

RESOLUTION NO. R-2004-0954

RESOLUTION APPROVING ZONING PETITION PDD2003-034
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF LANTANA FARMS ASSOCIATES, INC. AND LANTANA FARM
CONSULTANTS, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(LANTANA FARMS 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-034 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 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 2.K.3.b (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 PDD2003-034, the petition of Lantana Farm Associates, Inc. and Lantana Farm Consultants, Inc. by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Agricultural Residential and the Residential Transitional 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 May 27, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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	- Absent
Jeff Koons	- Absent
Warren H. Newell	- Aye
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 2004.

Filed with the Clerk of the Board of County Commissioners on 22 day of June, 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:

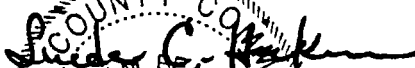
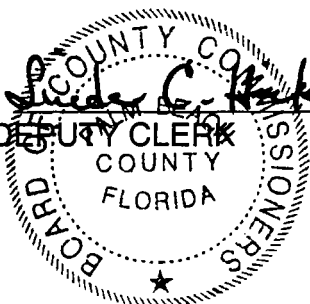

DEPUTY CLERK
COUNTY
FLORIDA


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, TRACT 40, PALM BEACH FARMS COMPANY PLAT NO. 13, AS RECORDED IN PLAT BOOK 6, PAGES 98 & 99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN THENCE ALONG THE NORTH LINE OF SAID LOT 4, SOUTH 88°31'50" EAST, A DISTANCE OF 337.50 FEET; THENCE ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 4, SOUTH 18°37'25" EAST, A DISTANCE OF 666.64 FEET; THENCE NORTH 89°23'23" WEST, A DISTANCE OF 337.50 FEET TO THE WEST LINE OF SAID LOT 40; THENCE ALONG SAID WEST LINE NORTH 18°37'15" WEST, A DISTANCE OF 672.0 FEET TO THE POINT OF BEGINNING.

LESS THEREFROM THE NORTH 40.0 FEET FOR LANTANA ROAD RIGHT-OF-WAY.

LESS AND EXCEPT THAT PORTION DEDICATED TO PALM BEACH COUNTY PER WARRANTY DEED DESCRIBED IN OFFICIAL RECORDS BOOK 12082, PAGE 629 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH,

PARCEL 2

ALL THAT PORTION OF LOT 1, TRACT 41, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST (LESS THE SOUTHEAST 10 ACRES) LYING EAST OF THE LAKE WORTH DRAINAGE DISTRICT CANAL E-2 EAST RIGHT-OF-WAY. LESS THE NORTH 40.0 FEET THEREOF FOR RIGHT-OF-WAY OF LANTANA ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, TRACT 40, THE PALM BEACH FARMS COMPANY PLAT NO. 13, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 6, PAGES 98 & 99; THENCE SOUTH 18°37'15" EAST, A DISTANCE OF 646.44 FEET; THENCE SOUTH 88°50'05" DISTANCE OF 406.57 FEET; THENCE NORTH 1°02'16" WEST, A DISTANCE OF 626.63 FEET TO THE SOUTH LINE OF SECTION 32, T44S, R42E; THENCE SOUTH 88°31'50" EAST, A DISTANCE OF 211.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION DEDICATED TO PALM BEACH COUNTY PER WARRANTY DEED DESCRIBED IN OFFICIAL RECORDS BOOK 12082, PAGE 629 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH,

PARCEL 3

THE SOUTHEAST 10 ACRES OF LOT 1, TRACT 41, TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SUNSHINE PARKWAY AND THE LAKE WORTH DRAINAGE DISTRICT L-16 & E-2 EAST RIGHT-OF-WAYS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 4, TRACT 40, THE PALM BEACH FARMS COMPANY, PLAT 13, ACCORDING TO THE PLAT THEREOF ON FILE IN PLAT BOOK 6, PAGES 98 & 99; THENCE SOUTH 18°37'15" EAST, A DISTANCE OF 646.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 18°37'15" EAST, A DISTANCE OF 675.74 FEET TO THE NORTHEAST CORNER OF SECTION 6, T45 A, R42E; THENCE SOUTH 88°50'05" WEST, A DISTANCE OF 610.70 FEET TO THE EAST RIGHT-OF-WAY LINE, FLORIDA SUNSHINE PARKWAY; THENCE NORTH 1°02'16" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 644.62 FEET; THENCE NORTH 88°50'05" EAST, A DISTANCE OF 406.57 FEET TO THE POINT OF BEGINNING.

LESS THE SOUTH 40.0 FEET THEREOF FOR CANAL RIGHT-OF-WAY & SUBJECT TO L.W.D.D. DRAINAGE RESERVATION OVER THE WEST 100 FEET THEREOF.

ALSO TOGETHER WITH,
PARCEL 4

A PARCEL OF LAND BEING A PORTION OF LOT 4, TRACT 40, PALM BEACH FARMS COMPANY PLAT NO. 13, IN TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPTING RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-16 CANAL, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID LOT 4, BEAR SOUTH 19°28'15" EAST, ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 42.94 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LANTANA ROAD AS RECORDED IN DEED BOOK 988, PAGE 230, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID POINT ALSO BEING THE NORTHWEST CORNER OF WOODLAND CREEK PLAT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, PAGE 165, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE, CONTINUE SOUTH 19°28'15" EAST, ALONG THE EASTERLY LINE OF SAID LOT 4 AND THE WESTERLY LINE OF SAID WOODLAND CREEK PLAT 1, A DISTANCE OF 1237.20 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4, TRACT 40; THENCE SOUTH 89°42'44" WEST, ALONG THE SOUTH LINE OF SAID LOT 4, TRACT 40, A DISTANCE OF 515.12 FEET; THENCE NORTH 18°51'38" WEST, A DISTANCE OF 1252.84 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, AS RECORDED IN DEED BOOK 988, PAGE 230, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°08'06" EAST, ALONG A LINE 40 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, TRACT 40, AND SAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, A DISTANCE OF 507.99 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION DEDICATED TO PALM BEACH COUNTY PER WARRANTY DEED DESCRIBED IN OFFICIAL RECORDS BOOK 12082, PAGE 629 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH,
PARCEL 5

A PARCEL OF LAND BEING A PORTION OF LOT 4, TRACT 40, PALM BEACH FARMS COMPANY PLAT NO. 13, IN TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPTION RIGHT FO WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-16 CANAL.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID LOT 4, BEAR SOUTH 19°28'15" EAST, ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 42.94 FEET TO A POINT OF ON THE SOUTH RIGHT OF WAY LINE OF LANTANA ROAD AS RECORDED IN DEED BOOK 988, PAGE 230, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID POINT ALSO BEING THE NORTHWEST CORNER OF WOODLAND CREEK PLAT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, PAGE 165, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE, CONTINUE SOUTH 19°28'15" EAST, ALONG THE EASTERLY LINE OF SAID LOT 4 AND THE WESTERLY LINE OF SAID WOODLAND CREEK PLAT 1, A DISTANCE OF 1237.20 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4, TRACT 40; THENCE SOUTH 89°42'44" WEST, ALONG THE SOUTH LINE OF SAID LOT 4, TRACT 40, A DISTANCE OF 515.12 FEET; THENCE NORTH 18°51'38" WEST, A DISTANCE OF 446.24 FEET TO A POINT ON A LINE 423.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE

SOUTH LINE OF SAID TRACT 40; THENCE, SOUTH 89°42'44" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 509.93 FEET TO A POINT ON A LINE LYING 337.50 FEET EAST OF, AS MEASURED ALONG THE NORTH LINE, AND PARALLEL WITH THE WEST LINE OF SAID LOT 4, TRACT 40; SAID LINE BEING THE EASTERLY LINE OF "PARCEL 3", AS DESCRIBED IN OFFICIAL RECORD BOOK 6911, PAGES 367 AND 368, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND ITS SOUTHERLY PROLONGATION; THENCE, NORTH 18°13'36" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 823.68 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, AS RECORDED IN DEED BOOK 988, PAGE 230, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°08'06" EAST, ALONG A LINE 40 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, TRACT 40, AND SAID SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, A DISTANCE OF 1015.07 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION DESCRIBED IN PARCEL 4.

ALSO, LESS AND EXCEPT THAT PORTION DEDICATED TO PALM BEACH COUNTY PER WARRANTY DEED DESCRIBED IN OFFICIAL RECORDS BOOK 12082, PAGE 629 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH,
PARCEL 6

THE SOUTHERLY 423 FEET WITHIN SOUTHERLY 423 FEET IS MEASURED PARALLEL TO THE SOUTHERLY LINE OF THE FOLLOWING DESCRIBED PROPERTY IN PALM BEACH COUNTY, FLORIDA; THAT PART OF LOT 4, TRACT 40, PALM BEACH FARMS COMPANY, PLAT NO. 13, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 337.50 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 18°13'36" EAST ALONG A LINE PARALLEL TO THE WEST LINE OF SAID LOT 4, A DISTANCE OF 1,310.80 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE NORTH 89°41'54" EAST ALONG SAID SOUTH LINE A DISTANCE OF 515.11 FEET; THENCE NORTH 18°51'38" WEST, A DISTANCE OF 1,295.38 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE NORTH 88°08'06" WEST ALONG SAID NORTH LINE, A DISTANCE OF 506.61 FEET TO THE POINT OF BEGINNING.

(LESS THE NORTH 40 FEET THEREOF FOR RIGHT OF WAY FOR LANTANA ROAD).

LESS AND EXCEPTING THE FOLLOWING PARCEL:

A PORTION OF LOT 1, TRACT 41 AND LOT 4, TRACT 40, PALM BEACH FARMS COMPANY PLAT NO. 13, LYING WITHIN TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 99, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 4, TRACT 40; THENCE SOUTH 88°31'51" EAST, ALONG THE NORTH LINE OF SAID LOT 4, TRACT 40, A DISTANCE OF 141.17 FEET; THENCE SOUTH 01°28'09" WEST, A DISTANCE OF 67.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 12082, PAGE 626 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 43°31'51" EAST, A DISTANCE OF 35.35 FEET; THENCE SOUTH 01°28'09" WEST, A DISTANCE OF 425.62 FEET, TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET ; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°34'27", A DISTANCE OF 60.34 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 36°02'36" WEST, A DISTANCE OF 36.05 FEET; THENCE NORTH 88°30'40" WEST, A DISTANCE OF 196.97 FEET TO A POINT ON THE REQUIRED EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2-E CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1732, PAGE 612 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 01°00'14" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 546.09 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE SOUTH 74°19'31" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE DESCRIBED COURSES, A DISTANCE OF 34.76 FEET; THENCE SOUTH 88°27'51" EAST, A DISTANCE OF 58.74 FEET; THENCE SOUTH 88°31'51" EAST, A DISTANCE OF 141.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 36.195 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

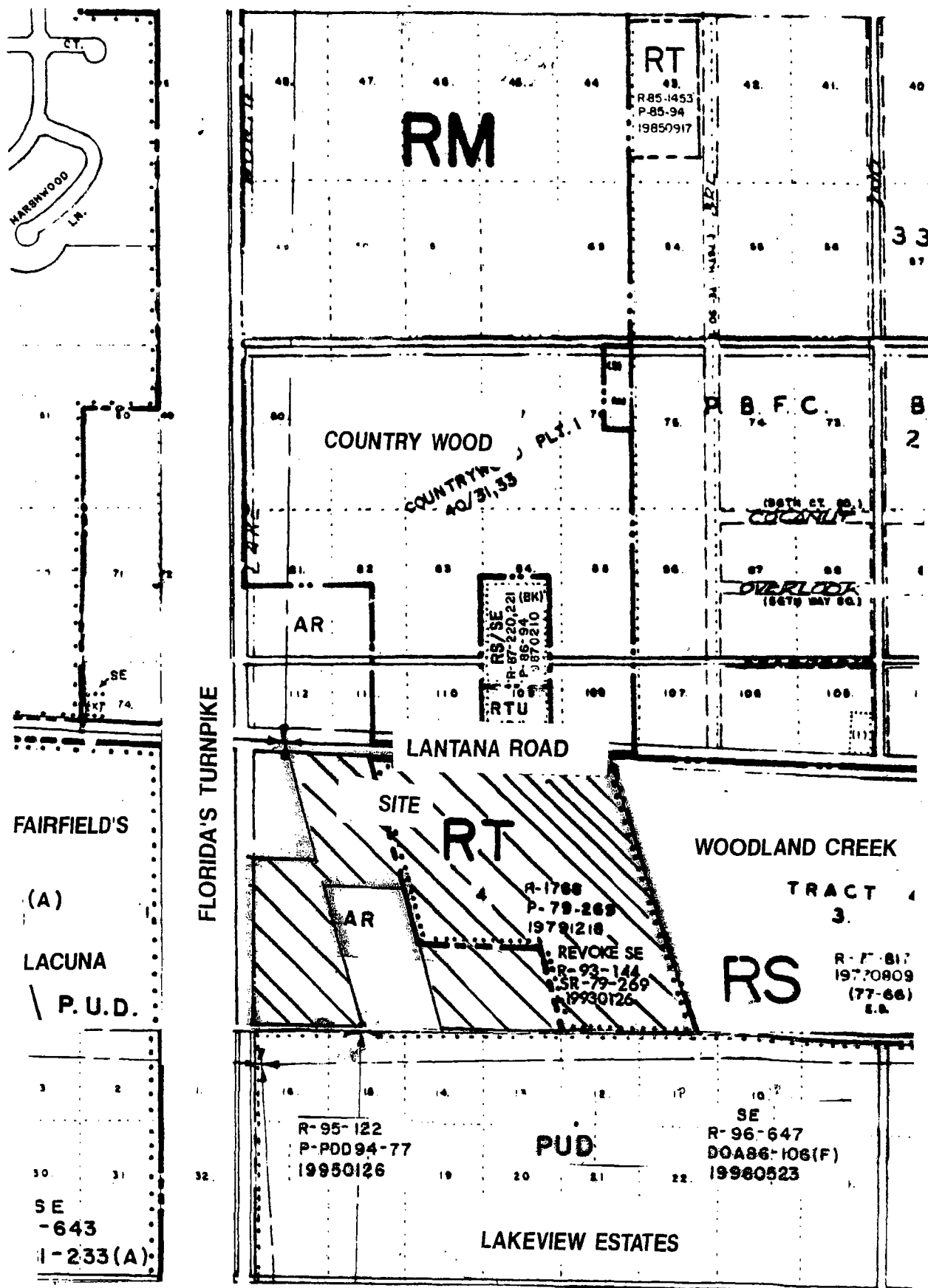


EXHIBIT C

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 (PDP) is dated December 15, 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. BUILDING AND SITE DESIGN

1. Prior to the issuance of the first Certificate of Occupancy (CO), if legally attainable, the portion of the existing twenty (20) foot wide ingress/egress access easement that is located adjacent to the proposed civic and recreation tracts shall be abandoned; relocated to coincide with proposed internal right-of-ways, as permitted under the deed for the remainder of lot 4, tract 40; or relocated to an alternative location that is acceptable to both the Zoning Division and the County Engineer. (CO: MONITORING - Eng)
2. Prior to final approval by the Development Review Officer (DRO), the PDP and Site Plan(s) shall include a notation indicating that homes located on lots 10 through 28, as shown on the conceptual site plan dated December 15, 2003, shall be limited to one (1) story. This notation shall also be reflected on the recorded plat. (DRO/PLAT/ONGOING: ZONING/ENGINEERING/BLDG PERMIT - Zoning)
3. Prior to the issuance of a building permit, the property owner or developer shall install a minimum six (6) foot high temporary security fence or similar barrier along the entire eastern boundary of the site abutting Woodland Creek subdivision. This barrier shall be removed and replaced with the opaque wood fence required by Condition J.1.b. prior to the issuance of a Certificate of Occupancy. (BLDG PERMIT/CO: MONITORING/LANDSCAPE - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

1. A Phase 1 site assessment for all areas that have been under agricultural production shall be submitted to Environmental Resources Management (ERM) prior to final DRO approval. (DRO: ERM - ERM)

D. LANDSCAPING – STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: 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; and,
 - d. This condition does not apply where a single row of shrub or hedge material is required on one or both sides of a wall or fence. (BLDG PERMIT: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines. (BLDG PERMIT: LANDSCAPE - Zoning)
7. 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. (BLDG PERMIT: 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:
 - a. Building Permits for no more than 32 single-family dwelling units and 50 multi-family dwelling units shall be issued (max. 71 net peak hour trips) until:
 - 1) the construction commences for Lyons Road 4 lane median divided construction from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
 - 2)
 - a) the construction commences for south approach dual left turn lanes at the intersection of Hagen Ranch Road at Lantana Road plus the appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING - Eng)
 - b) the construction commences for an additional (third) through lane west approach at the intersection of Hagen Ranch Road at Lantana Road plus the appropriate paved tapers and receiving lanes. (BLDG PERMIT: MONITORING - Eng)

- b. Building Permits for no more than 43 single-family dwelling units and 50 multi-family dwelling units shall be issued (max. 82 net peak hour trips) until the construction commences for north and south approach dual left turn lanes and a second north approach through lane on Lyons Road at its intersection with Lantana Road. Intersection improvements shall also include appropriate paved tapers and receiving lanes plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
 - c. No Building Permits for the site may be issued after January 1, 2011. 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 Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Eng)
 - d. The Concurrency for the project is required to be included with the adjacent MUPD parcel to the west (zoning petition PDD2003-078). The mix of allowable uses between this PUD and the adjacent MUPD may be adjusted 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. (ONGOING: ENGINEERING - Eng)
2. Acceptable surety required for the offsite road improvements as outlined in Condition E.1.a. and E.1.b shall be posted with the Office of the Land Development Division on or before October 24, 2004.
- a. This surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Eng)
 - b. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)
3. The Property Owner shall fund the cost of signal modifications as determined by the County Engineer at Lantana Road and Projects east entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. (ONGOING: MONITORING - Eng)
4. LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD
- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)

- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
 - e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: ENGINEERING - Eng)
5. Prior to issuance of the first building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s) at Lantana Road. 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. (BLDG PERMIT: MONITORING - Eng)
6. Construction of any Florida Department of Transportation sound barriers within perimeter landscape buffers to meet FDOT noise attenuation requirements shall be completed prior to the issuance of the first certificate of occupancy. This requirement shall pertain to the dwelling units adjacent to the Florida Turnpike currently shown on the Preliminary Development Plan as "POD B". Noise requirement requirements are outlined in the approved Noise analysis. (CO: MONITORING - Eng)
- a. The property owner 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 the site currently shown on the Preliminary Development Plan as "POD B" is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida 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. Construction materials for the dwelling units currently shown on the Preliminary Development Plan as "POD B" adjacent to the Florida Turnpike shall be constructed so as to reduce sound levels as outlined in the approved Noise Analysis. These dwelling units shall be identified on the site's final subdivision plan and shall identify the sound mitigation construction requirements. (DRO: ENG - Eng)
 - c. 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, 2004, 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. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Eng)
 8. Prior to the issuance of the first building permit, the property owner shall grant a drainage and access easement to the adjacent MUPD to the west. Location of the easement shall be approved by the County Engineer; form and content shall be approved by the County Attorney. (BLDG PERMIT: MONITORING - Eng)
 9. Prior to December 1, 2004, the property owner shall provide for the acquisition by funding the cost of the right-of-way and all associated costs for Lyons Road construction from Lantana Road to Hypoluxo Road plus the appropriate paved tapers as a 108-foot right-of-way within the limits referenced in the Phasing Condition above. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2004. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng)
 10. On or before June 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING - Eng)
 11. Prior to December 1, 2005, the property owner shall commence the construction of Lyons Road as a 4-lane facility (expandable to 6 lanes) from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng)
 12. The Property owner shall construct intersection improvements at Hagen Ranch Road and Lantana Road to provide for:
 - south approach dual left turn lanes; and,
 - signal modifications as required by the County Engineer
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, 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 25 Building Permits. (BLDG PERMIT: MONITORING - Eng)
 - c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 32 single-family dwelling units and 50 multi-family dwelling unit certificates of occupancy. (CO: MONITORING - Eng)
13. The property owner shall construct intersection improvements at Lyons Road and Lake Worth Road to provide for a north and south approach right turn lane and a second north approach through lane. Construction shall also include all signal modifications as required by the County Engineer.
- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, 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 50 Building Permits. (BLDG PERMIT: MONITORING - Eng)
 - c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 43 single-family dwelling units and 50 multi-family dwelling units. (CO: MONITORING - Eng)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF POD A (FRONTAGE OF LANTANA ROAD), BOTH SIDES OF THE LANTANA ROAD ENTRANCE DRIVE, AND THE EASTERN FRONTAGE OF THE WEST ACCESS ROAD (ABUTTING CIVIC AND RECREATION TRACTS)

- 1. Landscaping and buffering along the north property line fronting Lantana Road, both sides of the project's Lantana Road entrance drive, and the eastern frontage of the west access road 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 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 twenty-five (25) 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. (BLDG PERMIT: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-2-E CANAL AND FLORIDA'S TURNPIKE)

- 1. Landscaping and buffering along the west property line of Pod B shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;

- b. a continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade;
 - c. an eight (8) foot high opaque concrete screen panel wall or meet the minimum requirements of FDOT, whichever is more restrictive. The wall or FDOT sound barrier shall be located on the plateau of the berm;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall or sound barrier; and,
 - 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. (BLDG PERMIT: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required wall or sound barrier:
- a. one (1) flowering tree planted for each fifty (50) linear feet of the property line;
 - b. 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,
 - c. 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. (BLDG PERMIT: LANDSCAPE - Zoning)
3. Along the exterior side of the required wall or sound barrier, the property owner shall install a continuous row of thirty (30) inch high shrub or hedge material between all trees, to be maintained at a minimum height of forty-eight (48) inches at maturity. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE WEST 200 FEET OF THE SOUTH PROPERTY LINE OF POD B (ABUTTING LWDD L-16 CANAL)

1. Landscaping and buffering along the west 200 feet of the south property line of Pod B shall be upgraded to include:
- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade;
 - c. an eight (8) foot high opaque concrete screen panel wall or meet the minimum requirements of FDOT, whichever is more restrictive. The wall or FDOT sound barrier shall be located on the plateau of the berm. The exterior side of the wall or FDOT sound barrier shall be given a finished architectural treatment that is harmonious and compatible with adjacent development;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, to be planted on both sides of the wall or FDOT 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, to be planted on both sides of the wall or FDOT sound barrier;
 - f. one (1) flowering tree planted for each fifty (50) linear feet of the property line, to be planted on both sides of the wall or FDOT 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 FDOT sound barrier; and,
 - 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 FDOT sound barrier. (BLDG PERMIT: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF POD A AND THE EAST 298 FEET OF THE SOUTH PROPERTY LINE OF POD B (ABUTTING LWDD L-16 CANAL)

1. Landscaping and buffering along the south property line of Pod A and the east 298 feet of the south property line of Pod B shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous one and one-half (1.5) foot high berm measured from finished grade;
 - c. one (1) canopy tree planted for each twenty (20) 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. (BLDG PERMIT: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING WOODLAND CREEK SUBDIVISION)

1. Landscaping and buffering along the east property line 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 wood fence;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
 - 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 fence;
 - 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 the exterior side of the fence;
 - 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 the exterior side of the fence; 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 the fence. (BLDG PERMIT: LANDSCAPE - Zoning)
2. Planting requirements for the east property line may be modified subject to approval of an Alternative Landscape Plan (ALP). The ALP shall be approved by the Landscape Section prior to final approval by the DRO, comply with all ULDC requirements, and shall show:
 - a. incorporation of existing Areca palm hedge;
 - b. a minimum twelve (12) foot high, continuous, visually opaque screen of Areca palm hedge along the entire east property line, or a greater height if necessary to establish uniformity with existing hedge. The hedge shall be maintained at a minimum height of twenty (20) feet at maturity; and,
 - c. a six (6) foot high opaque wood fence, to be located on the interior (west) side of the Areca palm hedge. (DRO/BLDG PERMIT/ONGOING: LANDSCAPE/CODE ENF - Zoning)

K. LANDSCAPING ALONG THE WEST AND SOUTHWEST PROPERTY LINES OF POD A, AND THE EAST PROPERTY LINE OF POD B (ABUTTING REMAINDER OF LOT 4, TRACT 40)

1. Landscaping and buffering along the west and southwest property lines of Pod A and the east property line of Pod B 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 continuous two (2) foot high berm measured from finished grade;
 - c. a six (6) foot high opaque fence shall be located on the plateau of the berm;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and,
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (BLDG PERMIT: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required fence:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)
3. Along the exterior side of the required fence, the petitioner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches at maturity. (BLDG PERMIT: LANDSCAPE - Zoning)

L. LANDSCAPING AND BUFFERING ALONG THE NORTH PROPERTY LINE OF POD B (ABUTTING COMMERCIAL PROPERTY)

1. Landscaping and buffering along the north property line of Pod B 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 continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade, and at a maximum of 3:1 gradient. The plateau of the berm shall be located on the north property line, as shown on the cross-section prepared by Kilday and Associates, Inc. dated January 27, 2004;
 - c. an eight (8) foot high opaque concrete panel wall or meet the minimum requirements of FDOT, whichever is more restrictive. The wall or FDOT sound barrier shall be located on the plateau of berm. The exterior side of the wall or sound barrier shall be given a finished architectural treatment that is harmonious and compatible with abutting development;
 - d. one (1) canopy tree for each twenty (20) linear feet of the property line, to be planted on the interior side 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, to be planted on the interior side of the wall or sound barrier;
 - f. one (1) flowering tree for each fifty (50) linear feet of the property line, to be planted on the interior side of the required wall or sound barrier;
 - g. one (1) small shrub for each two (2) linear feet of the property line, to be planted on the interior side of the wall or sound barrier. Shrub shall be a minimum height of eighteen (18) inches at installation; and,

- h. one (1) medium shrub for each four (4) linear feet of the property line, to be planted on the interior side of the wall or sound barrier. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning).
2. Prior to final approval by the DRO, the Preliminary Development Plan (PDP)/site plan(s) shall be amended to indicate:
 - a. a minimum fifteen (15) foot wide landscape easement, which shall be recorded over the landscape buffer along the north property line of Pod B;
 - b. this easement shall grant the adjacent property owner of the Lantana Farms MUPD (Petition 2003-078) the right to install the berm indicated in Condition L.1.b.; and,
 - c. responsibility for installing the berm shall be assumed by the property owner, petitioner or developer of the development that first occurs. (DRO/ONGOING: ZONING/MONITORING - Zoning)

M. LIGHTING (PRIVATE CIVIC TRACT, ALL RECREATION AREAS, AND PROJECT ENTRANCES)

1. All outdoor lighting used to illuminate the private civic tract, recreation areas, and project entrances 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 fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. 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)

N. 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 Master/Site Plans prior to the final approval of the Development Review Officer (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 or recordation of the plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT: MONITORING - Eng/Palm Tran)
3. Prior to issuance of the first Certificate of Occupancy, the property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. (CO: ENGINEERING - Palm Tran)
4. Prior to the issuance of a building permit for the 25th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the property owner. (BLDG PRMT: MONITORING - Zoning)

O. 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 - Zoning/Eng)
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; and,
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (CO: LANDSCAPE/ENGINEERING - Zoning)
3. Prior to final approval by the DRO, the PDP/site plan(s) shall be amended to indicate decorative paving treatment (pre-cast concrete paver blocks, brick pavers or stamped concrete) for the following areas:
 - a. at all internal intersections and extending a minimum distance of thirty (30) feet along the adjacent roadway surfaces;
 - b. within all roundabouts, excluding areas reserved for medians and landscape islands;
 - c. all pedestrian walkways at street crossings; and,
 - d. this treatment shall be applied to the entire paved surface of the required areas. (DRO/CO: ZONING/LANDSCAPE - Zoning)
4. Prior to final approval by the DRO, the PDP/site plan(s) shall be amended to indicate the following:
 - a. a fountain within the 6.26-acre lake tract; and,
 - b. a landscape and/or architectural focal feature, subject to approval by the Architectural Review Section, at the terminus of all dead-end streets that do not include provisions for future cross access to an adjacent property. (DRO/CO: ZONING/ARCH REVIEW/LANDSCAPE - Zoning)
5. Diversity of architectural elevations and exterior color schemes for the townhouse units in Pod B shall be achieved through compliance with the following:
 - a. a minimum of three (3) elevations shall be required for each individual building, to be evenly dispersed amongst the units within each building. Variation in these elevations shall be achieved through the use of differing architectural details such as, but not limited to: roof treatment, stucco banding, reveals, decorative vents and louvers, columns or pilasters, and/or quoins;
 - b. a minimum of three (3) exterior color schemes shall be required for each individual building, to be evenly dispersed amongst the units within each building; and,
 - c. the entire length of the front façade of each unit shall project or be recessed a minimum distance of six (6) feet from the front façade of the adjacent unit to provide the appearance of staggered building setbacks and to achieve a varied streetscape. (DRO/BLDG PERMIT: ZONING/ARCH REVIEW/BLDG - Zoning)
6. Prior to final approval by the DRO, Pod B shall be revised to include the following:

- a. all units shall provide for either a garage exceeding the minimum parking dimensions required for townhouses, or a storage closet for trash receptacles;
 - b. an ancillary parking space shall be provided adjacent to the driveway of all end units;
 - c. all driveways shall be constructed entirely of pre-cast concrete paver blocks, brick pavers, or stamped concrete;
 - d. a continuous hedge or decorative groundcover shall be planted for the entire length of the landscape islands between driveways;
 - e. a pedestrian focal feature and benches, subject to Zoning Division approval, shall be provided at the junction of the pedestrian pathways; and,
 - f. a minimum five (5) foot wide foundation planting area shall be provided along the side façade of all end units. These areas shall extend a minimum of fifty percent (50%) of the total length of each side facade and be planted with a minimum of one (1) canopy or flowering tree for each fifteen (15) linear feet of building facade, shrubs and appropriate groundcover. (DRO/CO: ZONING/LANDSCAPE - Zoning)
7. Prior to final approval by the DRO, the PDP/site plan(s) shall be revised to indicate recreation amenities within the 0.16- and 0.24-acre recreation areas. Amenities shall include pedestrian benches, trash receptacles, and a minimum of one (1) of the following: tot lot; gazebo; fitness station; rest station; or a similar amenity, subject to Zoning Division approval. These areas and amenities shall have a direct connection to the pedestrian system on the property and shall not be located within land areas designated for drainage, storm-water management or other utility purposes. The required amenities shall be installed prior to the issuance of a Certificate of Occupancy (CO). (DRO/CO: ZONING/LANDSCAPE - Zoning)
 8. Drainage easements shall not be permitted along the rear yards of back-to-back units. (DRO: ZONING - Zoning)
 9. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRO/BLDG PERMIT: ZONING/BLDG - Zoning)
 10. 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; and,
 - d. a restriction limiting each townhouse unit in Pod B that contains only two (2) parking spaces to a maximum of two (2) vehicles per dwelling unit. Vehicles shall be parked or stored only within the spaces provided by each individual unit. (PLAT/ONGOING: ENGINEERING/COUNTY ATTY/CODE ENF - Zoning)

P. PLANNING

1. Prior to final Preliminary Development Plan (PDP) and Site Plan approval by the Development Review Officer (DRO), the plans shall be revised to include notations for two (2) vehicular and pedestrian cross access points with the Lantana Farms MUPD, Petition 2003-078, which shall read "proposed vehicular and pedestrian cross access to be paved to the property line." The alignment of these access points shall be in accordance with the Lantana Farms MUPD approved site plan. These access points shall not be controlled by gates or other security devices that can be controlled by the residents of the PUD. (DRO: PLANNING - Planning)
2. Prior to the issuance of a Certificate of Occupancy, the property owner shall pave the property to the edge of the northwest property lines at the locations shown on the Preliminary Development Plan/Site Plan that will read "proposed vehicular and pedestrian cross access..." (CO: MONITORING - Planning)
3. Prior to final DRO approval of the Preliminary Development Plan (PDP) and Site Plan(s), the property owner shall record a cross access easement providing for vehicular and pedestrian cross access to the remainder of Lot 4 of Tract 40. This easement shall be in a form and manner that is acceptable to the County Attorney. (DRO: COUNTY ATTY - Planning)
4. Prior to final approval by the DRO, the Preliminary Development Plan (PDP) and Site Plan(s) shall be revised to include a notation for a vehicular and pedestrian cross access point from the stub street in the southeast corner of Pod B to the remainder of Lot 4 of Tract 40, which shall read "proposed vehicular and pedestrian cross access to be paved to the property line". This access point shall not be controlled by gates or other security devices that can be controlled by the residents of the PUD. (DRO: PLANNING - Planning)
5. Prior to the issuance of a Certificate of Occupancy, the property owner shall pave to the edge of the east property line of Pod B at the location shown on the Preliminary Development Plan/Site Plan(s) that will read "proposed vehicular and pedestrian cross access..." (CO: MONITORING - Planning)

Q. SCHOOL BOARD

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

**"NOTICE TO HOMEBUYERS AND PARENTS
OF SCHOOL AGE CHILDREN"**

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

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)

R. 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 or revocation 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)