

RESOLUTION NO. R-2008- 0927

RESOLUTION APPROVING ZONING APPLICATION DOA-2007-1400  
(CONTROL NUMBER 2005-103)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF HAVERHILL ACRES LLC  
BY JEFF H. IRAVANI, INC., AGENT  
(HAVERHILL ACRES)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA-2007-1400 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA - 2007-1400, the application of Haverhill Acres LLC, by Jeff H. Iravani, Inc., agent, for a Development Order Amendment to reconfigure the preliminary site plan to add 71 units 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, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥	Absent
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Absent
Burt Aaronson	¥	Absent
Jess R. Santamaria	¥	Nay

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 22, 2008.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

**JHI**

**Jeff H. Iravani, Inc.**

Consulting Engineers

1934 Commerce Lane, Suite 5 Jupiter, Florida 33458

Tel: (561) 575-6030 Fax: (561) 575-6088

JHI@bellsouth.net

**LEGAL DESCRIPTION**

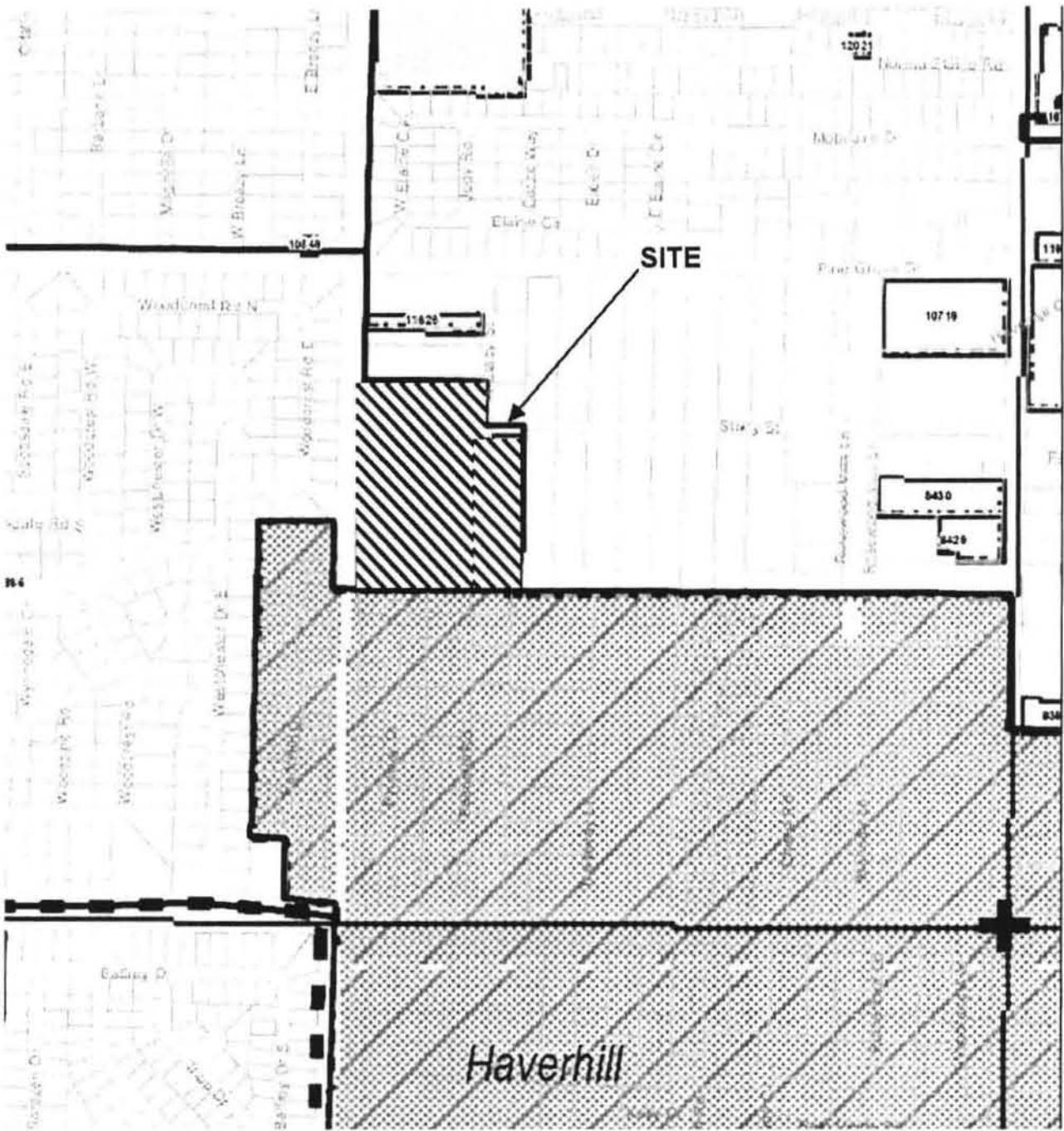
Lots 21, 22, 23, 24, 25 and 26, less the West 2.47 feet thereof, together with all of lot 20, of "HAVERHILL ACRES" as recorded in Plat Book 20, Page 75 of the public records of Palm Beach County, Florida; together with a portion of Stacy Road, the entire parcel being more particularly described as follows:

Begin at the southeast corner of said Lot 20, thence North 89' 27' 01" west on the South line of lots 20 and 21 for 647.53 feet to the intersection with a line 2.47 feet east of and parallel with the west line of said lots 21 through 26; thence North 01' 21' 41" East on said parallel line 852.33 feet to the intersection with the North line of said lot 26; thence South 89' 27' 01" East on said North line 467.53 feet to the intersection with the West Right-of-Way line of said Stacy Road as depicted on said plat, also being the Northeast corner of said lot 26; thence south 01' 21' 41" West on said West right-of-way line and on the East line of said lots 26 and 25 for 206.59 feet to the Westerly extension of the South Right-of-Way line of Stacy Street (Stacy Road per plat); thence south 89' 26' 09" East on said extension and said South Right-of-Way also being the North line of aforementioned lot 20 for 180.00 feet to the Northeast corner of said lot 20; thence South 01' 21' 41" West on the East line of said lot 20 for 645.70 feet to the point of beginning.

Said lands situate, lying and being in Palm Beach County, Florida containing 514,668 square feet (11.8152 acres)

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2007-1400  
Zoning Quad 31  
Date May 1, 2008



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All Petitions condition 1 of Zoning Resolution R-2005) Control No. 2005-103, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master plan is dated September 1, 2005.

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 approved by the Board of County Commissioners. The approved preliminary master plan is dated March 17, 2008. 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)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the multi-family buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

#### ENGINEERING

1. Engineering Condition E12 of Zoning Resolution R-2005-1784, Control No. 2005-103, which currently states:

The property owner shall be restricted to the following phasing schedule:

No Building Permits for the site shall be issued after August 25, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING- Eng)

Is hereby amended to read:

The property owner shall be restricted to the following phasing schedule:

No Building Permits for the site shall be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING- Eng)

2. On or before August 1, 2008 the property owner shall provide to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage

system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of North Stacey Street from the project entrance, north to the north property line of the Palm Beach County School Board Property. Easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (DATE:MONITORING-Eng)

3. The Property owner shall fund a pro rata share of the reconstruction of Stacey Street as a 2-lane road. Funding in the amount of \$72,720 shall be provided to the County Engineer prior to August 1, 2008. (DATE: MONITORING-Eng)

#### ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRO: ERM-ERM) (Previous Environmental Condition 1 of Zoning Resolution R-2005-1784, Control No. 2005-103).

#### HEALTH

1. The property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health) (Previous condition Health 1 of Resolution R-2005-1784, Control number 2005-103)

2. Health Condition 2 of Resolution R-2005-1784, Control number 2005-103 which currently states:

The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH-Health)

Is hereby deleted – Reason: [Code requirement]

3. Prior to the issuance of the first building permit, the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site

development. The property owner or the representative of the property owner shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING - Health) (Previous Health condition 3 of Resolution R-2005-1784, Control No. 2005-103)

#### LANDSCAPING-STANDARD

1. Prior to the issuance of a first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with the ULDC and Conditions of Approval. (BLDG PERMIT: MONITORING –Landscape) (Previous Landscape Condition 1 of Zoning Resolution R-2005, Control No. 2005-103)
2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 2 of Zoning Resolution R-2005, Control No. 2005-103)
3. Landscape Condition 3 of Zoning Resolution R-2005, Control No. 2005-103, which currently states:

All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby amended to read:

All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
  - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 4 of Zoning Resolution R-2005, Control No. 2005-103)
  5. Landscape Condition 5 of Zoning Resolution R-2005, Control No. 2005-103, which currently states:

All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final approval by the

Development Review Officer. (DRO: LANDSCAPE-Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the applicant/property owner shall submit to the Architectural Review and Landscape Section for review and approval, the following design and construction/planting details. These details shall be reflected on the Regulating Plan(s):

- a. all landscape focal points;
- b. the wall as specified in Landscape Condition 7. (DRO: LANDSCAPE/ARCH REVIEW – Zoning)

#### LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (ABUTTING SINGLE FAMILY RESIDENCES)

6. Landscape Condition of Zoning Resolution R-2005, Control No. 2005 -103, which currently states:

In addition to the code requirements, landscaping and buffer width along the north and south property lines shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip and a fifteen (15) foot wide buffer in all buffers adjacent to Stacy Street; and,
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (DRO: LANDSCAPE-Zoning)

Is hereby amended to read:

#### LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (FRONTAGE OF STACY STREET)

In addition to the code requirements, landscaping along the north and east property lines with frontage on Stacy Street shall be upgraded to include:

- a. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (DRO: LANDSCAPE-Zoning)

#### LANDSCAPING ALONG THE PERIMETER PROPERTY LINES (ABUTTING RESIDENTIAL)

7. In addition to the code requirements, landscaping along the perimeter property lines excluding north and east portion with frontage on Stacy Street shall be upgraded to include:

- a. a six (6) foot high concrete panel wall. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property; and,
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines.

Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO: LANDSCAPE – Zoning)

8. Special planting treatment shall be provided within the median at the access point. Planting shall consist of the following:
  - a. a minimum of three (3) specimen palm (Medjool, Canary, Phoenix, or other specimen palm that is acceptable to the Landscape Section; and,
  - b. a continuous shrub or hedge between all palms within the median, where applicable; and,
  - c. appropriate ground cover. (DRO: LANDSCAPE-Zoning) (Previous Interior Landscape Condition 1 of Zoning Resolution R-2005, Control No. 2005-103)

#### LAKE WORTH DRAINAGE DISTRICT

1. Lake Worth Drainage District Condition 1 of Zoning Resolution R-2005-1784, Control No. 2005-103, which currently states:

Prior to platting or LWDD permits, the property owner shall convey to the District either by warranty deed or easement deed the East 10 feet of the West 12.47 feet Lots 21-26 of HAVERHILL ACRES, as recorded in Plat Book 20 Page 75 of the Public Records of Palm Beach County for the ultimate right-of-way for the E-3 Canal for a total of 62.47 feet east and adjacent to the West Line of the SE of Sec 26/43/42. (PLAT: MONITORING-LWDD)

Is hereby amended to read:

Prior to platting, approval from the District for Technical Compliance, or the issuance of any Lake Worth Drainage District permits, the owner shall convey to the District either by warranty deed or easement deed the East 9.53 feet of the West 12.00 feet Lots 21-26 of HAVERHILL ACRES, as recorded in Plat Book 20 Page 75 of the Public Records of Palm Beach County for the right-of-way for the E-3 Canal for a total of 62.47 feet east and adjacent to the West Line of the SE of Sec 26/43/42. (The District has changed the amount of right-of-way to be conveyed from 10 feet to 9.53 feet) (PLAT: MONITORING-LWDD)

#### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:
  - a. Guarantees the attainability of all required workforce units, which includes all units required per Article 5.G in the ULDC and all requested TDR units, for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and
  - b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY- Planning)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall include notations on the Final Master Plans and related Site Plans that the requested TDR units have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants and shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households. (DRO: PLANNING – Planning)

3. On an annual basis, beginning May 1, 2009, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING – Planning/HCD)

#### PLANNED UNIT DEVELOPMENT

1. Planned Unit Development Condition 1 of Zoning Resolution R-2005, Control No. 2005-103, which currently states:

Prior to final approval by the Development Review Officer (DRO), the plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within the wet detention area as indicated on the Master Plan dated September 1, 2005. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: DRO- Zoning)

Is hereby deleted. Reason: [no lake, dry detention areas only under current design].

2. Planned Unit Development Condition 3 of Zoning Resolution R-2005, Control No. 2005-103, which currently states:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate the following features to achieve exemplary site design:

- a. provide lakeside pedestrian pathways and amenities;
- b. incorporate the typical bench feature, trash receptacles, trees and plantings, and pedestrian lighting into both the bike path and pedestrian path;
- c. provide guest parking in a proportionate manner throughout the site;
- d. extend a bike path throughout the site. (DRO: ZONING - Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate the following features for each dry detention area to achieve exemplary site design:

- a. a four (4) foot wide meandering pedestrian pathway within the detention easement, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the detention area, and to be connected to the adjacent sidewalks within the development;
  - b. a minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and Engineering Department. These shade structures shall be a minimum of one hundred and twenty (120) square feet each and shall include bench(es) and trash receptacle(s). (DRO: ZONING/ENG - Zoning/Planning)
3. Prior to recordation of the first plat, 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 include the following:
    - a. 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;
    - b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents;

- c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: MONITORING-Cty-Atty) (Previous Planned Unit Development Condition 4 of Zoning Resolution R-2005, Control No. 2005-103).
4. Previous Planned Unit Development Condition 5 of Zoning Resolution R-2005, Control No. 2005-103, which currently states:

Prior to the issuance of a building permit for the fiftieth (50) unit, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 0.53-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:

- a. a minimum load capacity of .02 k w per building square foot;
- b. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- c. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- d. setback in accordance with the Property Development Regulations for a (Recreation or Civic) Pod in accordance with ULDC Table 3.E.2.D-16;
- e. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- f. subject to review and approval by the Building Division; and,
- g. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations. (Previous Planned Unit Development Condition 5 of Zoning Resolution R-2005, Control No. 2005-103). (BLDG PERMIT: MONITORING - Zoning)

Is hereby deleted – Reason: [Code Requirement]

5. Prior to final approval by the Development Review Officer, the property owner shall revise the plan to show a Palm Beach County Sheriff Office Substation being accommodated within the recreation building. (DRO: ZONING - Zoning)

#### SCHOOL BOARD

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

##### "NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s) (Previous School Board Condition 1 of Resolution R-2005-1784 Control No. 2005-103). (ONGOING: SCHOOL BOARD-School Board)

2. Previous School Board Condition 2 of Resolution R-2005-1784 Control No. 2005-103, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved

pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING-School Board)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING – School Board/Eng)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Compliance Condition 2 of Resolution R-2005-1784 Control No. 2005-103, which currently states:

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

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

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E 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)

Is hereby amended to read:

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

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

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended.

Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

This resolution will become effective when filed with the Clerk of the Board of County Commissioners.