

RESOLUTION NO. R-2001- 1362

RESOLUTION APPROVING ZONING PETITION EAC1999-076(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SAME
BY LAND DESIGN SOUTH, AGENT
(COLONY PARK PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC1999-076(B) was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC1999-076(B), the petition of Clinton Communities, by Land Design South, agent, for a Development Order Amendment/Expedited Application Consideration (DONEAC) to delete an access point and to modify/delete conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 23, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 23, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

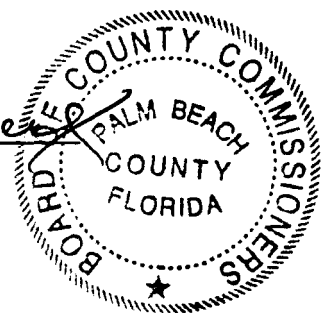


EXHIBIT A
LEGAL DESCRIPTION

THE EAST 230.00 FEET OF THE WEST ONE-HALF (W 1/2) OF TRACT 10, BLOCK 3, AND ALSO THE WEST 340.00 FEET OF THE EAST 890.00 FEET OF TRACTS 11 AND 18, BLOCK 3, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS HOWEVER, A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES SITUATE IN TRACT 18, BLOCK 3 OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 46, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE WEST 340.00 FEET OF THE EAST 890.00 FEET OF SAID TRACT 18, LYING SOUTHERLY OF THE PROPOSED NORTH RIGHT OF WAY LINE OF BELVEDERE ROAD AS SHOWN ON THE RIGHT OF WAY MAP RECORDED IN ROAD BOOK 4, PAGES 96 TO 102, PUBLIC RECORDS OF SAID PALM BEACH COUNTY.

AND ALSO LESS HOWEVER, THE NORTH 48 FEET OF SAID TRACT 10, BLOCK 3, FOR RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 2 CANAL.

CONTAINING 16.262 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

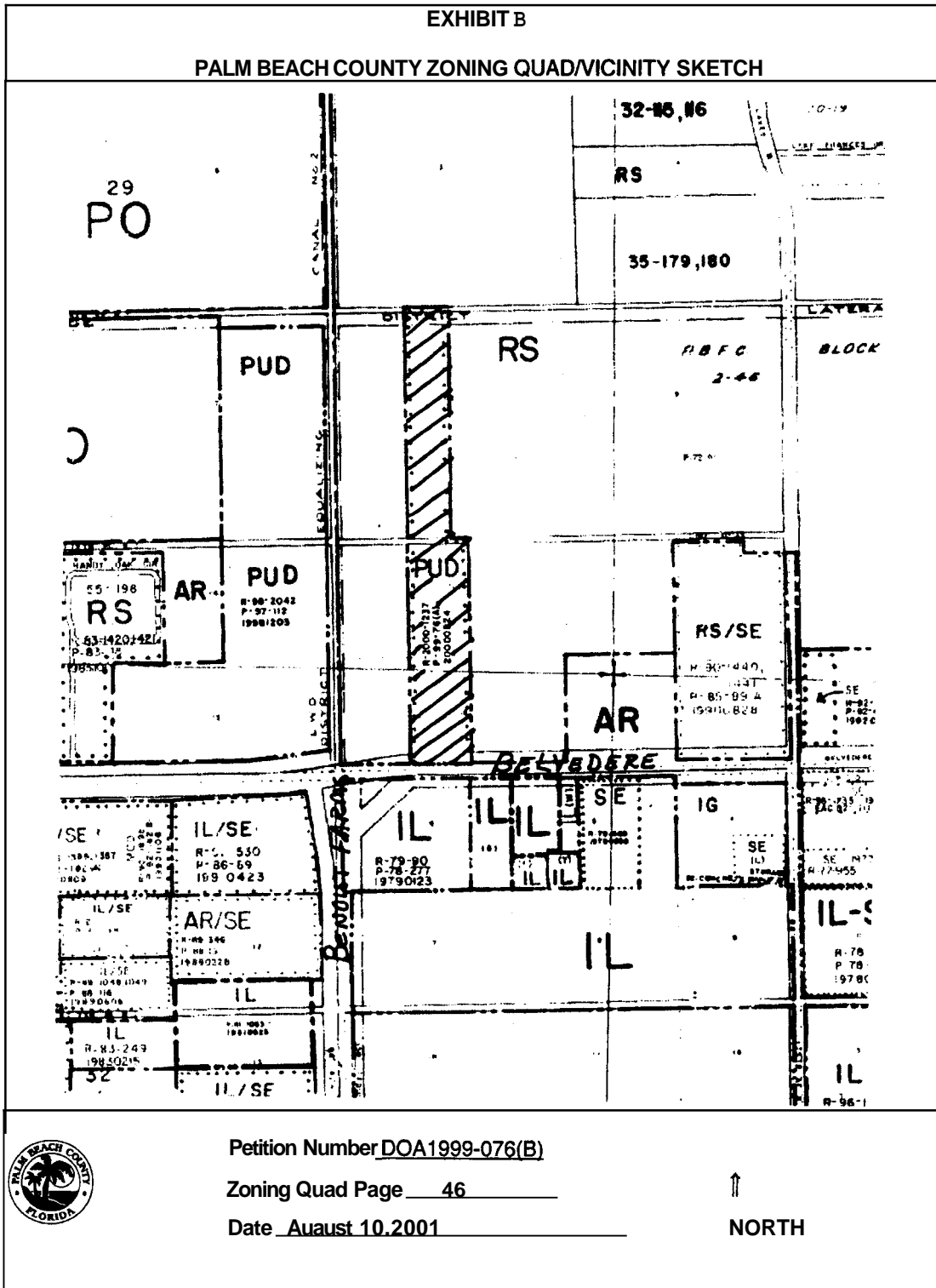


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-1237 (Petition PDD1999-076(A)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-2000-1237, Petition PDD99-076(A), 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 August **17,2000**. **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:

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 July 27, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

3. Condition A. **1** of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Resolution **R-89-710**, granting approval of Petition **88-101** for a day camp and recreation facilities is hereby revoked.

Is hereby deleted. [REASON: Completed]

B. BUILDING AND SITE DESIGN

1. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished floor to highest point. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previously Condition 6.2 of Resolution R-2000-1237, Petition PDD99-076(A))
3. The site plan shall be amended to include a car wash area for the residents. (CO: BLDG - Zoning) (Previously Condition B.3 of Resolution R-2000-1237, Petition PDD99-076(A))

4. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
 - a. Varied roof lines within the same building. All roof lines shall not run in continuous place 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.). (DRC: ZONING - Bldg) (Previously Condition B.4 of Resolution R-2000-1237, Petition PDD99-076(A))

5. The proposed residential buildings shall be designed and constructed to be generally consistent with the facade elevations by Tseng Consulting Group dated August 18, 2000. (BLDG PERMIT: BLDG - Zoning) (Previously Condition B.5 of Resolution R-2000-1237, Petition PDD99-076(A))

6. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning) (Previously Condition B.6 of Resolution R-2000-1237, Petition PDD99-076(A))

7. Canopy tree shaded pedestrian connections shall be provided from all parking areas not directly adjacent (exceeding 50 feet distance) to residential entryways. (DRC: ZONING - Bldg) (Previously Condition B.7 of Resolution R-2000-1237, Petition PDD99-076(A))
 - a. Prior to final DRC approval the site plan shall be amended to indicate the following amenities:
 - a. A minimum five (5) focal points within the interior parking island which shall include **two** (2) terminal island features, paver treatment and trellis;
 - b. A minimum ten (**10**) foot shaded pedestrian crosswalk with pavers, from Building 2 to the civic area and **two** (2) tot lots;
 - c. A family picnic pavilion and four (4) covered picnic shelters; and,
 - d. An eight (8) foot wide mulch fitness trail around the perimeter of the north retention area. (DRC: ZONING- Bldg Permit) (Previously Condition B.8 of Resolution R-2000-1237, Petition PDD99-076(A))

9. Condition B.9 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Prior to the first Certificate of Occupancy the portion of Lake Susan Road which is not providing **access** to the PUD shall be abandoned and a gate provided 230 feet east from Benoist Farms Road prohibiting access to the east. The abandoned portion of the right of way shall be included as part of the residential PUD if approved by the Board of County Commissioners. (CO: DRC - Zoning)

Is hereby amended to read:

The portion of Lake Susan Road adjacent to the development shall be abandoned and included in the Colony Park PUD prior to the first Certificate of Occupancy. This condition shall not apply if the abandonment is denied by the Board of County Commissioners.

The abandoned right-of-way may be incorporated into the Preliminary Development Plan and Site Plan at the time of final approval by the DRC, provided the overall density of 8 units per acre is not exceeded and total unit count is not increased. The petitioner must update the petition file by providing a revised legal description and survey to include the additional land area. The processing of this amendment is subject to approval of the Zoning Director. (DRC: ZONING - Survey)

10. If the abandonment of a portion of Lake Susan Road is approved, the following shall be incorporated into the area of the abandoned right-of-way prior to final DRC site plan approval:
 - a. A minimum eight (8) foot wide shaded walkway connecting to the mulch fitness trail;
 - b. An additional covered picnic shelter (gazebo);
 - c. One (1) canopy tree for each twenty-five (25) linear feet of right-of-way abandoned;
 - d. One twenty-four (**24**) inch high shrub or hedge for each four (**4**) linear feet of right-of-way abandoned, to be maintained at twenty-four inches;
 - e. One thirty (30) inch high shrub or hedge for each eight (8) linear feet of right-of-way abandoned, to be maintained at forty-eight (48) inches; and
 - f. All shrub or hedge material shall be planted and continuously maintained to achieve a hierarchical effect. (CO: DRC - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A tree survey depicting all native trees with a 4 inch diameter breast height (dbh) shall be submitted to ERM for review and approval prior to the submittal of any site plan locating the proposed preserve. The survey shall depict the location of any native trees of specimen size and the location of any listed species found on the site. (DRC: ERM) (Previously Condition C.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. Significant vegetation indicated by the required tree survey shall be incorporated to the greatest extent possible, into the residential site plan design. (DRC: ERM) (Previously Condition C.2 of Resolution R-2000-1237, Petition PDD99-076(A))

D. LANDSCAPING - STANDARD

1. Twenty-five percent (25%) of all canopy trees required to be planted in the perimeter buffer 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition D.1 of Resolution R-2000-1237, Petition PDD99-076(A))

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve **(12)** feet clear trunk;
 - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition D.2 of Resolution R-2000-1237, Petition PDD99-076(A))
3. All plant materials shall be planted in a meandering and naturalistic pattern, unless specified as otherwise herein or required by the ULDC. (CO: LANDSCAPE)

E. ENGINEERING

1. Condition E.1 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

The Property owner shall construct a left turn lane north approach on Benoist Farms Road at the project's entrance road.

- 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, pavement marking and signing costs.
- b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby deleted: [REASON: No longer applicable to project]

2. Condition E.2 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

On or before June 1, **2001**, 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 Benoist Farms Road along the property frontage; and a maximum 800 feet of these adjacent **roadway(s)**. 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 **retention/detention** 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-Eng)

~~It~~ hereby deleted: [REASON: No longer applicable to project]

3. The Developer shall plat the subject property in accordance with provisions of the Unified Land Development Code prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E.3 of Resolution R-2000-1237, Petition PDD99-076(A))

4. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Belvedere Road Right-of-way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards.

The property owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (BLDG PERMIT: MONITORING- Eng) (Previously Condition E.4.a of Resolution R-2000-1237, Petition PDD99-076(A))

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All 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 or 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'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

prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng) (Previously Condition E.4.b of Resolution R-2000-1237, Petition PDD99-076(A))

- 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. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E.4.c of Resolution R-2000-1237, Petition PDD99-076(A))

F. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING) (Previously Condition F.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC: ZONING) (Previously Condition F.2 of Resolution R-2000-1237, Petition PDD99-076(A))
3. A landscaped divider median with at grade bicycle and pedestrian cuts shall be provided in the center of the main entryway. The minimum length of this median shall be twenty five (25) feet. A minimum width of eight (8) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING) (Previously Condition F.3 of Resolution R-2000-1237, Petition PDD99-076(A))
4. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side 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. (DRC / CO: ZONING / LANDSCAPE) (Previously Condition F.4 of Resolution R-2000-1237, Petition PDD99-076(A))

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND LAKE SUSAN RIGHT-OF-WAY)

1. Condition G.1 of Resolution R-2000-1237, Petition PDD99-076(A)) which currently states:

Landscaping and buffering around the perimeter of the developed portion of the site, along the north (south and inclusive of, the abandoned portion of Lake Susan Road), east, and west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A minimum two (2) foot high continuous berm measured from top of curb; and,
- c. A six (6) foot high vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- d. The eastern 100 feet of the north property line adjacent to the Lake Susan Road entrance, may be exempt from the requirements above to allow pedestrian connection to the north portion of the site. (CO: LANDSCAPE- Planning)

Is hereby amended to read:

Landscaping and buffering around the perimeter of the developed portion of the site, along the north (south and inclusive of, the portion of Lake Susan Road to be abandoned), east, and west property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. A minimum two (2) foot high continuous berm measured from top of curb; and
- c. A six (6) foot high vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE- Zoning)

2. Condition G.2 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

The following landscaping requirements shall be installed alternating on both sides of the required fence or wall:

- a. One (1) canopy tree planted every twenty-five (25) feet on center;
- b. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- c. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.

Is hereby amended to read:

The following landscape requirements shall be installed alternating on both sides of the required fence or wall:

- a. One (1) canopy tree planted every twenty-five (25) feet on center; and
- b. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty feet between clusters. (CO: LANDSCAPE)

3. Condition G.3 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Along the interior side of the required fence or wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

Is hereby amended to read:

Along both sides of the required fence or wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG RETENTION AREA (NORTH PORTION OF SITE)

1. Condition G.4 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Landscaping along the dry retention area shall meet condition **G.2.** above with an eight (8) foot mulched fitness trail incorporated in the landscape buffer area.

It is hereby amended to read:

Landscaping along the retention area shall be upgraded to include the following:

- a. A minimum fifteen (15) foot wide right-of-way buffer strip for the north, south and west property lines, and a minimum 7.5 foot wide landscape buffer strip to the east;
- b. One (1) canopy tree planted every twenty-five (25) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. Twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches; and
- e. The portion of the south property line abutting Lake Susan Road may be exempt from this condition if the right-of-way is abandoned and incorporated into the PUD. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO BELVEDERE ROAD)

1. Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum twenty-five (**25**) foot wide landscape buffer strip with no reductions or easement encroachment permitted;
- b. A minimum two to four foot high undulating berm with an average height of three (**3**) feet measured from top of curb;
- c. A six (6) foot high vinyl coated chain link fence or wall, placed on top of the berm. The exterior side of the wall, if used, shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE-Planning)

2. Condition H.2 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

The following landscaping requirements shall be installed alternating on both sides the required fence or wall:

- a. One (1) canopy tree planted every twenty (**20**) feet on center;
- b. One (1) palm or pine tree for each thirty (**30**) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- c. Twenty-four (**24**) inch high shrub or hedge material, spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of thirty-six (**36**) inches.

Is hereby amended to read:

- a. One (1) canopy tree planted every twenty (20) feet on center; and
- b. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE)

3. Condition H.3 of Resolution R-2000-1237, Petition PDD99-076(A), which currently states:

Along the interior side of the required fence or wall, the property owner shall install twenty-four (**24**) inch high shrub or hedge material spaced no more than twenty four (**24**) inches on center, to be maintained at a minimum height of thirty-six (36) inches.

Is hereby amended to read:

Along both sides of the required fence or wall, the property owner shall install twenty-four (**24**) inch high shrub or hedge material spaced no more than twenty-four (**24**) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previously Condition 1.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. All outdoor lighting fixtures shall not exceed twenty five (**25**) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previously Condition 12 of Resolution R-2000-1237, Petition PDD99-076(A))

K. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previously Condition J.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than the 33rd unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previously Condition J.2 of Resolution R-2000-1237, Petition PDD99-076(A))

L. PLANNED UNIT DEVELOPMENT

1. All utilities shall be underground, pursuant to Section **6.8.A.16.c(5)** of the ULDC. (PLAT: ENG - Zoning) (Previously Condition K.1 of Resolution R-2000-1237, Petition PDD99-076(A))

2. Condition K.2 of Resolution R-2000-1237, Petition PDD99-076(A)) which currently states:

Prior to final site plan approval by the Development Review Committee, the petitioner shall record the restrictive covenant indicated as a 'draft restrictive covenant' in Ordinance 96-59 which addresses landscaping in relation to proposed density. (PLANNING)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee, the petitioner shall record the restrictive covenant indicated as a "draft restrictive covenant" in Ordinance 96-59 that addresses landscaping in relation to proposed density. (PLANNING)

3. Recreation uses provided in accordance with Section **6.8.B.4.A.(6)(b)(i)** of the ULDC shall be located on a minimum of 0.1 acre. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management ~~or~~ other utility purposes. (DRC/PLAT: ZONING) (Previously Condition K.3 of Resolution R-2000-1237, Petition PDD99-076(A))

4. Focal points shall remain generally consistent with the June 29, 2000 conceptual site plan. The focal points shall be in the form of plazas, fountains, arcades or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING) (Previously Condition K.4 of Resolution R-2000-1237, Petition PDD99-076(A))

5. A minimum of two (2) designated parking spaces shall be provided per unit. (DRC/CO: ZONING/BLDG) (Previously Condition K.5 of Resolution R-2000-1237, Petition PDD99-076(A))

M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the petitioner shall place a notation on the preliminary development plan that labels the eight (8) foot wide mulch fitness trail around the perimeter of the north retention area. (DRC: PLANNING)

N. SCHOOL BOARD

1. The property Owner shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residence. School Board policies regarding overcrowding, or other boundary policy decisions affect school boundaries. Please

contact the Palm Beach County School District Boundary Office at **(561) 434-8100** for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previously Condition L.1 of Resolution R-2000-1237, Petition PDD99-076(A))

2. Prior to the issuance of the first Certificate of Occupancy (CO), a school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and County Engineer. 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, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING – Bldg)

O. SECURITY MEASURES

1. Security lighting shall be provided for all **stairwells** and shall not be extinguished during evening hours. (ONGOING: CODE ENF) (Previously Condition M.1 of Resolution R-2000-1237, Petition PDD99-076(A))
2. The manager and **caretaker/maintenance** person shall reside on site to assure the availability of convenient and continuous maintenance and residential management services. (ONGOING: CODE ENF) (Previously Condition M.2 of Resolution R-2000-1237, Petition PDD99-076(A))

P. SIGNS

1. Condition N.1 of Resolution R-2000-1237, Petition PDD99-076(A) which currently states:

Freestanding residential identification signs fronting on Belvedere Road and Benoist Farms Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight **(8)** feet;
- b. Maximum sign face area per side - **80** square feet;
- c. Maximum number of signs - one **(1)** per frontage; and
- d. Style - monument style only. (CO: BLDG)

is hereby amended to read:

Residential identification signs fronting on Belvedere Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight **(8)** feet;
- b. Maximum sign face area - sixty **(60)** square feet;
- c. Maximum number of signs - two **(2)**; and
- d. Style - entrance wall signage only. (CO: BLDG)

Q. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previously Condition O.1 of Resolution R-2000-1237, Petition PDD99-076(A))

2. Condition 0.2 of Resolution R-2000-1237, Petition PDD99-076(A) which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to **the** failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as **otherwise** provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop **work** order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional **Use**, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)