

RESOLUTION NO. R-2004-1653

RESOLUTION APPROVING ZONING PETITION PDD2003-045  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF EB DEVELOPERS, INC.  
BY LAND DESIGN SOUTH, AGENT  
(COLONY LAKES 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 PDD2003-045 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 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 PDD2003-045, the petition of EB Developers, Inc. by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential and Residential Transitional Suburban 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 July 22, 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 Masilotti and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
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 July 22, 2004.

Filed with the Clerk of the Board of County Commissioners on 24 day of August, 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

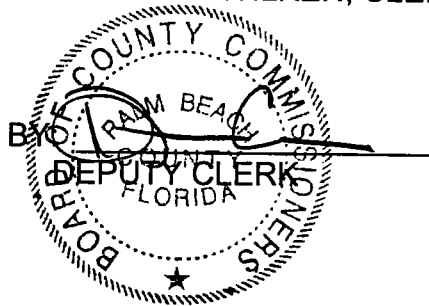


EXHIBIT A

LEGAL DESCRIPTION

**Parcel 1 (Harmes Property)**

**Parcel ID 00424512000007043**

A Parcel of land in the Southwest Quarter of the Southwest Quarter of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows: Begin at the Northeast corner of the said Southwest Quarter of the Southwest Quarter and running Southerly along the East line of said Southwest Quarter of the Southwest Quarter 666.69 feet to a point; thence run Westerly parallel to the North Line of said Southwest Quarter of the Southwest Quarter, 327 feet to a point; thence run Northerly parallel to the East line of said Southwest Quarter of the Southwest Quarter 666.69 feet to the North line of said Southwest Quarter of the Southwest Quarter; thence run Easterly on the North line of said Southwest Quarter of the Southwest Quarter 327 feet to the Point of Beginning.

**Parcel 2 (Hoefler Property)**

**Parcel ID 00424512000007045**

A parcel of land in the Southwest Quarter of the Southwest Quarter of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows: The North 666.69 feet of the East half of the Southwest Quarter of the Southwest Quarter of Section 12, Township 45 South, Range 42 East, less the East 327 feet thereof; ALSO LESS so much thereof as is included within the boundaries of the following tract: From the Northwest corner of the said Southwest quarter of the Southwest quarter of Section 12, run thence Easterly along the North line of said Southwest quarter of the Southwest quarter a distance of 595.77 feet to the point of beginning of the tract described herewith: thence continue Easterly on the same course a distance of 200.28 feet; thence run Southerly at right angles to the preceding course a distance of 217.5 feet; thence run Westerly, parallel to the said North line of the said Southwest quarter of the Southwest quarter, a distance of 200.28 feet; thence run Northerly a distance of 217.5 feet to the point of beginning.

**Parcel 3 (Jones Property)**

**Parcel ID 00424512000007046 / Parcel ID 00424512000007051**

A parcel of land in the Southwest 1/4 of the Southwest 1/4 of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, being more specifically described as follows:

For a point of reference, commence at the SW corner of said Section 12, Bear North 0°23'30" West, a distance of 1,338.25 feet; thence North 89°51'00" East, a distance of 275.00 feet to the point of beginning; thence continue North 89°51'00" East a distance of 413.77 feet; thence South 0°09'00" East, 217.50 feet; thence South 89°51'00" West 41.87; thence South 218.34 feet; thence West 372.50 feet; thence North 434.87 feet to the point of beginning.

**Parcel 4 (Perkins Property)**

**Parcel ID 00424512000007048**

A parcel of land in the Southwest one-quarter of the Southwest one-quarter Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Begin at the Northeast corner of said Southwest one-quarter of the Southwest one-quarter; Thence, running Southerly on the East line of said Southwest one-quarter of the Southwest one-quarter, 666.69 feet to the POINT OF BEGINNING:

Thence, run Westerly, parallel to the North line of said Southwest one-quarter of the Southwest one-quarter, 401.65 feet to a point; Thence, run Southerly, parallel to the East line of said Southwest one-quarter of the Southwest one-quarter, 677 feet, more or less, to the South line of the Southwest one-quarter of the Southwest one-quarter;

Thence, run Easterly, along the South line of said Southwest one-quarter of the Southwest one-quarter, 401.65 feet, more or less, to the Southeast corner of said Southwest one-

quarter of the Southwest one-quarter;

Thence, run Northerly, on the East line of said Southwest one-quarter of the Southwest one-quarter, 680.71 feet to the POINT OF BEGINNING.

LESS, the Southerly 30 feet for Canal right of way and LESS Right of Way for Miner Road, as laid out and in use.

**Parcel 5 (Jones Property)**

**Parcel ID 00424512000007070**

A triangular parcel being the Southerly 455.30 feet of the Northerly 672.8 feet of the Easterly 41.87 feet of the Westerly 688.77 feet of the Southwest 1/4 of the Southwest 1/4 Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida. (Surveyor's Note: The legal description provided does not form a triangular parcel of land as mentioned therein. The Parcel described does render a four sided figure. The intent of the Quit Claim Deed as recorded in O.R.B. 9568, Pg. 1807, P.B.C.R. is to "convey any interest grantors had to the triangular pie shaped parcel laying South of Lot 705.1, East of Lots 704.1, and 706, and West of Lot 704.5.", as stated therein. The undersigned surveyor suggests that this deed be corrected to accommodate said four sided figure, by those within the legal profession).

**Parcel 6 (McManus Property)**

**Parcel ID 00424512040090030**

The North 98 feet of the South 99 feet of the North 1/2 of Tract 9 of the Southwest corner of Section 12, Township 45 South, Range 42 East, less the right of way for State Road 809, according to the plat on file in Plat Book 9, Page 74, Public Records of Palm Beach County, Florida.

**Parcel 7 (Lowe Property)**

**Parcel ID 00424512040100020**

North 1/2 of North 1/2 of North 1/2 of Tracts 10 and 11, SW 1/4 of the Amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et al, according to the plat thereof, recorded in Plat Book 9, Page 74, Public Records of Palm Beach County, Florida.

**Parcel 8 (Lowe Property)**

**Parcel ID 00424512040100030**

South 1/2 of the North 1/2 of North 1/2 of Tracts 10 and 11, SW 1/4 of the Amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et al, according to the plat thereof, recorded in Plat Book 9, Page 74, Public Records of Palm Beach County, Florida. Together with easement for ingress and egress as contained in instrument recorded in O.R. Book 1964, Page 1266, Public Records of Palm Beach County, Florida.

**Parcel 9 (Perkins Property)**

**Parcel ID 00424513040110010**

The West one-half (1/2) of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 12, Township 45 South, Range 42 East, Also known as the South one-half (1/2) of Tract 11, according to the Amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman et al, as recorded in Plat Book 9, at Page 74, Public Records of Palm Beach County, Florida.

**Parcel 10 (Ellis Property)**

**Parcel ID 00424512000007050**

A Parcel of land in the Southwest 1/4 of the Southwest 1/4 of Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows: From the Northwest corner of the said Southwest 1/4 of the Southwest 1/4 of Section 12; run thence Easterly along the North line of said Southwest 1/4, a distance of 595.77 feet to the Point of Beginning of the tract to be herein conveyed; thence continue Easterly on the same course, a distance of 200.28 feet; thence run Southerly, at right angles to the preceding course, a distance of 217.5 feet; thence run Westerly, parallel to the said North line of the Southwest 1/4 a distance of 200.28 feet; thence run Northerly, a distance of 217.5 feet to the Point of Beginning. Less the West 93 feet thereof.

**Parcel 11 (Boynton Beach Community Church, Inc. Property)**

**Parcel ID 00424512040090020**

The South 1/2 of Tract 9, less the South 165 feet thereof, and less the Right of Way of State Road 809, and the South 1/2 of the North 1/2 of Tracts 10 and 11, less the South 165 feet thereof, Subdivision of the Southwest quarter of Section 12, Township 45 South, Range 42 East, according to the Plat thereof, recorded in Plat Book 9, Page 74, less that certain portion conveyed to State of Florida in Deed Book 893, Page 337, and less that portion conveyed to Palm Beach County in Deed Book 909, Page 208, and O.R. Book 6090, Page 385, of the Public Records of Palm Beach County, Florida.

Total acreage = 37.01 acres ±.

NOTE: This area reflects the less out for Miner Road as mentioned in the Right-of-Way Deed recorded in O.R.B. 262, PG. 652 of the Public Records of Palm Beach County, Florida, and the less out for Military Trail as mentioned in the Right-of-Way Deed recorded in O.R.B. 5972, PG. 1673 of the Public Records of Palm Beach County, Florida. The above mentioned Right-of-Way Deeds were not included within Fund Commitment Form, Commitment No.: CF-1031143.



## 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 site plan is dated April 16, 2004. 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

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)

#### C. LANDSCAPING - STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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. 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. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All landscaping and plant materials shall comply with the recommendations of the West Boynton Area Community Plan. (BLDG PERMIT: LANDSCAPE - Zoning)

#### D. LANDSCAPING ALONG THE SOUTH 265 FEET OF THE NORTH 499 FEET OF THE EAST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL)

1. In addition to code requirements, landscaping and buffering along the east property line fronting Military Trail shall be upgraded to include:
  - a. 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; and,
  - b. a minimum of 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. (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:

No Building Permits for the site may be issued after January 1, 2007. 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 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng)

2. The Property owner shall construct a left turn lane south approach on Military Trail at the existing median opening for Colony Lake Drive. 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.
  - a. 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)
  - b. Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

3. LANDSCAPE WITHIN THE MEDIAN OF MILITARY TRAIL

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Military Trail. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below. (ONGOING: MONITORING - Eng)
- 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 petitioners 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. (ONGOING: MONITORING - Eng)
- e. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, 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 projects front footage along Military Trail. 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: MONITORING - Eng)

4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)
5. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:
  - a. Miner Road Extension 60 feet north of the ultimate north right of way line of the Lake Worth Drainage District L-20 Canal of way. This right of way conveyance shall be along the projects entire south property line abutting the LWDD L-20 Canal.
  - b. 30 feet additional right of way for Pine Tree Drive. This additional right of way shall be along the existing portions of Pine Tree Drive along the projects north property line.
  - c. All right of way shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.
  - d. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. (BLDG PERMIT: MONITORING - Eng)
6. Prior to final site plan approval by the DRO, the property owner shall receive approval of a drainage study by the County Engineer for this site. This drainage study shall incorporate any existing storm water drainage onto this site from any of the adjacent properties. The recommendation contained within this study shall be incorporated into the final site plan. (DRO: ENGINEERING - Eng)

F. LANDSCAPING ALONG THE EAST 731 FEET OF THE WEST 1,411 FEET OF THE SOUTH PROPERTY LINE (ABUTTING MINER ROAD)

1. In addition to code requirements, landscaping and buffering along the south property line abutting Miner Road shall be upgraded to include:
  - a. a minimum one and one-half (1.5) to two and one-half (2.5) foot high undulating berm with an average height of two (2) feet measured from top of curb; and,
  - b. a minimum of 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. (BLDG PERMIT: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH 432 FEET OF THE WEST PROPERTY LINE, THE EAST 1,292 FEET OF THE SOUTH PROPERTY LINE, THE NORTH 165 FEET OF THE SOUTH 790 FEET OF THE EAST PROPERTY LINE, AND THE 337 FOOT SEGMENT OF THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL PROPERTIES)

1. In addition to code requirements, landscaping and buffering along the north 432 feet of the west property line, the east 1,292 feet of the south property line, the north 165 feet of the south 790 feet of the east property line, and the 337 foot segment of the north property line shall be upgraded to include:
  - a. a continuous three (3) foot high berm measured from finished grade;
  - b. a six (6) foot high opaque concrete screen 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; and,
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE NORTH 233 FEET OF THE EAST PROPERTY LINE, THE SOUTH 625 FEET OF THE EAST PROPERTY LINE, THE SOUTH 871 FEET OF THE WEST PROPERTY LINE, AND THE WEST 679 FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL AND UNDEVELOPED PROPERTIES)

1. In addition to code requirements, landscaping and buffering along the north property line, the north 233 feet of the east property line, the south 625 feet of the east property line, the south 871 feet of the west property line, and the west 679 feet of the south property line shall be upgraded to include:
  - a. a minimum two (2) to four (4) foot high undulating berm with an average height of three (3) feet measured from finished grade; and,
  - b. a minimum of 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. (BLDG PERMIT: LANDSCAPE - Zoning)

I. LIGHTING (PRIVATE CIVIC TRACT, RECREATION AREA, AND NEIGHBORHOOD PARKS)

1. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (ONGOING: BLDG - Zoning)
2. All outdoor, freestanding lighting fixtures shall be setback a minimum distance of forty (40) feet from a perimeter property line. (ONGOING: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m. daily excluding security lighting and low voltage lighting use to emphasize plant materials only. (ONGOING: CODE ENF - Zoning)

J. 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)
2. 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)
3. Prior to final approval by the DRO, the Master Plan/Site Plan shall be amended to indicate a pedestrian amenity between lots 58 and 59, as shown on the Site Plan dated April 16, 2004. This amenity shall:
  - a. not be located, in whole or in part, on a private residential lot; and,
  - b. be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)
4. Prior to final approval by the DRO, the Master Plan/Site Plan shall be amended to indicate a fountain as a focal feature within the 1.68-acre lake tract. This fountain shall be located in the western portion of the lake to enhance exposure from the .68-acre private recreation area. (DRO: ZONING - Zoning)
5. Prior to final approval by the DRO, the Master Plan/Site Plan shall be amended to indicate additional recreation amenities within the 0.13- and 0.21-acre neighborhood parks. These additional amenities shall include a trash receptacles and a minimum of one (1) of the following: tot lot; gazebo; fitness station; rest station; or a similar amenity, subject to approval by the Zoning Division. Each amenity 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. (DRO: ZONING - Zoning)
6. All focal points shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning)
7. A maximum of sixty-six (66) percent of all residential units shall have a front loading garage. (BLDG PERMIT: BLDG - Zoning)
8. No deviation from typical property development regulations (PDRs) shall be permitted. (DRO/BLDG PERMIT: ZONING/BLDG - Zoning)
9. Prior to final approval by the DRO, the Master Plan/Site Plan shall be amended to indicate a minimum five (5) foot wide pedestrian pathway surrounding each lake tract. (DRO: ZONING - Zoning)

10. Prior to final approval by the DRO, the Master Plan/Site Plan shall be amended to indicate an open space corridor immediately to the south of lots 75 throughout 82 as shown on the Site Plan dated April 16, 2004. This corridor shall:
  - a. commence at the southwest corner of lot 82 and terminate at the southwest corner of lot 74;
  - b. gradually expand in width from the point of commencement to the point of termination; and,
  - c. include a minimum five (5) foot wide pedestrian pathway that has a direct connection to the pathway surrounding the 2.19-acre lake tract. (DRO: ZONING - Zoning)
11. Prior to final approval by the DRO, the Master Plan/Site Plan shall include a notation indicating that homes located on lots 82 and 83, as shown on the Site Plan dated April 16, 2004, shall be limited to one (1) story. This notation shall also be reflected on the recorded plat. (DRO/PLAT/ONGOING: ZONING/ENG/BLDG PERMIT - Zoning)

K. PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the Master Plan/Site Plan shall contain:
  - a. notations providing for vehicular and/or pedestrian connections to adjacent roadways and properties, as shown on the certified site plan dated April 16, 2004, excluding the pedestrian connection to the Biltmore Terrace subdivision;
  - b. five (5) foot mulch pathways around lake tracts, as shown on the certified site plan dated April 16, 2004;
  - c. a pedestrian connection to the school site to the north, as approved by the Planning Division and the School Board; and,
  - d. street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for the sidewalks along Military Trail and 80<sup>th</sup> Road South (Miner Road) and for all internal sidewalks within this project. (DRO: PLANNING/SCHOOL BOARD - Planning)
2. Prior to the issuance of a Certificate of Occupancy (CO), the property owner shall pave the vehicular and/or pedestrian cross access pathways shown on the Master Plan to the edge of their respective property lines with a break in any buffering or walls at the locations shown on the Master Plan that read "potential future vehicular and pedestrian connection (paved to property line)". The pedestrian connection to the school site to the north, location to be finalized by the School Board and Planning Division, shall also be paved to the property line. These access points can be controlled by gates or other security devices that will be controlled by the residents of the PUD. (CO: MONITORING/PLANNING - Planning)

L. 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 HOME BUYERS 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: SCHOOL BOARD/ENG - School Board.)

M. 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 Article 2.E 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)