

RESOLUTION NO. R-2003-0756

RESOLUTION APPROVING ZONING PETITION DOA1983-0581
DEVELOPMENT ORDER AMENDMENT
PETITION OF BOYNTON WATERS VILLA CORP.
BY ROBERT BASEHART, AGENT
(LAKES OF BOYNTON/ENCLAVE AT BOYNTON WATERS POD B)

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 DOA1983-0581 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2003; 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 has considered the findings in the staff report and 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 CCUNTY, FLORIDA, that Zoning Petition DOAI983-0581, the petition of Boynton Waters Villa Corp., by Robert Basehart, agent, for a Development Order Amendment to redesignate land uses from recreational to residential and reconfigure POD B on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 22, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Nay
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 2003.

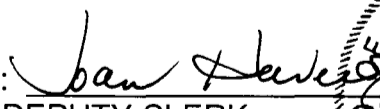
Filed with the Clerk of the Board of County Commissioners on 3 day of June, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

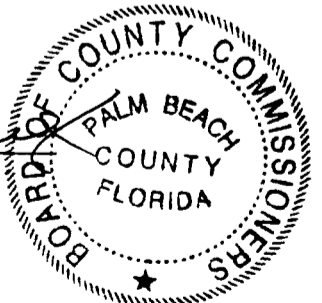


EXHIBIT A

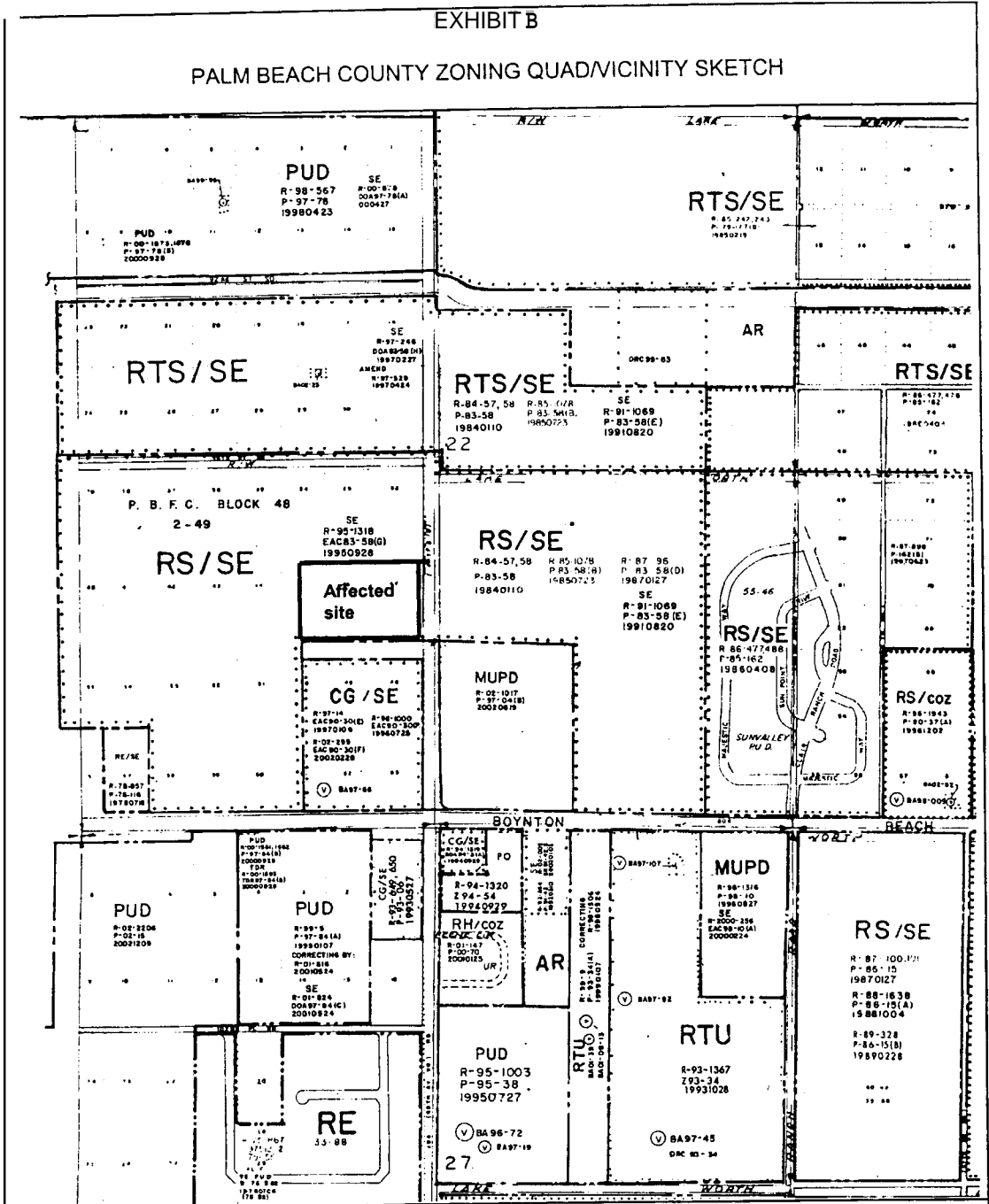
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING WITHIN BLOCK 48, OF "THE PALM BEACH FARMS COMPANY'S PLAT NO.3", AS RECORDED IN PLAT BOOK NO. 2 AT PAGES 45 THRU 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEASTERLY CORNER OF "STRATHMORE ESTATES PLAT 1", AS RECORDED IN PLAT BOOK NO. 49, PAGES 26 AND 27, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 45°57'00" WEST, A DISTANCE OF 35.36 FEET; THENCE NORTH 00°57' 00" WEST, A DISTANCE 925.00 FEET, TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 450.42 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 89°03'00" WEST, THE LAST TWO COURSES BEING COINCIDENT WITH THE EAST LINE OF THE AFOREMENTIONED PLAT OF "STRATHMORE ESTATES PLAT 1"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 23°10'40", A DISTANCE OF 182.21 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 21°49'20", A DISTANCE OF 171.55 FEET TO THE END OF SAID CURVE; THENCE NORTH 45°57'00" WEST A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 814.65 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 44°03'00" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 22°30'00", A DISTANCE OF 319.91 FEET; THENCE NORTH 23°27'00" WEST, A DISTANCE OF 149.06 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 528.41 FEET; THENCE NORTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 143°01'27", A DISTANCE OF 1319.05 FEET; THENCE SOUTH 60°25'33" EAST, A DISTANCE OF 248.59 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 786.41 FEET, FROM WHICH A RADIAL LINE BEARS SOUTH 29°34'27" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF 30°00'00", A DISTANCE OF 411.76 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 78°53'20" EAST, A DISTANCE OF 100.00 FEET, THENCE NORTH 89°34'27" EAST, A DISTANCE OF 76.65 FEET; THENCE SOUTH 45°18'00" EAST, A DISTANCE OF 35.43 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF JOG ROAD, AS RECORDED IN THE OFFICIAL RECORDS BOOK 4224, PAGE 780, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°10'27" EAST, ALONG THE WEST RIGHT OF WAY LINE OF JOG ROAD, A DISTANCE OF 1139.90 FEET; THENCE SOUTH 89°34'27" WEST, A DISTANCE OF 1005.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,894,961 SQUARE FEET OR 43.502 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH



Petition Number DOA1983-0581

Zoning Quad Page 35

Date May 14, 2003



NORTH

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. Petitions 83-58(F) & (G) were withdrawn.

A. ALL PETITIONS

1. Condition A. 1 of Resolution R-97-529, Petition DOA83-58(H), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-1069 (Petition 83-58(E)), R-87-96 (Petition 83-58(D)), R-85-1078 (Petition 83-58(B)) and R-84-58 (Petition 83-58), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-529, Petition DOA83-58(H), 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. Condition A.4 of Resolution R-97-529, Petition DOA83-58 (H), 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 October 25, 1996. 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 master plan is dated May 14, 2003. 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-Zoning)

3. Condition A.5 of Resolution R-97-529, Petition DOA83-58(H), which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

Is hereby deleted. [REASON: Not applicable]

B. BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-97-529, Petition DOA83-58(H), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

Is hereby deleted. [REASON: Code requirement]

2. Condition 2.3 of Resolution R-97-529, Petition DOA83-58(H), which currently states:

The Master Plan shall be amended prior to certification to reflect the following:

- a) Pod "D" shall be divided into two tracts corresponding to Land Use Plan category boundaries.
- b) Guard houses shall be set back a minimum of 150 FEET from accessed thoroughfares. The western-most guardhouse on Boynton Beach Blvd. shall be located north of the "outparcel" access point.
- c) "green open area tracts" shall be re-labeled as "Open Space and Recreation" tracts.

Is hereby deleted. [REASON: Completed]

C. CIVIC SITE

1. Petitioner shall at its cost and expense provide County with a title commitment insuring marketable fee simple title to Palm Beach County for the library site. (Previous Condition C.1 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

2. Petitioner shall convey the library site by Statutory Warranty Deed in a form acceptable to FPD&C and the County Attorney. (Previous Condition C.2 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

3. Petitioner shall pay all ad valorem real estate taxes and assessments pro-rated to the date of the acceptance by County of the special warranty deed to the library site. Said payment shall be made on acceptance of the deed by County. (Previous Condition C.3 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

4. The conveyance of the library site to County shall be conditioned upon the county providing a non-exclusive ingress and egress easement over the North 40 feet of the property in favor of the Florida-Georgia District Lutheran Church. (Previous Condition C.4 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

5. Petitioner shall provide all retention, detention and drainage required for both the County and library site. Petitioner shall specifically address the following issues:
 - a. the discharge of surface water from the library site into the Petitioner's water retention basins.
 - b. an easement for an equalizer conduit connecting water retention basins lying easterly of Jog Road to water retention basins lying westerly of Jog Road and with the easement area described as the southerly 75 feet of the easterly 20 feet of the library parcel.
 - c. an easement across Petitioner's property from the library site to the retention basins. (Previous Condition C.5 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

6. Prior to site plan certification of the library and/or house of worship, the site plans shall be amended to indicate the following:
 - a. cross walks and appropriate striping across the forty (40) foot right-of-way to ensure safe access between the uses within the civic tract. (Previous Condition C.6 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

7. Applicant shall obtain a Certificate of Concurrency Reservation for the church site prior to site plan approval for the church. (Previous Condition C.7 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

8. Prior to site plan certification of petition 83-58H, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS) (Previous Condition C.8 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

9. Palm Beach County and the State of Florida shall have the right to co-locate communication equipment on the tower, subject to an acceptable lease agreement, provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM) (Previous Condition C.9 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

10. Prior to site plan certification by the DRC of petition 83-58H, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate

additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING) (Previous Condition C.10 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

11. Prior to site plan certification of petition 83-58H, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS) (Previous Condition C.11 of Resolution R-97-529, Petition DOA83-58(H))
12. The communication tower shall be limited to the tower elevation as shown in Exhibit D dated January 28, 1997 and a maximum overall height of one hundred twenty-five (125) feet measured from finished grade to highest point. (DRC: ZONING - Bldg) (Previous Condition C.12 of Resolution R-97-529, Petition DOA83-58(H))
13. Prior to site plan certification of petition 83-58H, the petitioner shall submit a tower removal agreement with language requiring the removal of all communication equipment from the bell tower within twelve (12) months of cessation of use. (DRC: ZONING) (Previous Condition C.13 of Resolution R-97-529, Petition DOA83-58(H))
14. No signs shall be permitted on the tower excluding religious symbols. (CO: BLDG - Zoning) (Previous Condition C.14 of Resolution R-97-529, Petition DOA83-58(H))

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition D.1 of Resolution R-97-529, Petition DOA83-58(H), which currently states:

All lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Dept. of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification.

Is hereby deleted. [REASON: Requested by the petitioner]

E. ENGINEERING

1. The Developer shall construct Boynton Beach Boulevard as a four lane median divided section from the existing four lane terminus west of Congress Avenue to the east property line of the development approved as Petition 81-152 plus the appropriate tapers per the County Engineer's Approved Construction Plans. This construction shall be commenced prior to the issuance of the 714th Building permit and construction shall commence within 60 days of issuance of D.O.T. permit and shall be substantially completed (open to traffic) within 15 months of commencement. Acceptable surety has been posted prior to June 1, 1985 with the County Engineer's office in the amount of 1.2 million dollars. No further building permits beyond the 714th shall be issued until Boynton Beach Boulevard has been substantially completed (open to traffic) between Congress Avenue and the east property line of Petition 81-152.

- a) Should the cost of this 4 lane construction be less than **\$1.2** million, the Developer shall pay to Palm Beach County the difference between that amount and the actual certified construction cost toward Palm Beach County road construction program. In the event that this certified construction cost exceeds **1.2** million, the impact fee monies collected by the County Through Fair Share Impact Fees, or through Special Exception approvals for other projects impacting this link of Boynton Beach Boulevard, shall be made available to this Developer in an amount not to exceed \$380,000.00.
- b) Palm Beach County may elect to participate in the construction of Boynton Beach Boulevard as a 6 lane median divided section from Congress Avenue to Military Trail. Should Palm Beach County participate in this construction then the County, at its option, may elect to fund the additional cost of 6 laning by paying the difference between 4 laning and 6 laning this section of road. (Previous Condition E.1 of Resolution R-97-529, Petition DOA83-58(H))

Note: Boynton Beach Boulevard road widening has been completed.

- 2. Acceptable surety shall also be posted for Condition Nos. 5,6,7,8 and 9 of Resolution R-84-58 prior to June 1, 1985. (Previous Condition E.2 of Resolution R-97-529, Petition DOA83-58(H))
- 3. Petitioner shall provide Palm Beach County with a road drainage easement and sufficient retention/detention through this project's internal lake system to legal positive outfall for the road drainage of Boynton Beach Boulevard and Jog Road. This drainage easement shall be subject to all governmental agency requirements. (Previous Condition E.3 of Resolution R-97-529, Petition DOA83-58(H))
- 4. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently the Fair Share Fee for this project is \$603 per approved multi-family dwelling unit and \$804 per approved single family dwelling unit (under 2000 square feet). Credit for the impact fee shall be given toward construction as outlined in Condition #2 above. (Previous Condition E.4 of Resolution R-97-529, Petition DOA83-58(H))
- 5. The property owner shall convey for the ultimate right-of-way of:
 - a) Boynton Beach Boulevard, **120** feet north of the existing south right-of-way line of Boynton Beach Boulevard (approximately an additional 40 feet of right-of-way) including the two existing out parcels,
 - b) Jog Road, 60 feet from each side of the centerline (a total of **120** feet) approximately an additional 80 feet of right-of-way (including along the existing two out parcels).

NOTE: Data base indicates compliance with this condition 5a and 5b.

All rights-of-way shall be conveyed within ninety (90) days of Special Exception approval and conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit.
(Previous Condition E.6 of Resolution R-97-529, Petition DOA83-58(H))

6. The developer shall construct Jog Road as a 2-lane section from the north right-of-way line of the Boynton Beach Canal south to Boynton Beach Boulevard (including the bridge over the Boynton Canal) as required by the County Engineer to provide continuity for Jog Road but in no case later than four years after Special Exception approval.
(Previous Condition E.7 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Jog Road widening is now complete.

7. The developer shall construct concurrent with the construction of and at both project entrances onto Boynton Beach Boulevard:
 - a) Left turn lane, west approach.
 - b) Right turn lane, east approach.
 - c) Signalization when warranted, as specified by the County Engineer.
(Previous Condition E.8 of Resolution R-97-529, Petition DOA83-58(H))
8. The developer shall construct at the intersection of Jog Road and Boynton West Road concurrent with second plat improvements:
 - a) Left turn lane, west approach on Boynton Beach Blvd. at it's intersection with Jog Road.
 - b) Right turn lane, east approach on Boynton Beach Boulevard at it's intersecting with Jog Road.
 - c) Left turn lane, north approach and a left turn lane, south approach on Jog Road at the project's entrance roads.
 - d) Left turn lane, north approach on Jog Road at it's intersection with Boynton Beach Boulevard. (Previous Condition E.9 of Resolution R-97-529, Petition DOA83-58(H))
9. The developer shall install signalization when warranted as specified by the County Engineer, at the intersection of Jog Road and Boynton Beach Boulevard. (Previous Condition E.10 of Resolution R-97-529, Petition DOA83-58(H)) NOTE: Condition has been completed.

F. HEALTH

1. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
(Previous Condition F.1 of Resolution R-97-529, Petition DOA83-58(H))
2. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters. (Previous Condition F.2 of Resolution R-97-529, Petition DOA83-58(H))

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the civic site, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.
(Previous Condition G. 1 of Resolution R-97-529, Petition DOA83-58(H))

H. LANDSCAPE

1. Landscaping along the east boundary of the civic site, adjacent to Jog Road, shall be upgraded to include:
 - a. twelve (12) foot tall native canopy trees thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge, shrubs, or native understory, twenty-four (24) inches on center. (Previous Condition H.1 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

2. In addition, the petitioner shall upgrade landscaping along the north and south sides of the fifty (50) foot access easement to the site, from Jog Road, to include:
 - a. twelve (12) foot tall native canopy trees thirty (30) feet on center and a thirty-six (36) inch high continuous, opaque hedge, shrubs, or native understory, twenty-four (24) inches on center. (Previous Condition H.2 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

3. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section 500.35 (Landscape Code) adopted by the Board of County Commissioners on March 5, 1991. (Previous Condition H.3 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

I. LANDSCAPE - LEASE PARCEL ONLY

1. Landscaping and buffering around the entire perimeter within the lease parcel shall be upgraded to include:
 - a. A minimum ten (10) foot wide Landscape Buffer Strip (CO: LANDSCAPE -Zoning)
 - b. One (1) native canopy tree planted every fifteen (15) feet on center, minimum fourteen to sixteen (14 - 16) foot height and minimum trunk diameter of 3.5 inches measured 4.5 feet above grade. Canopy diameter shall be a minimum of 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. (CO: LANDSCAPE -Zoning)
 - c. One cluster of three (3) native palms planted twenty (20) feet on center, minimum sixteen to twenty (16 - 20) feet overall height. (CO: LANDSCAPE -Zoning)

- d. Six (6)foot high continuous opaque hedge, minimum of thirty-six (36)inch height and twenty-four (24) inches on center at installation. (CO: LANDSCAPE - Zoning)
- e. The landscape buffer for the tower, with the exception of the proposed palms, shall be located on the exterior of the required chain link fence. (CO: LANDSCAPE -Zoning) (Previous Condition l. 1 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

J. LANDSCAPE WITHIN MEDIAN

- 1. If permitted by the State Department of Transportation and the County Engineer, the petitioner shall landscape the median of all right-of-ways abutting the civic site. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30)feet on center, and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the master homeowners association of the PUD. Landscaping shall be installed prior to April 25, 1992. (ONGOING:ENG-Eng) (Previous Condition J. 1 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

K. LAKE WORTH DRAINAGE DISTRICT

- 1. Property owner shall convey, by either easement or deed, to the Lake Worth Drainage District, the North 55.00 feet of Tracts 32 to 39 inclusive, Block 48, Palm Beach Farms Company Plant No. 3 and the North 80.00 feet of the Northwest 1/4 of the NE 1/4 of the SE 1/4 of Section 22/45/42, all for the right-of-way for Lateral Canal No. 23. (Previous Condition K. 1 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

L. MASTER PLAN

- 1. Condition L.1 of Resolution R-97-529, PetitionDOA83-58(H), which currently states:

Prior to Site Plan Certification, the master plan shall be amended to indicate the following:

- a. consistency with the certified site plans for the developed portions of the project,
- b. correct tabular data (units/acres/density for each Pod/use), and
- c. correct land use and zoning information.

~~Is hereby deleted.~~ [REASON: Completed]

M. RECYCLE SOLID WASTE

1. The property owners within the PUD shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.
(Previous Condition M.1 of Resolution R-97-529, Petition DOA83-58(H))

NOTE: Condition has been completed.

N. COMPLIANCE

1. Condition N.1 of Resolution R-97-529, Petition DOA83-58(H), 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; 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.

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:

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 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. (ONGOING:MONITORING-Zoning)