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RESOLUTION NO. R-2009- 0373

RESOLUTION APPROVING ZONING APPLICATION PDD/R/TDR-2008-00798
(CONTROL NO. 2008-00129)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF STANDARD PACIFIC OF SOUTH FL GP INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(ANDALUCIA 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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and 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 PDD/R/TDR-2008-00798 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) 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 official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan.
2. This official zoning map amendment (rezoning) is consistent with the stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
5. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
6. This official zoning map amendment is consistent with applicable Neighborhood Plans.
7. This official zoning map amendment (rezoning) complies with Article 2.F (Concurrency) of the Palm Beach County Unified Land Development Code.

8. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.

WHEREAS, Article 2.A.1.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 PDDPDD/R/TDR-2008-00798, the application of Standard Pacific of South FL GP Inc., by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Residential Transitional (RT) Zoning District to the Residential Planned Unit Development (PUD) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 2009, 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 Greene 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	-	Absent
Commissioner Shelley Vana	-	Aye
District 4	-	
Commissioner Jess R. Santamaria	-	Naye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2009.

Filed with the Clerk of the Board of County Commissioners on March 3rd, 2009.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

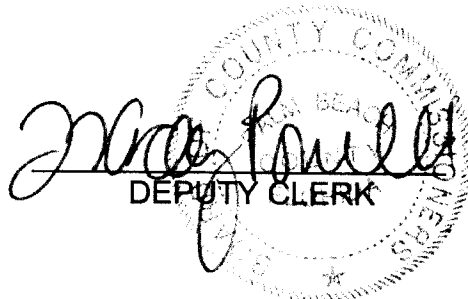
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

TRACT 38, LESS THE NORTH 35.64 FEET, BLOCK 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 41, LESS THE WEST 70 FEET THEREOF AS DESCRIBED IN OFFICIAL RECORD BOOK 4549, PAGE 1311, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 42 AND 43, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 53 AND 60, LESS THE SOUTH 35 FEET OF TRACT 60, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

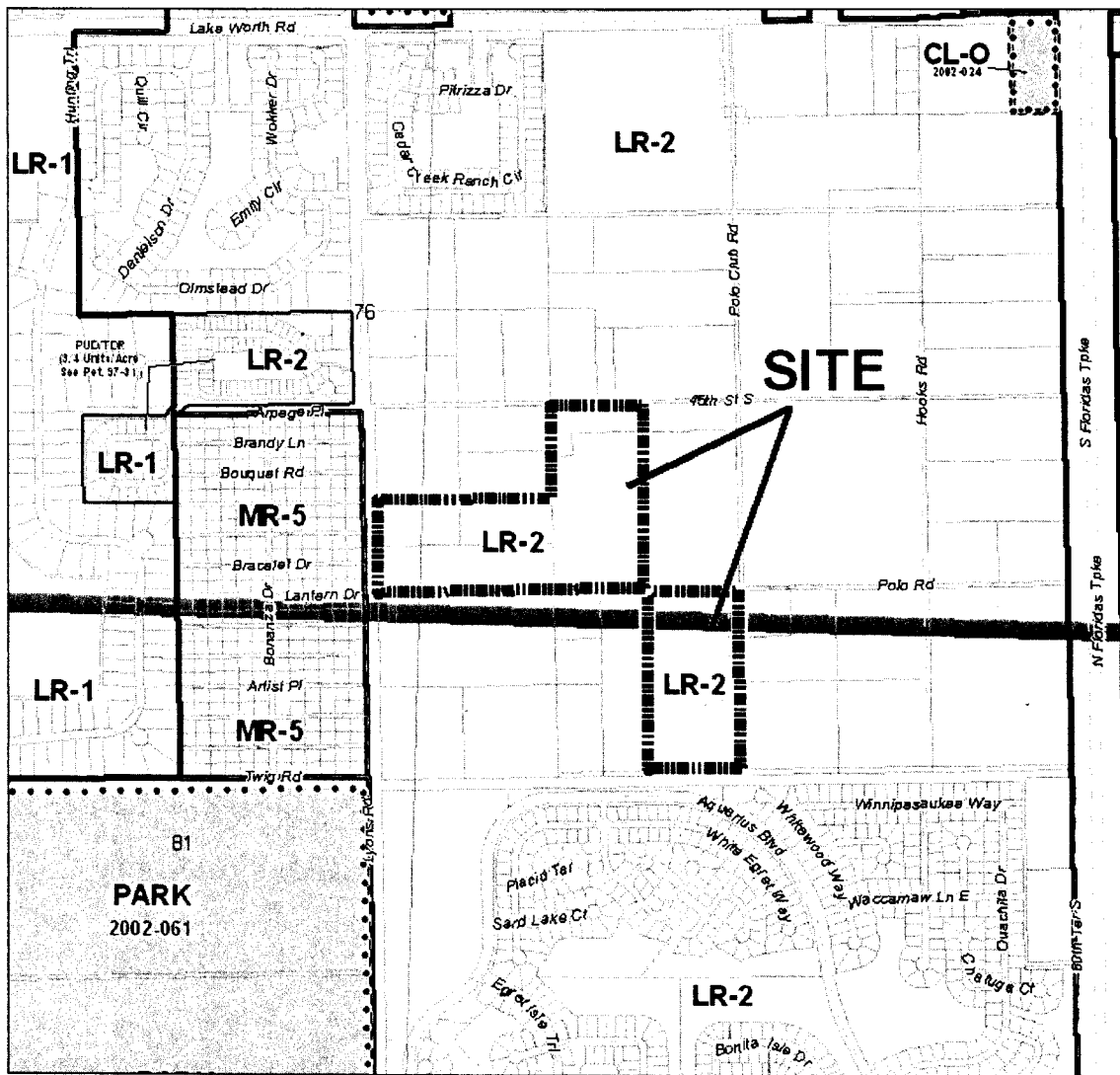
A PARCEL OF LAND LYING IN TRACT 44, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 44; THENCE NORTH 00°00'29" WEST ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 49.96 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET AND WHOSE CHORD BEARS SOUTH 82°06'07" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°27'05", A DISTANCE OF 136.20 FEET TO A POINT OF TANGENCY; THENCE SOUTH 74°52'34" EAST, A DISTANCE OF 58.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°39'56", A DISTANCE OF 117.74 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 44; THENCE SOUTH 89°59'31" WEST ALONG SAID SOUTH LINE OF TRACT 44, A DISTANCE OF 307.61 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 58.03 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

**PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE**



Application Number: PDD/R/TDR-2008-798
 Control Number: 2008-129
 Land Use Atlas Page: 76 & 81
 Date: 10/30/2008



EXHIBIT C

CONDITIONS OF APPROVAL

ACCESS

1. Prior to final plan approval by the Development Review Officer (DRO), the property owner shall record a cross access agreement from the subject property to the Oliver Property, PCN No. 00-42-43-27-05-028-0391, in a form and manner that is acceptable to the County Attorney's office. (DRO: COUNTY ATTY - Zoning)

ALL PETITIONS

1. Development of the site shall be in accordance with the certified Preliminary Master Plan and Preliminary Subdivision Plan dated December 16, 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. (DRO: ZONING - Zoning)

BUILDING AND SITE DESIGN

1. A minimum of eight (8) benches shall be incorporated into the pedestrian walkway system and central open space area of Pod C. (DRO: ARCH REV - Zoning)

ENGINEERING

1. The existing access shall be maintained to the parcel west of subject project, located on 87th Place South and having PCN of 00-42-43-27-05-028-0391, until alternate access is available for traffic. (ONGOING: ENG - Eng)

2. Prior to platting any portion of POD C, access to the parcel located west of the subject property and having PCN 00-42-43-27-05-028-0391 must be provided. (PLAT: MONITORING- Eng)

3. Prior to final approval of the Master Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391. The PUD's stormwater management system shall then be designed to accept this historical drainage. Required drainage easements shall then be provided to the not included parcel(s) and shall be shown on the plat of the PUD. (DRO: ENGINEERING-Eng)

4. The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

A total of 80 feet, measured from the southern line of the existing 30 feet of right of way, which will serve as the Collector Road for access to the two development sites.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT: MONITORING-Eng)

5. The developer shall construct the 80 foot right of way collector street from Lyons Road east to the eastern line of Tract 53 to be consistent with Palm Beach County standards. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Construction may be phased but shall be complete to provide access to the first developed phase prior to the issuance of the first Certificate of Occupancy in that phase. [CO:MONITORING-Eng]

b. Construction of the entire roadway shall be complete prior to issuance of the first Certificate of Occupancy for POD B. [CO:MONITORING-Eng]

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

a. 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)

7. The Property Owner shall construct left turn lane north approach on Lyons Rd at project entrance. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first Building Permit, permits shall be obtained from Palm Beach County for the construction identified above (BLDG PERMIT: MONITORING-Eng)

b. Construction for the improvements above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

8. Prior to issuance of the first building permit, a 12.50 foot by 23 foot access easement, south of the LWDD R/W reservation and along the northwestern corner of the property, shall be recorded to maintain existing access to the parcel located west of the subject property and having PCN 00-42-43-27-05-028-0392. The easement shall be located as shown on the site plan. (BLDG PERMIT: MONITORING- Eng)

9. The property owner shall revise the final site plan to show an extension of the project's internal street system to provide access from the project's entrance on the 80 foot non-plan collector to the parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391. (DRO:ENGINEERING-Eng)

10. Prior to the recordation of the first plat, access easements for the 50 foot right of way to parcels with property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391 shall be listed in the homeowner's documents, all sales brochures, Master Plans and related site plans.

a. The property owner shall submit documentation of compliance to the Monitoring Section of Planning, Zoning and Building Department. (PLAT: MONITORING-Eng)

b. Compliance documentation shall be submitted on an annual basis to the Monitoring Section of Planning, Zoning and Building Department until the property owner relinquishes control to the homeowner's association. (ONGOING:MONITORING-Eng)

11. The property owner shall provide an access easement over the project's internal street system from the project's entrance on the 80 foot non-plan collector to the parcels with

property control numbers 00-42-43-27-05-028-0392 and 00-42-43-27-05-028-0391.

a. The easements shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the property owner and prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. If alternative development-suitable access becomes available to either of the parcels above, the property owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING:ENGINEERING-Eng)

12. Prior to final DRO approval of the Master Plan or Subdivision Plans, the property owner shall apply to Palm Beach County Land Development Division to close a portion of 47th Place South. [DRO: ENGINEERING-Eng]

13. The Property owner shall construct a left turn lane west approach on the 80 foot non-plan collector road at the project's entrance for the northern portion of the project. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

ENVIRONMENTAL

1. All mitigation required by ULDC Chapter 14.C shall be completed and accepted by ERM prior to the issuance of the Certificate of Occupancy for the 199 unit. (CO: MONITORING-ERM)

HEALTH

1. Prior to the issuance of a demolition building permit, the property owner shall submit results of an asbestos containing materials (ACM) survey to the Palm Beach County Health Department. (BLDG PERMIT: MONITORING-Health)

LANDSCAPE - STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

2. A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and 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)

3. 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. (BLDG PERMIT: LANDSCAPE - Zoning)

4. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF LYONS ROAD) In addition to the code requirements, the landscaping buffer easement located along the west property line abutting Lyons Road shall be upgraded to include:

- a. a minimum two (2) to three (3) foot high undulating berm with an average height of two-and one-half (2.5) feet; 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. (BLDG PERMIT: LANDSCAPE - Zoning)

5.LANDSCAPING ALONG THE WEST PROPERTY LINE OF POD C(ABUTTING OLIVER AND GARVEY PARCELS) In addition to code requirements for Pod C, the western perimeter buffer of Pod C shall be upgraded to include a eight (8) foot high opaque concrete panel or block wall. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure (multi-family buildings). (BLDG PERMIT: LANDSCAPE - Zoning)

6.LANDSCAPING ALONG THE EAST PROPERTY LINE OF POD A (WHERE RESIDENCES ABUT POLO FIELDS) In addition to code requirements and the proposed landscaping and/or buffer width along the east property line of Pod A abutting lots 1-8, planting and buffer width shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. landscape materials shall be upgraded to provide a minimum six (6) foot high continuous solid opaque visual screen, composed of hedges or shrubs. This hedge shall connect to the required hedge in Pod C to the north, and shall also continue a minimum of one-hundred (100) feet south of lot 1; and,
- c. additional buffer width and planting requirements may be deleted by the DRO in the event adjacent equestrian or other similar uses cease to exist, and are replaced with residential uses. (BLDG PERMIT: LANDSCAPE - Zoning)

7.LANDSCAPING ALONG THE SOUTH BOUNDARY OF POD C (ABUTTING POD A BOUNDARY, EXCLUDING ENTRANCE) Special planting shall be provided along the southern boundary of Pod C so as to mitigate any adverse impacts from nighttime vehicle headlight glare on adjacent homesites in Pod A. Special planting shall include the following:

- a. a minimum five (5) foot wide landscape planting area;
- b. special planting in areas lying immediately north of Pod A lots 47 through 53, shall provide a continous solid opaque visual screen a minimum of three (3) feet in height, with canopy trees spaced a minimum of twenty (20) feet on center;
- c. special planting in areas lying immediatly north of Pod A lot 8 shall provide a continous solid opaque visual screen a minimum of six (6) feet in height, with canopy trees spaced a minimum of twenty (20) feet on center; and,
- d. an Alternative Landscape Plan that accomplishes the desired mitigation of nighttime parking lot glare/lighting, may be permitted if approved by the PBC Landscaping Section. (BLDG PERMIT: LANDSCAPE - Zoning)

8.Foundation planting or grade level planters shall be provided along the front and side facades of all multi-family structures to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet along the east and west facades, and five (5) feet along the north and south facades;
- b. The length of required landscape areas shall be no less than forty (40) percent of the total length of each side of the structure. Minor deviations shall be permitted if required to accomodate entrances and doorways, provided plant material is incorporated elsewhere along the foundation; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (BLDG PRMT: LANDSCAPE - Zoning)

9.Prior to final Development Review Officer approval, the open space focal point detail for Pod C shall be amended to add a specimen tree at the terminus of the main entrance. (DRO: LANDSCAPE - Zoning)

10.Landscaping proposed for both entrances from 47th Place South shall be upgraded to include the following:

- a. a minimum of three (3) Royal Palms, Canary Palms, Medjool Palms, other specimen

palm, or native canopy tree that is acceptable to the Landscape Section. Subject to approval by the Engineering Department;

- b. a minimum of three (3) flowering trees along each side of the access point(s); and,
- c. appropriate shrub or hedge materials on both sides of the access point(s). (BLDG PERMIT: LANDSCAPE - Zoning)

11. The landscape buffers located along the east property lines of Pods A, B and C shall be upgraded to incorporate a six (6) foot high black or green vinyl coated chainlink fence. Required hedge coverage shall be in accordance with the ULDC. (DRO: LANDSCAPE - Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. 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 exclusive easement deed the North 45 feet of Tract 38, and the South 35 feet of Tract 60 all being in Block 28, PALM BEACH FARMS COMPANY PLAT NO 3, PB2, PG45, for the required right-of-way for the L-13 and L-14 Canals. (Less lands owned by the District)

2. Prior to Platting or the issuance of any Lake Worth Drainage District permits any fences along with any other above ground encroachments will need to be removed from the District's Rights-of-Way, either future or existing. (PLAT: ENG - LWDD)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

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 84 workforce units, which includes all units required per Article 5.G in the ULDC and 59 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). This does not prohibit allowing higher numbers of lower income units. Final distribution of the units may be defined at the time of FDRO. 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 a notation in Master Plans and related Subdivision Plans that shall indicate that a minimum of 84 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 April 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. Prior to recordation of the first plat, all property included in the legal description of the application 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 (POA), 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; and,
- 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: ENG - Cty Atty)

2. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts and related plans, a disclosure statement identifying the following: 1) use of properties adjacent to and within the immediate vicinity, for equestrian related activities, with emphasis on private accessory stables and the use polo fields for both practice and regulation tournaments. Equestrian related notices may cease to be required upon approval of documentation demonstrating that all equestrian related uses on parcels abutting the PUD have been redeveloped or permanently cease to exist; and, 2) that a resident of an abutting parcel houses large domestic and exotic cats as pets. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2010 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the Subdivision and Regulating plans shall be revised to indicate upgraded recreation amenities for the neighborhood park in Pod A, and an additional neighborhood park to be added near the entrance to Pod B. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola) in Pod A, and a similar amenity or shade structure in Pod B; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - 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).

2. 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.

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
 - 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)