

RESOLUTION NO. R-2025- 1808

RESOLUTION APPROVING ZONING APPLICATION DOA-2025-00739  
 (CONTROL NO. 1996-00062)  
 a Development Order Amendment  
 APPLICATION OF American Heritage School of Boca Delray, Inc.  
 BY Urban Design Studio, Dunay, Miskel and Backman, LLP, AGENT  
 (American Heritage School)

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 DOA-2025-00739 was presented to the Board of County Commissioners at a public hearing conducted on December 10, 2025;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA-2025-00739, the Application of American Heritage School of Boca Delray, Inc., by Urban Design Studio, Dunay, Miskel and Backman, LLP, Agent, for a Development Order Amendment to modify the previously approved Class A Conditional Uses for a Daycare and Private School to delete the Day Care proposed to be abandoned, to add and reallocate square footage for the Private School, to add students, and to modify and delete Conditions of Approval on 40.22 acres, 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 10, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Sara Baxter, Mayor	-	Aye
Commissioner Marci Woodward, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Joel G. Flores	-	Aye
Commissioner Maria Sachs	-	Absent
Commissioner Bobby Powell, Jr.	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 10, 2025.

Filed with the Clerk of the Board of County Commissioners on December 10th, 2025.

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: \_\_\_\_\_

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO  
CLERK & COMPTROLLER

BY: \_\_\_\_\_

DEPUTY CLERK

## EXHIBIT A

### LEGAL DESCRIPTION

THE EAST HALF (E. 1/2) OF THE NORTHEAST QUARTER (N.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF FOR ROAD RIGHT OF WAY. AND LESS THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, THENCE S.0°22'10"E., ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.0°22'10"E., ALONG SAID EAST LINE OF SAID SECTION 27, A DISTANCE OF 12.00 FEET TO A POINT ON A LINE 62.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 27; THENCE S.89°20'24"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 280.00 FEET; THENCE N.77°09'51"W., A DISTANCE OF 51.42 FEET TO A POINT ON A LINE 50.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 27 AND A POINT ON THE SOUTH RIGHT OF WAY LINE OF LINTON BOULEVARD; THENCE N.89°20'24"E. ALONG SAID PARALLEL LINE AND SOUTH RIGHT OF WAY LINE, A DISTANCE OF 330.06 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE WEST HALF (W. 1/2) OF THE NORTHEAST QUARTER (N.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF FOR ROAD RIGHT OF WAY AND LESS THE ROAD RIGHT OF WAY FOR LINTON BOULEVARD AS DESCRIBED IN OFFICIAL RECORD BOOK 7229, PAGE 1596 AND OFFICIAL RECORD BOOK 11006, PAGE 271 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

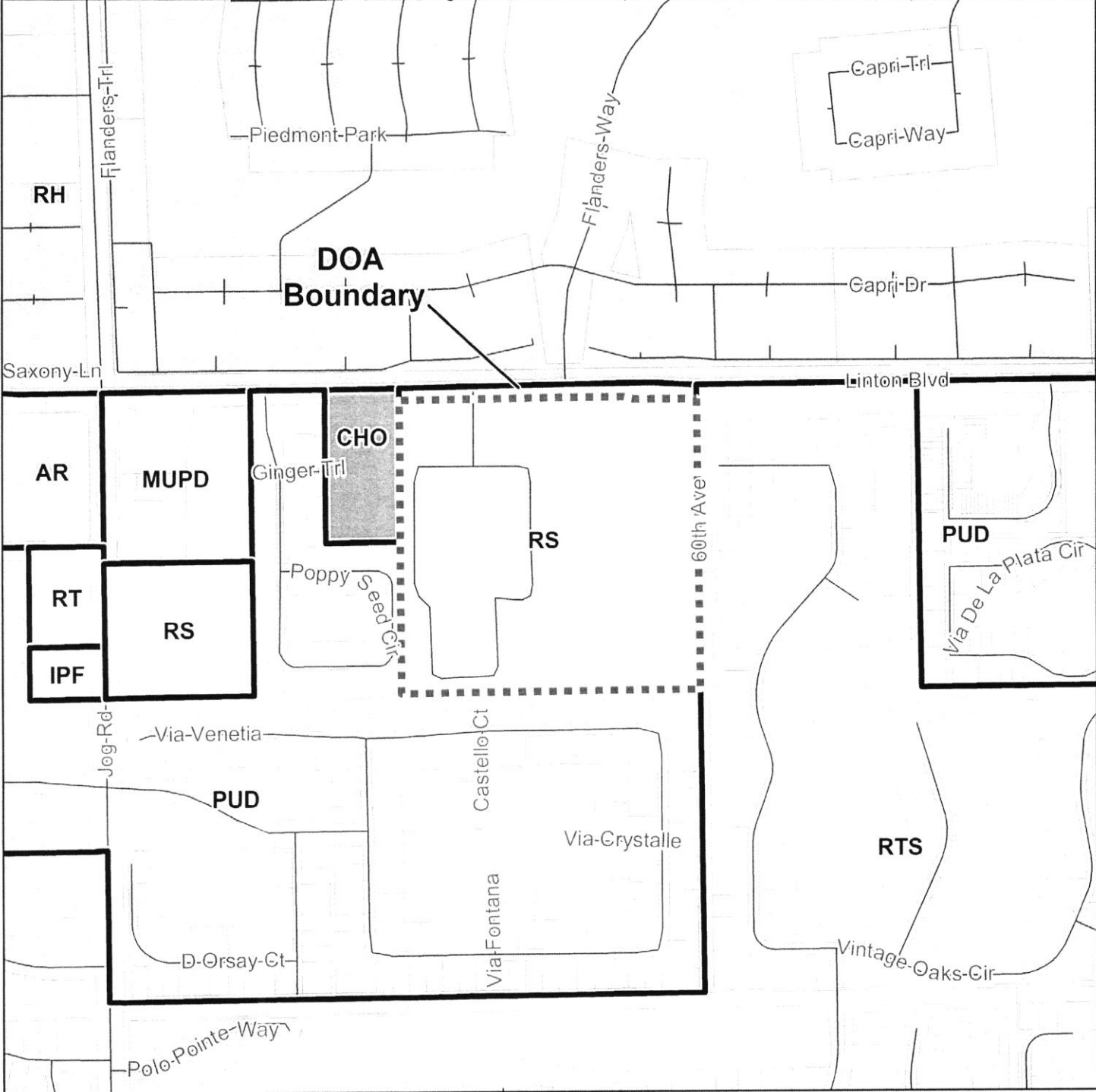
TOGETHER WITH:

AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 20.00 FEET OF THE PROPERTY DESCRIBED IN THE ATTACHED EXHIBIT "B", AS ESTABLISHED BY THAT CERTAIN EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2087, PAGE 97, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BY THAT CERTAIN APPURTENANT CANAL CROSSING INGRESS AND EGRESS PERMIT RECORDED IN OFFICIAL RECORDS BOOK 3357, PAGE 1446, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING & BEING WITHIN THE CITY OF DELRAY, PALM BEACH COUNTY, FLORIDA CONTAINING 40.22 ACRES (1,752,050 SQUARE FEET) MORE OR LESS.

# Zoning Application

American Heritage School (DOA-2025-00739)



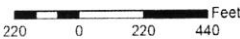
## Site Data

Size: 40.22 acres  
Existing Use: Private School  
Proposed Use: Private School  
Zoning: RS  
Zoning Quad: 37

## Zoning District

AR	Agricultural Residential	IPF	Institutional and Public Facilities
RT	Residential Transitional	CHO	Commercial High Office
RTS	Res Transitional Suburban	MUPD	Multiple Use Planned Development
RS	Single Family Residential		
PUD	Planned Unit Development		
RH	Multi-Family Res High		

Date: 7/10/2025  
Contact: PBC Zoning  
Filename: X:\Planning\ZoningCoord\DOA-Maps\2025\2025-00739  
Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building  
2300 N. Jog Rd, WPB, FL 33411  
Phone (561) 233-5300



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2001-148, Control No.1996-00062, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-4 (Petition 96-62) and R-97-1569 (Petition 96-62(A)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein, excluding the previous commencement of development deadline.

##### **Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2001-148 (Control 1996-00062), 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 (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2001-148, Control No.1996-00062, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 7, 2000 and Ultimate Build-Out Plan is dated June 27, 2000. 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.

##### **Is hereby amended to read:**

The approved Site Plan and Regulating Plan are dated August 25, 2025. 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)

##### ARCHITECTURAL REVIEW

1. Architectural character and treatment shall be provided on all sides of the building. These features shall include, but are not limited to, the following:

- a. Varied roof lines within the same building. All roof lines shall not run in continuous plane for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
- b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
- c. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
- d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
- e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRO: ZONING - Building Division) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2001-148, Control No.1996-00062)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2001-148, Control No.1996-00062, which currently states:

The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, except in conformance with Section 6.5.H. (Exceptions to height regulations) or subject to variance approval from the Board of Adjustment.

##### **Is hereby amended to read:**

The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, except in conformance with ULDC Article 3.D.1.E.4 (Building Height Exceptions) or subject to a request and approval of a variance. (BLDGPM: BUILDING DIVISION - Zoning)



3. Foundation planting or grade for structures over 35 feet in height (if allowed subject to variance approval) to consist of the following:

- a. The minimum width of the required landscape areas shall be ten (10) feet;
- b. The length of the required landscaped areas shall be no less than 40% of the total length of the front and rear of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO/ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2001-148, Control No.1996-00062)

4. Prior to submittal of a Building Permit for any modifications to Buildings in Phase 1 or proposed buildings in Phase 2, 3, or 4, Architectural Elevations shall be submitted for review and approval by the Development Review Officer (DRO). Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and all applicable Conditions of Approval. (BLDGPM: ZONING - Zoning)

#### **DAYCARE**

1. Previous DAYCARE Condition 1 of Resolution R-2001-148, Control No.1996-00062, which currently states:

The maximum number of children for the day care center shall be limited to the following: E: School Year: 148 children; and, Summer Session: 548 children.

**Is hereby deleted.** [REASON: Daycare being abandoned with this request]

#### **ENGINEERING**

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Linton Boulevard at the project's entrance road. This right-of-way shall be a minimum of 200 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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 Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2001-148, Control No.1996-00062)

2. The Property owner shall construct a right turn lane west approach on Linton Boulevard at the projects entrance road. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2001-148, Control No.1996-00062)

3. Deleted per R-2001-0148. (Previous ENGINEERING Condition 3 of Resolution R-2001-148, Control No.1996-00062)

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

a. No Building Permits shall be issued until construction has begun for Jog Road as a 6 lane section from Clint Moore Road to Linton Boulevard plus the appropriate paved tapers. [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2001-148, Control No.1996-00062)

5. The property owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the project entrance and Linton Boulevard. [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2001-148, Control No.1996-00062)

6. Prior to issuance of the first Building Permi for Phase 2, the property owner shall convey to the public an access easement, and a separate 10 foot utility easement adjacent to the access easement. 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 conflicting encumbrances and encroachments. Right-of-way conveyances shall also include

"Corner Clips" where appropriate at intersections as determined by the County Engineer. The location of the access easement shall be in accordance with the drawing currently on file with the Zoning Division as drawing number 5511SP4, titled Ingress Easement Graphic. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2001-148, Control No.1996-00062)

7. The Property owner shall construct the access easement as a two lane section, local street standards. In addition the property owner shall construct a left turn lane south approach within the access easement at Linton Boulevard. [COMPLETE]

a. 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. [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2001-148, Control No.1996-00062)

8. The Developer shall also provide within this project's internal storm water management system an equivalent amount of stormwater runoff for the road drainage of Linton Boulevard. The amount of runoff required to be stored onsite shall be based upon the applicable County Water Control District, South Florida Water Management District and Palm Beach County Engineering Requirements. [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2001-148, Control No.1996-00062)

#### 9. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

a. Prior to issuance of a building permit for Phase 2, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the Low Cost Planting Concept outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy for Phase 2. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy for Phase 2 to reflect this obligation. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2001-148, Control No.1996-00062)

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

a. Building permits for no more than 6000 sq. ft. of day care facility and 1190 private school students which together will generate 3904 trips per day may be issued until the contract has been let for the widening of Linton Boulevard from Military Trail to Congress Avenue. [Note: COMPLETED]

b. An approved phasing plan shall be submitted prior to final DRC approval detailing square footages and uses identified above on the final site plan. [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2001-148, Control No.1996-00062)

11. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF LINTON BOULEVARD

a. Prior to issuance of a building permit for Phase 2, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Linton Boulevard right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit for Phase 2. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2001-148, Control No.1996-00062)

12. Prior to the issuance of a building permit for Phase 2 the property owner shall obtain from the Lake Worth Drainage District the additional right of way required for a right turn lane at the projects east entrance. This right of way shall then be conveyed to Palm Beach County Land Development Division by road right of way warranty deed. This right-of-way shall be minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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 Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2001-148, Control No.1996-00062)

13. The Property owner shall construct a right turn lane west approach on Linton Boulevard at the project's east entrance road.

a. This construction shall be concurrent with the paving and drainage improvements for Phase 2 for the site (more than 150,000 sq. ft. of building area). 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. [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of Building Permit for Phase 2 for the site (more than 150,000 sq. ft. of building area). [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the Certificate of Occupancy for Phase 2 for the site (more than 150,000 sq. ft. of building area). [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2001-148, Control No.1996-00062)

14. Pursuant to the Traffic Analysis dated September 4, 2025, the Buildout Date is December 31, 2032. No Building Permits for the site may be issued after December 31, 2032. 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)



15. The Property Owner shall i) extend left turn lane east approach on Linton Blvd at main signalized access to the maximum extent feasible (existing west approach U-turn lane on Linton Blvd at 60th Ave S intersection shall be maintained) ii) extend left turn lane east approach on Linton Blvd at 60th Ave S access to the maximum extent feasible iii) extend right turn lane west approach on Linton Blvd at 60th Ave S to 600 feet storage plus 50 feet taper or as approved by the County Engineer iv) convert the south approach of the intersection of Linton Blvd and main signalized access to consist of 1 left turn lane and 1 left and right shared lane, v) install a "Do Not Block" pavement marking at the intersection of Linton Blvd and Flanders Way, if and 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 from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit related to the increase in student enrollment. (BLDGPMT: MONITORING - Engineering)

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

16. Prior to the issuance of the building permit within Phase 2 or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of an extended right turn lane on Linton Blvd at the project's east entrance road. This right of way shall be extended a minimum of 190 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. (BLDGPMT/ONGOING: MONITORING - Engineering)

17. The gate at the project entrance at 60th Avenue S. shall remain open only during student drop-off and pick-up. (ONGOING: ENGINEERING - Engineering)

18. The Property Owner shall channelize the south approach of the intersection of Linton Blvd and 60<sup>th</sup> Ave S so that the eastbound right turning traffic and the westbound left turning traffic will be able to enter 60<sup>th</sup> Ave S without being in conflict with each other for an adequate distance, after which the two southbound entering lanes can merge, 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 from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit related to the increase in school enrollment. (BLDG PERMIT: MONITORING-Eng)

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

19. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer on Linton Blvd at Flanders Way. Signalization shall be a mast arm structure installation or as approved by the County Engineer. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

- a. No Building Permits related to the increase in school enrollment shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).
- b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the maximum approved school enrollment has been achieved for this school and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)

## HEALTH

1. Architectural plans for the private school must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter IOD-24FAC prior to issuance of a building permit. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2001-148, Control No.1996-00062)

2. Previous HEALTH Condition 2 of Resolution R-2001-148, Control No.1996-00062, which currently states:

The property owner shall provide a special care unit hurricane shelter allowing for a maximum of fifty (50) patients in a building adjacent to the proposed theater building. The building shall comply with the Red Cross Hurricane Evacuation Shelter Specifications and meet the Special Care Unit requirements as modeled by the existing South Florida Fairgrounds Special Care Unit Shelter. (Reference - Palm Beach County's Special Care Units Standard Operating Procedures, amended April 8,2000; and Article IV, Special Care Unit to Emergency Support Function ESF-78, of the Palm Beach County Comprehensive Emergency Management Plan) The proposed special care unit shall be open to the public at any time Palm Beach County Emergency Management, or the Red Cross determines that the facility should be available. (ONGOING: HEALTH DEPARTMENT - Health Department)

**Is hereby deleted.** [REASON: No Longer required]

3. Previous HEALTH Condition 3 of Resolution R-2001-148, Control No.1996-00062, which currently states:

Prior to or concurrent with the issuance of a building permit for the theater building, the property owner shall provide a special care unit (SCU) hurricane shelter within an adjacent building. Prior to issuance of a building permit for the special care unit (SCU) building, the Palm Beach County Health Department's Medical Director or designee must approve the SCU requirements and site plan for the proposed Special Care Unit. (ONGOING: HEALTH DEPARTMENT - Health Department)

**Is hereby deleted.** [REASON: No Longer Required]

## LANDSCAPE – GENERAL

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (DRO/ONGOING: ZONING - Zoning) (Previous Landscaping Standard Condition 1 of Resolution R-2001-148, Control No.1996-00062)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
- d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (DRO/ONGOING: ZONING - Zoning) (Previous Landscaping Standard Condition

#### **LANDSCAPING PERIMETER – NORTH PROPERTY LINE**

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. A minimum thirteen (13) foot wide landscape buffer strip; (BOFA970006)
  - b. A continuous two (2) foot high berm;
  - c. One (1) canopy tree planted every twenty (20) feet on center; and
  - d. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede 25% of the requirement for a canopy tree in that location;
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted on top of berm and maintained at a minimum height of thirty-six (36) inches; and,
  - f. A six (6) foot high vinyl coated chain link security fence shall be installed around the entire perimeter of the property, with openings for pedestrian and vehicular access. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPING ALONG THE NORTH PROPERTY LINE Condition 1 of Resolution R-2001-148, Control No.1996-00062)

#### **LANDSCAPING PERIMETER – SOUTH, EAST AND WEST PROPERTY LINES**

1. Previous LANDSCAPING ALONG THE EAST, SOUTH, AND WEST PROPERTY LINES Condition 1 of Resolution R-2001-148, Control No.1996-00062, which currently states:

Landscaping and buffering along the south, east and west property lines shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A continuous three (3) foot high berm measured from top of curb
- c. One (1) canopy tree planted every twenty (20) feet on center. Laurel Oak, Mahogany, Loquat or acceptable species to the Development Review Committee (DRC), shall be utilized along the southern perimeter double row of trees to provide a full canopy at maturity so as to decrease glare from adjacent athletic field lights; and
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty-four (24) inches on center at installation, to be planted on top of berm and maintained at a minimum height of thirty-six (36) inches.
- e. A six (6) foot high vinyl coated chain link security fence shall be installed around the entire perimeter of the property.

#### **Is hereby amended to read:**

Landscaping and buffering along the south, east and west property lines shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip; with the exception of the portion of 14.3 feet of Maintenance Building L to the west, where a (20) foot landscape buffer will be provided, including removal of any concrete around the building within the buffer area;
- b. A continuous three (3) foot high berm;
- c. One (1) canopy tree planted every twenty (20) feet on center. Laurel Oak, Mahogany, Loquat or acceptable species to the Development Review Officer (DRO), shall be utilized along the southern perimeter double row of trees to provide a full canopy at maturity so as to decrease glare from adjacent athletic field lights; and
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted on top of berm and maintained at a minimum height of thirty-six (36) inches.
- e. A six (6) foot high vinyl coated chain link security fence shall be installed around the entire perimeter of the property. (DRO/ONGOING: ZONING - Zoning)

#### **LIGHTING**

1. All outdoor lighting used to illuminate the subject property and identification signs, excluding athletic fields only, shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2001-148, Control No.1996-00062)

2. All outdoor lighting fixtures, excluding athletic fields only, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2001-148, Control No.1996-00062)



3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2001-148, Control No.1996-00062)

4. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. The athletic field lights shall not exceed sixty (60) feet in height, measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2001-148, Control No.1996-00062)

5. All athletic field lighting shall be located a minimum of fifty (50) feet from the north, east and west property lines and a minimum of three hundred (300) feet from the south property line. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2001-148, Control No.1996-00062)

#### **MASS TRANSIT**

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access, shelters and/or a bus stop(s) on or adjacent to the subject property. Bus access, shelters and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate this requirement for bus bays and/or bus shelters, if requested by the County Engineer. Mass transit access, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and a bicycle rack. (DRO: PALM-TRAN - Palm-Tran) (Previous MASS TRANSIT Condition 1 of Resolution R-2001-148, Control No.1996-00062)

#### **SIGNS**

1. Freestanding point of purchase sign fronting on Linton Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. Maximum sign face area per side - 100 sq. ft.;
- c. Maximum number of signs -one (1); and
- d. Style - monument style only. (BLDGPM: ZONING – Zoning) (Previous SIGNS Condition 1 of Resolution R-2001-148, Control No.1996-00062)

#### **USE LIMITATIONS**

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2001-148, Control No.1996-00062, which currently states:

The school, camp and day care facility shall operate during the hours of 7:00 a.m. to 10:00 p.m. Monday thru Friday. All outdoor activities for the school, camp and day care may operate during the hours of 8:00 a.m. to 8:30 p.m. on Saturday. All indoor activities for the school, camp and day care may operate during the hours of 8:00 a.m. to 10:00 p.m. on Saturday. All extracurricular and recreational activities may operate from 8:00 a.m. to 6:00 p.m. on Sunday.

#### **Is hereby amended to read:**

The school and Day camp shall operate during the hours of 7:00 a.m. to 10:00 p.m. Monday thru Friday. All outdoor activities for the school and day camp may operate during the hours of 8:00 a.m. to 8:30 p.m. on Saturday. All indoor activities for the school and day camp may operate during the hours of 8:00 a.m. to 10:00 p.m. on Saturday. All extracurricular and recreational activities may operate from 8:00 a.m. to 6:00 p.m. on Sunday. (ONGOING: CODE ENF - Zoning)

2. Previous USE LIMITATIONS Condition 2 of Resolution R-2001-148, Control No.1996-00062, which currently states:

The combined school, camp and general day care, shall have no more than 1,639 students/campers on site at any time.

#### **Is hereby amended to read:**

The Private school shall have no more than 2,500 students on site at any time. The Day Camp shall have no more than 1,555 campers on site at any time. If the Private School and Day Camp operate at the same time, the maximum number of students and campers shall be 2,500 on site at any time. (ONGOING: CODE ENF - Zoning)

3. All outdoor recreation areas, football fields and accessory structures shall be setback a minimum of fifty (50) feet from the east and south property lines. (ONGOING: CODE ENF -



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 - Monitoring)

#### **DISCLOSURE**

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