

RESOLUTION NO. R-2009- 0163

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2008-01683  
(CONTROL NUMBER 2002-00018)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF Kings Academy Inc, Palm Beach County  
BY Kilday & Associates, Inc., Palm Beach County, AGENT  
(District Park K )

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/EAC-2008-01683 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2009; 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/EAC-2008-01683, the application of Kings Academy Inc, Palm Beach County, by Kilday & Associates, Inc., Palm Beach County, agent, for a Development Order Amendment to to delete a condition of approval (Engineering) 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 29, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4	-	
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 29, 2009.

Filed with the Clerk of the Board of County Commissioners on February 17, 2009.

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

BY:

  
COUNTY ATTORNEY

SHARON BOCK, CLERK &  
COMPTROLLER

BY:

  
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTIONS 29 AND 32, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING PORTIONS OF TRACTS 1, 5, 6, 7, 8, AND 14, BLOCK 2, OF PALM BEACH FARMS CO. PLAT NO.3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE PLAT OF THOUSAND PINES, RECORDED IN PLAT BOOK 31, PAGE 233 OF SAID PUBLIC RECORDS;  
THENCE ALONG THE BOUNDARY OF SAID PLAT, N89°02'47"E FOR 1318.42 FEET;  
THENCE CONTINUE ALONG SAID PLAT BOUNDARY, S00°56'18"E FOR 650.00 FEET TO THE SOUTH BOUNDARY OF SAID PLAT;  
THENCE CONTINUE ALONG SAID PLAT BOUNDARY, N89°02'47"E FOR 1278.42 FEET TO THE WEST LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2, RECORDED IN OFFICIAL RECORD BOOK 2439, PAGE 636, OF SAID PUBLIC RECORDS;  
THENCE ALONG SAID WEST LINE, S00°57'26"E FOR 1348.88 FEET TO THE NORTH LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-2, RECORDED IN OFFICIAL RECORD BOOK 1585, PAGE 505, OF SAID PUBLIC RECORDS;  
THENCE ALONG SAID NORTH LINE OF CANAL L-2, S88°52'05"W FOR 618.66 FEET TO THE NORTHERLY EXTENSION OF THE WEST BOUNDARY OF THE PLAT OF SADDLEBROOK VILLAGE P.U.D., RECORDED IN PLAT BOOK 88, PAGE 63 OF SAID PUBLIC RECORDS;  
THENCE ALONG THE SAID NORTHERLY EXTENSION AND THE WEST BOUNDARY OF SAID PLAT, S01°00'07"E FOR 1364.64 FEET TO A LINE 15 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 7, BLOCK 2 OF PALM BEACH FARMS CO. PLAT NO. 3;  
THENCE ALONG SAID PARALLEL LINE 329.54 FEET TO THE NORTHERLY EXTENSION OF THE EAST BOUNDARY OF THE PLAT OF OAK-LAND PARK, RECORDED IN PLAT BOOK 55, PAGE 197 OF SAID PUBLIC RECORDS;  
THENCE CONTINUE ALONG SAID PLAT BOUNDARY, S89°00'03"W FOR 330.27 FEET TO THE EAST BOUNDARY OF SAID PLAT OF OAK-LAND PARK;  
THENCE ALONG SAID EAST BOUNDARY, N00°56'19"W FOR 658.56 FEET TO THE NORTHEAST CORNER OF SAID PLAT;  
THENCE ALONG THE NORTH BOUNDARY OF SAID PLAT, S89°02'41"W FOR 660.01 FEET TO THE NORTHWEST CORNER OF SAID PLAT;  
THENCE ALONG THE NORTHERLY PROJECTION OF THE WEST BOUNDARY OF SAID PLAT, N00°55'40"W FOR 768.17 FEET;  
THENCE S89°02'41"W FOR 999.36 FEET TO THE EAST RIGHT-OF-WAY OF SANBURY'S WAY (RUBIN ROAD), AS SHOWN ON PALM BEACH COUNTY ENGINEERING DEPARTMENT DRAWING No.3-79-561R/W;  
THENCE ALONG SAID EAST RIGHT-OF-WAY, N00°56'49"W FOR 2612.34 FEET TO THE POINT OF BEGINNING.

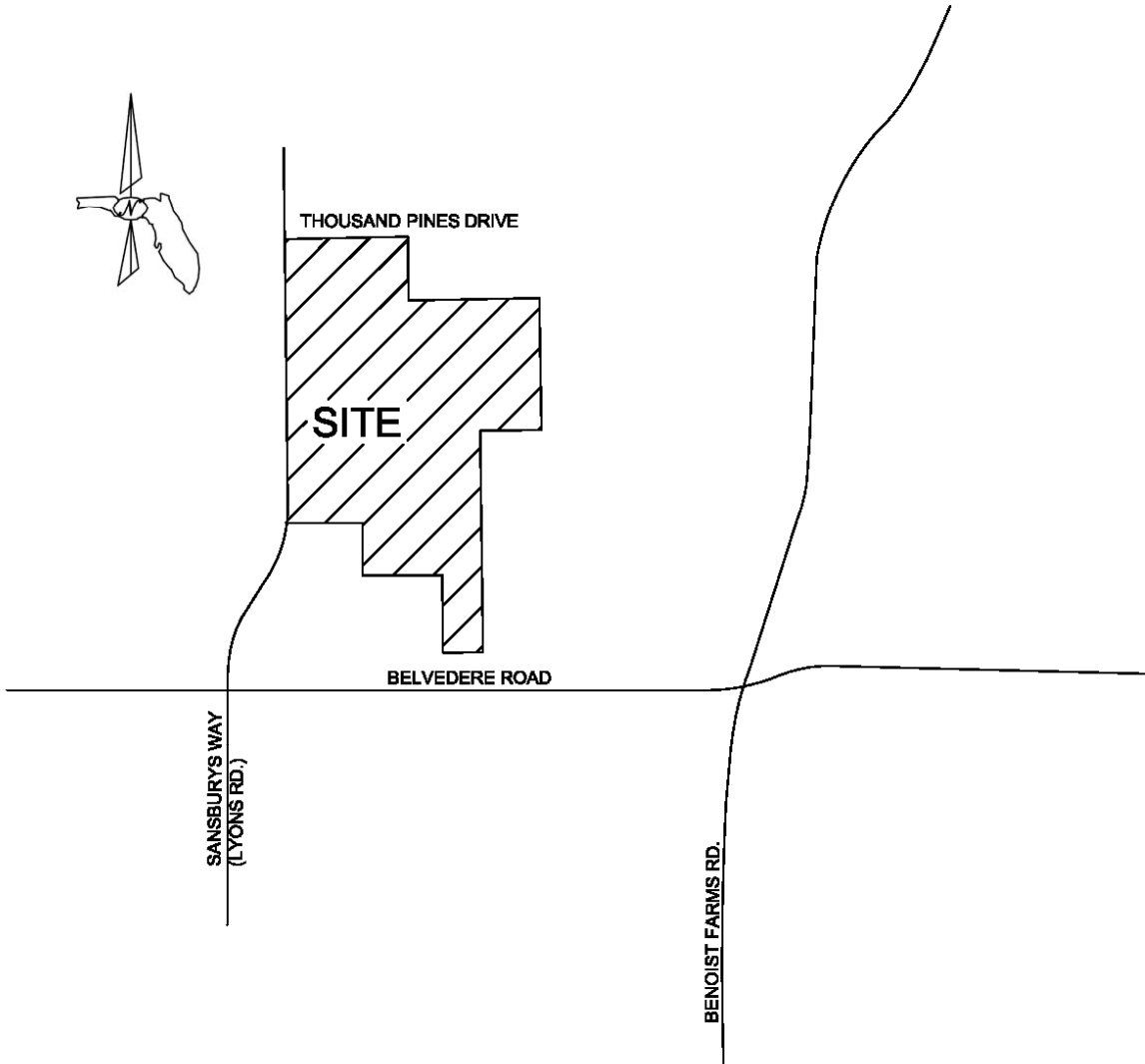
CONTAINING 150.393 ACRES, MORE OR LESS.

LESS THE RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT CANAL L-2 PER DEED BOOK 67, PAGE 543, OFFICIAL RECORD BOOK 1585, PAGE 505, OFFICIAL RECORD BOOK 1732, PAGE 612, OFFICIAL RECORD BOOK 1994, PAGE 1615, OFFICIAL RECORD BOOK 2447, PAGE 1655 AND CHANCERY CASE No. 407, OFFICIAL RECORD BOOK 6495, PAGE 761 & PAGE 1165 OF SAID PUBLIC RECORDS.

CONTAINING 3.506 ACRES, MORE OR LESS.

NET AREA = 146.887 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. 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 June 25, 2002. 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) (Previous Condition A.1 of Resolution R-2002-1260, Control No. 2002-018).

#### BUILDING AND SITE DESIGN

1. All outdoor athletic fields and/or facilities shall be setback a minimum of fifty (50) feet from any abutting residential property line, unless variance relief is obtained. (BLDG PRMT: BLDG - Zoning) (Previous Condition B.1 of Resolution R-2002-1260, Control No. 2002-018)

2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred (100) feet of all residential property lines. (BLDG PRMT/ONGOING: BLDG/CODE ENF -Zoning) (Previous Condition B.2 of Resolution R-2002-1260, Control No. 2002-018)

3. The Phase I lake area shall not extend north of the northernmost portion of the tree islands. If any extensions to the lake are required due to final calculations/mitigation, it shall occur east of the easternmost phase line. All existing vegetation located within the Phase II area shall remain until commencement of construction of Phase II. (BLDG PRMT: LANDSCAPE/ERM - Zoning) (Previous Condition B.3 of Resolution R-2002-1260, Control No. 2002-018)

4. No tree islands may be constructed within one-hundred and fifty (150) feet of any Thousand Pines property line. (BLDG PRMT: BLDG - Zoning)(Previous Condition B.4 of Resolution R-2002-1260, Control No. 2002-018)

5. No public passive/active uses shall be permitted within Pod C Phase I, with the exception of the public sidewalk located along Sansbury's Way, until construction of Phase II is complete. (CO Phase II: ENG - Eng) (Previous Condition B.5 of Resolution R-2002-1260, Control No. 2002-018)

#### ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Sansbury's Way to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING Eng) (Previous Condition E.1 of Zoning Resolution R-2002-1260, Control No. 2002-018)

2. Prior to the issuance of the first building permit or prior to January 15, 2004 whichever shall first occur the property owner shall convey 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 Sansbury's Way along the property frontage; and a maximum 400 feet of these adjacent roadway concurrent with Phase 1 construction of the park site. The limits of this additional 400 feet of drainage shall be determined by the County Engineer. Said 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. (BLDG PERMIT/DATE: MONITORING Eng)  
(Previous Condition E.2 of Zoning Resolution R-2002-1260, Control No. 2002-018)

[Note:Complete]

3.Condition E.3 of Resolution R-2002-1260, Control No. 2002-0018, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits, except those uses/facilities that are determined to have no traffic impact subject to approval of the County Engineer, shall be issued after January 1, 2007. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby deleted.[REASON: Build-out year conditions are no longer required for government services projects]

4. Prior to issuance of Engineering permits for Phase II, and with consent from the Thousand Pines Homeowner's Association, appropriate drainage easements along the County Park's north property line shall be established to accommodate drainage through the Pod C drainage system. The existing drainage easement/swale shall be abandoned upon incorporation of the southern portion of the Thousand Pines drainage outfalls into the Pod C drainage system. (PRMT: ENG Eng)

(Previous Condition E.4 of Zoning Resolution R-2002-1260, Control No. 2002-018)

[Note:Complete]

5.The petitioner shall selectively clear the existing drainage ditch along the common property line with the Thousand Pines subdivision to restore water flow. Clearing shall be concurrent with Phase I lake/littoral area construction. (MONITORING: ENG Eng)  
(Previous Condition E.5 of Zoning Resolution R-2002-1260, Control No. 2002-018)

6.A five (5) to six (6) foot wide asphalt pathway shall be constructed within the Sansbury's Way right-of-way (east side) from the parks southern border to the L-2 Canal. The pathway shall continue north meandering within Pod C, generally paralleling Sansbury's Way road right-of-way (east side) to the entrance of the Thousand Pines subdivision. Funding for the construction of this pathway north of Pod A is currently budgeted in the County's roadway program. (CO: MONITORING Eng)

(Previous Condition E.6 of Zoning Resolution R-2002-1260, Control No. 2002-018)

[Note:Complete]

7.Prior to issuance of Technical Compliance the Petitioner shall provide to the Survey Section evidence of an abandonment or evidence of clear title to the underlying Palm Beach Farms road rights-of-way within the boundary of this project on the map sheet of the Survey. (TC: ENG Survey) (Previous Condition O.1 of Resolution R-2002-1260, Control No. 2002-018)

[Note: Complete per Survey Section]

#### ENVIRONMENTAL

1.All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (BLDG PRMT/ONGOING: ERM ERM) (Previous ERM Condition 1 of Resolution 2002-1260, Control No. 2002-018)

2.A 25% set-aside equal to or greater than 7 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (BLDG PRMT/ONGOING: ERM ERM) (Previous ERM Condition 2 of Resolution 2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING

1.Prior to issuance of a certificate of occupancy for any phase an alternative landscape plan may be submitted for any perimeter buffer, including the shared property line between the private school and the district park. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R-2002-1260, Control No. 2002-018)

2.Fifty (50%) percent of trees required to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2002-1260, Control No. 2002-018)

3.All palms required to be planted on site 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. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2002-1260, Control No. 2002-018)

4.All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches large shrub; and
- d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence. (CO: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution R-2002-1260, Control No. 2002-018)

5.All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Condition F.4 of Resolution R-2002-1260, Control No. 2002-018)

6.A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition F.5 of Resolution R-2002-1260, Control No. 2002-018)

7.Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (Previous Condition F.6 of Resolution R-2002-1260, Control No. 2002-018) (DRC: LANDSCAPE - Zoning)

8.Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:

- a. Prior to issuance of building permits, an alternative landscape plan demonstrating native preserve area vegetation will meet the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and
- b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (BLDG PRMT: LANDSCAPE -Zoning) (Previous Condition F.7 of Resolution R-2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING-ALONG WEST PROPERTY LINE (SANSBURY'S WAY FRONTAGE)

9.Landscaping along the west property line abutting Sansbury's Way, shall be upgraded to include:

- a. A minimum fifteen (15) foot wide right-of-way buffer strip. No width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line;
- c. One (1) palm or pine for each twenty-five (25) linear feet of property line;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE - Zoning) (Previous Condition G.1 of Resolution R-2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING-ALONG NORTH 650 FEET OF THE EAST PROPERTY LINE AND NORTH PROPERTY LINE (ABUTTING THOUSAND PINES)

10.Landscaping along the north 650 feet of the east property line and north property line abutting abutting residential shall be upgraded to include:

- a. A minimum thirty (30) foot wide right-of-way buffer strip. No width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, unless an alternative landscape plan is approved;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches.(CO: LANDSCAPE -Zoning) (Previous Landscape Condition H.1 of Resolution R-2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING

11.Prior to application of building permits for Phase II, the Parks and Recreation



Department shall meet with each Thousand Pines homeowner with lots abutting the proposed lake/littoral tract. If applicable, an alternative landscape plan shall be submitted to address input provided by the homeowners.(BLDG PRMT Phase II: PARKS/LANDSCAPE - Zoning) (Previous Landscape Condition H.2 of Resolution R-2002-1260, Control No. 2002-018)

12.Security fences shall be provided on the northern portion of the subject site, follows:

- a. From the northwest corner of the subject site adjacent to the Thousand Pines entrance gate, extending in a southeasterly direction into the edge of the water of the phase II lake area; and
- b. From the northeast corner of the subject site abutting the LWDD L-2 Canal, and extending in a southwesterly direction into the phase II lake area. (BLDG PRMT Phase II: LANDSCAPE - Zoning) (Previous Condition H.3 of Resolution R-2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING-ALONG THE EAST 450 FEET OF THE SOUTH PROPERTY LINE (DISTRICT PARK LWDD L-2 CANAL FRONTAGE)

13.Landscaping along the east 450 feet of the south property line abutting the Lake Worth Drainage District L-2 Canal shall be upgraded to include:

- a. A minimum twenty (20) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, unless an alternative landscape plan is approved;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE -Zoning) (Previous Condition I.1 of Resolution R-2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING-ALONG THE NORTH 1,100 FEET OF THE EAST PROPERTY LINE (DISTRICT PARK ABUTTING GOLDEN LAKES)

14.Landscaping along the east property line abutting Golden Lakes, shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide buffer strip. No width reduction shall be permitted;
- b. One (1) canopy tree for each twenty (20) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, unless an alternative landscape plan is approved;
- d. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- e. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- f. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE - Zoning) (Previous Condition J.1 of Resolution R-2002-1260, Control No. 2002-018)

#### ZONING - LANDSCAPING-ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING SADDLEBROOK VILLAGE AND OAKLAND PARK)

15.Landscaping along the south, east and west property lines abutting Saddlebrook Village and Oakland Park, shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide buffer strip. No width reduction shall be permitted;
- b. A six (6) foot high black or green vinyl coated chain link fence to be installed at top of berm. Fences may be field adjusted to ensure preservation of existing native vegetation;

- c. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from finished grade. Berms may be field adjusted to ensure preservation of existing native vegetation;
- d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on each side of the required fence;
- e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on each side of the required fence, unless an alternative landscape plan is approved. (CO: LANDSCAPE - Zoning) (Previous Condition K.1 of Resolution R-2002-1260, Control No. 2002-018)

16. The following landscaping shall be required on the exterior side of the required fence:

- a. One (1) large shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of twenty-four (24) inches and maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE - Zoning) (Previous Condition K.2 of Resolution R-2002-1260, Control No. 2002-018)

17. The following landscaping shall be required on the interior side of the required fence:

- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
- b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE - Zoning) (Previous Condition K.3 of Resolution R-2002-1260, Control No. 2002-018)

## LIGHTING

1. All outdoor lighting used to illuminate the subject property, and identification signs, excluding athletic facilities only, shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition L.1 of Resolution R-2002-1260, Control No. 2002-018)

2. All outdoor, freestanding lighting fixtures excluding athletic facilities only, shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG Zoning) (Previous Condition L.2 of Resolution R-2002-1260, Control No. 2002-018)

3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition L.3 of Resolution R-2002-1260, Control No. 2002-018)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Condition L.4 of Resolution R-2002-1260, Control No. 2002-018)

5. All outdoor, freestanding lighting fixtures shall have a minimum setback as follows:

- a. South, east and west property line of district park, abutting Oakland Park, Saddle Brook Village and Golden Lakes:
  - i. Maintenance area: thirty (30) feet; and
  - ii. All other lighting: seventy-five (75) feet;
- b. North property line (abutting Thousand Pines subdivision): one hundred and fifty (150) feet; and
- c. West property line (Sansbury's Way frontage): twenty-five (25) feet. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning) (Previous Condition L.5 of Resolution R-2002-1260, Control No. 2002-018)

6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. Height of the athletic field lights shall not exceed the heights as

shown on the plan dated June 25, 2002. All heights shall be measured from finished grade to highest point. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition L.6 of Resolution R-2002-1260, Control No. 2002-018)

## PARKS

1. Prior to final Development Review Committee site plan approval or application for building permits, the Parks and Recreation Department shall arrange and meet with representatives from Breakers West, Thousand Pines, Saddle Brook Village, and Oakland Park and the private school/daycare to obtain input regarding the final design of the district park. (DRO/BLDG PRMT: PARKS Zoning) (previous condition M.1. of Resolution R-2002-1260, Control No. 2002-018)

2. If there are objections from any of the Board of Directors of the Homeowners Associations and/or school identified in Condition M.1 that are not resolved by the Parks and Recreation Department prior to final DRC site plan approval or application for building permits, PREM shall schedule the park site plan for further review by the BCC at a regularly scheduled hearing. (BLDG PRMT/DRC: PREM PREM) (previous condition M.2. of Resolution R-2002-1260, Control No. 2002-018)

## SIGNS

1. District park site: Freestanding signs (excluding directional signage) located on Sansbury's Way, shall be limited as follows:

- a. Maximum sign height: Eight (8) feet;
- b. Maximum sign face area per side: Sixty (50) square feet;
- c. Maximum number of signs: One (1);
- d. Location: Within one hundred (100) feet of the Sansbury's Way entrance; and
- e. Style: Monument only. (CO: BLDG - Zoning) (Previous Condition N.1 of Resolution R-2002-1260, Control No. 2002-018)

## 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. 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
- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. 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
- c. Referral to code enforcement; and/or
- d. 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.

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 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)