING HOWEVER THE NORTH 300.00 FEET OF THE WEST 660.02 FEET THEREOF; AND ALSO EXCEPTING THE WEST 8 FEET THEREOF, FOR SKEES ROAD RIGHT-OF-WAY; AND FURTHER EXCEPTING AN ADDITIONAL 25 FOOT RIGHT-OF-WAY FOR COUNTRY PLACE, AS RECORDED IN OFFICIAL RECORDS BOOK 1824, PAGE 1329, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,252,371 SQUARE FEET OR 28.75 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH



**EXHIBIT C**

CONDITIONS OF APPROVAL

A. GENERAL

1. To ensure the proposal complies with the ULDC, the petitioner shall, prior to April 1, 1996, or the issuance of the Certificate of Occupancy (CO) for the 300th dwelling unit, whichever occurs first, amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is revised to delete the requirement for PUD's to provide a minimum of two unit types, the petitioner shall be relieved of this condition. (MONITORING/BUILDING-Zoning)
2. Street lights a maximum of twenty-five (25) feet in height, measured from the finished grade to the highest point, shall be installed along all platted access tracts, easements, and right-of-ways. Light fixtures shall be directed away from residences. (ZONING - Engineering)
3. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all platted right-of-ways, access tracts, and easements that are interior to the PUD, subject to approval by the County Engineer. All required landscaping shall be installed prior to release of the performance bond or issuance of a certification of completion, whichever occurs first, for the road intended to be landscaped. (ENGINEERING)
4. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (ZONING/ENGINEERING)
5. All outdoor lighting, except street lights, shall be a maximum of twenty (20) feet in height, measured from the finished grade to the highest point, of low intensity, shielded and directed down and away from adjacent residential properties and streets. (BUILDING/CODE ENFORCEMENT)
6. Property owner shall provide manned security between sundown until sunup seven (7) days a week. (CODE ENFORCEMENT)
7. Property owner shall provide 24 hour **onsite** manned property management. (CODE ENFORCEMENT)

B. BUILDING AND SITE DESIGN

1. To ensure shade is provided along all pedestrian and bicycle paths, one (1) shade tree, shall be planted along both sides of all circulation systems. Trees shall be planted a maximum of thirty (30) feet on center. All required trees shall be planted concurrent with the land development improvements and shall be indicated in the regulating plan prior to certification by the Development Review Committee (DRC). (ZONING/BUILDING)
2. The maximum height of all structures shall be two (2) stories. (BUILDING)

3. Access to the site shall be limited to Jog Road, unless required by a public safety agency. In the event a public safety agency requires emergency access to Skees Road, a **"break away barrier"** acceptable to the requiring agency shall be installed. (FIRE - Building)
4. All structures along the south and west property line abutting Country Place Road and Skees Road shall have a minimum setback of fifty (50) feet, measured from the interior edge of the required buffer. (ZONING/BUILDING)

c. PLANNING

1. The proposed lake (water management tract) on the portion of the site south of the Cooper Oil Facility, shall be located as indicated on the Preliminary Development Plan (PDP) dated May 25, 1994. (PLANNING)

D. HEALTH

1. No septic tank shall be permitted on this site. All existing on site sewage disposal systems must be abandoned in accordance with Chapter **10D-6**, FAC., and Palm Beach County ECR-I. (HEALTH)
2. No well shall be permitted on the site to provide potable water. All existing on site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)
3. Prior to the issuance of the first building permit, the Palm Beach County Health Unit (PBCHU) and Department of Environmental Resource Management (ERM) shall issue determinations that the subject property is free and clear of all environmental hazards.

E. ENGINEERING

1. The property owner has voluntarily agreed, prior to January 1, 1995, to convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Dwight Road, 40 feet from centerline along the project's entire frontage, 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. (MONITORING/Engineering).
2. The property owner shall convey, prior to January 15, 1994, to the Land Development Division the following site related road right-of-way dedications. Road **rights-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 & encroachments. Right of way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

- a) the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 180 feet.
  - b) the construction of a Bus transit stop subject to approval by the County Engineer (MONITORING - Engineering).
3. Prior to January 1, 1995, or prior to the issuance of the first Building Permit, whichever occurs first, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Dwight Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Dwight Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention and detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate **wingwall** or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (MONITORING/BUILDING-Engineering).
4. The Property owner shall construct:
  - a) Separate right turn lane north approach on Jog Road at the projects entrance road.
  - b) Bus transit stop subject to approval by the County Engineer.

The construction of these improvements 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 not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING/ Engineering).
5. The Developer 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 at the time of the Building Permit is \$265,650 (1610 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).

6. The Developer shall install signalization, if **warranted** as determined by the County Engineer, at Jog Road and the projects entrance road. Should signalization not be warranted after 36 months of the final Certificate of Occupancy this property owner shall be relieved from **this** condition (ENGINEERING/Building).

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

Trees:

Laurel Oak  
Live Oak  
Slash Pine  
Sabal Palmetto

Ground cover:

Wedilia  
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. **All** plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site.
- b. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with the Site Plan certification (BUILDING-Engineering).
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, **legal** heirs or **assignees** or duly established Property Owner's Association **and/or** Homeowner's Association, and shall be installed prior to July 1, 1995 (MONITORING-Building).
3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to **receiving** the first building permit to reflect this **obligation**. Maintenance shall be in accordance with the **issued** permits (BUILDING - County Attorney).

G. PREM

1. To ensure compliance with the **civic** site **requirements** of the ULDC the petitioner shall:



- a. Convey by Statutory Warranty Deed to the Palm Beach County Board of County Commissioners (BCC) **2 1/2** of the gross area of the PUD (**.575** acres) and shall have satisfied each of the following conditions prior to deed conveyance. (PREM)
  - b. Developer to provide the BCC with a Warranty Deed by October 1, 1994 for the **.575** acre Civic site in a location and form acceptable to **Facilities, Planning, Design & Construction Department (FPD&C)** and the County Attorney's Office. Developer to **Plat** and dedicate the Civic site to Palm Beach County prior to conveying the deed. (**MONITORING-PREM**)
  - c. Developer to provide a title policy insuring marketable title to Palm Beach County for the Civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and **County** Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed Civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion to release all or part of the Declarations of Covenants and Conditions of the PUD as it would apply to the Civic site. (PREM)
  - d. All ad **valorem** real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the Civic **site**; acceptance date to be determined by **PREM** and the County Attorney's Office after receiving BCC approval. (**PREM**)
  - e. Developer to provide the County with a certified survey of the proposed Civic site; **survey** to reflect the boundary and topographical areas of the site. Surveyor to use the following criteria:
    1. The survey shall meet Minimum **Technical** Standards for a Boundary Survey as **prescribed** by F.A.C. 21HH.6.
    2. If this parcel is a portion of Palm Beach Farms, sufficient data to make a **mathematical** overlay should be provided.
    3. The survey should include location of any proposed water retention areas that will border the Civic site.
    4. The **survey** shall be subject to the **County's** approval for the location of any **proposed** or existing easements within the proposed **Civic** site. (PREM)
  - f. Civic site to be free and clear of all trash and debris at the time of acceptance of the **warranty** deed. (PREM)
2. Developer shall provide all retention, detention and drainage required for any future development of the proposed Civic site by the County. The Developer **agrees** to:

- a. The discharge of surface water from the Civic site into the Developer's water retention basins.
  - b. An easement across Developer's property from the proposed Civic site to the retention basins, if required. (PREM)
3. The developer shall allow the County to perform any on site inspections deemed appropriate to support the acquisition of the Civic Site. (PREM)
  4. The Petitioner shall provide PREM with an **Environmental Assessment** of the proposed Civic site prior to conveyance of the warranty deed. The minimum assessment which is required is commonly called a "**Phase I Audit**". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed Civic site.
  - b. Review of local, state, and federal **regulatory agency's** enforcement and permitting records for indication of prior groundwater or soil contamination, if any, of the proposed Civic Site. Also, the review of the neighboring property that borders the proposed Civic Site. Records to review but not limited to are: Palm Beach Comty Environmental Resources Management Dept. (PBCERM) and the Florida Department of Environmental Regulation (FDER). The assessment to **reflect** if the proposed Civic Site or any bordering property is on any of the following lists: **EPA's National Priorities List (NPL)**, Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA), Hazardous Waste Data Management System List (HWDMS).
  - c. Review of current and historical aerial photographs of the proposed Civic site. Provide a recent aerial showing site and surrounding properties.
  - d. Perform on-site survey to describe site conditions and to identify potential areas of contamination.
  - e. Review of Wellfield Protection Zone maps to determine if property is located in a wellfield zone. (MONITORING/PREM)
5. Developer shall prepare civic site to buildable grade, under the direction of Facilities, Planning & Design Department. (PREM)
  6. Developer shall provide water and sewer stubbed out to the property line. (PREM)

7. At the County's option, exchange the required on-site dedication of land (by fee simple title) for **cash** of equal value or land off-site equal in acreage. In addition, should the off-site land option be chosen, each condition listed in (1-11) above will also apply, and should the land off-site be of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the land shall be subject to the County appraisal process and be **at the** cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Section **6.8-B6a(2)(a)(i)** of the ULDC. (PREM)

H. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval 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 grade.
  - 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. (BUILDING-Zoning)
2. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between **landscape** islands shall not exceed one hundred (100) linear feet. (BUILDING-Zoning)
3. The required hedge, berm and fence along the north, **south** and west property lines shall be continuous without any interruptions. (BUILDING/CODE ENFORCEMENT)
4. Prior to certification of a Preliminary Development Plan by the Development Review Committee (DRC), the petitioner shall submit and receive approval of detail **landscape** sections for the required buffers. (ZONING)

I. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING TRI COUNTY CONCRETE FACILITY)

1. To mitigate impacts from surrounding **non-residential** areas, landscaping and buffering along the north **property** line (abutting Dwight Road and adjacent to the Tri County Concrete facility to a point 100 feet east of **the** facility) shall be upgraded to include:
  - a. A minimum one hundred (100) foot wide **landscape** and **preserve** buffer strip;
  - b. **The** petitioner shall improve a minimum of **twenty** five (25) feet of the required buffer **with a** continuous six (6) foot high berm and a continuous minimum six (6) foot high fence on top of the **berm**; and,
  - c. The following landscaping requirements shall be installed on the exterior side of the **required** fence:

1. A double row of canopy consisting of one (1) canopy tree planted every twenty (20) feet on center in each row. Trees shall be staggered;
2. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum **spacing** of sixty (60) feet on center; and,
3. Forty-two (42) 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 six (6) feet in height and to be installed adjacent to the fence.

The above buffer requirements shall be installed **prior** to issuance of the first building permit. (**BUILDING - Zoning**)

2. To mitigate impacts from surrounding non-residential uses, the petitioner shall, prior to certification of the Preliminary Development Plan by the Development Review Committee, submit a survey of all trees within the required one hundred (100) foot perimeter buffer. All existing trees within the required preserve portion of the buffer shall be preserved. (ZONING)
3. To mitigate impacts to from surrounding non-residential uses, the petitioner shall supplement the existing vegetation within the required buffer by planting canopy trees acceptable to the Zoning Division. The **buffer** shall be supplemented to eliminate any voids in tree spacing and establish a maximum tree spacing of **thirty** (30) feet on center. This landscaping shall be installed prior to issuance of the first certificate of occupancy or completion. (BUILDING/ZONING)

J. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING COOPER OIL SITE)

1. To **mitigate** impacts from surrounding non-residential areas, landscaping and buffering along the north and west property lines (abutting the Cooper Oil site) shall be upgraded to include:
  - a. A minimum fifty (50) foot wide landscape and preserve buffer strip;
  - b. The petitioner shall improve a minimum of **twenty five** (25) feet of the required buffer **with** a continuous minimum six (6) foot high berm and a continuous minimum six (6) foot high fence or top of the berm; and,
  - c. The following landscaping requirements shall be installed on the exterior side of the fence:
    1. A double row of canopy trees consisting of one (1) canopy tree planted every twenty (20) feet on center in each row. Trees shall be staggered;
    2. One (1) native palm tree or pine tree for each twenty (20) linear feet, with a **maximum** spacing of sixty (60) feet on center; **and**,

3. Forty-two (42) 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 six (6) feet in height and to be installed adjacent to the fence.

The above buffer requirements shall be installed prior to issuance of the first building permit. (BUILDING - Zoning)

2. To mitigate impacts from surrounding **non-residential** uses, the petitioner shall, prior to certification of the Preliminary Development Plan by the Development Review Committee, submit a survey of all trees within the required fifty (50) foot perimeter buffer. All **existing** trees within the required preserve portion of the **buffer** shall be preserved. (ZONING)
3. To mitigate impacts to from surrounding **non-residential** uses, the petitioner shall supplement the **existing** vegetation within the required buffer by planting **canopy** trees acceptable to the Zoning Division. The **buffer** shall be supplemented to eliminate any voids in **tree** spacing and establish a maximum tree spacing of **thirty** (30) feet on center. This landscaping shall be **installed** prior to issuance of the first certificate of **occupancy** or completion. (BUILDING/ZONING)

K. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES  
(ABUTTING DWIGHT ROAD EAST OF TRI COUNTY CONCRETE, COUNTRY PLACE ROAD AND SKEES ROAD)

1. To mitigate impacts on surrounding residential **areas**, landscaping and buffering along the north, south and **west** property lines (abutting Dwight Road east of **Tri-County** Concrete, Country Place Road and Skees Road) shall be upgraded to include:
  - a. A minimum thirty six (36) foot wide **landscape** buffer strip;
  - b. A continuous minimum six (6) foot high berm and a continuous minimum six (6) foot high fence on top of the berm; and,
  - c. The following landscaping requirements shall be installed on the exterior side of the berm and fence:
    1. A double row of canopy trees consisting of one (1) canopy tree planted every twenty (20) feet on center in each row. Trees shall be staggered;
    2. One (1) palm tree or pine tree for each **twenty** (20) linear feet, with a maximum **spacing** of sixty (60) feet on center; and,
    3. Forty-two (42) 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 six (6) feet in height and to be installed adjacent to the fence.

d. The following landscape material shall be installed on the interior side of the required fence:

1. One (1) canopy tree planted every twenty (20) feet on center. Trees shall be staggered with the vegetation on the exterior side of the fence.

The above buffer requirements shall be installed **prior** to issuance of the first building permit. (**BUILDING - Zoning**)

L. **ERM**

1. To ensure compliance with the ULDC, no **excavation** or dewatering activity below one (1) foot above the wet season water table shall be permitted within three hundred (300) feet of any contaminated property **without** prior approval from the Department of **Environmental Resources Management**. (**ERM**)

M. **CONCURRENCY**

1. Prior to certification of the Preliminary Development Plan by the Development Review Committee (DRC), the petitioner shall amend the concurrency **reservation** to delete the commercial square footage associated with the property east of Jog Road. (**CONCURRENCY**)

N. **SCHOOL BOARD**

1. Prior to site plan certification, the petitioner shall demonstrate that they have met with School Board **staff** 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**)

O. **MONITORING**

1. Failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Conditional Use and any zoning which was approved concurrently with the Conditional Use as well as any previously **granted** certifications of concurrency or **exemptions** therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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.

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 Conditional **Use**, Rezoning, 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**)

2. Prior to certification of the Preliminary **Development** Plan (PDP) by the Development Review Committee (DRC), the petitioner shall pay all outstanding fees, including but not limited to any previous status reports on the **subject** property. (**ZONING-Monitoring**)