

RESOLUTION NO. R-97-2084

RESOLUTION APPROVING ZONING PETITION DOA96-107(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF THE MORTON GROUP  
BY ROBERT BENTZ, AGENT  
(WILLIAMS TRACE 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 DOA96-107(A) was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1997; 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 DOA96-107(A), the petition of The Morton Group, by Robert Bentz, agent, for a Development Order Amendment (DOA) to add land to PUD (+10.49 acres) 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 December 4, 1997, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 1997.

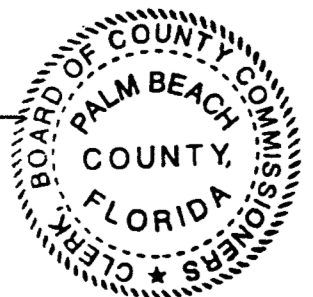
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PARCEL 1)

THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE WEST 50 FEET THEREOF FOR ROAD RIGHT-OF-WAY AND LESS THE PARCEL DESCRIBED IN THE ORDER OF TAKING ON PLAINTIFF'S COMPLAINT AS RECORDED IN OFFICIAL RECORD BOOK 5833, PAGE 999 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH, (PARCEL 2)

THE EAST THREE QUARTER (E. 3/4) OF THE NORTH ONE HALF (N. 1/2) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 175.84 FEET MORE OR LESS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION 27; THENCE RUN S 0°08'08" W ALONG THE WEST LINE OF THE SAID N.E. 1/4 OF SECTION 27 AND ALONG THE CENTERLINE OF CARTER ROAD A DISTANCE OF 2042.14 FEET TO A POINT; THENCE RUN N 89°47'44" E, A DISTANCE OF 335.59 FEET TO THE POINT OF BEGINNING; THENCE RUN N 0°07'28" E, A DISTANCE OF 680.78 FEET TO A POINT; THENCE RUN N 89°47'07" E, A DISTANCE OF 830.56 FEET TO A POINT; THENCE RUN S 0°05'43" W, A DISTANCE OF 680.95 FEET TO A POINT; THENCE RUN S 89°47'44" W, A DISTANCE OF 830.83 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, (PARCEL 3)

THE EAST 175.84 FEET MORE OR LESS OF THE EAST THREE-QUARTERS (E 3/4) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 27; THENCE RUN S 0°08'08" W, ALONG THE WEST LINE OF THE SAID NE 1/4 OF SECTION 27 AND ALONG THE CENTERLINE OF CARTER ROAD, A DISTANCE OF 2042.14 FEET TO A POINT; THENCE RUN N 89°47'44" E, A DISTANCE OF 1166.42 FEET TO THE POINT OF BEGINNING; THENCE RUN N 0°06'04" E, A DISTANCE OF 680.92 FEET TO A POINT; THENCE RUN N 89°47'07" E, A DISTANCE OF 175.84 FEET TO A POINT; THENCE RUN S 0°05'43" W, A DISTANCE OF 680.95 FEET TO A POINT; THENCE RUN S 89°47'44" W, A DISTANCE OF 175.91 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, (PARCEL 4)

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH, (PARCEL 5)

THE NORTH 454 FEET OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

AND,

THE NORTH 259.60 FEET OF THE SOUTH 454.0 FEET OF THE NORTH 908.0 FEET OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH, (PARCEL 6)

THE SOUTH 454.00 FEET OF THE NORTH 908 FEET OF THE EAST ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 259.60 FEET THEREOF;

TOGETHER WITH, (PARCEL 7)

THE EAST ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST (1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE NORTH 908 FEET THEREOF, PALM BEACH COUNTY, FLORIDA.

**EXHIBIT A**  
**LEGAL DESCRIPTION**

TOGETHER WITH, (PARCEL 8)

THE EAST ONE-HALF (112) OF THE SOUTHWEST ONE QUARTER (114) OF THE SOUTHEAST ONE-QUARTER (114) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH, (PARCEL 9)

THE WEST (1/2), OF THE SOUTH WEST (1/4), OF THE SOUTHEAST (114) OF THE NORTHEAST (114) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO THAT CERTAIN EASEMENT AS DESCRIBED IN OFFICIAL RECORD BOOK 2522, ON PAGES 46 THROUGH 52, INCLUSIVE.

TOGETHER WITH, (PARCEL 10)

THE EAST ONE-HALF (E. 112) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 114) OF THE NORTHEAST ONE-QUARTER (N.E. 114) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION 27; THENCE RUN S 0°08'08"W, ALONG THE WEST LINE OF THE SAID N.E. 114 OF SECTION 27 AND ALONG THE CENTERLINE OF CARTER ROAD, A DISTANCE OF 2042.14 FEET TO A POINT; THENCE RUN N 89°47'44"E, A DISTANCE OF 1006.75 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF SAID E. 112, S.E. 1/4, S.W. 114, N.E. 114 OF SECTION 27; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 335.58 FEET TO A POINT; THENCE RUN S 0°05'43"W., A DISTANCE OF 680.95 TO A POINT; THENCE RUN S 89°48'21"W, A DISTANCE OF 335.70 FEET TO A POINT; THENCE RUN N 0°06'16"E, A DISTANCE OF 680.87 FEET TO THE POINT OF BEGINNING

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID POINT OF COMMENCEMENT AS ESTABLISHED BY THE PALM BEACH COUNTY DEPARTMENT OF ENGINEERING AND PUBLIC WORKS SURVEY SECTION; THENCE SOUTH 00°34'55" EAST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER AS ESTABLISHED BY SAID PALM BEACH COUNTY SURVEY SECTION, A DISTANCE OF 1361.36 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE NORTH 89°21'24" EAST, ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 27, A DISTANCE OF 60.00 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOG/CARTER ROAD ACCORDING TO OFFICIAL RECORD BOOK 5833, PAGE 999 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;

THENCE NORTH 89°21'24" EAST, ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 27, A DISTANCE OF 2616.90 FEET, TO A POINT ON THE EAST LINE OF SECTION 27 AS SAID SECTION WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE SOUTH 00°22'33" EAST, ALONG SAID EAST LINE OF SECTION 27, A DISTANCE OF 1362.29 FEET, TO THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION AS SAID SECTION WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE SOUTH 89°22'35" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE, A DISTANCE OF 1678.58 FEET, TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE NORTH 00°19'27" WEST, ALONG THE LAST DESCRIBED WEST LINE, A DISTANCE OF 680.86 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 27 AS SAID SECTION 27 WAS ESTABLISHED BY E. ELLIOT GROSS AND IN USE; THENCE SOUTH 89°21'59" WEST, ALONG THE LAST DESCRIBED SOUTH LINE, A DISTANCE OF 936.49 FEET, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF JOG/CARTER ROAD; THENCE NORTH 00°34'55" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF JOG/CARTER ROAD, A DISTANCE OF 680.69 FEET, TO THE POINT OF BEGINNING.

CONTAINING 2,923,942 SQUARE FEET OR 67.1245 ACRES MORE OR LESS.



## 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 Resolution R-97-249 (Petition 96-107), 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.I of R-97-249, Petition 96-107 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**.

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 September 26, 1997. 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: **3.5** inches measured **4.5** feet above **grade**.
  - c. Canopy diameter: seven **(7)** feet. Diameter shall be determined by the average canopy radius at **3** points measured **from** the trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length.
  - d. Credit may be given for existing or relocated trees **provided** they meet current **ULDC** requirements. (Previously Condition 3.1 of Resolution R-97-249, Petition 96-107) (CO: LANDSCAPE - Zoning)
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 or grey wood, whichever is greater;

- 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. (Previously Condition B.2 of Resolution R-97-249 , Petition 96-107) (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING JOG ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. A minimum twenty **(20)** foot wide landscape buffer strip;
  - b. An undulating **two (2)** foot high berm measured from top of curb;
  - c. One **(1)** canopy tree for each twenty-five **(25)** linear feet of frontage with a maximum spacing of thirty **(30)** feet on center;
  - d. One **(1)** palm or pine tree for each twenty-five **(25)** linear feet, with a maximum spacing of sixty **(60)** feet on center between clusters. An additional group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
  - e. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm when feasible. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches. (Previously Condition B.3 of Resolution R-97-249, Petition 96-107) (CO: LANDSCAPE)

D. MASS TRANSIT

- 1. Prior to final certification of the preliminary development plan by the Development Review Committee, 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 Palm Tran. (DRC: ZONING)
  - 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 more than **25% (51)** of the units. 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. (Previously Condition C.1 of Resolution R-97-249, Petition 96-107) (CO: MONITORING - Eng)

## E. ENGINEERING

1. Prior to DRC approval of the Master Plan, the Master Plan **shall** be amended to reflect the entrance to the project to align **with** the proposed median opening, currently under construction, intended to serve this site, **or** meet access management guidelines for **median** opening spacings as established by the County Engineer. (Previously Condition E.1 of Resolution R-97-249, Petition 96-107) (DRC: ENG)
2. The Property Owner shall reconstruct Tropical Way within the existing **15** foot easement as a shell rock road from Jog Road east approximately **400** feet subject to an approved cross **section** as approved by the County Engineer. The width and thickness **of** the shell rock roadway shall be comparable to the existing shell rock road.
  - a. This construction shall be concurrent with the **paving** and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required **right-of-way**.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.2 of Resolution R-97-249, Petition 96-107) (CO: MONITORING - Eng)
3. The development of this site shall not adversely impact the drainage of the existing lots to the south or Tropical Way. This project's drainage design shall incorporate any required drainage through this **project's** internal drainage system **if as** required by the County Engineer. The Paving and drainage plans for the site shall incorporate **these** requirements. (Previously Condition E.3 of Resolution R-97-249, Petition 96-107) (LAND DEVELOPMENT PERMIT: ENG)
4. The Developer shall also provide within this project's internal storm water management system an equivalent amount of storm water runoff for the road drainage of Jog Road. The amount of runoff required to be stored **onsite** shall be based upon the applicable County **Water** Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. (Previously Condition E.4 of Resolution R-97-249, Petition 96-107) (TC:ENG)
5. **LANDSCAPE WITHIN MEDIAN**
  - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public **Works** Department for a permit to landscape all adjacent **median(s)** of all abutting rights-of-way. When permitted by Palm **Beach** County Department **of** Engineering and Public **Works**, 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 and 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. (Previously Condition E.5.a of Resolution R-97-249, Petition 96-107) (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All 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 on or before the issuance of a Certificate of Occupancy. (Previously Condition E.5.b of Resolution R-97-249, Petition 96-107) (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (Previously Condition E.5.c of Resolution R-97-249, Petition 96-107) (CO: MONITORING - Eng)

F. PARKS

- 1. Prior to approval of the preliminary development plan by the Development Review Committee, the plan shall be revised to indicate deletion of this note stating "Total recreation area not to be less than 1.24 ac." (DRC:PARKS)
- 2. Any parcel of land used to satisfy minimum recreation requirement; shall adhere to the following dimensions:
  - a. Minimum parcel size shall be seven thousand five hundred (7,500) square feet exclusive of easements;
  - b. Minimum parcel width shall average seventy five (75) feet with no dimension less than fifty (50) feet;
  - c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet; and,
  - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities offered and the recreation parcels' function in the overall development of the recreation and open space network. (DRC:PARKS)

G. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (Previously Condition D.1 of Resolution R-97-249, Petition 96-107) (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (Previously Condition D.2 of Resolution R-97-249, Petition 96-107) (CO: LANDSCAPE - Eng)
3. Bike lanes shall **be** provided in or adjacent to all rights-of-way over fifty **(50)** feet in width, pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (Previously Condition D.3 of Resolution R-97-249, Petition 96-107) (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (Previously Condition D.4 of Resolution R-97-249, Petition 96-107) (PLAT: ENG - Zoning)
5. All property included in the legal description of the petition **shall** be subject to a Declaration of Restrictions and Covenants **acceptable** to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's **association**, automatic voting membership in the master association by any party holding title to any portion of the subject property, and **assessment** of all members of the master association for the cost of **maintaining** all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained **from** the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the **planned** development, whichever occurs first. (Previously Condition D.5 of Resolution R-97-249, Petition 96-107) (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

H. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children **in** the development may not be assigned to the most proximate public **school** because of overcrowding, racial balancing, or other School **Board** policies. (Previously Condition F.1 of Resolution R-97-249, Petition 96-107) (ONGOING: SCHOOL BOARD)

I. COMPLIANCE

1. Condition G.1 of Resolution R-97-249, Petition 96-107 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.

Is hereby amended to read:

1. 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.

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)