

RESOLUTION NO. R-93-1359

RESOLUTION APPROVING ZONING PETITION DOA84-139(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ALTMAN COMPANY

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

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

WHEREAS, Zoning Petition DOA84-139(c) was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1993; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. **This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.**
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 received approval of a Development Agreement and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 DOA84-139(C), the petition of ALTMAN COMPANY for a DEVELOPMENT ORDER AMENDMENT in the Residential Planned Unit Development (PUD) Zoning District, to increase density (413 to 461 units) and to amend Condition E.3.B, Petition 84-139(B) (building permit), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on October 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of October, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

Barbara C. Altman
COUNTY ATTORNEY

BY:

John M. Blain
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 19, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF BLOCK 78 OF THE PALM BEACH FARMS COMPANY'S PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 ON PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 71, BLOCK 78, OF THE ABOVE REFERENCED PALM BEACH FARMS COMPANY PLAT; THENCE $00^{\circ}53'32''$ W, ALONG THE WEST PERIMETER OF SAID BLOCK 78, A DISTANCE OF 1530.96 FEET, TO THE CENTERLINE OF THE PROPOSED LOOP ROAD AND THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING; THENCE $N89^{\circ}37'02''$ E, ALONG SAID PROPOSED CENTERLINE, A DISTANCE OF 415.00 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 393.81 FEET FROM WHICH A RADIAL LINE BEARS $00^{\circ}22'58''$ W; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF $28^{\circ}29'44''$, A DISTANCE OF 195.86 FEET; THENCE $N61^{\circ}07'18''$ E, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 198.25 FEET TO THE BEGINNING OF A CURVE, HAVING A RADIUS OF 393.81 FEET FROM WHICH A RADIAL LINE BEARS $S28^{\circ}52'42''$ E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF $28^{\circ}29'44''$, A DISTANCE OF 195.86 FEET; THENCE $N89^{\circ}37'02''$ E A DISTANCE OF 223.09 FEET; THENCE $00^{\circ}22'58''$ W, DEPARTING FROM SAID CENTERLINE, A DISTANCE OF 505.65 FEET; THENCE $N89^{\circ}37'02''$ E A DISTANCE OF 458.56 FEET; THENCE $S00^{\circ}22'58''$ E A DISTANCE OF 272.24 FEET; THENCE $S37^{\circ}47'04''$ W A DISTANCE OF 392.06 FEET TO THE ABOVE REFERENCED PROPOSED CENTERLINE AND A POINT ON A CURVE HAVING A RADIUS OF 350.00 FEET FROM WHICH A RADIAL LINE BEARS $S37^{\circ}47'04''$ W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF $19^{\circ}38'39''$, A DISTANCE OF 120.00 FEET; THENCE $N57^{\circ}25'43''$ E, DEPARTING FROM SAID PROPOSED CENTERLINE, A DISTANCE OF 255.35 FEET; THENCE $N89^{\circ}37'02''$ E A DISTANCE OF 931.54 FEET TO THE EAST LINE OF TRACT 40 OF SAID BLOCK 78; THENCE $00^{\circ}22'58''$ W, ALONG SAID EAST LINE, A DISTANCE OF 968.63 FEET TO THE NORTHEAST CORNER OF TRACT 37 OF SAID BLOCK 78; THENCE $S89^{\circ}37'00''$ W, ALONG THE NORTH LINES OF TRACTS 37-42 INCLUSIVE OF SAID BLOCK 78, A DISTANCE OF 1642.00 FEET; THENCE $00^{\circ}53'32''$ E, ALONG THE WEST LINE OF SAID BLOCK 78, A DISTANCE OF 1131.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 56.393 ACRES MORE OR LESS.

LEGAL DESCRIPTION

BEING A PARCEL OF LAND SITUATED IN SECTION 19, TOWNSHIP 47 SOUTH, RANGE 42 EAST, ALSO BEING A PORTION OF TRACTS 40 THRU 44, BLOCK 78 OF THE PALM BEACH FARMS COMPANY'S PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 PGS. 45-52 PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 42 OF SAID BLOCK 78; THENCE NORTH $89^{\circ}37'02''$ EAST, ALONG THE NORTH LINE OF SAID TRACT 42, AND THE NORTH LINE OF TRACTS 39 THROUGH 41, OF SAID PLAT, A DISTANCE OF 1656.71 FEET; THENCE SOUTH $00^{\circ}22'58''$ EAST, A DISTANCE OF 435.45 FEET; THENCE SOUTH $89^{\circ}37'02''$ WEST, A DISTANCE OF 458.56 FEET; THENCE SOUTH $00^{\circ}22'58''$ EAST, A DISTANCE OF 460.65 FEET TO THE NORTH RIGHT-OF-WAY LINE OF CENTRAL PARK BOULEVARD NORTH; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES AND DISTANCES 1) SOUTH $89^{\circ}37'02''$ WEST, A DISTANCE OF 223.09 FEET TO THE BEGINNING OF A CURVE, HAVING RADIUS OF 438.81 FEET FROM WHICH A RADIAL LINE BEARS $S00^{\circ}22'58''$ E; THENCE 2) WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF $28^{\circ}29'44''$. A DISTANCE OF 218.24 FEET; THENCE 3) SOUTH $61^{\circ}07'18''$ WEST, A DISTANCE OF 198.25 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 348.81 FEET FROM WHICH A RADIAL LINE BEARS NORTH $28^{\circ}52'42''$ WEST; THENCE 4) SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE, SUBTENDING A CENTRAL ANGLE OF $28^{\circ}29'44''$, A DISTANCE OF 173.48 FEET; THENCE 5) SOUTH $89^{\circ}37'02''$ WEST, A DISTANCE OF 415.41 FEET TO THE WEST LINE OF SAID BLOCK 78; THENCE NORTH $00^{\circ}53'32''$ WEST ALONG THE WEST LINE OF SAID BLOCK 78, A DISTANCE OF 1086.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 32.124 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

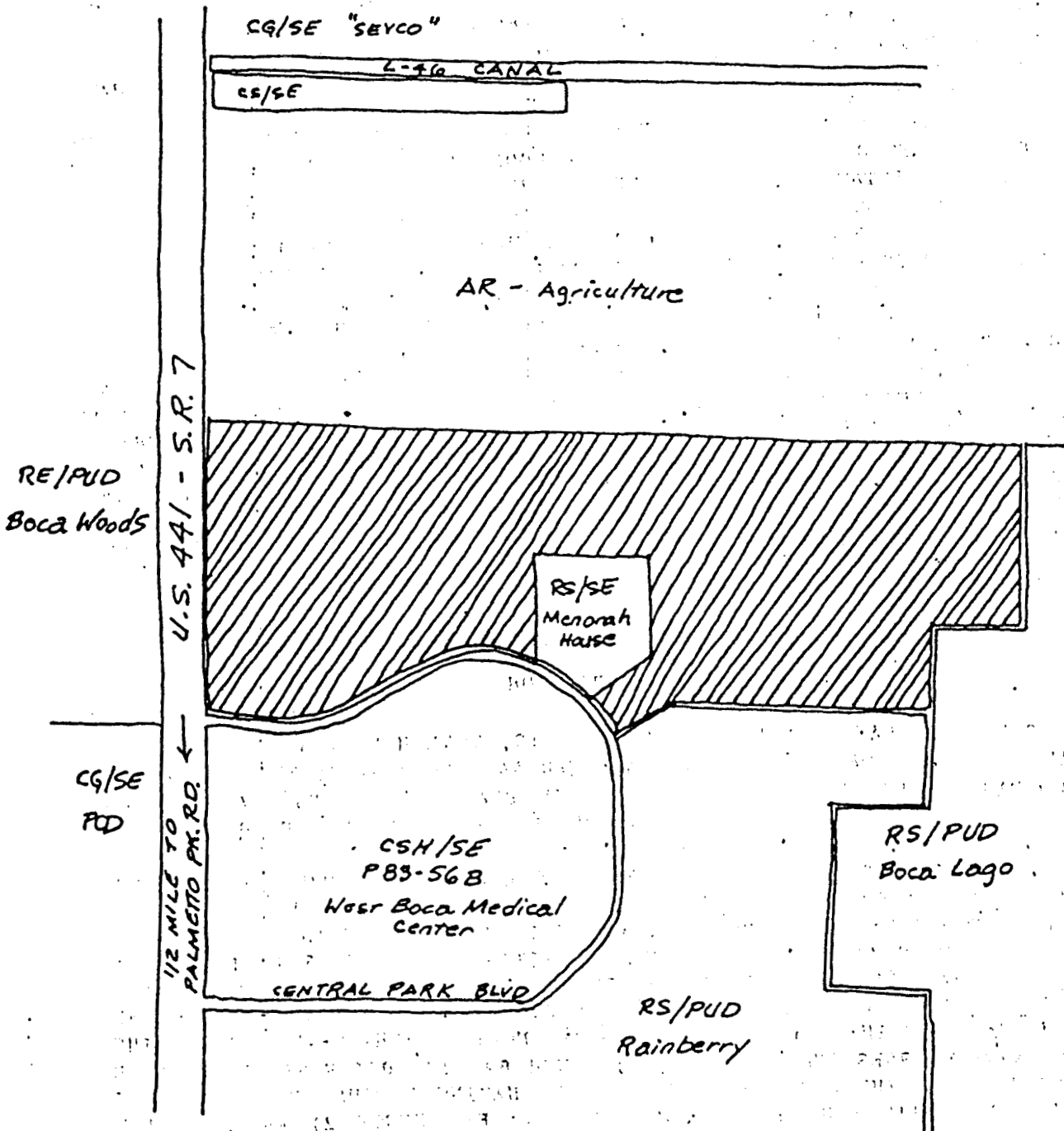


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Section 5.8 of the ULDC Compliance, as amended, unless expressly modified. (MONITORING)
2. 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. Previously Condition A.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ZONING)
3. Previously Condition A.2 of Resolution No. R-92-183, Petition No. 84-139(B), which states:

"Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 65). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein."

Is hereby deleted.

4. Previously Condition A.3 of Resolution No. R-92-183, Petition No. 84-139(B), which states:

"The petitioner shall submit an application to the site Plan Review Committee for the certification of the Master Plan approved by the Board of County Commissioners for this site prior to February 7, 1992."

Is hereby deleted.

B. CANAL BANK MAINTENANCE

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. Previously Condition B.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground covers and maintained without significant surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification. Previously Condition C.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ERM)

D. HEALTH

1. Since sewer service is available to the property, septic tank shall not be approved for use on said property. Previously Condition D.1 of Resolution No. R-92-183, Petition No. 84-139(B). (HEALTH)
2. Since water service is available to the property, a potable water well shall not be approved for use on said property. Previously Condition D.2 of Resolution No. R-92-183, Petition No. 84-139(B). (HEALTH)

E. ENGINEERING

1. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$415,800.00 (2,520 trips X \$165.00 per trip) (IMPACT FEE COORDINATOR).
2. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition E.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ENGINEERING)
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Previously Condition E.2 of Resolution No. R-92-183, Petition No. 84-139(B). (ENGINEERING)
4. Condition E.3 of Resolution No. R-92-183, Petition No. 84-139(B), which currently states:

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 132 dwelling units shall not be issued until construction has begun for the 6 laning of State Road 7 from Glades to palmetto Park Road plus the appropriate paved tapers.
- b) Building Permits for more than 271 dwelling units shall not be issued until construction has begun for the 6 laning of Glades Road from Lyons Road to Boca Rio Road plus the appropriate paved tapers.

is hereby amended to state:

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 219 dwelling units shall not be issued until construction has begun for the 6 laning of Glades Road from Lyons Road to Boca Rio Road plus the appropriate paved tapers.
5. The property owner shall fund any required signal modifications in conjunction with roadway improvements, Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Previously Condition C.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ENGINEERING)
6. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. Previously Condition E.5 of Resolution No. R-92-183, Petition No. 84-139(B). (ENGINEERING)
7. Condition E.6 of Resolution No. R-92-183, Petition No. 84-139(b), which currently states:

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

Is hereby deleted. [REASON: CODE REQUIREMENT]

8. Condition E.7 of Resolution No. R-92-183, Petition No. 84-139(B), which currently states:

The developer shall construct concurrent with construction of each of the project's entrance roads or to North Central Boulevard a Left Turn Lane, West approach.
(ENGINEERING)

Is hereby deleted. [REASON: CODE REQUIREMENT]

9. Condition E.8 of Resolution No. R-92-183, Petition No. 84-139(B), which currently states:

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 \$16,500.00. (ENGINEERING)

Is hereby deleted. [REASON: CODE REQUIREMENT]

10. Condition E.11 of Resolution No. R-93-183, Petition No. 84-139(B), which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$2,813.00 (105 trips x \$26.79 per trip). (ENGINEERING)

Is hereby deleted. [REASON: CODE REQUIREMENT]

11. Prior to master plan certification, the petitioner shall convey to the Lake Worth Drainage District the West 45 feet of the subject property for the right-of-way for the E-1 Canal by Quit Claim Deed or an Easement Deed in the form provided by the District. (Previously Condition E. 12 of Resolution No. R-92-183, Petition No. 84-139(B)). (ENGINEERING)
12. Building permits may be issued after January 1, 1995, without further approval by the Board of County Commissioners, if the developer submits a traffic study that is approved by the County Engineer or his designee that demonstrates the project can meet the current traffic performance standards ordinance. Previously Condition E.13 of Resolution No. R-92-183, Petition No. 84-139(B). (ENGINEERING)

F. LANDSCAPING

1. Prior to site plan certification, the Master Plan for the 360 unit development shall be amended to comply with Section ~~500-35~~ 7.3 (Landscape Code) of the Zoning Unified Land Development Code. Previously Condition F.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ZONING)

2. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public

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

<u>Trees:</u>	<u>Ground cover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

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

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (ENGINEERING)

B. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (BUILDING/ENGINEER - Zoning)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney)

3. Previously Condition F.2 of Resolution No. R-92-183, Petition No. 84-139(B), which states:

"Prior to site plan certification, the petitioner shall obtain, if possible, permission from the Florida State Department of Transportation (FDOT) or the County Engineer to landscape the median of all abutting rights-of-way. This landscaping shall consist of a minimum of one (1) twelve (12) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list:

<u>Trees</u>	<u>Ground cover</u>
Turkey Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

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

- a. All plants shall be container grown.
- b. The bottom cushion of the planting area shall include a minimum four (4) inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily maintenance obligation of the property owner, including irrigation, for ninety (90) days from installation and shall be installed prior to the issuance of the first certificate of occupancy within the 360 unit portion of the PUD. This landscaping shall remain the perpetual maintenance obligation of the property owner(s) until such time another entity assumes this maintenance obligation."

Is hereby deleted.

G. LIGHTING

1. All lighting shall be directed away from the adjacent residential area. Previously Condition G.1 of Resolution No. R-92-183, Petition No. 84-139(B). (BUILDING/CODE ENFORCEMENT)
2. Tennis court and baseball field lighting shall be extinguished by 11:00 P.M. Previously Condition G.2 of Resolution No. R-92-183, Petition No. 84-139(B). (CODE ENFORCEMENT)

H. PARKS AND RECREATION

1. Prior to Master Plan certification, the Master Plan shall be amended to indicate that this development will provide recreational areas within the 32.124 acre residential pod that meet or exceed the recreational areas requirement of the Subdivision and Required Improvements Regulations (Ordinance 90-8). Previously Condition H.1 of Resolution No. R-92-183, Petition No. 84-139(B). (PARKS)

I. SCHOOL BOARD

1. Petitioner, his assigns, heirs, and all future parties in interest, shall include in all sales and notice literature on the within development, a statement that public school students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. Previously Condition 1.1 of Resolution No. R-92-183, Petition No. 84-139(B). (SCHOOL BOARD)
2. Prior to site plan certification, the petitioner, his assigns, heirs, and all future parties in interest shall demonstrate through written notification from the School Board that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance goals and allow the children who reside in the development to attend the nearest available public schools. Previously Condition I.2 of Resolution No. R-92-183, Petition No. 84-139(B). (SCHOOL BOARD)

J. SITE DESIGN

1. Prior to Site Plan Certification a revised Master Plan shall be submitted reflecting the circulation pattern throughout the Planned Unit Development. Previously Condition J.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ZONING/ENGINEERING)

K. VEGETATION PRESERVATION

1. Prior to master plan certification, the master plan shall be amended to indicate the following:
 - a. The area of Cypress mitigation as specified in Condition No. K.3, below.
 - b. Acreage of the maintenance area and the proposed use.
 - c. Open space breakdown in the tabular data.

Previously Condition K.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ERM)

2. A representative of the petitioner, the Zoning Division, the Department of Environmental Resources Management and South Florida Water Management District shall meet on site to define and determine the Cypress preservation boundaries on the west side of the Lake Worth Drainage District Lateral Canal No. 47. The boundaries shall be designated on the master plan. Intrusion into the area, other than for the removal of prohibited species, shall be limited to the one pedestrian link shown on the master plan. The removal of the Cypress on the east side of the L-47 Canal shall be mitigated by relocating the existing trees, or planting new Cypress near the entrance road. A report detailing the mitigation plan shall be submitted to the Zoning Division and approved as a supplement to the vegetation removal information simultaneously with the site plan review application. Previously Condition K.2 of Resolution No. R-92-183, Petition No. 84-139(B). (ERM)
3. Concurrent with the application for site plan approval of the site plan, the petitioner shall submit a tree preservation, relocation and removal program which corresponds to the tree survey. This program shall demonstrate methods in which significant native vegetation shall be incorporated into the site design. Previously Condition K.3 of Resolution No. R-92-183, Petition No. 84-139(B). (ERM)

L. TREE SURVEY

1. Prior to site plan certification for additional Category "C" apartments, the petitioner shall submit a tree survey for the 360 unit development drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood, cypress, pine and palm trees over four (4) inches in diameter in a tabular form. Previously Condition L.1 of Resolution No. R-92-183, Petition No. 84-139(B). (ERM)
2. The trees allocated to meet the minimum tree planting requirements within the active recreation area shall be distributed along the property lines adjacent to residential lots or residentially zoned property. Previously Condition L.2 of Resolution No. R-92-183, Petition No. 84-139(B). (ERM)
3. The petitioner shall preserve canopy and understory vegetation within the twenty five (25) foot buffer along the southern and western property lines on the five (5) acre outdoor recreation parcel. Previously Condition L.3 of Resolution No. R-92-183, Petition No. 84-139(B)). (ERM)

M. COMPLIANCE

1. Condition M.2 of Resolution No. R-92-183, Petition No. 84-139(B) which currently states:

"As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:

 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;

- b. The addition or modification of conditions, possibly including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
- c. Citation of the property owner for violation of the Zoning Code."

Is hereby deleted.

- 2. Condition M.3 of Resolution No. R-92-183, Petition No. 84-139 (B) which currently states:

"Other actions as permitted in Chapter 120, Section 380.11 or Section 380.06, Florida Statutes."

Is hereby deleted.

- 3. Condition M.4 of Resolution No. R-92-183, Petition No. 84-139(B) which currently states:

"Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit."

Is hereby deleted.