

RESOLUTION NO. R-2003-0953

RESOLUTION APPROVING ZONING PETITION PDD2003-001  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF LENNAR COMMUNITIES, INC.  
BY ANNA S. COTTREL, AGENT  
(LAKE OSBORNE RESIDENTIAL 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, is authorized and empowered to consider petitions relating to zoning; end

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-001 was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2003; and,

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.
8. Pursuant to 723.083 Florida Statutes, The Board of County Commissioners hereby determines that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners affected by PDD/TDR2003-001.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD2003-001, the petition of Lennar Communities, Inc. by Anna S. Cottrel, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Residential Single Family Zoning District to the Residential Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 26, 2003, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 26, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

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  
BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY  
FLORIDA

EXHIBIT A  
LEGAL DESCRIPTION

(PARCEL NO. 1)

BEGINNING AT THE MEANDER CORNER ON THE SOUTH LINE OF SECTION 32, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AND ON THE WEST SHORE OF LAKE OSBORNE; THENCE SOUTH 88°04' EAST ALONG THE SOUTH LINE OF SAID SECTION 32, 374.42 FEET; THENCE SOUTH 61°04' EAST, 320.85 FEET TO A POINT IN THE NORTH LINE OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 43 EAST AT A DISTANCE OF 500 FEET, SOUTH 89°59' EAST OF THE MEANDER CORNER ON THE WEST SHORE OF SAID LAKE OSBORNE AND IN THE NORTH LINE OF SAID SECTION 5; THENCE SOUTH 5°13'30" WEST, 401.66 FEET TO A POINT IN A LINE PARALLEL TO, AND 400 FEET SOUTHERLY MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF SAID SECTION 5; THENCE NORTH 89°59' WEST ALONG SAID PARALLEL LINE, 482.87 FEET TO A POINT IN THE MEANDER LINE OF THE WEST SHORE OF LAKE OSBORNE; THENCE NORTH 2°47' EAST ALONG SAID MEANDER LINE, 400.47 FEET TO THE MEANDER CORNER IN THE NORTH LINE OF SAID SECTION 5; THENCE NORTH 42°45' WEST ALONG THE MEANDER LINE OF THE WEST SHORE OF LAKE OSBORNE ACROSS SAID HAITUS, 228.36 FEET (3.46 CHAINS) TO THE POINT OF BEGINNING. LESS THEREFROM THE NORTH 38 FEET FOR CANAL RIGHT-OF-WAY.

CONTAINING 5.71 ACRES.

(PARCEL NO. 2)

BEGINNING AT THE MEANDER CORNER ON THE SOUTH LINE OF SECTION 32, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AND ON THE WEST SHORE OF LAKE OSBORNE, SAID SECTION HAVING A BEARING OF SOUTH 88°04' EAST; THENCE SOUTH 42°45' EAST, A DISTANCE OF 228.36 FEET TO THE MEANDER CORNER IN THE NORTH LINE OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 43 EAST; THENCE SOUTH 2°47' WEST, A DISTANCE OF 300 FEET MORE OR LESS TO THE SHORES OF SAID LAKE OSBORNE AS SHOWN AS LAGOON ON THE PLAT OF LANAIR PARK, RECORDED IN PLAT BOOK 21, PAGE 58, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE MEANDER WESTERLY ALONG THE SHORE OF LAKE OSBORNE (LAGOON), A DISTANCE OF 510 FEET, MORE OR LESS, TO A POINT; THENCE NORTH 1°56' EAST, A DISTANCE OF 390 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF SAID SECTION 32; THENCE SOUTH 88°04' EAST ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 345.37 FEET TO THE POINT OF BEGINNING. LESS THEREFROM THE NORTH 38 FEET FOR CANAL RIGHT-OF-WAY.

CONTAINING 3.91 ACRES, MORE OR LESS.

(AREA CALCULATED TO EXISTING EDGE OF WATER AS IT WAS LOCATED ON 11/29/2002.)

SAID PARCELS OF LAND BEING LOCATED IN THE HIATUS BETWEEN TOWNSHIPS 44 AND 45 SOUTH, RANGE 43 EAST, AND IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

BOTH OF SAID TRACTS BEING ACCORDING TO THE PLAT AND SURVEY OF SAME MADE BY K.C. MOCK & ASSOCIATES, REGISTERED ENGINEERS AND SURVEYORS, ON JULY 26, 1956.

(PARCEL NO. 3)

THE SOUTH 13 FEET OF THE PART OF HIATUS TRACT 38, BETWEEN TOWNSHIPS 44 AND 45 IN RANGE 43, BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; ON THE SOUTH BY A LINE PARALLEL TO AND 38 FEET SOUTH OF (MADE AT RIGHT ANGLES) THE SOUTH LINE OF SECTION 32; TOWNSHIP 44 SOUTH, RANGE 43 EAST, ON THE EAST BY THE ORIGINAL GOVERNMENT MEANDER LINE OF THE WEST SHORE OF LAKE OSBORNE SUBDIVISION AND RECORDED IN PLAT BOOK 9, PAGES 42 AND 43, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND ON THE WEST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 54.35 FEET OF LOT 6, OF SAID LAKE OSBORNE SUBDIVISION,

LEGAL DESCRIPTION  
(PARCEL NO. 4)

A PARCEL OF LAND SITUATE AND LYING IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 13 FEET OF THE PART OF HIATUS TRACT 38 BETWEEN TOWNSHIP 44 AND 45 IN RANGE 43, BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; ON THE SOUTH BY A LINE PARALLEL TO AND 38 FEET SOUTH OF (MADE AT RIGHT ANGLES) THE SOUTH LINE OF SECTION 32, TOWNSHIP 44 SOUTH, RANGE 43 EAST; ON THE EAST BY THE WEST SHORE OF LAKE OSBORNE AND ON THE WEST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 54.35 FEET OF LOT 6, OF SAID LAKE OSBORNE SUBDIVISION.

CONTAINING 0.24 ACRES.

NET AREA OF PARCELS IS 9.86 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

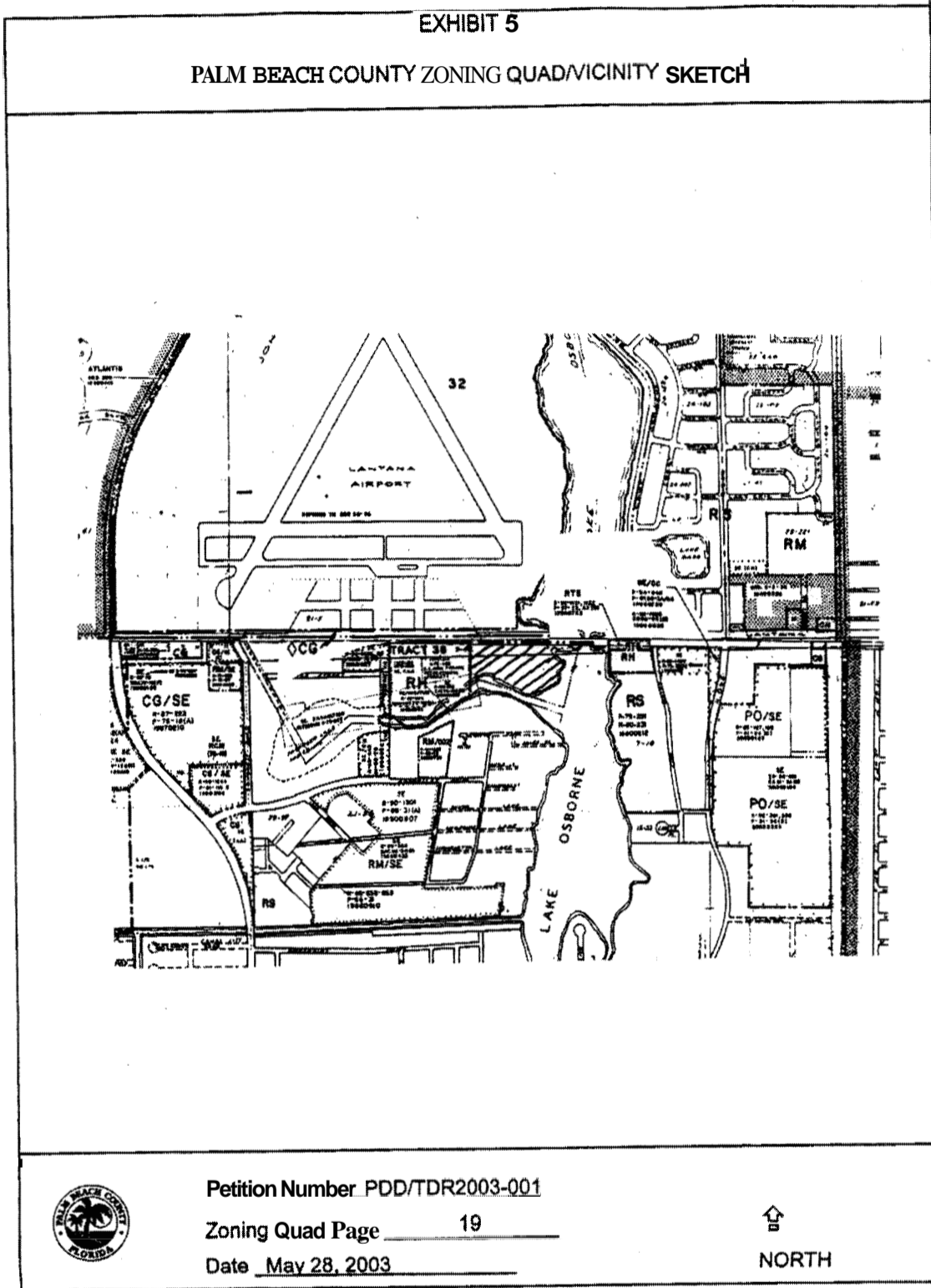


EXHIBIT C - 1

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated March 11, 2003. 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 – Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with the Lennar Homes BridgeWater at Lake Osborne Pattern Book dated May 8, 2003, and Section 6.6.E and Section 6.6.C of the ULDC, Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (DRC: ZONING – Zoning)
2. The maximum height for all structures, measured from finished grade to highest point, shall be thirty-five (35) feet, with exception to the area encumbered by a Runway Protection Zone. (BLDG PRMT: BLDG/ARCH REV/DOA – Zoning)

C. DEPARTMENT OF AIRPORTS

1. The owner of any new building shall provide disclosure to all prospective purchasers or tenants that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable. (ONGOING/DRC: DOA – DOA)
2. That portion of the property, which falls within the Runway Protection Zone (RPZ), is hereby restricted to prohibit the construction and use thereof of above ground structures of any type, The petitioner will be permitted to utilize a portion of the RPZ for detention of water so long as that detention area is designed, constructed and maintained in a way that is consistent with FAA Advisory Circular 150/5200-33. The use of the property included in the legal description of the petition shall be in compliance with Federal Aviation Administration Advisory Circulars, Order and Regulation, including without limitation, AC 150/5300-13, Airport Design and AC 150/5200-33, Hazardous Wildlife Attractants on or near Airports and FAR Part 77. (ONGOING/DOA/DRC: CODE ENF/DOA/DRC – DOA)
3. "All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof." (ONGOING/DRC: DOA – DOA)
4. The petitioner shall grant an aviation/noise easement in favor of the County over the entire site that protects the County against future claims in relationship to the operation of Palm Beach County Park (Lantana) Airport. (BLDG PRMT: DOA – DOA)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)

E. ENGINEERING

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

No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)

2. LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform with 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.

- A. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PRMT: 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.
- D. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on a qualifying thoroughfare shall be based on the project's front footage along Lantana Road. 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,

3. Pursuant to the terms of the Traffic Performance Ordinance, Developer agrees to pay to the County an amount equal to \$192,438 to ensure widening of Lantana Road. Funding to the County shall be completed prior to February 27, 2004. Payment of this amount does not vest the Developer, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, Developer, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 10. (DATE: ENG – Eng)

F. LANDSCAPING – STANDARD

1. Canopy trees required in the perimeter buffer shall be native species and meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, 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)
3. All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. Forty-eight (48) to seventy-two (72) inches – large shrub;
  - d. This condition shall not apply where a single-row of shrubs or hedge material is required along one side of a fence or wall, (CO: LANDSCAPE – Zoning)
4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)



6. Prior to final Development Review Committee site plan certification, the petitioner shall meet with Zoning Division Landscape staff to ensure that existing native vegetation is incorporated into the final site design, where feasible. (DRC: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. A minimum twenty (20) foot wide Jandscape buffer strip;
  - b. A ~~two~~ (2) to three (3) foot high undulating berm, with an average height of two-and one-half (2.5) feet, measured from top of curb;
  - c. One (1) native canopy tree for each thirty (30) linear feet of frontage;
  - d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - f. One (?) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
  - g. One (1) large shrub for each six (6) linear feet of the property line, Shrub shall be a minimum height of thirty (30) inches at installation; and,
  - h. Exceptions may be permitted to ensure compliance with Department of Airports requirements for landscape plantings in a Runway Protection Zone. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO LAKE OSBORNE)

1. Landscaping and buffering along the south and east property lines adjacent to Lake Osborne shall be upgraded to include:
  - a. A minimum twelve (12) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. One (1) canopy tree planted for each thirty (30) linear feet of the property line;
  - c. One (1) palm or pine for each thirty (30) linear feet of the property line;
  - d. One (1) small shrub for each two (2) linear feet of the property line, Shrub shall be a minimum height of eighteen (18) inches at installation;
  - e. One (1) medium shrub for each ten (10) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
  - f. One (1) large shrub for each fifteen (15) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
  - g. Modifications to plant and tree spacing may be permitted to allow for the partial encroachment of a four (4) foot wide meandering walkway and connections; and,
  - h. Exceptions may be permitted to ensure compiiance with Department of Airports requirements for Jandscape plantings in a Runway Protection Zone and/or an Alternative Landscape Plan. (DRC: LANDSCAPE – Zoning)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the west property line abutting residential shall be upgraded to include:
  - a. A minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. A continuous two (2) foot high berm measured from top of curb;
  - c. A six (6) foot high black or green vinyl coated chain link fence;;
  - d. One (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
  - e. 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, alternating on both sides of the fence;
  - f. Exceptions may be permitted to ensure compliance with Planning conditions requiring interconnectivity between sites. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)
3. The following landscaping requirements shall be installed on the interior side of the required fence:
  - a. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - b. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
  - c. One (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING - INTERIOR

1. Landscaping in the interior cul-de-sacs shall include the following:
  - a. One (1) native canopy tree, cluster of three (3) palms or pines, or other landscape focal point approved by the Zoning Division;
  - b. One (1) twenty-four inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface; and,
  - c. Appropriate ground cover, (DRCICO: LANDSCAPE - Zoning)
2. A total of four **(4)** new native hammock planting areas shall be provided on site to be consistent with the locations and planting details indicated on the preliminary development/regulating plans dated March 11, 2003. (DRC/CO: LANDSCAPE - Zoning)
3. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to provide an opaque landscape buffer along the backside of building 13. Landscaping materials shall be consistent with the native hammock planting proposed for the northwest corner of building 13. (DRCICO: LANDSCAPE - Zoning)

4. Foundation planting or grade level planters shall be provided along the side and rear of all residential building facades, to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure;
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each forty (40) linear foot of building façade, with accent shrubs, hedges and appropriate ground cover; and,
  - d. Foundation plantings shall be used to define the boundaries of ground level residential patio areas. (DRC/CO: ZONING/LANDSCAPE – Zoning)

K. MASS TRANSIT

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN – Palm Tran)
2. Prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area as a separate instrument. Additionally, the property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. (TC: ENG – Palm Tran)
3. Prior to the issuance of the building permit for the 100<sup>th</sup> unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (BLDG PRMT: MONITORING – Eng )

L. PLANNING

1. Prior to final Development Review Committee (DRC) approval of the site plan/Preliminary Development Plan (PDP), Planning Staff shall determine whether the site plan/PDP conforms with the site plan/PDP certified on March 11, 2003. The internal sidewalk system with benches at various points along the sidewalk shall remain on the site plan/PDP. In addition, the notation on the western property line that states, "possible pedestrian connection" shall be revised to read "proposed pedestrian pathway to be paved to the property line". There shall also be a break in the 6 foot chain link fence to allow this pedestrian access point. (DRC: PLANNING – Planning)
2. Prior to the first certificate of occupancy, the property owner shall pave the pedestrian pathway shown on the western portion of the site to the property line. There shall also be an opening in the six (6) foot chain link fence to allow this pedestrian access point, (CO: MONITORING/PLANNING – Planning)

M. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided in a manner consistent with Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer, (DRC/CO: BLDG/ENG – Zoning)
2. Street trees shall be provided along all internal access ways, to be consistent with the internal driveway cross section delineated on the regulating plan dated March 11, 2003. (DRC/CO: LANDSCAPE – Zoning)
3. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/CO ATT – Zoning)
4. The petitioner shall include the following in the Declaration of Restrictions and Covenants:
  - a. A restriction limiting each dwelling unit to no more than two (2) vehicles, which shall be parked or stored only within the spaces provided for at the individual unit;
  - b. A statement indicating that the development is located within a Land Use Compatibility Noise Zone for the Palm Beach County Park Airport (AKA: Lantana Airport) and that aircraft noise may be objectionable; and,
  - c. A disclosure statement regarding the restriction/statement shall be included in all sales brochures, sales contracts and site plans. (DRC: ZONING/CO ATT – Zoning)
5. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING – Zoning)
6. Prior to the issuance of the first certificate of occupancy, the following minimum recreational amenities shall be installed in the 0.23 acre lake front amenity park: a pavilion and trellis with seating area, a play area, benches or similar recreation amenities subject to approval by the Zoning Division. (CO/DRC: ZONING – Zoning)
7. Prior to the issuance of the first certificate of occupancy, the following minimum recreational amenities shall be installed in the 0.23 acre pool area: a pool, sundeck, cabana and restrooms or similar recreation amenities subject to approval by the Zoning Division. (CO/DRC: ZONING – Zoning)
8. The storage of boats, trailers, and other similar recreation equipment/vehicles shall be limited to a maximum of 24 hours within designated storage areas which shall be enforced with deed restrictions. (ONGOING: CODE ENF – Zoning)

N. SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the 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, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: MONITORING – School Board)
2. 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 HOME BUYERS/TENANTS"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD – School Board)

O. SIGNS

1. Signage fronting on Lantana Road shall be limited as follows:
  - a. Maximum sign height: six (6) feet;
  - b. Maximum sign face area per side: sixty (60) square feet;
  - c. Maximum number of signs: one (1);
  - d. Location: Lantana Road entrance; and
  - e. Style: monument. (GO: BLDG – Zoning)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING – Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity,

Staff may be directed by the Executive Director of PZ&B or a 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. (ONGOING: MONITORING – Zoning)