

RESOLUTION NO. R-94-1483

RESOLUTION APPROVING ZONING PETITION **DOA89-78 (A)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF LANTANA ASSOCIATES

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 **DOA89-78 (A)** was presented to the Board of County commissioners at a public hearing conducted on October 27, 1994; 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 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 reservation/exemption and therefore 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 **DOA89-78 (A)**, the petition of Lantana Associates, for a DEVELOPMENT ORDER AMENDMENT in the Residential Medium (RM) Zoning District, to amend Condition 3 (vegetation in buffer) of R-90-357, previously approved 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 October 27, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	- -	Absent
Carol A. Roberts	--	Absent

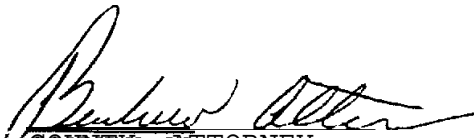
The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of October, 1994.

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

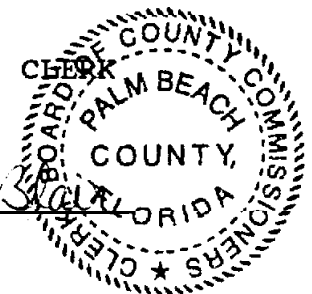


EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 1 and 2, Block 5 and a portion of Via Vermilya as shown on the Plat of LANAIR PARK, according to the plat thereof, as recorded in Plat Book 21 at page 58, public records, Palm Beach County, Florida, together with a portion in Hiatus Lot 5, Township 44-1/2 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

BEGIN AT the Southwest corner of said Lot 2;
thence North 00°-02'-00" East, along the West boundary of said Lot 2 and its Northerly projection for 351.53 feet;
thence South 88°-01'-31" East, along the North Line of said Hiatus Lot 5, for 375.18 feet;
thence South 44°-01'-10" East for 36.42 feet;
thence South 00°-02'-33" West for 12.69 feet;
thence South 88°-01'-31" East for 100.06 feet;
thence South 00°-02'-33" West, along the East line of Via Vermilya for 746.40 ± feet to the edge of water of the existing lake;
thence Northwesterly, along the Northerly edge of water of said lake as it meanders for 50.70 ± feet to the centerline of Via Vermilya;
thence North 00°-02'-33" East, along said centerline, for 441.40 ± feet to the intersection of the Easterly projection of the Southerly line of said Lot 1 and the centerline of said Via Vermilya;
thence North 89°-57'-27" West for 450.24 feet to the POINT OF BEGINNING and containing 4.35 acres more or less.

SUBJECT TO existing easements, rights of way, restrictions and reservations of record, if any.

EXHIBIT B
VICINITY SKETCH

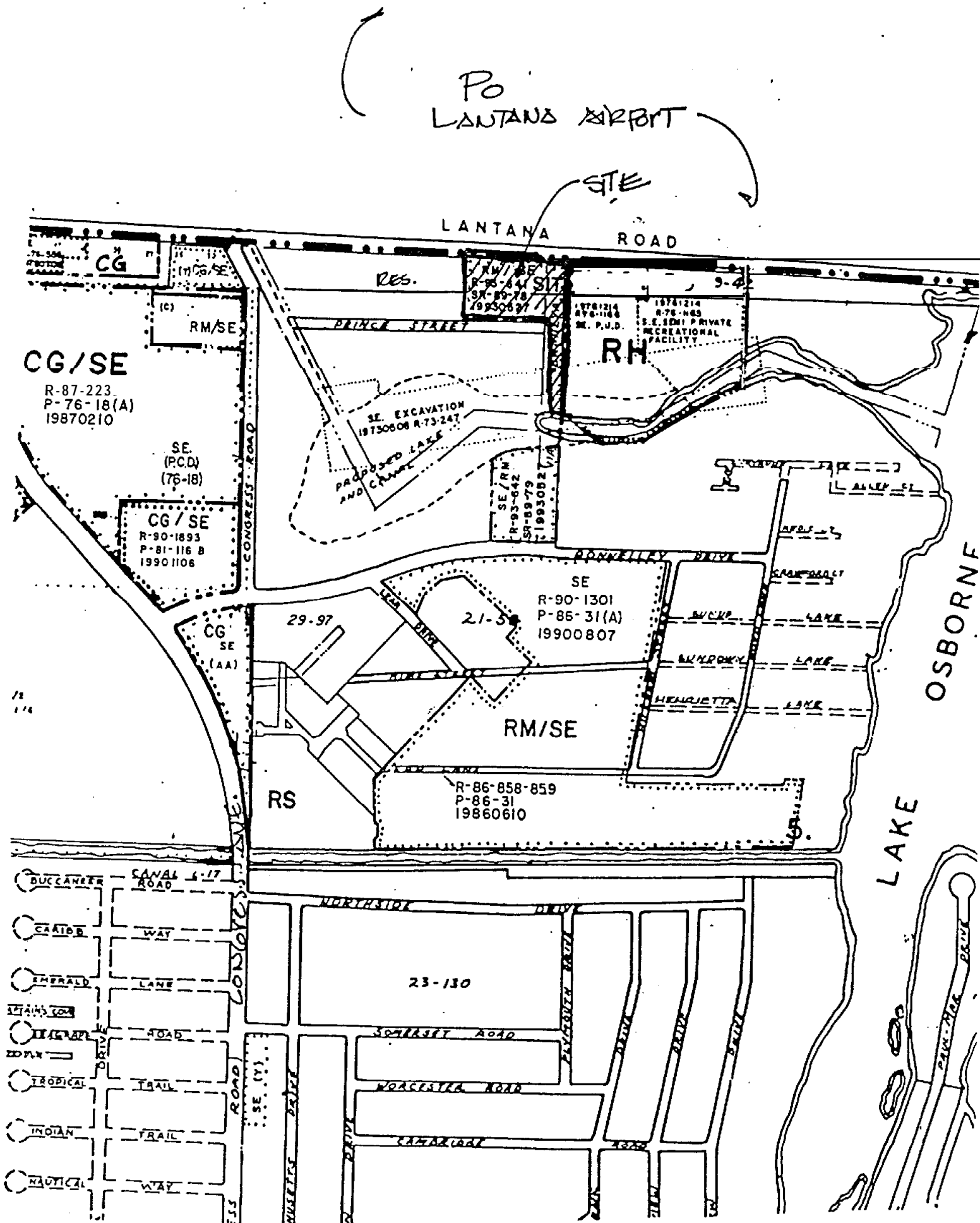


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-90-537, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

B. ALL PUD's

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to Section **6.8.A.23.d(3)** of the ULDC. (ENGINEERING - Building)
3. All utilities shall be underground pursuant to Section **6.8.23.d(5)** of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)

C. BUILDING DESIGN

1. Prior to issuance of any building permits, the petitioner shall indicate on the construction plans and specification documents compliance with the following Sound Transfer Coefficients (STC) standards:
 - a. Minimum of 23 STC rating for all exterior windows.
 - b. Minimum of 45 STC rating for all exterior walls. (BUILDING-AIRPORTS)

D. ACCESS

1. Condition No. 2 of Resolution R-90-537, which currently states:

Prior to master plan certification, an access easement agreement with the Olympus Village PUD, shall be recorded. This easement agreement shall allow Olympus Village vehicular and pedestrian access to Lantana Road by way of Via Vermilia.

Is hereby amended to state:

Prior to DRC approval, the petitioner shall record a cross access agreement with the property to the east, Olympus Village, in a form acceptable to the County Attorney. (COUNTY ATTORNEY-Zoning)

2. Prior to master plan certification, the master plan shall be amended to indicate pedestrian access across Lake Osborne to Lantana South PUD. This access shall consist, at a minimum, of a footbridge for pedestrian access between the recreation areas of the adjoining rental community, subject to the proper permits by Lake worth Drainage District. (Previously Condition No. 4 of Resolution No. R-90-537, Petition No. 89-78) (LWDD-Zoning)

3. Prior to final Development Review Committee **(DRC)** approval the preliminary development plan shall be amended to indicate the connection of the internal pedestrian circulation system with:
 - a) the sidewalk along the south side of Lantana Road; and,
 - b) the existing school bus pick-up location, with the appropriate safety striping. (ZONING)

E. ENGINEERING

1. Condition No. 8 of Resolution No. R-90-537, Petition No. 89-78, which currently states:

The Developer shall provide **discharge** control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. **However**, at a minimum, this development shall retain **onsite** the first one inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in **an** acceptable condition as approved by the County Engineer.

Is hereby deleted. (REASON: CODE REQUIREMENT]

2. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by **road** right-of-way warranty deed for Lantana Road, **85** feet south of the existing base line of survey free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include **"Safe Sight Corners"** where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 9 of Resolution No. R-90-537, Petition No. **89-78**) (ENGINEERING)

[Note: Right-of-way has been conveyed]

3. The property owner shall pay a Pair Share Fee in the amount and manner required by the **"Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$562.00 per approved multi family dwelling Unit. (Previously Condition No. 10 of Resolution No. R-90-537, Petition No. 89-78) (ENGINEERING)
4. Condition No. **11** of Resolution R-90-537, which currently states:

The Developer shall plat the subject property in **accordance with** provisions of Palm Beach County's subdivision Platting ordinance **73-4** as **amended**.

Is hereby amended to state:

The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code (ULDC) (Ord. No. **92-20**), as amended. (ENGINEERING)

5. Petitioner shall record an easement for utilities **prior** to **Site Plan Review** Committee. (Previously Condition No. 12 of Resolution No. R-90-537, . **Petition** No. 89-78) (ENGINEERING)

6. The Property owner shall construct a left turn lane, south approach on Via Vermilia Road at Lantana 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.

a) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

b) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site. (Previously Condition No. 6 of Resolution No. R-90-537, Petition No. 89-78) (HEALTH)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. 7 of Resolution No. R-90-537, Petition No. 89-78) (HEALTH)

G. ERM

1. Condition No. 3 of Resolution R-90-537, which currently states:

Native vegetation, specifically littoral plants, shall be preserved within the 25 foot **PUD** buffer.

Is hereby amended to state:

Native vegetation, specifically littoral plants, shall be preserved within the required PUD buffers. (**ERM**)

H. HOUSING TYPES

1. To ensure the proposal will comply with the requirements of the ULDC, the petitioner shall, prior to November 1, 1995 or issuance of a certificate of occupancy for the forty first (41) unit, whichever occurs first, amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is amended to delete the requirement and two housing types are no longer required, the petitioner shall be relieved of this requirement. (ZONING)

I. LANDSCAPING - STANDARDS

1. All 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. (BUILDING-Zoning)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RECREATION AND STORAGE TRACT)

1. Landscaping and buffering along the south property line abutting recreation and storage uses shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque fence. The exterior side of the fence shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BUILDING-Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required wall:
 - a. One (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees **may** supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) 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 forty-eight (48) inches. (BUILDING-Zoning)

K. LIGHTING

1. All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (BUILDING)

L. PROPERTY OWNERS ASSOCIATION

1. Condition No. 1 of Resolution R-90-537, which currently states:

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 provide, among other things, **for:** Formation of a single **"master"** property **owner's** association and automatic membership in the **"master"** association by any party holding title to any portion of the property included in the **PUD.**

Is hereby amended to state:

All property included within the legal description of the petition shall be subjected 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 property included in the Planned Unit

Development (PUD), and assessment of all members of the "master" association for the cost of maintaining the PUD's common areas. The property shall not be subjected to the Declaration of Restrictions in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the issuance of the first building permit, or the recordation of the first plat of any portion of the Planned Unit Development, whichever occurs first. (BUILDING/ENGINEERING-County Attorney)

M. RECYCLE SOLID WASTE

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

N. SIGNS

1. No off premise signs shall be permitted on site. (Previously Condition No. 5 of Resolution No. R-90-537, Petition No. 89-78)
2. Entrance wall signs fronting on Lantana Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - six (6) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - two (2);
 - d. Monument style. (BUILDING)

O. VOLUNTARY DENSITY BONUS

1. The Voluntary Density Bonus Program (VDB) award shall be based upon the development being undertaken through the State HOME program for affordable housing which have eligibility standards which exceed those of the VDB. (HCD/PLANNING)
2. Covenants shall provide for at least three (3) of the larger floor area units to accommodate very-low income households. (COUNTY ATTORNEY - HCD)
3. Covenants shall provide that not more than three (3) very-low income households be located within the same building. (COUNTY ATTORNEY - HCD)

P. COMPLIANCE

1. Condition No. 13 of Resolution R-90-537, which currently states:

Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a atop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach county Zoning Code.

Is hereby amended to state:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The 'denial or revocation of a building permit; the issuance of a stop work order; cease and desist **order** ; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable 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;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, 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)