

RESOLUTION NO. R-2001- 1213

RESOLUTION APPROVING ZONING PETITION DOA 1997-104(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FOXHILL VENTURE L. P.
BY KILDAY & ASSOCIATES, AGENT
(RAINBOW PUD)

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

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

WHEREAS, Zoning Petition DOA 1997-104(A) was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2001; and

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

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

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

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

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

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOAI997-104(A), the petition of Foxhill Venture L. P., by Kilday & Associates, agent, for a Development Order Amendment (DOA) to reconfigure master plan, redesignate units, add units and add an access point 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 July 26, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

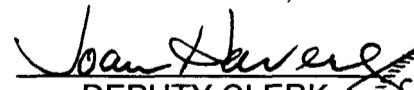
The Chair thereupon declared that the resolution was duly passed and adopted on July 26, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

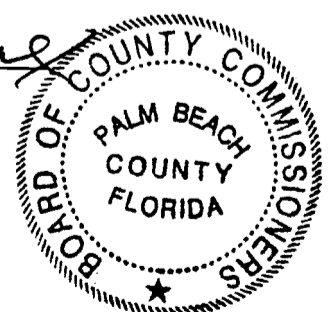


EXHIBIT A
LEGAL DESCRIPTION

ALL of the plat of FOX HILL ESTATES OF BOCA RATON, according to the plat thereof as recorded in Plat Book 87, Page 4 of the Public Records Of Palm Beach County, Florida.

TOGETHER WITH a portion of Tracts 71 through 75, Tracts 85 through 90, Tracts 103, 104, 106 through 108, Tract 121 and Tract 122, all of Block 70, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records Of Palm Beach County, Florida.

TOGETHER WITH portions of the platted 30 foot right-of-way, Block 70, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records Of Palm Beach County, Florida.

LESS AND EXCEPTING the right-of-way of the Lake Worth Drainage District L-39 Canal per Chancery Case Number 407 as recorded in Official Records Book 6495, Page 761 of the Public Records Of Palm Beach County, Florida.

Said lands being more particularly described as follows:

BEGINNING at the northwest corner of said plat FOX HILL ESTATES OF BOCA RATON; thence along the south right-of-way line of the said Lake Worth District L-39 Canal and the north line of said plat for the following three courses: North 89°34'01" East, 529.44 feet; North 00°25'59" West, 5.47 feet; North 89°34'01" East, 1845.86 feet to the northeast corner of said plat; thence continue along the said south right-of-way line for the following five courses: North 89°34'01" East, 136.23 feet; North 00°25'59" West, 1.32 feet; North 89°34'01" East, 330.00 feet; South 00°25'59" East, 1.32 feet; North 89°34'01" East, 690.00 feet; thence South 00°23'16" East, 2631.11 feet to the north right-of-way line of the Lake Worth District L-40 Canal as described in Official Records Book 1585, Page 505 of the Public Records Of Palm Beach County, Florida; thence South 89°33'11" West along said north right-of-way line, 660.00 feet to the southwest corner of said Tract 121; thence North 00°24'30" West along the east line of said platted 30 foot right-of-way and the west line of said Tract, 660.00 feet; thence South 89°33'11" West, 15.00 feet; thence North 00°24'30" West, 675.00 feet; thence South 89°33'11" West, 345.00 feet; thence South 00°24'30" East along the east line of said Tract 106 and its northerly projection, 675.36 feet to the southeast corner of said Tract; thence South 89°34'01" West along the south line of said Tracts 106 through 108 and the south line of said plat FOX HILL ESTATES OF BOCA RATON, 2474.53 feet to the southwest corner of said plat; thence North 01°27'31" West along the west line of said plat and the east right-of-way line of the Lake Worth District E-I Canal, 1966.56 feet to the POINT OF BEGINNING.

Said lands lying and being in Section 31, Township 46 South, Range 42 East, Palm Beach County, Florida containing 7,126,880 square feet (163.611 acres) more or less.

EXHIBIT B
VICINITY SKETCH

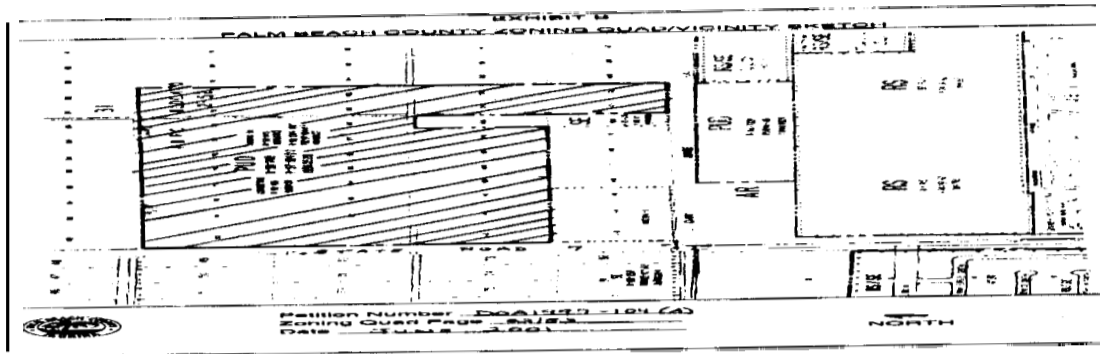


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-740, R-98-1115, R-98-1306, R-98-1307 and R-99-103 (Petition PDD97-104(1)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. All conditions of approval contained in Resolution R-79-1759, Petition 79-255, R-92-1576, Petition 90-5, and R-90-1318, Petition 90-5, are hereby repealed. The approvals granted by Resolution R-79-1759, Petition 79-255, R-92-1576, Petition 90-5, and R-90-1318, Petition 90-5, however, shall remain in full force and effect. (MONITORING) (Previously Condition A. 1 of Resolution R-98-740, Petition PDD97-104(1))
3. Condition A.2 of Resolution R-98-1306, Petition PDD97-104(1) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 13, 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 30, 2001. 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. 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: 35 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; and,

- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition B.1 of Resolution R-98-740, Petition PDD97-104(1))
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve **(12)** feet clear trunk;
 - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition B.2 of Resolution R-98-740, Petition PDD97-104(1))
 3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, except where specified herein. (CO: LANDSCAPE - Zoning) (Previously Condition B.3 of Resolution R-98-740, Petition PDD97-104(1))
 4. Buffers between incompatible land uses, pods, and adjacent to internal rights-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (DRC: ZONING) (Previously Condition B.4 of Resolution R-98-740, Petition PDD97-104(1))

C. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES

1. Condition C.I of Resolution R-98-740, Petition PDD97-104(1) which currently states:

Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip;
- b. One **(1)** canopy tree planted every thirty **(30)** 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 on center between clusters;
- d. A two **(2)** to four **(4)** foot undulating berm, with an average height of three **(3)** feet, measured from the top of the curb; and,
- e. Twenty four **(24)** 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 thirty-six (36) inches. (CO: LANDSCAPE)

Is hereby amended to read:

LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip;
 - b. a six (6) foot high continuous berm measured from top of curb; and,

- c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units of the PUD. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) canopy tree planted every thirty (30) feet on center;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - c. twenty-four (24) 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 thirty-six (36) inches. (CO: LANDSCAPE)
 3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING ALONG NORTH, SOUTH AND EAST PROPERTY LINES (ABUTTING PACKING PLANT AND FARMLAND)

1. Landscaping and buffering along the north, south and east property lines shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip;
 - b. a six (6) foot high continuous berm measured from the top of the curb; and,
 - c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units of the PUD. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) native canopy tree for each thirty (30) linear feet of frontage, and to be planted in a staggered manner;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of frontage;
 - c. one (1) flowering tree for each fifty (50) linear feet of frontage;
 - d. twenty four (24) inch high small shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches; and,
 - e. thirty (30) inch high large shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of forty-eight (48);
 - f. all plant materials shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

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

- a) Building Permits for more than 49 dwelling units shall not be issued until the contract has been let for the construction for State Road 7 as a 6 lane section from Yamato Road to Atlantic Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING- Eng) (Previously Condition E.1 of Resolution R-98-740, Petition PDD97-104(1)) COMPLETED
- 2. Prior to DRC approval of the Master Plan the property owner shall revise the Preliminary Development Plan to provide for adequate legal access to Tract **105**. (DRC APPROVAL: ENG) (Previously Condition E.2 of Resolution R-98-740, Petition PDD97-104(1)) ONGOING
- 3. Condition E.3.A of Resolution R-98-740, Petition PDD97-104(1) which currently states:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of the 55th 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 Lake Worth 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)

is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

Prior to issuance of the 55th 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 SR 7 Road Right-of-Ways. 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 latest revision to the 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)

Condition E.3.B of Resolution R-98-740, Petition PDD97-104(1) which currently states:

- 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 the 55th certificate of occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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' 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 the 55th certificate of occupancy. (CO: MONITORING-Eng)

Condition E.3.C of Resolution R-98-740, Petition PDD97-104(1) which currently states:

- C.** If the construction of SR 7 has not been completed at the time of the issuance of the 55th certificate of occupancy, then the property owner shall post surety in the amount of 110% of an approved certified cost estimate with the Office of the County Engineer for the required median plantings. All landscape material shall then be installed within 90 days from receipt of

notice by the County Engineer that the SR 7 construction has been completed. (ENG)

Is hereby amended to read:

If the construction of SR 7 has not been completed at the time of the issuance of the 55th certificate of occupancy, then the property owner shall post surety in the amount of 110% of an approved certified cost estimate with the Office of the County Engineer for the required median plantings. All landscape material shall then be installed within 90 days from receipt of notice by the County Engineer that the SR 7 construction has been completed. (CO:ENG)

Condition E.3.D of Resolution R-98-740, Petition PDD97-104(1) which currently states:

- D. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of the 55th building permit. (BLDG PERMIT: MONITORING- Eng)

Is hereby amended to read:

If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the 55th Building Permit. (BLDG PERMIT: MONITORING-Eng)

- 4. Previously Condition E.4 of Resolution R-98-740, Petition PDD97-104(1) which currently states:

The property owner shall construct a minimum five (5) foot pedestrian pathway from the project to Spanish Isles Elementary School. The location of this pathway shall be approved by the County Engineer. The pathway shall be constructed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The property owner shall fund the construction of the pedestrian pathway which is included in the road widening of SR 7 by the Florida Department of Transportation. Limits of the sidewalk funding by this property owner shall be from Spanish Isles Boulevard to the project's entrance onto SR 7. Amount of funding for this sidewalk shall be approved by the Florida Department of Transportation and the County Engineer. Funding shall be completed prior to the issuance of the first 12th Certificate of Occupancy. (CO: MONITORING-Eng)

Condition E.4.A of Resolution R-98-1115, Petition PDD97-104(1) which currently states:

- A. Prior to issuance of the 55th 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 State Road 7 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)

Is hereby deleted. Reason:[Replaced by Condition E.4].

5. The Property owner shall fund the construction of a right turn lane extension south approach on SR7 at the Project entrance road.
 - A) Funding for the construction shall be completed prior to the issuance of the 12th Certificate of Occupancy. (CO: MONITORING-Eng)
6. Prior to February 1, 2002, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Clint Moore Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes shall be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage 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 as required by and approved by the County Engineer. Elevation and location of the entire drainage system 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. (DATE: MONITORING-Eng)
7. Prior to DRC approval of the Preliminary Development Plan the property owner shall modify this plan to reflect a continuous Road Right of Way through POD C. (DRC APPROVAL:ENG)

8. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for no more than 111 single family dwelling units and 0 multi family dwelling units (including all previously approved dwelling units) shall be issued until construction has begun for Clint Moore Road as a 6 lane section from Lyons Road to Jog Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - b) The mix of allowable residential uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING: Eng)
9. Prior to January 27, 2002 the property owner shall provide acceptable surety for the partial funding to be used for the widening of Clint Moore Road from Lyons Road to Jog Road. Surety shall be in the amount of \$1,188,000 and shall be provided to the County Engineer. Palm Beach County may draw on this Surety at any time. (DATE: ENG)
10. LANDSCAPE AND MEDIAN CUTOUTS WITHIN THE MEDIAN OF CLINT MOORE ROAD ADJACENT TO THE SITE
 - A. Prior to October 15, 2003, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to:
 - landscape the adjacent median (and)
 - construct median cutouts

All construction shall be within the Clint Moore Road Right-of-way. This permit shall comply with all the permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (DATE: MONITORING- Eng)

- B. All required median landscaping, including an irrigation system for the required median Cut Outs, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall all be funded at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or

maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 and median cut outs shall be installed prior July 1, 2004. (DATE:MONITORING- Eng)

C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to January 15,2004. (DATE: MONITORING-Eng)

11. A. The existing pavement within the thirty (30) foot platted Palm Beach Farms right-of-way between Tracts 120 and 121 shall be maintained (i.e. potholes repaired and filled, additional patching as necessary) by the developer for the duration of its use as a construction access drive, sales trailer parking, and tree farm access. Between the project and Tract 105, the Developer shall repair and fill all potholes with suitable shellrock. (ONGOING UNTIL APRIL 26, 2002)

B. No later than April 26, 2002, use of the road for any purpose by the developer shall cease and the developer shall make one final repair of potholes in the driveway, including a leveling course as necessary, with one lift of an asphalt overlay (minimum 3/4 inch) over the entire length of Tract 120 including the approximate southerly 20 feet of Tract 105 where the asphalt currently terminates. (DATE:MONITORING - Eng)

C. No later than May 26, 2002 the Developer's Engineer shall then provide a certification letter to Land Development that this repair work on this drive has been completed in accordance with plans which will be submitted to the Land Development Section for review. (DATE:MONITORING - Eng)

F. LWDD

1 Prior to the issuance of the first building permit or construction permit, the property owner shall convey to the District, either by easement or Quit Claim deed, the West 45 feet of Tracts 80, 81 & 112 for right-of-way for the E-I Canal and the North 65 feet of Tracts 71 thru 80 inclusive, Block 70, less the lands currently owned by the District, for right-of-way for the L-39 Canal. (MONITORING: LWDD) (Previously Condition D.1 of Resolution, R-99-103, Petition PDD97-104(1))

G. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject

property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previously Condition F.I.A of Resolution R-98-740, Petition PDD97-104(1))

- B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for the 37th 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) (Previously Condition F.I.B of Resolution R-98-740, Petition PDD97-104(1))

H. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the PUD 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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (BLDG PERMIT/PLAT: MONITORING/ENG - CoAtty) (Previously Condition G.I of Resolution R-98-740, Petition PDD97-104(1))

2. Condition G.2 of Resolution R-98-740, Petition PDD97-104(1) which currently states:

The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses, packing plant (southwest) in the vicinity of the development and the existence of the animal clinic located on Tract 120. The **developer/property** owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 1999 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (ONGOING: MONITORING)

Is hereby amended to read:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses, packing plant (southwest) in the vicinity of the development and the existence of the animal clinic located on Tract 120. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 1999 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association.

- a. The following language shall be included in the above documents for the animal clinic:

Portions of the [Property] are immediately adjacent to the Clint Moore Animal Hospital, which is a veterinary clinic and commercial dog kennel, and which has outdoor exercise areas. The activities of this facility, among other things, generate noise. Each [Lot Owner] acknowledges and agrees that the uses of the Clint Moore Animal Hospital predates the development of the [Project] and that in acquiring the respective Lot, the [Lot Owner] had an opportunity to inspect the conditions presented by the uses of the Clint Moore Animal Hospital and knowingly and voluntarily acknowledges and accepts such conditions. (DATE: MONITORING)

3. Condition **G.3** of Resolution R-98-740, Petition PDD97-104(1) which currently states:

Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the existence of agricultural, packing plant and animal clinic uses acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the two (2) uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit sold in the developable areas.

Is hereby amended to read:

Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the existence of agricultural, packing plant and animal clinic uses acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the two **(2)** uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit sold in the developable areas.

- a. The following language shall be included in the above documents for the animal clinic:

Purchaser acknowledges, recognizes and agrees that portions of the [Development] are immediately adjacent to the Clint Moore Animal Hospital, which is a veterinary clinic and commercial dog kennel, and which has outdoor exercise areas. The activities of this facility, among other things, generate noise. Purchaser acknowledges and agrees that the uses of the Clint Moore Animal Hospital predated the

[Development]and that, in acquiring the [Lot], the Purchaser has had an opportunity to inspect the conditions presented by the uses of the Clint Moore Animal Hospital and voluntarily acknowledges and accepts such conditions. (ONGOING/DRC: CODE ENF/ZONING - Co Atty)

I. PLANNED UNIT DEVELOPMENT (PODS B2, B3, C AND D ONLY)

1. Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG- Eng)
2. Street trees shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A. 16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE-Eng)
3. Street bike lanes shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A. 16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG-Eng)
4. Street pavers or decorative pavement shall be provided for the driveways of all units. (Applicable to Single Family units, Pods B2, B3 and D) (DRC: ZONING)
5. Focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabout, open space adjacent to roundabout or cul-de-sac as shown on the Conceptual Site Plan dated May 30, 2001. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
6. A second recreation area located in Pod C as shown on the Conceptual Site Plan dated May 30, 2001. (DRC: ZONING)
7. Rear setback reductions shall not be permitted in single family lots unless as allowed by the ULDC . (DRC: ZONING)
8. All utilities shall be underground, pursuant to Section 6.8.A. 16.c(5) of the ULDC. (PLAT: ENG - Zoning)
9. Drainage easements shall not be permitted along the width of the rear yards of the back-to-back units. (DRC: ZONING)
10. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations	Administrative Deviation or Flexible Regulations	Pods
Front Setback	22.5 feet	Units with side loaded garage only All Pods
Side Setback	6 feet	All Pods
Lot Coverage - Single Family	44%	All Pods

11. The types of dwelling unit for each pod shall be limited to what are shown on the Conceptual site plan dated May 30, 2001. No modifications shall be

permitted without BCC approval. The number of dwelling units may deviate a maximum of five (5) percent for each pod. (DRC: ZONING)

J. PLANNING

1. The conservation easements on the preservation areas shall be recorded prior to or concurrent with the first plat for the Rainbow PUD. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to June 1, 1999, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: MONITORING/PLANNING) (Previously Condition H.1 of Resolution R-98-740, Petition PDD97-104(1))

2. Condition H.2 of Resolution R-98-740, Petition PDD97-104(1) which currently states:

Prior to initial Master Plan Certification by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revise to reflect the most current acreage totals per surveys submitted on the following dates: Rainbow PUD-97-104(1), (February 10, 1998), Young-97-104(2), (March 18, 1998), and Sunshine Meadows-97-104(3), (March 17, 1998), and Land Use Justification correspondence from Land Design South dated March 18, 1998. (DRC:/ZONING-PLANNING)

Is hereby amended to read:

Prior to initial Master Plan Certification by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revise to reflect the most current acreage totals per surveys submitted on the following dates: Rainbow PUD-97-104(A)(1), (May 30, 2001), Young-97-104(2), (March 18, 1998), and Sunshine Meadows-97-104(3), (March 17, 1998), and Land Use Justification correspondence from Kilday & Associates dated May 8, 2001 and Land Design South dated March 18, 1998. (DRC:/ZONING-PLANNING)

3. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall include a 50 foot wide landscape buffer along the south and east property lines. The south property line shall include the PUD property lines along the north, east and west property lines of Tract 105 and the east property line of Tract 120. To maintain consistency with the Comprehensive Plan, Section B.7.b.2.b.2.b. (Land Use Element, page 61.0), this buffer shall not be granted any credits or reductions in width and shall include the minimum following design standards:

- a) A continuous six (6) foot high berm measured from finished grade, except along the north and the northern portions (approximately 590') of the east and west property lines of Tract 105;
- b) A double row of canopy trees planted twenty (20) feet on center within twenty (20) feet of the exterior side of the wall. All of the required trees shall be planted on the exterior side of the wall; and

- c) Twenty four **(24)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be installed on the on the exterior side of the wall and maintained at a minimum height of thirty-six (36) inches; and,
- d) A six **(6)** foot high wall located at the plateau of the berm where the berm is required. The location of the wall shall be consistent with the Wall Exhibit dated April **21, 1998**.
- e) Along the north and the northern portions (approximately **590'**) of the east and west property lines of Tract **105**, the following shall be required:
 - 1) A six **(6)** foot high wall, measured from finished grade;
 - 2) The petitioner shall substitute the required canopy trees as enumerated in Condition H.3.b above with native palms;
 - 3) Shrub and hedge material as required in Condition **H.3.c** above; and,
 - 4) All planting materials shall be placed exterior to the wall. (DRC: PLANNING) (Previously Condition H.3 of Resolution R-98-740, Petition PDD97-104(1))

Is hereby deleted. Reason:[replaced by modified Conditions C.1 and D.1].

- 4. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as a buildable area, and coordinate with the **PZ&B** Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING) (Previously Condition H.4 of Resolution R-98-740, Petition PDD97-104(1))
- 5. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall amend the location map on the master plan so as to include the locations of the preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Development Code (ULDC). (DRC: PLANNING) (Previously Condition **H.5** of Resolution R-98-740, Petition PDD97-104(1))
- 6. Condition H.6 of Resolution R-98-740, Petition PDD97-104(1) which currently states:

The PUD shall be limited to a maximum of **149** single family units. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Master Plan indicating that the balance of unused units **(256)** shall not be utilized outside the boundary of the Rainbow PUD Site as identified in petition No. **PDD 97-104(1)**. (DRC: PLANNING)

Is hereby amended to read:

The PUD shall be limited to a maximum of 405 dwelling units. (DRC: PLANNING)

7. In the event that the use of the property is abutting future approved residential uses prior to the development of Pod C, the buffer width of Condition H.3 may be reduced pursuant to the ULDC, as amended. Any reduction in the planting materials, wall or berm as required in Condition H.3 shall be subject to the approval of the Board of County Commissioners. The intent of this is to ensure adequate width for the required landscaping, wall or berm of Condition H.3. A variance from the Board of Adjustment may be required in addition to BCC approval for any deviations from minimum ULDC requirements. (ONGOING: PLANNING) (Previously Condition H.7 of Resolution R-98-740, Petition PDD97-104(1))
8. Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall remove the "Preservation Area/Proposed Uses" notes depicted on the 60/40 PUD Location Map on page 2 of the Preliminary Development Plan and replace it with the following:

The preservation areas approved as part of Petition 97-104(1,2,3) shall be restricted to the following:

PERMITTED USES

- a) crop production, pasture, or equestrian purposes or may be retained as fallow land;
- b) accessory structures such as barns and pump structures;
- c) wetland or bona fide agricultural uses per the ULDC;
- d) Other uses as permitted by the required conservation easements;
- e) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code;
- f) Existing use (equestrian training facility) on the Sunshine Meadows Preservation property shall reflect uses shown on the site plan dated February 26, 1998.

NOT PERMITTED

- g) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon. (DRC: PLANNING) (Previously Condition H.8 of Resolution R-98-740, Petition PDD97-104(1))
- h) The existing uses already approved under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows Petition shall remain outside of the 168 acre preservation area. Any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878) or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the

Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement.

9. Condition H.9 of Resolution R-98-1307, Petition PDD97-104(I) which currently states:

The water bodies shall be provided as required by the Comprehensive Plan and the Unified Land Development Code. In the event the applicant changes the site plan dated August 13, **1998** to reflect changes to water bodies, such plan shall be reviewed and approved by the Development Review Committee and the Board of County Commissioners. (ONGOING/DRC: PLANNING/ZONING)

Is hereby amended to read:

All modifications of the water bodies shall be subject to the approval of the Board of County Commissioners. (ONGOING/DRC: PLANNING)

K. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by April **1, 1999** for a **3.33** acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (**FD&O**), and the Parks Department. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. 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 or the Contract purchase price on a per acre basis. The appraisal to be obtained 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 P.U.D., as it would apply to the civic site.
 - b. 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 Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1)** The discharge of surface water from the proposed civic site into the Developer's water retention basins.

- 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING- PREM) (Previously Condition 1.1 of Resolution R-98-740, Petition PDD97-104(1))
2. The property owner shall provide the County with a certified survey of the proposed civic site by April 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c. The survey should include a location of any proposed water retention area that will border the civic site.
- Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM) (Previously Condition 12 of Resolution R-98-740, Petition PDD97-104(1))
3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by April 1, 1999. 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. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)**
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) 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. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM) (Previously Condition **13** of Resolution R-98-740, Petition PDD97-104(1))
4. Prior to April 1, **1999**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers **1, 2 & 3** above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of **ULDC 6.8B.6a (2)**. (DATE: MONITORING - PREM) (Previously Condition 14 of Resolution R-98-740, Petition PDD97-104(1))

L. SCHOOL BOARD

1. Condition J.I of Resolution R-98-740, Petition PDD97-104(1) which currently states:

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)

Is hereby deleted. Reason: [superceded by Condition L.3]

2. Condition J.2 of Resolution R-98-740, Petition PDD97-104(1)) which currently states:

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)

Is hereby deleted. Reason: [superceded by Condition L.3]

3. The property owner shall post the following notice of annual boundary school assignments for students from this development on an 11" X 17" sign in a clear and visible location in all sales offices and models:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

4. Prior to the issuance of the first Certificate of Occupancy (CO) for Pods B2, B3, C and D, a school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Bldg.)

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) (Previously Condition K. 1 of Resolution R-98-740, Petition PDD97-104(1))

2. Condition K.2 of Resolution R-98-740, Petition PDD97-104(1) which currently states:

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)

Is hereby amended to read:

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

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master 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)