

RESOLUTION NO. R-2019- 1955

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2017-00983
(CONTROL NO. 1997-00008)
an Official Zoning Map Amendment
APPLICATION OF AMKBJ Partners, LTD LLLP
BY WGINC, AGENT
(Heathwood Reserve)

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

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 21, have been satisfied;

WHEREAS, Zoning Application ABN/ZV/PDD/CA-2017-00983 was presented to the Board of County Commissioners at a public hearing conducted on December 19, 2019;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 ABN/ZV/PDD/CA-2017-00983, the Application of AMKBJ Partners, LTD LLLP, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District, on a parcel of land generally described as shown on the legal description 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 December 19, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 19, 2019.

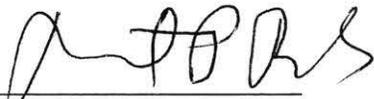
Filed with the Clerk of the Board of County Commissioners on January 13th, 2020

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

OVERALL PARCEL

PCN:

00-42-44-36-08-010-0000; 00-42-44-36-08-016-0060; 00-42-44-36-08-016-0090; 00-42-44-36-08-016-0110; 00-42-44-36-08-009-0030

A PORTION OF TRACT 9, 10, AND 16 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, "PLAT OF SEC. 36 – T44S, R42E.", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, THENCE SOUTH 01°47'37" WEST, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 36, A DISTANCE OF 2736.10 FEET TO THE CENTER OF SAID SECTION 36; THENCE NORTH 87°42'20" WEST ALONG SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 36, A DISTANCE OF 67.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°42'20" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 937.99 FEET; THENCE NORTH 01°55'35" EAST, ALONG THE WEST LINE OF SAID TRACT 10, A DISTANCE OF 1375.08 FEET; THENCE SOUTH 87°18'06" EAST, ALONG THE NORTH LINE OF SAID TRACTS 10 AND 9, A DISTANCE OF 934.89 FEET; THENCE SOUTH 01°47'37" WEST, ALONG A LINE 67.00 FEET WEST OF THE EAST LINE OF SAID TRACT 9, ALSO BEING THE WEST LINE OF SOUTH MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORDS BOOK 5876 AT PAGE 135 OF SAID PUBLIC RECORDS, A DISTANCE OF 350.05 FEET; THENCE NORTH 87°18'06" WEST, A DISTANCE OF 601.55 FEET; THENCE SOUTH 01°52'51" WEST, ALONG THE EAST LINE OF SAID TRACT 10, A DISTANCE OF 679.51 FEET; THENCE SOUTH 87°36'17" EAST, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID TRACT 16, A DISTANCE OF 299.52 FEET; THENCE NORTH 01°47'37" EAST, ALONG A LINE 370.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 16, A DISTANCE OF 171.33 FEET; THENCE NORTH 87°33'15" WEST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTH ONE-HALF OF SAID TRACT 16, A DISTANCE OF 10.00 FEET; THENCE NORTH 01°47'37" EAST, ALONG A LINE 380.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 16, A DISTANCE OF 171.34 FEET; THENCE SOUTH 87°30'14" EAST, ALONG THE NORTH LINE OF SAID TRACT 16, A DISTANCE OF 313.03 FEET; THENCE SOUTH 01°47'37" WEST, ALONG A LINE 67.00 FEET WEST OF THE EAST LINE OF SAID TRACT 16, ALSO BEING THE WEST LINE OF SOUTH MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORDS BOOK 5990 AT PAGE 694, AND OFFICIAL RECORDS BOOK 5940 AT PAGE 707 OF SAID PUBLIC RECORDS, A DISTANCE OF 684.26 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 981,873 SQUARE FEET (22.541 ACRES), MORE OR LESS.

ALSO DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH 350 FEET OF TRACT 9 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THERE OF RECORDED IN PLAT BOOK 3, PAGE 10, PALM BEACH COUNTY PUBLIC RECORDS, LESS R/W FOR STATE ROAD 809.

LESS A PORTION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 36; THENCE NORTH 01°47'03"EAST, ALONG THE NORTH-SOUTH SECTION LINE, A DISTANCE OF 1368.52 FEET; THENCE NORTH 88°12'57" WEST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ¼ SECTION LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS SHOWN ON STATE OF FLORIDA STATE ROAD DEPT. RIGHT-OF-WAY MAP, ROAD NO. 809, SEC NO. 9375-113, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°47'03" WEST, ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY OF MILITARY TRAIL, A DISTANCE OF 350.04 FEET; THENCE NORTH 87°18'29" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 17.00 FEET; THENCE NORTH 01°47'03" EAST, PARALLEL WITH AND 17.00 FEET WEST OF SAID EXISTING WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 350.04 FEET; THENCE SOUTH 87°18'29" EAST, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

TRACT 10 AND THE SOUTH HALF (S 1/2) OF TRACT SIXTEEN (16), IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS. LESS AND EXCEPT THE PROPERTY DESCRIBED IN RIGHT-OF-WAY DEED IN DEED BOOK 889, PAGE 275 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND RIGHT-OF-WAY DEED IN OFFICIAL RECORD BOOK 5940, PAGE 107, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE WEST 190 FEET OF THE EAST 240 FEET OF THE NORTH 1/2 OF THE NORTH 1/2 OF TRACT 16, A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO AN 10 FOOT EASEMENT ALONG THE NORTH SIDE AND A 15 FOOT EASEMENT ON THE SOUTH SIDE AND ALSO THE WEST 190 FEET OF THE EAST 240 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF TRACT 16, A SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO AN 10 FOOT EASEMENT ALONG THE SOUTH SIDE AND A 15 FOOT EASEMENT ON THE NORTH SIDE AND LESS THAT PROPERTY CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 5990, PAGE 694, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING TWO PARCEL S

PARCEL A

THE WEST 140 FEET OF THE EAST 380 FEET OF THE NORTH HALF OF THE NORTH HALF OF TRACT 16, IN THE NW 1/4 OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 10, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B

THE WEST 130 FEET OF THE EAST 370 FEET OF THE SOUTH HALF OF THE NORTH HALF OF TRACT 16 OF THE SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOCK 3, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 981,873 SQUARE FEET (22.541 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

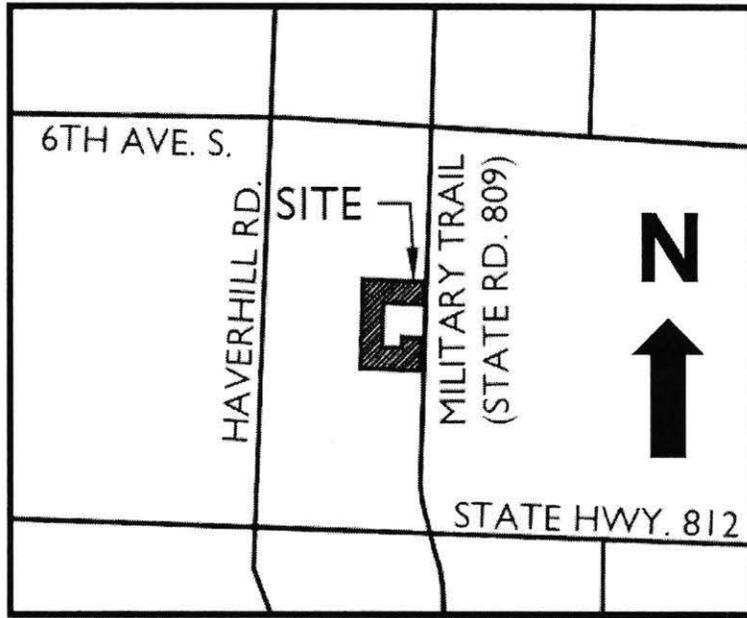


EXHIBIT C

CONDITIONS OF APPROVAL

PDD Rezoning (Residential Planned Development District)

ALL PETITIONS

1. The approved Preliminary Master Plan and Preliminary Site Plan are dated November 6, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2024. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane for:

- i. South approach on Military Trail at N. Country Club Blvd.
- ii. North approach on Military Trail at Wenhart Rd.

These turn lanes shall be lengthened to a minimum of 280 feet in length plus 50 foot paved taper or as approved by the County Engineer. 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 for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

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

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: ENGINEERING - Engineering)

5. The Property Owner shall provide an access easement over Dow Lane from Military Trail to the residential properties that currently use Dow Lane as access.

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. (BLDGPMT: MONITORING - Engineering)

b. If alternative development-suitable access becomes available to any 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 parcels. (ONGOING: MONITORING - Engineering)

6. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Military Trail. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Military Trail. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT/ONGOING: MONITORING - Engineering)

7. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 Military Trail along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. (BLDGPM: MONITORING - Engineering)

8. Prior to the final Plan approval by the Development Review Officer, the Property Owner shall revise the plan to include a temporary turnaround at the west end of the proposed 50ft roadway tract of Dow Lane or as approved by the County Engineer. (DRO: ENGINEERING - Engineering)

9. The Property Owner shall construct right turn lane north approach on Military Trail at the project's main entrance.

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. This turn lane shall be a minimum of 280 ft in length, plus 50 ft taper, or as approved by the County Engineer.

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

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

ENVIRONMENTAL

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall revise the Plan(s) to indicate the following:

a. All existing Native Vegetation that are shown on the Preliminary Site Plan dated November 6, 2019 with the Tag ID# and the location; and shall be shown on the Final Site Plan and Landscape Plan;

b. All existing Native Vegetation that are under six (6) inch in size, and have not been documented on the Preliminary Site Plan or the Preliminary Vegetation Disposition Chart shall be incorporated for preservation and shall be shown on the Landscape Plan(s);

c. The Vegetation Disposition Chart shall be modified to be consistent with all Final Plan(s); and

d. In case, if there are changes to the preservation of the above existing Native Vegetation, the modifications shall be subject to the approval of ERM and the Zoning Division.

(DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. The native trees located along the west property line shall be entirely incorporated into the site plan prior to the approval for the Final Site Plan by the Development Review Officer. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL-PERIMETER BUFFER ALONG THE NORTH AND EAST PROPERTY LINES ABUTTING PROPERTIES ON THE SOUTH SIDE OF DOW LANE

1. The north and east perimeter Buffers adjacent to properties along the south side of Dow Lane, shall be a 10-foot Type 1 Incompatibility Buffer. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

2. The list of existing Vegetation that have been identified to be preserved on the Preliminary Site Plan dated November 6, 2019 and Preliminary Regulating Plans dated September 9, 2019, shall be finalized prior to Final Approval by the Development Review Officer, and shall be consistent with requirements of ERM Condition 1. (DRO: ZONING - Zoning)

PARKS-BUILDING PERMIT HOLD

1. The recreational facilities shall be complete and open to the residents prior to the

issuance of the 36th Certificate of Occupancy, unless a phasing plan for the completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. (BLDGPM/CO: MONITORING - Parks and Recreation)

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 necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner 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 shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

SITE DESIGN

1. The two (2) 144-foot fences located at the terminus of the two roads that dead-end at the west property line, as depicted in the Preliminary Site Plan dated November 6, 2019, shall be opaque and shall be six (6) foot high. (BLDGPM/CO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.