

RESOLUTION APPROVING ZONING PETITION DOA85-86(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SCHICKEDANZ ENTERPRISES

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 DOA85-86(B) was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; 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 reservation and therefore 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 DOA85-86(B), the petition of Schickedanz Enterprises for a DEVELOPMENT ORDER AMENDMENT to a Residential Planned Unit Development to add acreage (4.74 acres) & to modify Condition 29 (setback limitation) of Resolution R-91-249), previously approved 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 May 25, 1995, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May 25, 1995.

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

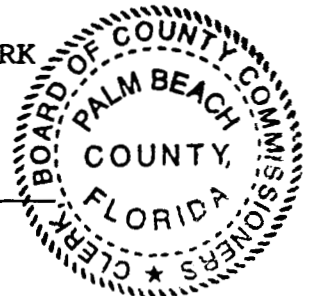


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 25; THENCE, NORTH $88^{\circ}50'49''$ WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 672.90 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25 FOR A POINT OF BEGINNING;

THENCE, CONTINUE NORTH $88^{\circ}50'49''$ WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 1345.80 FEET TO THE SOUTHWEST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE, NORTH $01^{\circ}27'30''$ EAST ALONG THE WEST LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 336.39 FEET TO THE NORTHWEST CORNER OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE, SOUTH $88^{\circ}51'45''$ EAST ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 693.11 FEET; THENCE, NORTH $01^{\circ}29'34''$ EAST, ALONG A LINE 20.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 337.18 FEET TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE, SOUTH $88^{\circ}58'41''$ EAST, ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 316.66 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE, NORTH $01^{\circ}30'36''$ EAST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 258.75 FEET; THENCE, SOUTH $88^{\circ}58'41''$ EAST, DEPARTING THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 296.73 FEET; THENCE, SOUTH $01^{\circ}31'38''$ WEST, ALONG A LINE 40.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 258.75 FEET; THENCE, SOUTH $88^{\circ}58'41''$ EAST, A DISTANCE OF 25.00 FEET; THENCE, SOUTH $01^{\circ}31'38''$ WEST, ALONG A LINE 15 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 100.00 FEET; THENCE, SOUTH $88^{\circ}58'41''$ EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE, SOUTH $01^{\circ}31'38''$ WEST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 25, A DISTANCE OF 575.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING, HOWNER, THE RIGHT-OF-WAY AS RECORDED IN ROAD PLAT BOOK 4, PAGE 52, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 16.90 ACRES, MORE OR LESS.

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

EXHIBIT B
VICINITY SKETCH

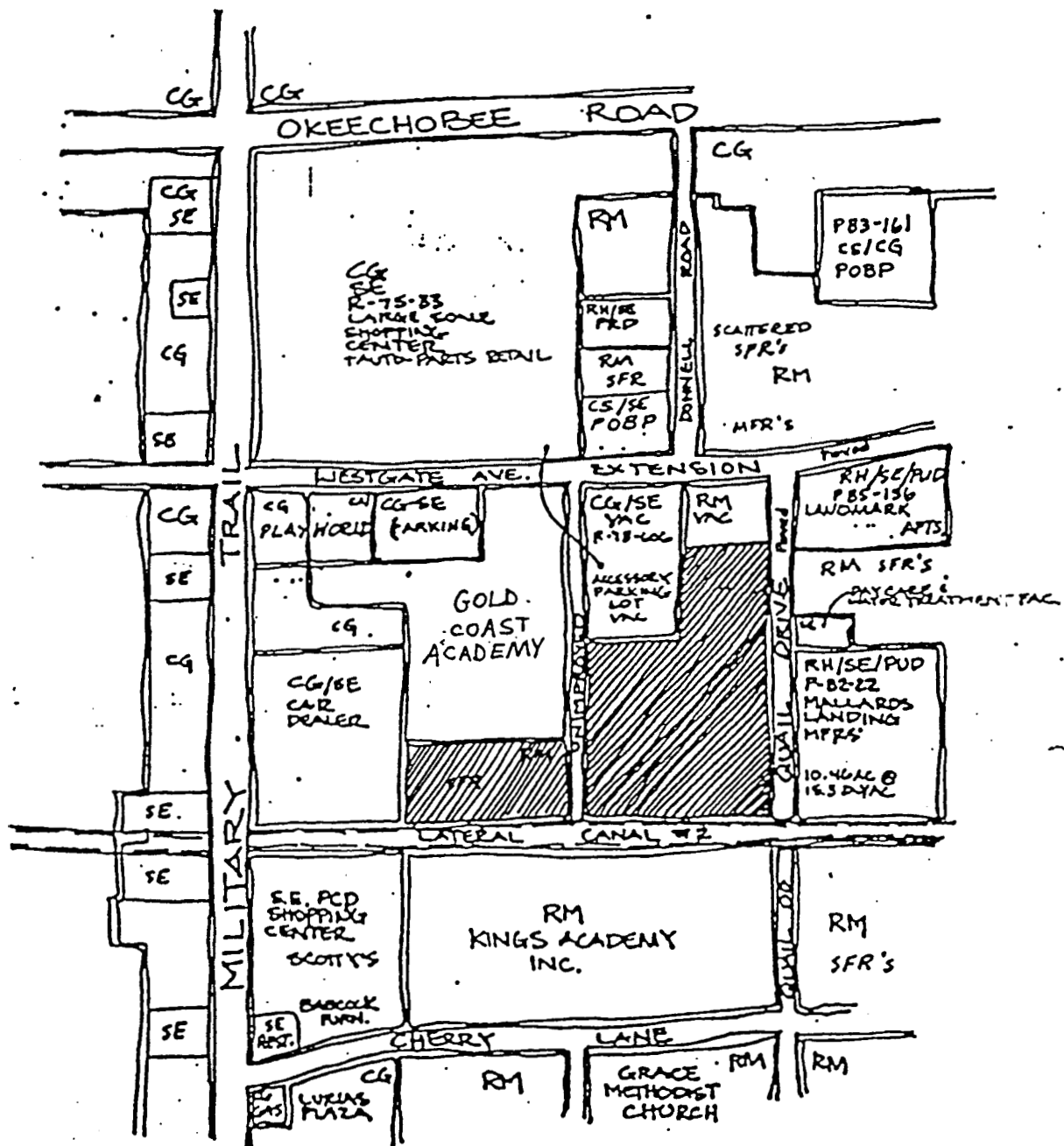


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-1876N, R-85-1876M, R-91-249, and R-94-781 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, unless expressly modified. (MONITORING)

B. AIRPORTS

1. Prior to Site Plan Certification, the petitioner shall present documentation to the Zoning Division that the facility does not violate FAA Regulations or Palm Beach County Airport Zoning Regulations. This documentation shall be approved by the Palm Beach County Department of Airports. (AIRPORTS-Zoning) (Previously Condition 3 of Resolution R-91-249, Petition 85-86(A))
2. The petitioner shall grant an aviation easement over the property to the Department of Airports (AIRPORTS)
3. A description of the proximity of the site to the airport, and specifically PBIA runway 13/31, shall be incorporated in the lease agreements. The language will be provided by the Department of Airports. (AIRPORTS)
4. Construction techniques indicated in "Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations" shall be utilized within all residential structures in the 4.74 acre parcel added to the PUD by this petition. Building plans shall be approved by the Department of Airports, prior to the issuance of building permits, to ensure compliance. (BUILDING-Airports)

C. AFFORDABLE HOUSING

1. The provision of low income housing shall be described in appropriate restrictive covenants, shall be noted on the Master Plan and shall be subject to the approval of the County Attorney, Planning Department and Department of Housing and Community Development prior to Master Plan Certification. One Hundred percent (100%) of the total affordable housing units (~~37~~ **87** affordable housing units) shall be designated and reserved for eight (8) years (with a provision for a two (2) year extension) as low income units.

The 1989 Comprehensive Plan defines Low Income affordable housing as a family of four that earns between 50% and 80% of the county's median income \$18,800 to \$30,800 in 1988. (Page 2-H 1989 Comprehensive Plan) Low Income Housing units shall be provided and made an integral part of this overall development of this project. One (1) affordable housing unit shall be provided for each five (5) typical units throughout the development process [up to ~~37~~ **87** units). Density shall be limited to a maximum 18 units per acre. (COUNTY ATTORNEY/PLANNING/HCD) (Previously Condition 4 of Resolution R-91-249, Petition 85-86(A))

2. Prior to the recording of the ~~first~~ next plat, the property owner shall amend the existing covenant to comply with the following requirements:
 - a. All residential units beyond eight (8) dwelling units per acre shall be occupied by households qualifying as low income pursuant to the definition provided in the 1989 Palm Beach County Comprehensive Plan Land Use and Housing Elements.
 - b. The low income units shall be dispersed throughout the entire proposed development.
 - c. The mix of housing types for the low income units shall be comparable to the housing type mix of the balance of the proposed project.
 - d. An annual report documenting compliance with this covenant shall be submitted to the Commission on Affordable Housing beginning on June 1, 1995.
 - e. The low income units shall be covenanted for a period of fifteen (15) years, commencing with the issuance of the certificate of occupancy for the last low income unit.
 - f. A total of 87 housing units within the PUD shall be designated as affordable. ENGINEERING/PLANNING/MONITORING/HCD (Previously Condition 3 of Resolution R-94-781.)

D. ARCHITECTURAL CONTROL

1. Condition 29 of Resolution R-91-249, which currently states:

Building height be limited to a maximum height of three (3) stories for the entire development.

A minimum 90 foot setback shall be maintained from the southern property line to any base building line and a minimum 55 foot setback shall be maintained from the eastern property line to any base building line.

Is hereby amended to state:

Building height be limited to a maximum height of three (3) stories for the entire development.

A minimum 90 foot setback shall be maintained from the southern property line to any base building line and a minimum 55 foot setback shall be maintained from the eastern property line to any base building line for the east portion of the PUD. (BUILDING/ZONING)
2. The architectural design of buildings should provide variety and visual interest and create an overall unified image through the following and other appropriate means:
 - a. Large concentrations of repetitive building types should be avoided.

- b. When there are several buildings within a development, the exterior of the unit should be varied by horizontally offsetting units in a building by 1) varying the roof and floor elevations within the same building, 2) varying the window treatments, 3) using contrasting shapes and forms, 4) creating points of interest on the exterior of the buildings and 5) designing overhangs and architectural projections to create shadows on the buildings exterior.
- c. An overall unified image should be created by the use of common elements such as consistent forms, colors, architectural details and landscape materials.
- d. Similar architectural character and treatment should be provided for all sides of the building.
- e. Details on all sides of the building should be repeated and should be made to appear functional and real.
- f. Roof and or trim color should be coordinated with base colors and when used, gutters and downspouts should be integrated into the architectural design of the building.
- g. Unit and building entries should be easily identifiable and entries should be integrated into the building architecture. Entries in exterior stairs should be designed to provide shelter from inclement weather.
- h. Durable exterior materials which give high quality appearance which will reduce maintenance should be used.
- i. All roof top mechanical and electrical equipment should be screened so as not to be visible from any point 10 feet above the ground from any point within a 200 foot radius of the building on which it is mounted,
- j. Interior and exterior storage areas should be integrated into the building design to make it compatible with the building architecture.

All other development regulations and codes, including but not limited to the Zoning Ordinance, shall be met. (BUILDING/ZONING) (Previously Condition 30 of Resolution R-91-249, Petition 85-86(A))

E. ENGINEERING

- 1. Condition 6 of Resolution R-85-1876N, Petition 85-86, which currently states:

This development shall retain on site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. (ENGINEERING)

Is hereby deleted. [Reason: Code requirement]

2. The petitioner shall convey to the Lake Worth Drainage District the South 23.00 feet of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 25 - 43/42, Less the west 20.00 feet thereof, for the required right-of-way for Lateral Canal No. 2, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners. (ENGINEERING) (Previously Condition 8 of Resolution R-85-1876N, Petition 85-86.) Note: The Lake Worth Drainage District has indicated compliance with this condition.
3. Condition 7 of Resolution R-85-1876N, Petition 85-86, which currently states:

The property owner shall construct:

- a. Right turn lane east approach, on Westgate Avenue at Indian Road.
- b. Right turn lane, west approach, on Westgate Avenue at Quail Drive.
- c. Two (2) approach lanes, north approach, on Indian Road at Okeechobee Blvd.
- d. Signalization when warranted, as determined by the County Engineer, at Quail Drive at Westgate Avenue.

All concurrent with on site paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval. (ENGINEERING)

Is hereby deleted. [Reason: This condition was superseded by Condition Number 7 listed below]

4. The developer shall modify the Master Plan to provide a minimum of 50 ft. right-of-way for Quail Drive from Westgate Avenue to the project's entrance. (ENGINEERING) (Previously Condition 9 of Resolution R-85-1876N, Petition 85-86.) Note: This condition has been complied with.
5. Condition 6 of Resolution R-91-249, Petition 85-86(A), which currently states:

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 on site 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. (ENGINEERING)

Is hereby deleted. [Reason: Code requirement]

6. Condition 8 of Resolution R-91-249, Petition 85-86(A), which currently 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 \$1,155.00 per approved multi-family dwelling unit (7 trips X \$165.00 per trip). (ENGINEERING)

Is hereby deleted. (Reason: Condition number 13 below modifies this condition which represents the impact fee for the entire project]

7. Condition number 7 of Zoning Resolution R-91-249 which currently states:

The Property owner shall construct:

- a. at the project's entrance road and Quail Road, a right turn lane, north approach, and
- b. at Quail Road and Westgate Avenue, a left turn lane, south approach and a right turn lane, west approach.

All concurrent with on site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy, except that in lieu of constructing the right turn lane, north approach and right turn lane, west approach described above, the property owner may pay \$36,838.68 to Palm Beach County for Westgate Avenue improvements. (ENGINEERING) (Previously Condition 7 of Resolution R-91-249, Petition 85-86(A).

Is hereby amended to state:

The Property owner shall construct on Quail Road at Westgate Avenue, a separate left turn lane south approach. Permits for the construction of this turn lane shall be obtained prior to the issuance of Technical Compliance for the Plat Improvements for the five acre addition. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the five acre addition. (ENGINEERING/BUILDING - Engineering)

8. Prior to November 1, 1990, the property owner shall convey to the Lake Worth Drainage District the South 28 feet of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43, Range 42 for the required right-of-way for Lateral Canal No. 2, by Quit Claim Deed or an Easement Deed in the form provided by said District. (ENGINEERING) (Previously Condition 9 of Resolution R-91-249, Petition 85-86(A). Note: The Lake Worth Drainage District has indicated compliance with this condition.
9. The Developer shall install signalization if warranted as determined by the County Engineer at Quail Road and Westgate Avenue. Should signalization not be warranted, after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition. (ENGINEERING) (Previously Condition 10 of Resolution R-91-249, Petition 85-86(A)

10. Condition 11 of Resolution R-91-249, petition 85-86(A), which currently states:

The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. (ENGINEERING)

Is hereby deleted. [Reason: Condition number 12 below modifies this condition].

11. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the five acre addition shall be issued until Westgate Avenue is under construction as a 5-lane section from Military Trail to Congress Avenue. (BUILDING - Engineering).

12. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Committee. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (ENGINEERING)

13. 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 zoning petition number 85-86(B) to be paid at the time of issuance of the Building Permit presently is \$146,685.00 (889 trips x \$165.00 per trip) (IMPACT FEE COORDINATOR).

14. **The Property owner shall fund the construction of a separate right turn lane west approach on Westgate Avenue at Quail Road. Funding of the construction of this turn lane shall be completed prior to August 1, 1995, and shall be limited to the amount of \$27,698 as identified in the Developers Engineer's cost estimate. (MONITORING - Engineering)**

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ERM) (Previously Condition 3 of Resolution R-85-1876N, Petition 85-86.)**
2. **Lakes shall be designed and planted with littoral zones. Plans for the lake design shall be submitted to the Department of Environmental Resources Management for approval prior to site plan certification. (ERM) (Previously Condition 12 of Resolution R-91-249, Petition 85-86(A))**

3. Prior to Site Plan Review Committee application the petitioner shall:
 - a. Designate preserve areas which incorporate a minimum of 25% of all native vegetation on site. These areas may include the PUD buffer where significant native vegetation exists. No trenching, grade changes or other development activity shall take place in the preserve area except as approved by the Zoning Division staff. This provision shall not restrict selective clearing, additional planting of new or relocated material, pruning or eradication of prohibited species within the preserve.
 - b. Submit a tree survey drawn at the same scale as the site plan. This survey shall number, size and identify all trees in a tabular data form.
 - c. Submit a preservation, relocation and removal program which corresponds to the tree survey. This program shall demonstrate how significant native vegetation is to be incorporated into the site design. At a minimum, this program shall specify:
 - 1) The preservation or relocation of 75% of all oak trees greater than twenty-four inches (24") in diameter. Relocation or removal of oak trees greater than twenty-four inches (24") in diameter shall only be allowed upon presentation to the Zoning Division that relocation or preservation is not feasible.
 - 2) The preservation or relocation of 50% of all oak trees less than twenty-four inches (24") in diameter unless the condition of the tree is determined by the Zoning Division to be poor.
 - 3) The preservation within the buffer areas of all healthy native plant material (oaks, pines, sabal palms and cypress).
 - 4) The preservation or relocation of native plant material (oaks, pines, sabal palms and cypress, if any) into the designated preserve and/or buffer areas and/or the installation of new native plant material into such areas so as to create a density of one tree per two hundred fifty (250) square feet throughout the buffer. (ERM) (Previously Condition 24 of Resolution R-91-249, Petition 85-86(A))
4. Prior to the issuance of a Vegetation Removal Permit, the following shall be achieved:
 - a. All trees to be relocated, preserved or removed shall be identified in the field and tagged and numbered according to the tree survey.
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity.

- c. Tree relocation shall occur prior to construction activity except as approved by the Zoning Division upon submission of a development phasing plan. (ERM) (Previously Condition 25 of Resolution R-91-249, Petition 85-86 (A))
5. No removal of native plant material shall be permitted until Site Plan Review Committee approval. (ERM) (Previously Condition 26 of Resolution R-91-249, Petition 85-86 (A))
6. The petitioner shall supply to the Department of Environmental Resources Management an environmental wetlands determination for approval prior to Site Plan Review Application. (ERM) (Previously Condition 32 of Resolution R-91-249, Petition 85-86 (A))
7. Harmful exotics such as melaleuca, Australian pines and Braeilian peppers shall be removed from site. (EM) (Previously Condition 22 of Resolution R-91-249, Petition 85-86 (A))
8. The littoral zone planting plan shall be submitted to and receive approval from the Department of Environmental Resources Management prior to site plan certification. (ERM)

G. GENERAL

1. The petitioner shall institute and maintain a program which guarantees that all buildings, grounds, vegetation, landscaping and all other amenities on the subject property will be maintained in a satisfactory condition which will not detract from the external aesthetic appearance of the subject property or adjacent properties. This maintenance program shall include, at a minimum, doors, screens, painting and exterior finishes; and all other architectural treatments. These items shall be maintained in a clean, painted and operable condition, as required by Condition Number 15. (Previously Condition 13 of Resolution R-91-249, Petition 85-86 (A))
2. The petitioner shall include in all lease and promotional literature and agreements to rent information that the property abuts the Kings Academy School on the south side and that activities which may create negative noise and light impacts may occur during and after school hours. (Previously Condition 14 of Resolution R-91-249, Petition 85-86 (A))
3. The special exception on this property is granted concurrently with a rezoning. Any other use other than a residential planned unit development shall be subject to a subsequent special exception. (ZONING) (Previously Condition 15 of Resolution R-91-249, Petition 85-86 (A))
4. The Master Plan shall be revised to redistribute the density throughout the site. No Pod density shall exceed any other Pod density by more than twenty-five percent (25%). (ZONING) (Previously Condition 27 of Resolution R-91-249, Petition 85-86 (A))

H. HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulate (dust particles) from this property do not become a nuisance to neighboring properties. (HEALTH) (Previously Condition 4 of Resolution R-85-1876N, Petition 85-86.)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (HEALTH) (Previously Condition 5 of Resolution R-85-1876N, Petition 85-86.)
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (HEALTH) (Previously Condition 16 of Resolution R-91-249, Petition 85-86(A))
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previously Condition 17 of Resolution R-91-249, Petition 85-86(A))

I. LANDSCAPING

1. The petitioner shall install twelve foot tall (12') native canopy trees placed twenty-five feet (25') on center, and a 42" continuous native opaque hedge (which shall be maintained at seventy-two inches (72") in height), and appropriate ground cover(s) along the southern property line. Landscaping shall be selected, installed and maintained according to Xeriscape Principles with appropriate irrigation. (BUILDING) (Previously Condition 18 of Resolution R-91-249, Petition 85-86(A))
2. A six (6) foot high fence shall be installed within the landscape buffer along the south property line of Parcel D. (BUILDING)

J. OPEN SPACE

1. Forty-five (45%) of ~~the site~~ Phase I (Petition 85-86A) shall be indicated as open space; 60% of the open space shall be usable as open space. Usable open space shall be defined as all areas within the boundaries of the proposal not covered by buildings, parking areas and drives. Usable open space includes club houses, swimming pools, tennis or other courts, ponds or water areas developed as amenities and located as to be physically and visually integrated into the development and accessible from the residential units. Landscaped areas with a minimum dimension of 12 feet in width may be used for passive or active recreational activities. Usable open space must be evenly distributed throughout the site and integrated into the pedestrian system. (ZONING) (Previously Condition 20 of Resolution R-91-249, Petition 85-86(A))
2. The following shall not be included as usable open space:
 - a. parking lot landscaped areas;
 - b. parking lot to building in front separation, unless such areas are over 15 feet minimum width or 18 feet if they include a sidewalk and are defined 19 feet if they include a sidewalk and are defined with landscaping, building walls or fencing;

- c. retention/detention pond with slopes steeper than 4 to 1; and
- d. left over land "scraps".

Compliance with this condition shall be demonstrated prior to Site Plan Approval. (ZONING) (Previously Condition 21 of Resolution R-91-249, Petition 85-86(A))

K. PARK SITE

- 1. Prior to Site Plan Review Committee certification, the Master Plan shall be amended to indicate the following:
 - a. Delineation of park site boundaries subject to approval by the Parks and Recreation Department.
 - b. A minimum of 1.3 acres for park site(s) which shall not include the proposed lake tract.
 - c. A list of recreational facilities which shall include: pool; tot lot, clubhouse, half basketball court, tennis court, shuffleboard court, volleyball and picnic area. (PARKS) (Previously Condition 23 of Resolution R-91-249, Petition 85-86(A))

L. SCHOOL BOARD

- 1. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be updated on an annual basis. (SCHOOL BOARD) (Previously Condition 28 of Resolution R-91-249, Petition 85-86(A))

M. SOLID WASTE MANAGEMENT

- 1. Petitioner shall encourage homeowners to participate in a recycling program for paper, plastic, metal and glass products. (SWA) (Previously Condition 31 of Resolution R-91-249, Petition 85-86(A))

N. STANDARD CONDITIONS

- 1. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting. (COCNTY ATTORNEY) (Previously Condition 10 of Resolution R-85-1876N, Petition 85-86.)
- 2. The developer shall permit access to the RM zoned parcel abutting this site on the southwest, so long as that property remains in its current use. (ZONING) (Previously Condition 11 of Resolution R-85-1876N, Petition 85-86.)
- 3. Condition 1 of Resolution R-91-249, which currently states:

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

Is hereby deleted.

- 4. Prior to Site Plan Review Committee, the petitioner shall demonstrate legal access to the adjacent five (5) acre parcel to the west. (ENGINEERING) (Previously Condition 2 of Resolution R-91-249, Petition 85-86(A))

5. Prior to site plan certification the master plan shall be amended to reflect the following:
 - a. Housing category grouped pursuant to the requirements of code section 402.7.B.3.2) (A), (B), or (C) .
 - b. North indicator up with graphic scale.
 - c. Specify exact number of residential units planned for each phase, tract, or pod, and label same with the unit grouping category pursuant to zoning code section 402.7.B.3.2) (A),(B), or (C). (ZONING) (Previously Condition 1 of Resolution R-85-1876N, Petition 85-86.)
6. Prior to site plan certification, the petitioner shall post a performance security acceptable to the County Attorney's Office, to ensure improvement of the recreation area indicated as a life estate on the master plan. (COUNTY ATTORNEY) (Previously Condition 2 of Resolution R-85-1876N, Petition 85-86.)

O. WESTGATE CRA CONDITIONS

1. Prior to Site Plan Review Committee submittal, the site plan shall be amended to indicate the following Westgate/Belvedere Homes CRA conditions:
 - a. Outdoor speaker or public address systems shall not be permitted which are audible outside of the property boundaries.
 - b. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed ~~twelve (12)~~ twenty-five (25) feet in height; and
 - c. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site. (CODE ENFORCEMENT) (Previously Condition 5 of Resolution R-91-249, Petition 85-86(A))
2. Prior to site plan certification, the petitioner shall submit conceptual elevations with all materials and colors specified, including but not limited to, roof, trim, awnings, walls, signs, fences and screening of mechanical equipment, utility structures and trash receptacles. (WCRA)

P. COMPLIANCE

1. Condition 33 of Resolution R-91-249, which currently states:

As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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 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; 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 Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, 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.

Is hereby amended to state:

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; cease and desist 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/or zoning which was approved concurrently with the Conditional Use;
- 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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)