

RESOLUTION NO. R-2004- 0002

RESOLUTION APPROVING ZONING PETITION PDD2003-021
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF HOME DYNAMICS CORP
BY SUN TECH ENGINEERING, INC., AGENT
(THE MOUNTS 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; and

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 PDD2003-021 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2004; 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.

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 PDD2003-021, the petition of Home Dynamics Corp by Sun Tech Engineering, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential 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 January 8, 2004, 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 Greene and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Absent
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 January 8, 2004.

Filed with the Clerk of the Board of County Commissioners on 2 day of February, 2004.

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

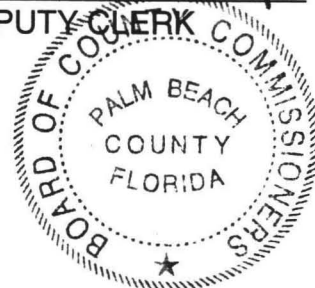


EXHIBIT A
LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED PARCELS ALL LYING IN BLOCK 6 OR BLOCK 12, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 46, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 4: TRACT 43 OF SAID BLOCK 6, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL, LESS THE EAST 705 FEET AND LESS THE WEST 50 FEET THEREOF.

PARCEL 5: TRACT 8 OF SAID BLOCK 12, LESS THE EAST 296.66 FEET AND LESS THE WEST 50 FEET THEREFROM.

PARCEL 6: THE EAST 296.66 FEET OF TRACT 8 OF SAID BLOCK 12, TOGETHER WITH THE WEST 16.67 FEET OF THE WEST HALF OF TRACT 7 OF SAID BLOCK 12.

PARCEL 7: THE WEST HALF OF TRACT 7 OF SAID BLOCK 12, LESS THE WEST 16.67 FEET THEREFROM. SUBJECT TO AN EASEMENT FOR ELECTRIC UTILITIES OVER THE EAST 6 FEET THEREOF.

PARCEL 8: THE WEST HALF OF TRACT 10 OF SAID BLOCK 12, LESS THE WEST 16.67 FEET, LESS THE SOUTH 18 FEET, LESS THE RIGHT-OF-WAY FOR THE SUNSHINE STATE PARKWAY AND LESS A RIGHT-OF-WAY FOR INGRESS AND EGRESS, 50 FEET IN WIDTH, PARALLEL WITH ADJACENT TO THE RIGHT-OF-WAY OF THE SUNSHINE STATE PARKWAY. SUBJECT TO AN EASEMENT FOR ELECTRIC UTILITIES OVER THE NORTH 160 FEET THEREOF. SUBJECT TO AN EASEMENT FOR ELECTRIC UTILITIES OVER THE EAST 6 FEET THEREOF.

PARCEL 9: THE EAST 296.66 FEET OF TRACT 9 OF SAID BLOCK 12; TOGETHER WITH THE WEST 16.67 FEET OF THE WEST HALF OF TRACT 10 OF SAID BLOCK 12, LESS THE SOUTH 18 FEET THEREFROM. SUBJECT TO AN EASEMENT FOR ELECTRIC UTILITIES OVER THE NORTH 160 FEET THEREOF.

PARCEL 10: TRACT 9 OF SAID BLOCK 12, LESS THE EAST 296.66 FEET, LESS THE WEST 50 FEET AND LESS THE SOUTH 18 FEET THEREFROM. SUBJECT TO AN EASEMENT FOR ELECTRIC UTILITIES OVER THE NORTH 160 FEET THEREOF.

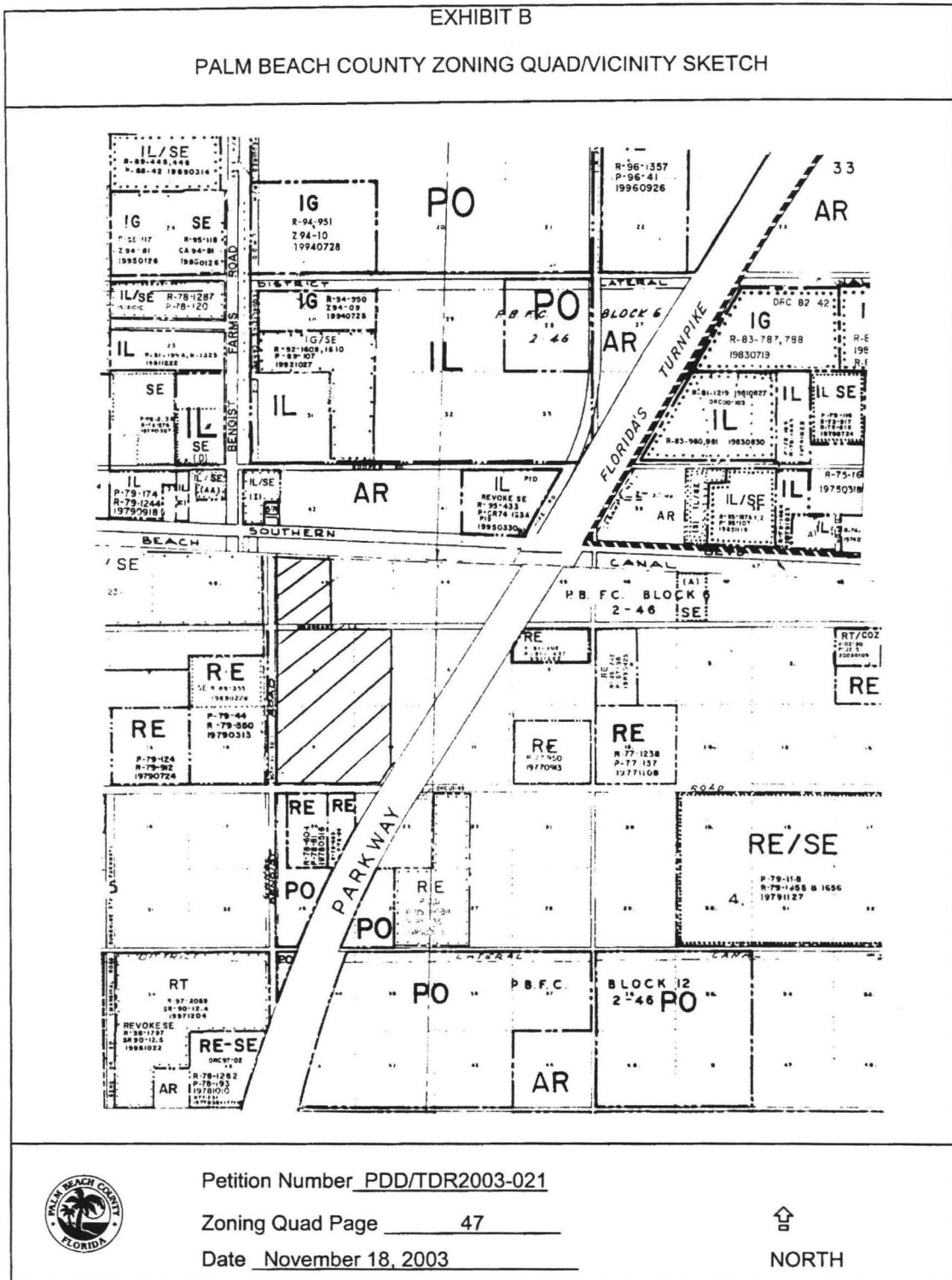
TOGETHER WITH:

THE FOLLOWING PORTION OF THE 50' ROAD RIGHT OF WAY BETWEEN W¹/₂ TRACT 7 AND TRACT 8, BLOCK 12 AND TRACT 43, BLOCK 6, PALM BEACH FARMS PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 46, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

THE S 25' OF SAID RIGHT OF WAY LYING NORTH AND CONTIGUOUS WITH PARCELS 5, 6 AND 7.

THE ENTIRE 50' RIGHT OF WAY BETWEEN PARCEL: 4 AND 5 BEING A DISTANCE OF 235'.

EXHIBIT B
VICINITY SKETCH



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Date November 18, 2003



EXHIBIT C

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 October 10, 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)
2. Prior to final approval by the Development Review Committee (DRC), the eastern portion of parcel 00-42-43-27-05-06-4303 that is not being included within the boundaries of this development shall be rezoned to a district that is consistent with the parcel's land use designation as assigned by the Palm Beach County Comprehensive Plan. (DRC: ZONING - Zoning/Land Dev.)

B. DEPARTMENT OF AIRPORTS

1. The petitioner shall include in the homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective residents that the community is within the arrival and departure corridor of the Palm Beach International Airport, low flying aircraft may frequently be observed, and aircraft noise may be objectionable. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Department of Airports and the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2005 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING/AIRPORTS - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

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)
2. A 25% upland set-aside equal to or greater than 5.49 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM - ERM)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRC: ERM - ERM)

D. LANDSCAPE - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees 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 the property 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)

- 3. All shrub or hedge materials 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;
Forty-eight (48) to seventy-two (72) inches: large shrub;
 - d. This condition does not apply where a single row of hedge is required on either side of a wall; and,
 - e. Seventy percent (70%) of the shrub materials shall be native species. (CO: LANDSCAPE - Zoning)

- 4. All trees and palms 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 a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

- 6. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (CO: LANDSCAPE - Zoning)

- 7. Preservation areas may be excluded from perimeter landscape buffer planting requirements, subject to the following:
 - a. Prior to final Development Review Committee (DRC) site plan approval, documentation that demonstrates native preserve area vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and,
 - b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRC: ZONING/LANDSCAPE - Zoning)

- 8. Prior to final DRC approval of the PDP/site plan, an Alternative Landscape Plan shall be submitted for landscaping along any portion of the property where the FP&L easement and existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)

9. Prior to final DRC approval of the PDP/site plan, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE - Zoning)

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, 2008. 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 Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Eng)

2. Prior to the issuance of a Land Development Permit, any onsite Land Clearing Activity or excavation of any lakes, the Developer shall replace the existing wooden bridge structure on Pioneer Road over the LWDD E-2 Canal. Replacement of this structure shall be subject to the approval of the LWDD and the County Engineer. Vehicular access for Pioneer Road shall remain open at all times during construction of the replacement bridge. LAND DEVELOPMENT PERMIT: ENG - Eng)

3. Prior to the issuance of a building permit the property owner shall convey or dedicate to Palm Beach County Land Development Division for Pioneer Road, an additional 14 feet of right of way. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees. Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT: MONITORING - Eng)

4. The Property owner shall construct a left turn lane north approach on Benoist Farms Road at Pioneer Road.
 - A. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - 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)
5. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (PLAT RECORDATION: ENG - Eng)
 6. Prior to DRC approval of the Final Site Plan, a revised noise analysis for the site that includes both Southern Boulevard and Florida's Turnpike shall be completed. Construction of any Florida Department of Transportation (FDOT) sound barrier within a perimeter landscape buffer to meet FDOT noise attenuation requirement adjacent to state highways for both Southern Boulevard and Florida's Turnpike, as outlined in the revised Noise Analysis, shall be completed prior to the issuance of the first certificate of occupancy. (DRC/CO: ENG/MONITORING - Eng)
 - a. The petitioner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that this site is adjacent to state highways for both Southern Boulevard and Florida's Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to state highways for both Southern Boulevard and Florida's Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect and the required noise mitigation improvements to be constructed by the Developer. Also, the homeowner documents shall include a statement that any additional noise mitigation measures shall not be funded or constructed by Palm Beach County or the Florida Department of Transportation.
 - b. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2005 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING - Eng)
 7. Prior to DRC approval of the Final Site Plan, the property owner shall grant an access easement to the three (3) not included property owners to the northeast. Location of the easement shall be approved by the County Engineer; content shall be approved by the County Attorney. Vehicular access within this easement shall remain open at all times during construction of the PUD. (DRC: ENG - Eng)
 8. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)
- F. LANDSCAPING ALONG THE WEST 689 FEET OF THE SOUTH PROPERTY LINE (PIONEER ROAD FRONTAGE)
1. Landscaping and buffering along the west 689 feet of the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. a minimum 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) canopy tree for each thirty (30) linear feet of the property line;
- d. 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;
- 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 (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,
- 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. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-2 CANAL)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
 - b. a continuous two (2) foot high berm measured from finished grade;
 - c. one (1) canopy tree for each thirty (30) linear feet of the property line;
 - d. 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;
 - 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; and,
 - f. 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. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE EAST 100 FEET OF THE SOUTH PROPERTY LINE, THE SOUTHEAST PROPERTY LINE, AND THE SOUTH 250 FEET OF THE EAST PROPERTY LINE (ABUTTING PIONEER ROAD, ARMADILLO WAY AND RESIDENTIAL PROPERTY)

- 1. Landscaping and buffering along the following property lines shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip along the east 100 feet of the south property line, a minimum twenty (20) foot wide landscape buffer strip abutting Armadillo Way, and a minimum forty (40) foot wide landscape buffer strip along the south 250 feet of the east property line. No width reduction or easement encroachment shall be permitted except for a maximum five (5) feet of utility easement encroachment along the south property line abutting Pioneer Road;
 - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted to accommodate existing vegetation. The berm may be exempt if a FDOT sound barrier is installed;
 - c. a minimum six (6) foot high opaque concrete panel wall or meet the minimum requirements of FDOT, whichever is more restrictive. The exterior side of the wall shall be given a finished architectural

treatment that is harmonious and compatible with abutting development. A FDOT sound barrier may be exempt from the requirement for compatible architectural treatment;

- d. one (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall or sound barrier;
- 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 wall or sound barrier;
- f. one (1) flowering tree for each fifty (50) linear feet of the property line if a FDOT sound barrier is installed, to be planted on both sides of the sound barrier;
- g. 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, to be planted on both sides of the wall or sound barrier;
- h. 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, to be planted on both sides of the wall or sound barrier; and,
- i. 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, to be planted on the exterior side of the wall or sound barrier. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE NORTH 840 FEET OF THE EAST PROPERTY LINE AND THE EAST 630 FEET OF THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL PROPERTIES)

- 1. Landscaping and buffering along the north 840 feet of the east property line and the east 630 feet of the north property line shall be upgraded to include:
 - a. a minimum forty (40) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - c. one (1) palm or pine tree for each twenty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - 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 four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - f. 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. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE WEST 235 FEET OF THE NORTH PROPERTY LINE (ABUTTING WEST PALM BEACH CANAL)

- 1. Landscaping and buffering along the west 235 feet of the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of a required FDOT sound barrier;
 - 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, alternating on both sides of a required FDOT sound barrier;

- d. one (1) flowering tree for each fifty (50) linear feet of the property line if a FDOT sound barrier is installed, to be planted on both sides of the sound barrier;
- 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, to be planted on both sides of a required FDOT sound barrier;
- f. 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, to be planted on both sides of a required FDOT sound barrier; and,
- 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, to be planted on the interior side of a required FDOT sound barrier. (CO: LANDSCAPE - Zoning)

K. LANDSCAPING ALONG THE NORTHEAST PROPERTY LINES (EXTERIOR SIDE OF CIVIC SITE AND NORTHERNMOST RECREATION AREA)

1. Landscaping and buffering along the northeast property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a six (6) foot high opaque concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
 - d. 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 wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)
3. Along the interior side of the required wall, the petitioner 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 at maturity. (CO: LANDSCAPE - Zoning)

L. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng/Zoning)
2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets, forty (40) feet in width or greater;

- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC: ZONING/ENG - Zoning/Eng)
3. Prior to final Development Review Committee (DRC) approval, the PDP/site plan shall be amended to indicate a mountable curb to permit Florida Power and Light (FPL) vehicles access to the 160-foot wide FPL utility easement, subject to approval by FPL. (DRC: ZONING - Zoning)
 4. Prior to final Development Review Committee (DRC) approval, the PDP/site plan shall be amended to indicate facilities for the provision of parking in the vicinity of the school bus shelter. A minimum of five (5) parking spaces shall be provided and in a location acceptable to the Palm Beach County School Board, the County Engineer and the Zoning Division. (DRC: ZONING - Zoning)
 5. Prior to final Development Review Committee (DRC) approval, the PDP/site plan shall be amended to indicate a fountain as a focal feature within each lake. (DRC: ZONING - Zoning)
 6. Prior to final Development Review Committee (DRC) approval, the PDP/site plan shall be amended to indicate an architectural focal point in the island located within the FPL easement. The focal point shall be in the form of a fountain or other architectural element, subject to approval by the Zoning Division and FPL. (DRC: ZONING - Zoning)
 7. Prior to the recordation of the first plat, 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 include the following:
 - a. 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.
 - b. 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.
 - c. The property shall not be subject 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/COUNTY ATTY - Zoning)

M. PLANNING

1. Prior to final Development Review Committee (DRC) approval of the Preliminary Development Plan (PDP)/site plan, these plans shall be revised to indicate a mulched or paved pedestrian trail fronting the two (2) lake areas, civic site, recreation areas, and preserve area at locations that do not front or abut homes. The civic, recreation, lake, and preserve areas shall have an interconnected pathway system that can be connected to the internal street sidewalk system. In addition, at least three (3) benches shall be placed at various locations along this pathway system. (DRC: PLANNING - Planning)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the property owner shall mulch or pave all pathways as specified on the final DRC approved site plan for an interconnected pathway system for the civic, recreation, lake, and preserve areas. Benches shall be placed at the locations as specified on the final DRC approved site plan. (CO: MONITORING - Planning)

N. SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the developer shall provide a school bus shelter at an adequate location to the School District and Engineering Department. The subject bus shelter shall be designed and constructed in a manner or form acceptable to both the Palm Beach County School District and Engineering Department. (CO: SCHOOL BOARD/ENG - School Board)
2. The subject development 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 AND
PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residents. 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. 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)