

RESOLUTION NO. R-99- 97

RESOLUTION APPROVING ZONING PETITION EAC92-005(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF UPJOHN/DELRAY LTD. PARTNERSHIP
BY MARILOU GONZALEZ, AGENT
(UPJOHN 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 EAC92-005(C) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; 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 EAC92-005(C), the petition of UpJohn/Delray Ltd. Partnership, by Marilou Gonzalez, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to modify/delete condition D.2, D.3 and 0.1 of Resolution R-94-793 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 January 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

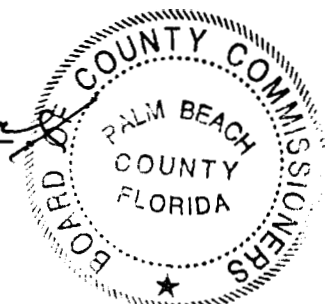


EXHIBIT A

LEGAL DESCRIPTION

THE EAST HALF (E. 1/2) OF THE EAST HALF (E. 1/2) OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THAT PARCEL CONVEYED TO PALM BEACH COUNTY IN O.R. BOOK 7034 PAGE 429 FOR RIGHT OF WAY OF LINTON BOULEVARD, AND LESS THE NORTH 63.62 FEET THEREOF, AND LESS THE NORTH 56.43 FEET OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 21.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 02°17'27" EAST, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21, A DISTANCE OF 63.63 FEET, TO A POINT ON THE SOUTHERLY LINE OF THE PARCEL CLAIMED BY THE LAKE WORTH DRAINAGE DISTRICT IN ACCORDANCE WITH CHANCERY CASE 407, AS SAID CHANCERY CASE IS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL 1:

THENCE SOUTH 02°17'27" EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 2608.87 FEET, TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 21; THENCE SOUTH 89°07'43" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 21 AND ALONG THE NORTH LINE OF THE PARCEL CONVEYED BY QUIT-CLAIM DEED TO THE LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORD BOOK 10038, PAGE 1670 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1350.90 FEET, TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 21; THENCE NORTH 02°06'03" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2603.32 FEET, TO A POINT ON THE PREVIOUSLY DESCRIBED SOUTHERLY LINE OWNED BY THE LAKE WORTH DRAINAGE DISTRICT; THENCE NORTH 88°59'08" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1342.18 FEET, TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCE AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 21; THENCE SOUTH 02°16'40" EAST, ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 21, A DISTANCE OF 56.44 FEET, TO A POINT ON THE SOUTHERLY LINE OF THE PARCEL CONVEYED BY QUIT-CLAIM DEED TO THE LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORD BOOK 10038, PAGE 1670 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL 2

THENCE SOUTH 02°16'40" EAST, CONTINUING ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 21, A DISTANCE OF 2533.60 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF LINTON BOULEVARD, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS DESCRIBED IN A RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 7034, PAGE 429 OF SAID PUBLIC RECORDS; THENCE NORTH 83°44'47" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 450.00 FEET; THENCE NORTH 88°28'11" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 449.85 FEET; THENCE SOUTH 84°35'19" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 465.52 FEET, TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 21; THENCE NORTH 02°05'38" WEST, ALONG SAID WEST LINE, A DISTANCE OF 2495.58 FEET, TO A POINT ON THE PREVIOUSLY DESCRIBED SOUTHERLY LINE OF THE PARCEL CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT; THENCE NORTH 89°07'43" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1351.09 FEET, TO THE POINT OF BEGINNING.

PARCEL 1 CONTAINING 3,507,022 SQUARE FEET OR 80.5102 ACRES, MORE OR LESS AND PARCEL 2 CONTAINING 3,364,520 SQUARE FEET OR 77.2387 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

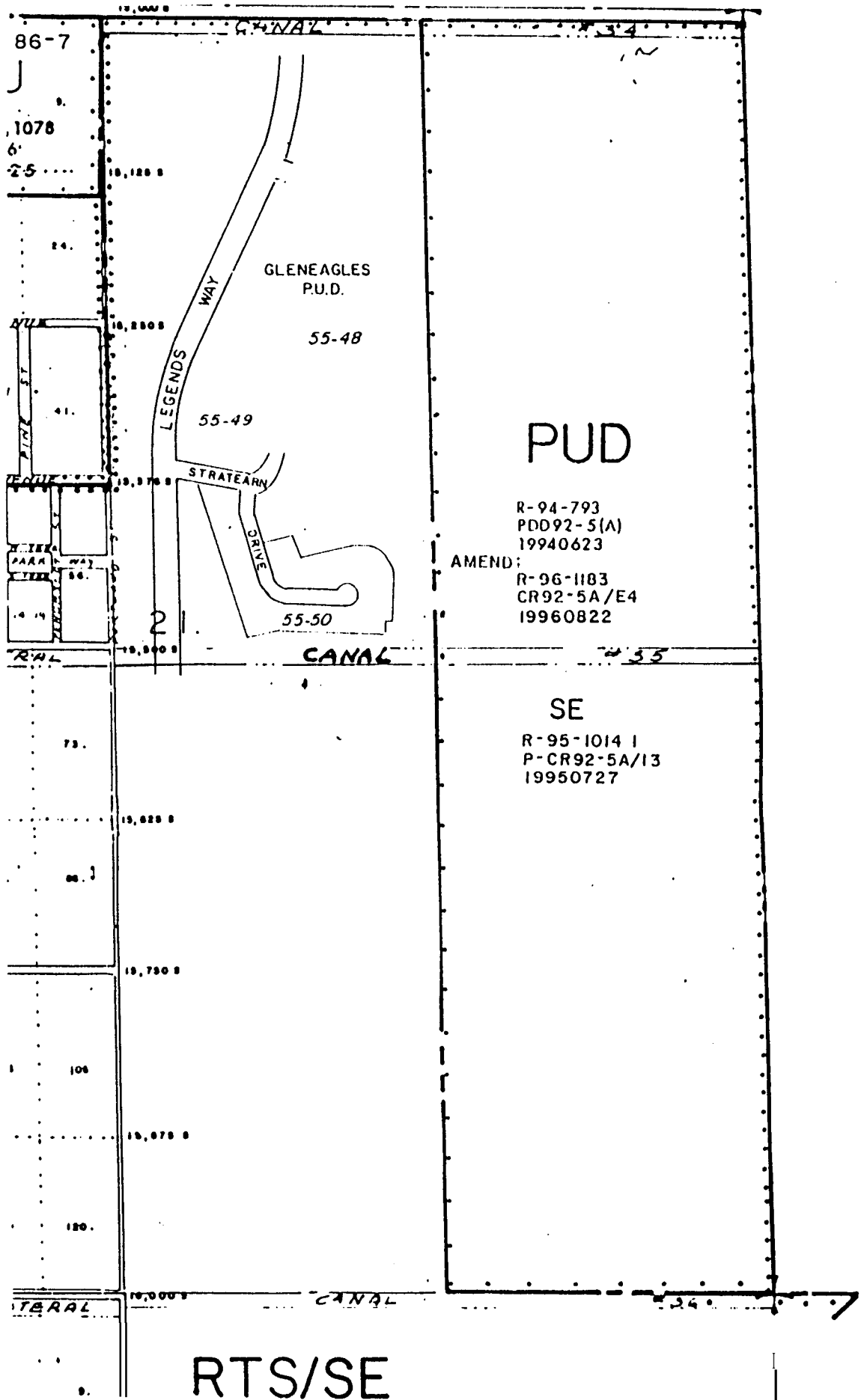


EXHIBIT C

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

- a. Condition A.1 of R-98-2039, Petition 92-005(B) which currently states:

All previous conditions **of** approval applicable to the subject **property**, as contained in Resolution **R-94-793**, Petition **92-005(A)** have been consolidated as contained herein. The petitioner shall comply **with all** previous conditions **of** approval unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-2039, Petition **EAC92-005(B)** 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.2 of Resolution R-98-2039, Petition EAC92-005(B) 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 master plan is dated September **16**, 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 master plan is dated November **23**, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. CIVIC SITE

- 1.a. The petitioner shall dedicate and convey **to** Palm Beach County **2%** of the gross area of the Planned Unit Development (**3.3** acres). This land shall be located in the northeast corner **of** the P.U.D. along the **L-34** canal. The property shall be **3.3** acres **of** dry usable property **with** no P.U.D. buffer requirements or wet retention areas diminishing **said** acreage. Access shall be provided to Atlantic Avenue in the form **of** a bridge over the **L-34** canal similar to the access bridge used to **enter the** P.U.D. This bridge shall be provided by the petitioner. Prior to Master Plan approval by the Board **of** County Commissioners the **petitioner** shall submit a master plan showing the location **of** the **3.3** acre civic site.

Previously Condition B.1.a. of Resolution R-98-2039, Petition EAC92-005(B))
(MONITORING - PREM)

- b. Not later than January 1, 1996, the petitioner shall plat the civic site and convey same to Palm Beach County by Statutory Warranty Deed. Said conveyance shall be in accordance with the procedures for real property acquisition established by PREM. Previously Condition B.1.b. of Resolution R-98-2039, Petition EAC92-005(B)) (MONITORING - PREM)
- c. In lieu of the required on-site dedication of land for civic uses, the petitioner may convey a parcel of land off-site equal in acreage or contribute cash of equal value. In the event that the off-site land dedication is of less cash value than the on-site dedication, petitioner shall also contribute an amount in cash equal to the difference between the value of the on-site and off-site land dedications. The value of on-site land dedication shall be based upon its value as a civic site. This contribution shall be used to offset the identifiable impacts directly attributable to this project. On or before January 1, 1995 the petitioner shall provide written notification of its election to satisfy the civic site requirement through conveyance of land or contribution of cash. Previously Condition B.1.c. of Resolution R-98-2039, Petition EAC92-005(B)) (MONITORING - PREM)
- d. In the event the petitioner elects to contribute cash in lieu of the civic site, the petitioner shall pay the amount of this contribution in two installments. The first installment shall be equal to one-third (1/3) of the value of the civic site and shall be due and payable on June 1, 1995. The second installment shall be equal to two thirds (2/3) of the value of the civic site and shall be due and payable on June 1, 1996. The value of the civic site shall be determined by a local appraiser approved by PREM but whose services shall be paid for by the petitioner. The appraisal shall be delivered to PREM by August 1, 1994. Previously Condition B.1.d. of Resolution R-98-2039, Petition EAC92-005(B)) (MONITORING - PREM)
- e. No development activity whatsoever shall take place on the civic site until either the civic site has been conveyed to the County or the County has received all installments of the cash contribution in lieu of land dedication pursuant to paragraph (d) above. No Administrative extension of the time period in which to satisfy condition 1 shall be allowed. In the event the petitioner fails to timely comply with the provisions of this condition, the petitioner shall be obligated to immediately convey the civic site to the County and a stop work order shall be placed upon the entire development pending conveyance of the civic site. Previously Condition B.1.e. of Resolution R-98-2039, Petition EAC92-005(B)) (ZONING - PREM)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of 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 Department of Environmental Resources Management concurrent with Site Plan Review application and approved by **ERM** prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. Upon the completion of littoral zone planting **ERM** shall be notified. This notification shall occur within three working days. This planting shall not be credited as compensation required by wetland permits. (Previously Condition C.1 of Resolution R-98-2039, Petition **EAC92-005(E)**). (**ERM**)

2. Condition C.2. of Resolution R-98-2039, Petition **EAC92-005(B)** which currently states:

The Petitioner shall incorporate the cypress stand located along the southeast portion of the property into the open space and maintain the original hydrology. (**ERM**)

Is hereby deleted. [REASON: No longer required]

3. Condition C.3. of Resolution R-98-2039, Petition **EAC92-005(B)** which currently states:

Prior to certification of the Preliminary Development Plan by the Development Review Committee, the Petitioner shall provide to the Department of Environmental Resources Management data from soil and groundwater tests and remediation efforts undertaken on the site. (**ERM**)

Is hereby deleted. [REASON: No longer required]

D. LANDSCAPING - GENERAL

1. **All** trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (**14**) feet.
- b. Trunk diameter: 3.0 inches measured **4.5** feet above grade.
- c. Canopy diameter: seven (**7**) feet. Diameters 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. Previously Condition G.1. of Resolution R-98-2039, Petition **EAC92-005(B)**) (BLDG/ZONING)

2. Condition G.2 of Resolution R-98-2039, Petition **EAC92-005(B)** which currently states:

The petitioner shall install the following buffers on the perimeter of the site:

Property Line	Buffer Type	Minimum Width
East property line inside edge of proposed right-of-way	D	15'

East property line outside edge proposed right-of-way:	C	25'
South property line:	D	15'
West property line:	B	15'
North property line:	D	20'

No administrative changes to the minimum width or buffer types may be approved by the DRC. (ZONING)

Is hereby amended to read:

The petitioner shall install the following buffers on the perimeter of the site:

Property line	Buffer Type	Minimum width
East property line inside edge of the proposed right-of-way:	D	15'
East property line outside edge of the proposed right-of-way:	C	25'
South property line:	D	15'
West property line:	B	15'
North property line (east of project entrance):	B	10'
North property line (west of project entrance):	D	20'

(ZONING)

3. The minimum height for plant material required within the buffer on the east property line along the outside edge of the proposed right-of-way shall be measured from the crown of road elevation of the adjacent road to the highest point of the required plant material. (Previously Condition G.3 of Resolution R-98-2039, Petition EAC92-005(B)) (BLDG)

E. ENGINEERING

- 1.a. The Property owner shall construct the following intersection improvements at the intersection of Clint Moore Road and Jog Road:

- (1) additional left turn lane west approach
- (2) right turn lane south approach.

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 not be limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit unless construction is added to County 5-year Road Program. (BUILDING-Zoning) (ENG)

- b. Acceptable surety for this construction shall be posted with the **County Engineer** prior to February 1, 1995 based upon **110%** of the **cost** estimate by the developer's engineer. **No** administrative time extensions may be given for this condition, as this work is required to meet **Traffic Performance Standards**. (MONITORING - Eng)
 - c. These intersection improvements shall be let for construction **prior** to the issuance of **144** Building Permits or prior to February 1, 1996 whichever shall first occur. (Previously Condition E.1 of Resolution R-98-2039, Petition EAC92-005(B)) (BLDG/MONITORING - Eng)
2. 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 **\$1650** per approved single family dwelling unit (**10** trips per dwelling unit x **\$165** per trip) and **\$1155** per approved **multi** family dwelling unit (**7** trips per dwelling unit x **\$165** per trip). (Previously Condition E.2. of Resolution R-98-2039, Petition EAC92-005(B)) (IMPACT FEE COORD)
 3. 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 **82** single family dwelling units shall not be issued until construction has begun for West Atlantic Avenue as a **6** lane section from Jog Road to Military Trail plus the appropriate paved tapers.
 - b. Building Permits for more than 144 single family dwelling units shall not be issued until construction has begun for
 - (1) Jog Road as a **6** lane section from Linton Boulevard to south of **Polo Club's** west entrance and intersection improvements at Clint Moore Road and Jog Road; and
 - (2) An additional left turn lane on the west approach and the right turn lane converted to a thru lane on the south approach with appropriate transition back to a **3** lane roadway section **north** of the Clint Moore Road/Jog Road intersection. (Previously Condition E.3. of Resolution R-98-2039, Petition EAC92-005(B)) (BLDG/Eng)
 4. The petitioner shall include in the homeowners documents and all sales contracts as well as all written sales brochures, Master Plans and related Site Plans a disclosure statement identifying Linton **Boulevard** as a planned roadway through the petition property which is **included** in the County's Thoroughfare Plan, including the ultimate number of lanes for this Thoroughfare Plan road. The **Developer/Property owner** shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Building and Zoning beginning April **15, 1995** and shall continue on an annual basis until all units within the development have been sold or the **developer** relinquished control to the homeowners association. This **property**

shall also be appropriately signed. This signage shall be indicated both on the Master Plan and Site Plan. (Previously Condition E.4. of Resolution R-98-2039, Petition EAC92-005(B)) (MONITORING - Co Atty)

5. Prior to approval of the Master Plan by the Development Review Committee the property owner shall revise the drainage report to indicate that the proposed drainage system is capable of handling the drainage from the road widening of West Atlantic Avenue as required by a previous condition of approval. (Previously Condition E.5. of Resolution R-98-2039, Petition EAC92-005(B)) (ENG)
6. Condition E.1 of Resolution R-92-1834, Petition 92-5, was deleted by R-94-793.
7. The property owner shall construct a left turn lane east approach on West Atlantic Avenue at the project's entrance road concurrent with the improvements with the first plat. Construction shall be completed prior to the issuance of the first certificate of occupancy. Previously Condition E.2 of Resolution R-92-1834, Petition 92-5. (Previously Condition E.7. of Resolution R-98-2039, Petition EAC92-005(B)) (ENG)

[NOTE: LEFT TURN LANE CURRENTLY NOT EXISTING]

8. Prior to February 15, 1995 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of West Atlantic Avenue to conform to the Florida Department of Transportation requirements. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control 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. Elevation and location of all construction 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. This time limit may be extended by the County Engineer to allow for planning, design, and review of the required conveyance. (Previously Condition E.8. of Resolution R-98-2039, Petition EAC92-005(B)) (ENG)

9. Condition E.4 of Resolution R-92-1834, Petition 92-5, was deleted by R-94-793.
10. The property owner shall convey to the Lake Worth Drainage District the north 90 feet of the subject property as shown on the survey submitted by the property owner for the required right of way for Lateral Canal No. 34, by Quit Claim Deed or on an Easement Deed in the form provided by

said District prior to June 1, 1992. This time limit may be extended by the County Engineer to allow for planning, design, and review of the required conveyance. Previously Condition E.5 of Resolution R-92-1834, Petition 92-5. (Previously Condition E.10. of Resolution R-98-2039, Petition EAC92-005(B)) (MONITORING-Bldg)

11. Condition E.6 of Resolution R-92-1834, Petition 92-5, was deleted by R-94-793.
12. The Developer shall install signalization if warranted as determined by the County Engineer at the intersection of West Atlantic Avenue and the project's entrance. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E.12. of Resolution R-98-2039, Petition EAC92-005(B)) (ENG-Bldg)

[NOTE: THIS SIGNAL IS CURRENTLY NOT EXISTING]

13. The Developer shall fund any required signal modifications in conjunction with roadway improvements funded by this developer. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Funding shall be completed within 60 days after receiving notice from Palm Beach County Engineering Department. Previously Condition number E.8 of Resolution R-92-1834, Petition 92-5. (Previously Condition E.13. of Resolution R-98-2039, Petition EAC92-005(B)) (ENG)

[NOTE: SIGNAL MODIFICATIONS HAVE NOT BEEN COMPLETED BY THE DEVELOPER]

14. All required median landscaping, including watering, shall 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, and shall be installed concurrent with the first plat. (Previously Condition E.14 of Resolution R-98-2039, Petition EAC92-005(B)) (ENG-Zoning)
15. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. (Previously Condition E.15 of Resolution R-98-2039, Petition EAC92-005(B)) (ENG-COAtty)
16. As an alternative to landscaping West Atlantic Avenue adjacent to this site, the developer shall contribute \$20,000 to Palm Beach County prior to June 1, 1995, to be available for match-up with other funds for beautification improvements within 5 miles of this petition site. This contribution is eligible to be considered as "other" funds required to match the 50% (maximum) County participation in beautification projects. First priority will be given to beautification efforts on Jog Road from Linton Boulevard to West Atlantic Avenue. If no matching County funds have been allocated to this section of Jog Road by June 1, 1996,

then this \$20,000 would be available for utilization for other **locations** within this **5** mile radius. (Previously Condition E.16 of Resolution R-98-2C39, Petition EAC92-005(B)) (MONITORING - Eng)

17. Condition E.9 of Resolution R-92-1834, Petition 92-5, was deleted **by R-94-793**.
18. Condition **E.10** of Resolution R-92-1834, Petition 92-5, was deleted **by R-94-793**.

F. LIGHTING

1. Street lights a maximum of twenty-five (**25**) feet in height shall be installed along all platted access tracts, easements, and privately dedicated right-of-ways. Light fixtures shall be directed away **from** residences. (Previously Condition H.1 of Resolution R-98-2039, Petition EAC92-005(B)) (Bldg/ Zoning - Eng)

G. LIMITATIONS

1. **No** Commercial land use, Zoning, Commercial tract(s) or **Commercial use(s)** shall be permitted or allowed within the subject PUD. (Previously Condition 1.1 of R-98-2039, Petition EAC92-005(B)). (ZONING)
2. The maximum height of all residential structures within the PUD shall be limited to **two** (2) stories or twenty-eight (28) feet except for **the** multifamily buildings abutting the lake in Pod **A**, which may be a maximum height of thirty-five (35) feet including all air conditioning and mechanical equipment, measured from finished grade to highest **po** nt. (Previously Condition 12 of R-98-2039, Petition EAC92-005(B)). (BLDG PERMIT: BLDG - Zoning)

H. PARKS

1. The funds realized from the cash-out of the Upjohn PUD civic site **shall** be directed to the Parks and Recreation Department to be utilized **for** park and recreational purposes. (Previously Condition J.1. of Resolution R-98-2039, Petition EAC92-005(B)) (PARKS)

I. SCHOOL BOARD

1. **All** sales and notice literature and purchase agreements for the within development shall include a **statement/** notice that 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 K.1. of Resolution R-98-2039, Petition EAC92-005(3)) (SCHOOL BOARD)
2. Prior to master plan certification, petitioner(s) shall demonstrate **that** they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the **nearest** available schools. (Previously Condition K.2. of Resolution R-98-2039, Petition EAC92-005(B)). (SCHOOL BOARD)

J. SITE DESIGN

1. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (Previously Condition L.3. of Resolution R-98-2039, Petition EAC92-005(B)) (ENG/BLG)

K. 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. (Previously Condition M.1 of Resolution R-98-2039, Petition EAC92-005(B)) (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the **subject** property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, **owner**, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, **owner**, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, **and/or** any other zoning approval; and/or
 - c. A requirement of the development to conform with the **standards** of the ULDC at the time of the finding of non-compliance, or **the** addition or modification of conditions reasonably related to **the** failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or

other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(Previously Condition M.2 of Resolution R-98-2039, Petition EAC92-005(13))
(MONITORING)