

RESOLUTION NO. R-98-2035

RESOLUTION APPROVING ZONING PETITION PDD98-40
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF HOME DEVELOPMENT CORP OF SOUTH FLORIDA
BY H. P. TOMPKINS, JR., AGENT
(THE ENCLAVE PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, 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), have been satisfied; and

WHEREAS, Zoning Petition PDD98-40 was presented to the Board of County Commissioners at a public hearing conducted on December 3, 1998; 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, 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, as defined in the Palm Beach County Unified Land Development Code, is generally 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; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

ORIGINAL

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 PDD98-40, the petition of Home Development Corp of South Florida by H. P. Tompkins, Jr., agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Residential Medium Density (RM) and Agricultural Residential (AR) to a Planned Unit Development (PUD) 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 December 3, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

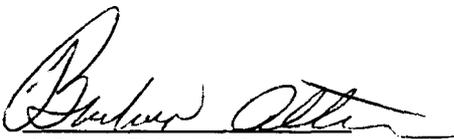
Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

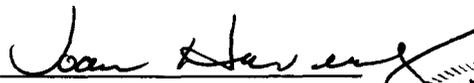
The Chair thereupon declared that the resolution was duly passed and adopted on December 3, 1998.

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

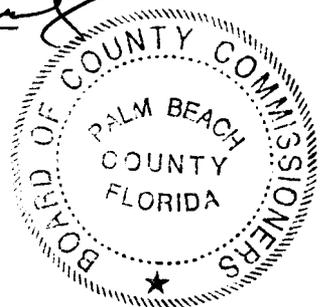


EXHIBIT A

LEGAL DESCRIPTION

THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND CONTAINING 21.018 ACRES OF LAND MORE OR LESS.

TOGETHER WITH:

ALL OF LOTS 15 THROUGH 19, AND A PART OF LOT 20, BREEZY ACRES SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 79 OF THE OFFICIAL PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING, SITUATE AND BEING IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND THIS TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 14: THENCE NORTH 00'17'23" WEST, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1369.22 FEET TO A POINT AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE NORTH 88'39'19" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 661.46 FEET TO A POINT; THENCE SOUTH 00'36'55" EAST, A DISTANCE OF 294.65 FEET TO A POINT ON THE WEST LINE OF LOT 20 OF SAID BREEZY ACRES SUBDIVISION AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LANDS THENCE NORTH 89'24'27" EAST, ALONG A LINE 52.58 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 310.95 FEET TO A POINT ON THE EAST LINE OF SAID LOT 20 AND THE WEST RIGHT-OF-WAY LINE OF MARKLAND LANE; THENCE SOUTH 00'32'28" EAST, ALONG THE EAST LINE OF LOTS 15 THROUGH 20 AND THE WEST RIGHT-OF-WAY LINE OF MARKLAND LANE, A DISTANCE OF 687.42 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 89'24'27" WEST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 310.06 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 00'36'55" WEST, ALONG THE WEST LINE OF SAID LOTS 15 THROUGH 20, A DISTANCE OF 687.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.900 ACRES OF LAND MORE OR LESS.

LESS AND EXCEPT:

A PART OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS DESCRIBED IN DEED RECORD BOOK 67, PAGE 573, AND OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THIS TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 00'17'23" WEST, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1361.06 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE AS DESCRIBED IN OFFICIAL RECORD BOOK 1014, PAGES 102 THROUGH 109 OF THE OFFICIAL PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89'13'48" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ATLANTIC AVENUE, A DISTANCE OF 64.68 FEET TO A POINT ON THE EAST LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-3 AS DESCRIBED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00'17'23" EAST, ALONG THE EAST LINE OF SAID LAKE WORTH DRAINAGE DISTRICT CANAL E-3, 64.68 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1361.04 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE SOUTH 89'13'01" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 64.68 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.021 ACRES OF LAND MORE OR LESS.

LESS AND EXCEPT:

A PART OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS DESCRIBED IN DEED RECORD BOOK 1014, PAGES 102 THROUGH 109, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THIS TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 00'17'23" WEST, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1369.22 FEET TO A POINT AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 88'39'19" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 668.92 FEET TO A POINT AT THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE SOUTH 00'19'03" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 14.87 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE AS DESCRIBED IN OFFICIAL RECORD BOOK 1014, PAGES 102 THROUGH 109 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89'13'48" WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ATLANTIC AVENUE, A DISTANCE OF 668.84 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE NORTH 00'17'23" WEST, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 8.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.177 ACRE OF LAND MORE OR LESS.

EXHIBIT A
LEGAL DESCRIPTION

LESS AND EXCEPT:

A PART OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND A PART OF LOTS 20 AND 211 OF BREEZY ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK 20, PAGE 79 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THIS TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 00°17'23" WEST, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 1369.22 FEET TO A POINT AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE NORTH 88°39'19" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 668.92 FEET TO A POINT AT THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE SOUTH 00°19'03" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 14.87 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE AS DESCRIBED IN OFFICIAL RECORD BOOK 1014, PAGES 102 THROUGH 109 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LANDS THENCE SOUTH 00°19'03" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 279.88 FEET TO A POINT 52.58 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF LOT 20 OF SAID BREEZY ACRES SUBDIVISION; THENCE SOUTH 89°24'27" WEST, ALONG A LINE 52.58 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 20, A DISTANCE OF 5.93 FEET TO A POINT ON THE WEST LINE OF SAID BREEZY ACRES SUBDIVISIONS THENCE NORTH 00°36'55" WEST, ALONG THE WEST LINE OF SAID BREEZY ACRES SUBDIVISION, A DISTANCE OF 279.85 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ATLANTIC AVENUE; THENCE NORTH 89°13'48" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ATLANTIC AVENUE, A DISTANCE OF 7.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.043 ACRE OF LAND MORE OR LESS.

LESS AND EXCEPT:

A PART OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND A PART OF LOTS 12 THROUGH 14, OF BREEZY ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK 201 PAGE 79 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THIS TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 89°13'01" EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 669.18 FEET TO A POINT ON THE WEST LINE OF SAID BREEZY ACRES SUBDIVISION AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 00°36'55" WEST, ALONG THE WEST LINE OF SAID BREEZY ACRES SUBDIVISION, A DISTANCE OF 393.59 FEET TO A POINT AT THE SOUTHWEST CORNER OF LOT 15 OF SAID BREEZY ACRES SUBDIVISIONS THENCE NORTH 89°24'27" EAST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 2.36 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE SOUTH 00°19'03" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 393.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14; THENCE SOUTH 89°13'01" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14, A DISTANCE OF 0.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.012 ACRE OF LAND MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

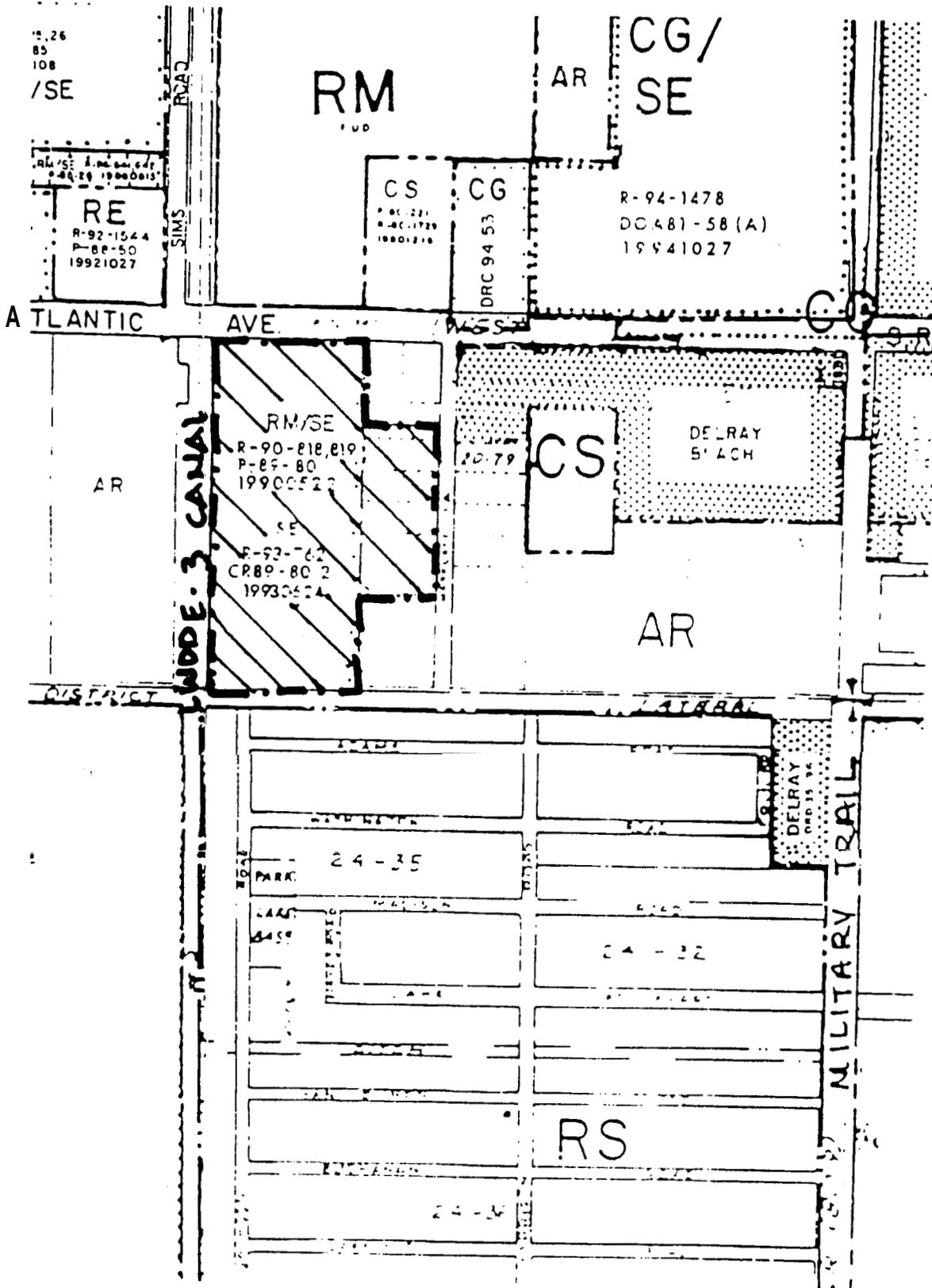


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated August 31, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet and two (2) stories. (BLDG PERMIT: BLDG - Zoning)
2. Access to the Civic Pod from West Atlantic Avenue shall be deleted from the preliminary development plan and site or subdivision plan should the use of the pod be converted to residential. (ONGOING/PLAT: ZONING)
3. The proposed residential buildings shall be designed and constructed to be consistent with the facade elevations by Turner & Smith Architects and Planners dated October 22, 1998. (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A 25% upland set-aside preserve shall be depicted on the Site plan and approved by Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, shall be booted Sabal Palms and meet the following minimum standards at installation:
 - a. Palm heights: Twelve (12) feet clear trunk;
 - b. Clusters: Staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. A group of three or more palm or pine trees may supersede a maximum of 25% of the canopy trees in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on West Atlantic Avenue at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng)
2. The Property owner shall construct a right turn lane west approach on West Atlantic Avenue at the projects entrance road.
 - a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b) Permits required from FDOT for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring - Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
3. **LANDSCAPE WITHIN MEDIAN OF STATE ROADS**
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue Road Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO ATLANTIC AVENUE)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide;
 - b. One (1) native canopy tree planted every twenty (20) feet on center;
 - c. One (1) native palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters;
 - d. A minimum two (2) to three (3) foot high undulating berm, with an average height of two and one half (2½) feet, measured from the top of the curb; and,
 - e. Thirty (30) inch high shrub or hedge material located on the plateau of the berm spaced twenty-four (24) inches on center at installation to be maintained a minimum of sixty (60) inches in height. (SO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO LWDD I.-34 CANAL)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide clear buffer with no easement encroachment or reduction permitted;
 - b. One (1) native canopy tree planted every twenty (20) feet on center;
 - c. One (1) native palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters and,
 - d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation to be maintained a minimum of seventy-two (72) inches in height. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG EAST PROPERTY LINES (ADJACENT TO MARKLAND LANE AND RESIDENTIAL WITHIN BREEZY ACRES)

1. Landscaping and buffering along the east property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters;
 - d. A minimum one (1) to two (2) foot high undulating berm, with an average height of one and one-half (1.5) feet, measured from the top of the curb; and,
 - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. (CO: LANDSCAPE - Zoning)

I. LWDD

1. Prior to plat recordation, the owner shall convey to the District either by Quit Claim or Easement the West 70 feet of the W ½ of the SW ¼ of Sec 14/46/42, less the lands owned by the District, and the South 20 feet of the W ½ of the SW ¼ of the SE ¼ of Section 14/46/42 for the required right-of-way for the E-3 and the L-34 Canals respectively. (PLAT: ENG - LWDD)

J. MASS TRANSIT

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

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of a building permit for the 57th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

2. The 2.06 acre retention easement, described in the Stipulated Order of Taking and Final Judgement (ORB 7887, Page 200) shall not be used for density calculation or other uses which are contrary to the Order. (DRC/ONGOING: PLANNING/ZONING - Co Att)
3. The PUD will be limited to a maximum of 224 units. (DRC/ONGOING: PLANNING/ZONING - Co Att)

L. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)
2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models. (ONGOING: SCHOOL BOARD)

M. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC; in response to any flagrant violation and/or continued violation of any condition of approval.

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