

RESOLUTION NO. R-2004- 0158

RESOLUTION APPROVING ZONING PETITION PDD2003-011
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF E. B. DEVELOPERS, INC.
BY LAND DESIGN SOUTH, INC., AGENT
(BELMONT AT GREENACRES 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 PDD2003-011 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 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 PDD2003-011, the petition of E. B. Developers, Inc., by Land Design South, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential and Residential Estate Zoning Districts 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 29, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 29, 2004.

Filed with the Clerk of the Board of County Commissioners on 15 day of March, 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

Parcel 1: (Dudley Property), Parcel ID 00-42-44-35-00-000-5061 / 00-42-44-35-00-000-5380 / 00-42-44-35-00-000-5390.

The West 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 44 South, Range 42 East, in Palm Beach County Florida, LESS the North 25 feet and the South 25 feet to be used with similar deductions of other tracts for two rights-of-way, each 50 feet in width, to Cadillac Drive. The Centerlines of said 50 foot rights-of-way being more fully described as follows: The center line of a road known as Nash Drive; From the Northeast corner of the above described parcel, run North 25 feet to the North line of the SW 1/4 of the SE 1/4 to the Point of Beginning; thence run West along the said North line of the SW 1/4 of the SE 1/4 to a point in the East right-of-way line of Cadillac Drive. The center line of a road known as Thunderbird Drive: From the Southeast corner of the parcel described in the first paragraph above, run South 25 feet to the Point of Beginning; thence run West along the South line of the West 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 to the East right-of-way line of Cadillac Drive.

AND

A parcel of land in the Southeast Quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows: The North half (N 1/2) of the East half (E 1/2) of the West half (W 1/2) of the East half (E 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said section 35, LESS the North 25 feet thereof; and the North half (N 1/2) of the West half (W 1/2) of the East Quarter (E 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 35, less the North 25 feet thereof.

Parcel 2: (Lantana Road Nursery Property), Parcel ID 00-42-44-35-00-000-5020 / 00-42-44-35-00-000-5120.

The South 1/2 of the West 1/2 of the East 1/4 of the Southwest 1/4 of the Southeast 1/4 of SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS the South 40 feet thereof deeded to Palm Beach County in Deed Book 972, Page 262, LESS the North 14 feet of the South 54 feet of subject premises as shown in Order of Taking in Official Record Book 5721, Page 1590, Public Records of Palm Beach County, Florida.

AND

The South 1/2 of the East 1/2 of the West 1/2 of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS the South 40 feet thereof, deeded to Palm Beach County in Deed Book 972, Page 262, LESS the North 14 feet of the South 54 feet of subject premises as shown in Order of Taking in Official Record Book 5721, Page 1590, Public Records of Palm Beach County, Florida.

Parcel 3:

(L&S Wholesale Property), Parcel ID 00-42-44-35-00-000-5150. The East One-Quarter (E 1/4) of the East One-Half (E 1/2) of the Southwest One-Quarter (SW 1/4) of the Southeast One-Quarter (SE 1/4) of SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS the East 10 feet thereof and LESS the North 25 feet thereof.

LESS the North 14 feet of the South 54 feet of subject premises as shown in Order of Taking in Official Record Book 5779, Page 1217, Public Records of Palm Beach County, Florida.

Parcel 4: (Davis Property), Parcel ID 00-42-44-35-00-000-5400.

The East 1/2 of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida; LESS, the North 1007.99 feet and also LESS the South 25 feet for road right of way and the East 10 feet deeded to Palm Beach County for road right of way.

Parcel 5: (Kurusu Property), Parcel ID 00-42-44-35-00-000-5360.

The West 1/2 of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 44 South, Range 42 East, Excepting therefrom the South 40 feet and the North 25 feet, Palm Beach County, Florida.

Parcel 6:

A portion of land lying within the west one-quarter (W 1/4) of the east one-half (E 1/2) of the southwest one-quarter (SW 1/4) of the southeast one-quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, also being a portion of the 50 foot wide right of way for Thunderbird Drive as recorded in Official Record Book 2342, Page 863, and Official Record Book 2177, Page 1216 of the Public Records of Palm Beach County, Florida. Being more particularly described as follows.

The north 25.00 feet of the south one-half (S 1/2) of the west one-quarter (W 1/4) of the east one-half (E 1/2) of the southwest one-quarter (SW 1/4) of the southeast one-quarter (SE 1/4) of said Section 35.

Together with:

The south 25.00 feet of the north one-half (N 1/2) of the west one-quarter (W 1/4) of the east one-half (E 1/2) of the southwest one-quarter (SW 1/4) of the southeast one-quarter (SE 1/4) of said Section 35.

All of the above described lands situate, lying and being in Palm Beach County, Florida.

Containing 971,044.22 square feet or 22.29 acres more or less.

EXHIBIT B
VICINITY SKETCH

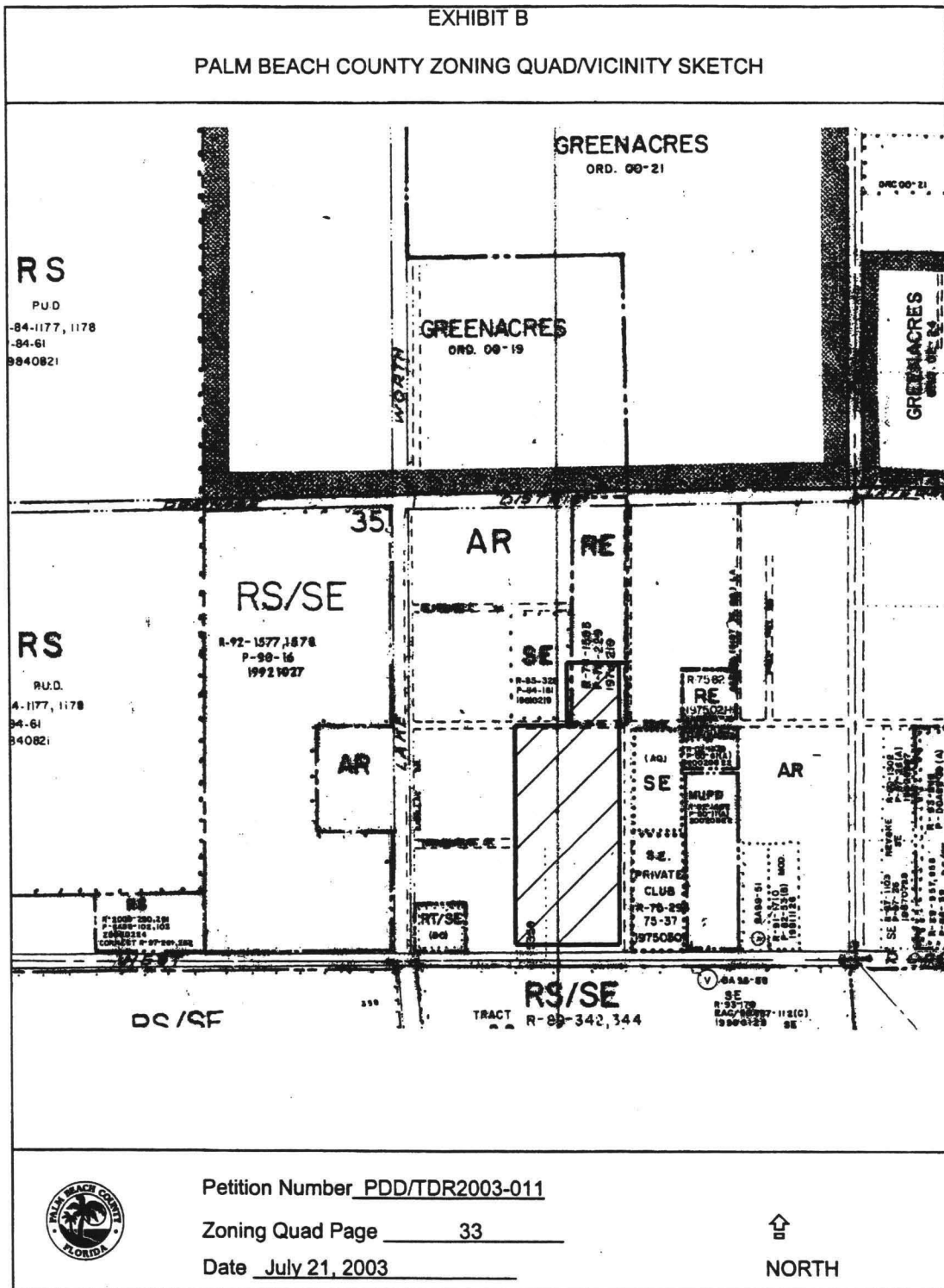


EXHIBIT C

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 November 18, 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. 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 1.16 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. (DRO: ERM - ERM)

C. 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;

- c. 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 one or both sides of a fence or 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, walls 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, berm and wall requirements, subject to the following:
 - a. Prior to final Development Review Officer (DRO) 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. (DRO: ZONING/LANDSCAPE - Zoning)
 - 8. Prior to final DRO 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. (DRO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (LANTANA ROAD FRONTAGE)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
 - b. a continuous two and one half (2.5) foot high berm measured from top of curb;
 - c. a six (6) foot high opaque concrete panel wall or decorative fence, subject to Zoning Division approval, shall be located on the plateau of the berm. The exterior side of the wall or fence shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
 - d. one (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall or 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 wall or fence;
 - f. 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 to be planted on both sides of the wall or fence;

- g. 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 to be planted on both sides of the wall or fence; and,
- h. 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 to be planted on the exterior side of the wall or fence. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to DRO approval of the Preliminary Development Plan, the existing road right of way for Thunderbird Drive through this site shall be abandoned by the Board of County Commissioners. (DRO: ENG - Eng)
2. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) 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 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)
 - b) The number and mix of approved dwellings within the PUD may be revised by the County Engineer based upon an approved traffic study which complies with the mandatory traffic performance standards in place at the time of the request.
3. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed an additional 1 feet of right of way for Lantana Road (55 feet from center line). This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. 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 fees including Attorney's fees as well as the actual cost of the clean up. (BLDG PERMIT: MONITORING - Eng)
4. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the projects entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. 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 fees including Attorney's fees as well as the actual cost of the clean up. (BLDG PERMIT: MONITORING - Eng)

5. The Property owner shall construct a right turn lane east approach on Lantana Road at the Projects Entrance 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. (ONGOING: MONITORING - Eng)
 - 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)
6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)

F. LANDSCAPING ALONG THE SOUTH 1,273 FEET OF THE EAST PROPERTY LINE (MYERS ROAD FRONTAGE TO THE SOUTH OF NASH TRAIL)

1. Landscaping and buffering along the south 1,273 feet of the east 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 top of curb;
 - c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
 - d. one (1) canopy tree for each thirty (30) linear feet of the property line, alternating on both sides of the wall;
 - 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;
 - f. 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 to be planted on both sides of the wall; and,
 - g. 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 to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH 344 FEET OF THE EAST PROPERTY LINE (MYERS ROAD FRONTAGE TO THE NORTH OF NASH TRAIL)

1. Landscaping and buffering along the north 344 feet of the east 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. one (1) canopy tree for each thirty (30) linear feet of the property line;
- 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. 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,
- 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. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINES (NASH TRAIL FRONTAGES AND ABUTTING RESIDENTIAL PROPERTY)

- 1. Landscaping and buffering along the north property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip abutting the north and south limits of Nash Trail, and a minimum of sixty-five (65) feet abutting residential property. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two (2) foot high berm measured from top of curb;
 - c. a maximum six (6) foot high decorative fence, subject to Zoning Division approval, shall be located on the plateau of the berm along the south frontage of Nash Trail only. The exterior side of the fence shall be given a finished architectural treatment that is harmonious and compatible with abutting development. No chain link fence shall be permitted;
 - d. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the required fence;
 - e. one (1) 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 required fence;
 - f. 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 to be planted on both sides of the required fence; and,
 - g. 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 to be planted on both sides of the required fence. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE NORTHWEST PROPERTY LINE (ABUTTING COMMERCIAL STABLE AND HORSE BREEDING FARM)

- 1. Landscaping and buffering along the northwest 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. 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;
 - 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;

- e. 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 to be planted on both sides of the wall; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL, AGRICULTURAL AND UNDEVELOPED PROPERTIES)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum sixty-five (65) 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) native canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - d. one (1) 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;
 - e. 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 to be planted on both sides of the wall;
 - f. 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, and to be planted on both sides of the wall; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

K. 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)
- 2. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the north and west property lines. (CO: BLDG - Zoning)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

L. 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 DRO. The purpose of this easement is for the future construction of Mass

Transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)

2. Prior to the issuance of the first building permit, 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 PERMIT: MONITORING - Eng)

M. PLANNED UNIT DEVELOPMENT

1. 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; and,
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ZONING/ENG - Zoning/Eng)
2. 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)
3. Prior to final Development Review Officer (DRO) approval, the conceptual site plan shall be amended to indicate staggered setbacks for buildings 8, 9 and 10 as shown on the conceptual site plan dated November 18, 2003. Setbacks shall vary by a minimum distance of six (6) feet. (DRO: ZONING - Zoning)
4. Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate decorative paving treatment at the southern access onto Myers Road. This paving shall be provided for the entire surface area of the drive aisles and extend westward from the east property line to connect with the decorative paving treatment at the interior intersection as shown on the Preliminary Development Plan/conceptual site plan dated November 18, 2003. (DRO: ZONING - Zoning)
5. Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a landscape or architectural focal point within all roundabout islands. (DRO: ZONING - Zoning)
6. Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a minimum five (5) foot wide meandering pedestrian pathway within the 20-foot wide lake maintenance easement of the 2.76-acre lake tract, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the lake tract. A minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and County Engineer. These shade structures shall be a minimum of 120 square feet each and shall include bench(es) and trash receptacle(s). (DRO: ZONING/ENG - Zoning/Planning)

7. Prior to final Development Review Officer (DRO) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a minimum five (5) foot wide meandering pathway through each of the lakefront open space areas as shown on the Preliminary Development Plan/conceptual site plan dated November 18, 2003. These pathways shall provide an uninterrupted connection between the pedestrian sidewalk system on the property and the pedestrian pathway required per Condition M.7. These pathways shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO/PLAT: ZONING - Zoning)
8. Prior to the issuance of a Certificate of Occupancy (CO) for the 75th unit, the property owner shall mulch or pave all pedestrian pathways and install all gazebos, shade structures/trellis, benches and trash receptacles required per Conditions M.7. and M.8. (CO: MONITORING - Zoning/Planning)
9. 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)
10. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of a commercial stable and horse breeding farm and a private club adjacent to the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to 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. (DATE: MONITORING - Zoning)
11. Access to the site by all construction traffic shall be from Lantana Road and the segment of Myers Road from Lantana Road to Nash Trail only. At no time shall construction traffic use Nash Trail to access the site. (ONGOING: CODE ENF - Zoning)

N. PLANNING

1. Prior to final Development Review Officer (DRO) approval, the Planning Division shall determine whether the Preliminary Development Plan generally conforms with the certified site plan dated November 18, 2003 in terms of the locations of recreation areas, pathways around the lake area and to

recreation areas, pedestrian seating areas, and pedestrian access to the preserve area at the northern portion of the site. (DRO: PLANNING-Planning)

O. SCHOOL

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)

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)