

RESOLUTION NO. R-2022-0761

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA-2021-01954
(CONTROL NO. 2004-00457)
a Development Order Amendment
APPLICATION OF Principal Commercial Group LLC, and
Principal Development Group LLC
BY AJP Consulting Services, LLC, WGINC, AGENT
(Terra Nova MUPD)

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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/ABN/DOA-2021-01954 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2022;

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 a Development Order 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 ZV/ABN/DOA-2021-01954, the Application of Principal Commercial Group LLC, Principal Development Group LLC, by AJP Consulting Services, LLC, WGINC, Agent, for a Development Order Amendment to modify the Site Plan; add square footage; and, delete and modify uses, 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

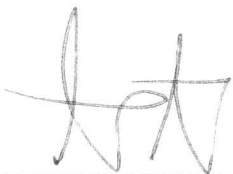
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

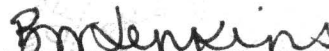
JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

TRACTS A AND B, OF TERRA NOVA MUPD, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 131, PAGES 28 THROUGH 34, OF THE PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 42 EAST,
PALM BEACH COUNTY, FLORIDA.

CONTAINING 760,551 SQUARE FEET/17.4598 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (Overall Development)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2020-188, Control No.2004-00457, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-0223 (Control 2004-457), have been consolidated as contained herein.

The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-0188 (Control 2004-457), have been consolidated as contained herein.

The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2020-188, Control No.2004-00457, which currently states:

The approved Preliminary Site Plan is dated December 23, 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated March 11, 2022. 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. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The Developer shall be restricted to the following phasing schedule:

a. No Building Permits shall be issued until the construction commences for intersection improvements at West Atlantic Avenue and Jog Road. Intersection improvements shall be as follows:

- exclusive right turn lane north approach

- exclusive right turn lane south approach

-second right turn lane west approach (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits shall be issued until the construction commences for the widening of West Atlantic Avenue as a 4 lane facility from Starkey Road to Lyons Road. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. No Building Permits shall be issued until the contract has been let for the construction of West Atlantic Avenue as a 4 lane facility from Starkey Road to the Florida Turnpike. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

d. Building permits for more than 110,000 square feet of commercial building area shall not be issued until the contract has been let for the six (6) lane widening of Jog Road from Lake Ida Road to West Atlantic Avenue. (BLDGPMT: MONITORING - Engineering) [Note:

COMPLETED]

e. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING - Eng) [Note: COMPLETED per Atlantic Avenue Agreement] (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

f. No Building Permits for the site shall be issued after December 31, 2015. 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2020-188, Control No.2004-00457)

2. Acceptable surety required for the West Atlantic Avenue improvements identified in Condition No. E.1.a and E.1.b above shall be posted with the Office of the Land Development Division on or before May 27, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Property Owner's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2020-188, Control No.2004-00457)

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2020-188, Control No.2004-00457)

4. Prior to September 15, 2006, the Property Owner shall complete construction plans for the West Atlantic Avenue improvements identified in Condition No. E.1a and E.1b above. These construction plans shall be approved by the Florida Department of Transportation. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2020-188, Control No.2004-00457)

5. Prior to May 15, 2007, the Property Owner shall complete construction of the West Atlantic Avenue improvements identified in Condition No. E.1a and E.1b above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2020-188, Control No.2004-00457)

6. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for West Atlantic Avenue 120 feet north of the existing south right of way line.

Right of way shall be dedicated prior to June 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments. Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee 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 prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and

shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2020-188, Control No.2004-00457)

7. Prior to the issuance of the first building permit, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional rights of way for the construction of a right turn lanes on:

- i. West Atlantic Avenue at the project's entrance road,
- ii. Hagen Ranch Road and the project's entrance, with right of way dedication extending along the entire length of frontage on Hagen Ranch Rd.

These rights of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner 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 Property Owner, the Property Owner 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 the required right of way 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) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2020-188, Control No.2004-00457)

8. The Property owner shall construct:

- i. Right turn lane north approach on Hagen Ranch Road at the Project's Entrance Road.
- ii. A full median opening on Hagen Ranch Rd at the Project's Entrance Road, with a north approach and a south approach left turn lanes, as approved by the County Engineer. This median modification will require coordination with the Property Owners on the east side to modify their driveway approach pavement marking and signing accordingly. Documentation of such coordination must be provided by the Property Owner.
- iii. Right turn lane east approach on West Atlantic Avenue at the Project's Entrance Road.
- iv. Left turn lane and associated restricted median improvements (left in only) on the west approach of West Atlantic Avenue at the Project's Entrance Road.
 - a. 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. Permits required by: - Palm Beach County for items i, and - Florida Department of Transportation for items iii and iv shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
 - b. Permits required by Palm Beach County for item ii shall be obtained prior to the issuance of building permits for 129 units, equivalent to 3 buildings. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
 - c. Construction of the turn lane and median improvements in i - iv above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2020-188, Control No.2004-00457)

9. On or before April 29, 2013, 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 West Atlantic Avenue along the property frontage; and up to a maximum of an additional 800 feet of West Atlantic Avenue frontage. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. At his discretion, the County Engineer may accept equivalent drainage capacity on offsite property subject to drainage easements. Required 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. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2020-188, Control No.2004-00457)

10. LANDSCAPE WITHIN THE MEDIAN OF WEST ATLANTIC AVENUE

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of West Atlantic Avenue. 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 Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below. a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner 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 petitioner. The petitioner 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 Petitioner. (ONGOING-ENG-Eng)
- d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along West Atlantic Avenue. 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. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2020-188, Control No.2004-00457)

11. Previous ENGINEERING Condition 11 of Resolution R-2020-188, Control No.2004-00457, which currently states:

TEMPORARY ROADWAY CONSTRUCTION EASEMENT

Within ninety (90) days of a request from the County Engineer, the Property Owner shall convey a temporary roadway construction easement along West Atlantic Avenue 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.

Is hereby amended to read:

Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along Hagen Ranch Road, a minimum of 10 feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. 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. (ONGOING: MONITORING - Engineering)

12. Condition deleted in R-2020-0188. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2020-188, Control No.2004-00457)

13. Prior to Final Site Plan approval by the DRO, the Property Owner shall revise the access easement for the adjacent PUD to locations that do not conflict with proposed buildings. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2020-188, Control No.2004-00457)

14. Prior to the issuance of the first building permit, the Property Owner shall configure the property into legal lots of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2020-188, Control No.2004-00457)

15. Previous ENGINEERING Condition 15 of Resolution R-2020-188, Control No.2004-00457, which currently states:

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, 2025, or as amended. 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)

Is hereby amended to read:

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, 2026, or as amended. 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)

ENVIRONMENTAL

1. A Phase I Environmental Audit shall be submitted to the Department of Environmental Resources Management prior to the approval of the Site Plan by the Development Review Officer. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental

Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2020-188, Control No.2004-00457)

HEALTH

1. Owners and operators of facilities generating hazardous, toxic, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) the Palm Beach County Health Department and the agency responsible for sewerage works is used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2020-188, Control No.2004-00457)

LANDSCAPE - GENERAL-INCOMPATIBILITY BUFFER IN-BETWEEN RESIDENTIAL AND COMMERCIAL

1. Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2020-188, Control No.2004-00457, which currently states:

A minimum fifteen (15) foot wide Incompatibility buffer shall be provided along the entire south side of the residential portion of the MUPD, abutting the commercial portion of the development. In addition to the fifteen (15) foot wide Incompatibility buffer, open space shall be provided as generally depicted in the Preliminary Site Plan dated December 23, 2019, to ensure that spatial separation is maintained between the residential and commercial portions of the development.

Is hereby amended to read:

A minimum fifteen (15) foot wide Incompatibility buffer shall be provided along the entire south side of the residential portion of the MUPD, abutting the commercial portion of the development. In addition to the fifteen (15) foot wide Incompatibility buffer, open space shall be provided as generally depicted in the Preliminary Site Plan dated January 24, 2022, to ensure that spatial separation is maintained between the residential and commercial portions of the development.

LANDSCAPE - INTERIOR-LANDSCAPING ALONG THE EAST AND WEST SIDE OF THE ATLANTIC AVENUE ACCESS WAY

2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be revised to indicate that Royal Palms shall be planted along the east and west side of the Atlantic Avenue access way within the commercial portion of the MUPD, from the southern access point on Atlantic Avenue to the northern end of the commercial portion of the site. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2020-188, Control No.2004-00457)

LANDSCAPE - PERIMETER-PERIMETER BUFFERS ALONG THE NORTH AND WEST PROPERTY LINES OF THE RESIDENTIAL PORTION OF THE MUPD

3. Buffers along the north and west property lines of the residential portion of the MUPD shall include:

- a. a minimum twenty (20) width;
- b. a three (3) foot continuous berm. The berm height shall be measured from the nearest top of curb, crown of the adjacent street or the nearest finished floor elevation, whichever is higher;
- c. a six (6) foot high concrete wall located at the plateau of the berm.
- d. one (1) canopy tree per each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. Seventy-five (75) percent of the trees shall be planted on the exterior side of the wall;
- e. one (1) palm or pine per each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. Seventy-five (75) percent of the trees shall be planted on the exterior side of the wall;
- f. one (1) medium shrub per each four (4) linear feet of property line. Shrubs shall be planted on both sides of the wall; and,
- g. one (1) small shrub per each two (2) linear feet of property line. Shrubs shall be planted on both sides of the wall.

h. open space shall be provided as generally depicted in the Preliminary Site Plan dated December 23, 2019, to ensure that spatial separation is maintained between the MUPD and Villagio Isles PUD. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2020-188, Control No.2004-00457)

4. At the time of Final Approval by the Development Review Officer, the fifteen (15) foot wide Buffers along the north and west property lines of the residential portion of the MUPD, as depicted in the Preliminary Site Plan dated December 23, 2019, shall be revised to a minimum width of twenty (20) feet. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2020-188, Control No.2004-00457)

PALM TRAN

1. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall amend the Master Site Plan to indicate mass transit circulation, bus access, and/or bus stops on or adjacent to the subject property. (DRO: PALM-TRAN - Zoning) (Previous PALM TRAN Condition 1 of Resolution R-2020-188, Control No.2004-00457)

2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING - Palm-Tran) (Previous PALM TRAN Condition 2 of Resolution R-2020-188, Control No.2004-00457)

PARKS

1. No more Certificates of Occupancy than those allowed below for the residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents.

Phasing Plan shows that NO improvements are required prior to CO for Building #1.

A tot lot or Dog park must be completed prior to CO for Building #2. (CO: MONITORING - Parks and Recreation) [Note: COMPLETED] (Previous PARKS Condition 1 of Resolution R-2020-188, Control No.2004-00457)

PLANNING

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM/ONGOING: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2020-188, Control No.2004-00457)

2. On an annual basis, beginning January 2, 2023, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning) (Previous PLANNING Condition 10 of Resolution R-2020-188, Control No.2004-00457)

3. Prior to Final approval by the Development Review Officer (DRO), the applicant shall submit a recorded cross access easement agreement, with prior approval by the County Attorney, for the cross access points identified on the nonresidential portion of the site plan. (DRO: PLANNING - Planning) (Previous PLANNING Condition 11 of Resolution R-

2020-188, Control No.2004-00457)

4. Prior to the release of the first Certificate of Occupancy for the non-residential portion (Comm), construct, and pave to the property line, the cross access as shown on the site plan. (CO: MONITORING - Planning) (Previous PLANNING Condition 12 of Resolution R-2020-188, Control No.2004-00457)

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) (Previous SCHOOL BOARD Condition 1 of Resolution R-2020-188, Control No.2004-00457)

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) (Previous SCHOOL BOARD Condition 2 of Resolution R-2020-188, Control No.2004-00457)

SIGNS

1. The number of freestanding signs shall be limited to a maximum of two (2) signs; and three (3) main entrance signs. (BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2020-188, Control No.2004-00457)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) [Note: COMPLETED] (Previous UTILITIES Condition 1 of Resolution R-2020-188, Control No.2004-00457)

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: ZONING - 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.