

RESOLUTION NO. R-2015-0118

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2014-00651
(CONTROL NO. 2003-00034)
a Development Order Amendment
APPLICATION OF Lantana Farm Consultants, Inc
BY Jon E Schmidt & Associates, 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application PDD/DOA-2014-00651 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2015;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application PDD/DOA-2014-00651, the petition of Lantana Farm Consultants, Inc, by Jon E Schmidt & Associates, agent, for a Development Order Amendment to reconfigure the Master Plan; add land area; add units; modify/delete Conditions of Approval (Engineering, Landscaping, Planned Unit Development, and Planning), on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 29, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 29, 2015.

Filed with the Clerk of the Board of County Commissioners on January 30th, 2015

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PROPERTY CONTROL NUMBERS

00-42-44-40-00-040-0043/0041; 00-42-44-41-00-041-0012; 00-42-44-40-05-001-0000; 00-42-44-40-00-040-0045

LEGAL DESCRIPTION

TRACT A, "LANTANA FARMS M.U.P.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112 AT PAGES 10 AND 11 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

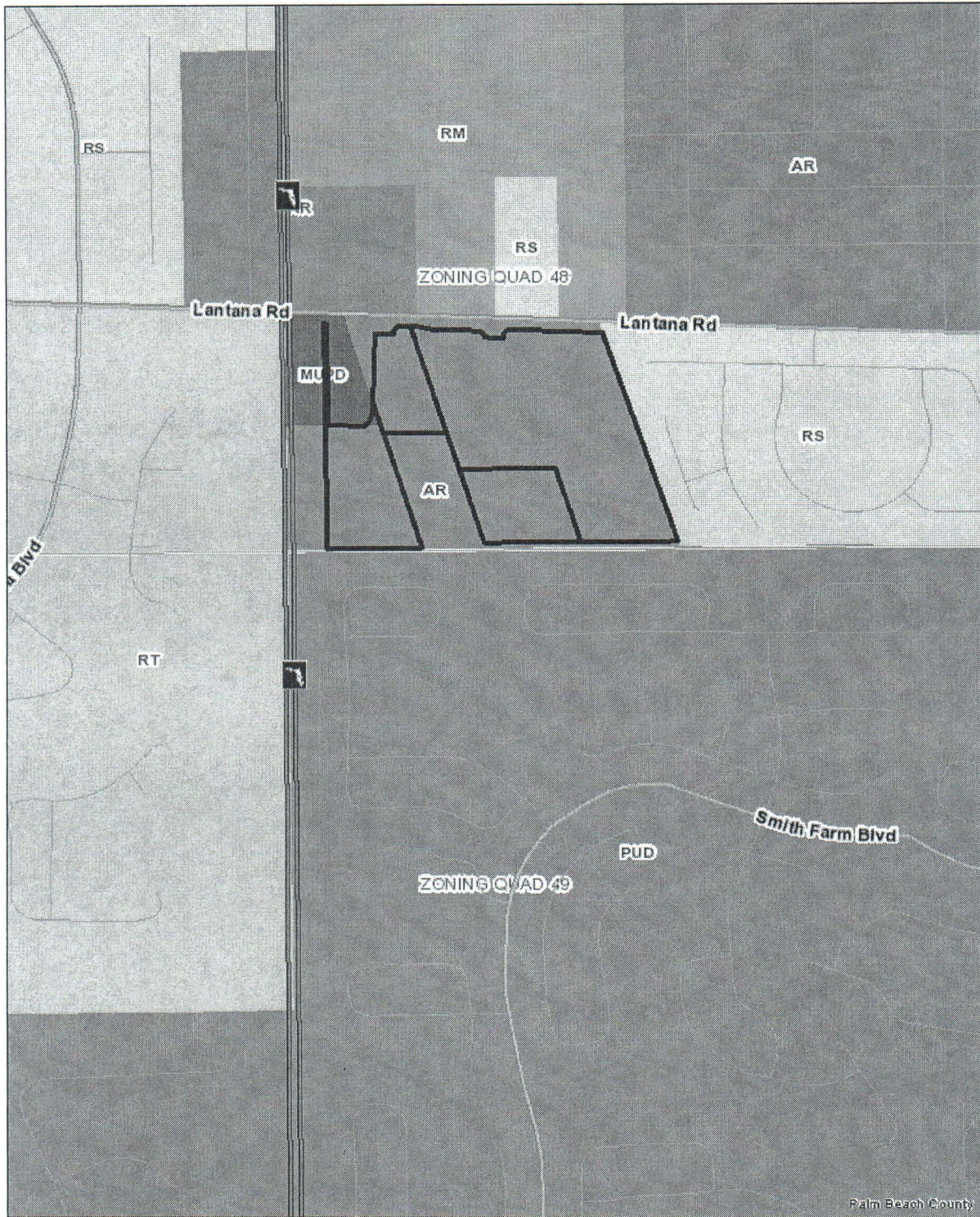
TOGETHER WITH:

A PORTION OF LOT 1 TRACT 41 AND LOT 4 TRACT 40, "PALM BEACH FARMS COMPANY PLAT NO. 13" IN TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6 AT PAGES 98 AND 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 40; THENCE NORTH 18°37'17" WEST, ALONG THE WEST LINE OF SAID TRACT 40, A DISTANCE OF 41.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°50'05" WEST, ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 41, A DISTANCE OF 498.03 FEET; THENCE NORTH 00°58'38" WEST, ALONG A LINE 85.00 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN DEED BOOK 1112 AT PAGE 616 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 1,173.52 FEET; THENCE SOUTH 74°19'31" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 12082 AT PAGE 629, A DISTANCE OF 15.09 FEET; THENCE SOUTH 01°00'14" EAST, A DISTANCE OF 546.09 FEET; THENCE SOUTH 88°30'40" EAST, A DISTANCE OF 196.97 FEET; THENCE NORTH 36°02'36" EAST, A DISTANCE OF 36.05 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 34°34'27", A DISTANCE OF 60.34 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°28'09" EAST, A DISTANCE OF 418.62 FEET; THENCE SOUTH 88°31'51" EAST, ALONG THE SOUTH LINE RIGHT-OF-WAY LINE OF SAID LANTANA ROAD, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°28'09" EAST, A DISTANCE OF 19.00 FEET; THENCE NORTH 46°28'09" EAST, A DISTANCE OF 35.35 FEET; THENCE SOUTH 88°31'51" EAST, A DISTANCE OF 109.76 FEET; THENCE SOUTH 75°02'16" EAST, A DISTANCE OF 51.43 FEET; THENCE SOUTH 88°31'51" EAST, A DISTANCE OF 270.72 FEET; THENCE SOUTH 43°31'51" EAST, A DISTANCE OF 35.79 FEET; THENCE SOUTH 01°28'09" WEST, A DISTANCE OF 6.69 FEET; THENCE SOUTH 88°31'51" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°28'09" EAST, A DISTANCE OF 19.49 FEET; THENCE NORTH 46°28'09" EAST, A DISTANCE OF 34.66 FEET; THENCE SOUTH 88°31'51" EAST, A DISTANCE OF 501.60 FEET THE LAST TWELVE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LANTANA ROAD; THENCE SOUTH 19°52'00" EAST, ALONG THE WEST LINE OF "WOODLAND CREEK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42 AT PAGES 165 AND 166 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,194.63 FEET; THENCE SOUTH 89°18'58" WEST, ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 40, A DISTANCE OF 1,029.64 FEET; THENCE NORTH 18°37'17" WEST, A DISTANCE OF 617.96 FEET; THENCE NORTH 89°23'23" WEST, A DISTANCE OF 335.70 FEET; THENCE SOUTH 18°37'17" EAST, ALONG THE WEST LINE OF SAID TRACT 40, A DISTANCE OF 610.28 FEET TO THE POINT OF BEGINNING.

SAID LANDS ALL SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 39.197 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Lantana Farms PUD
PDD/DOA-2014-00651
2003-00034

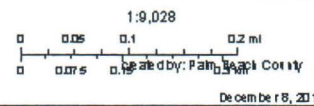


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A condition 1 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

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 November 20, 2014. 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)

ARCHITECTURAL REVIEW

1. Previous O condition 5 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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 facade of each unit shall project or be recessed a minimum distance of six (6) feet from the front facade of the adjacent unit to provide the appearance of staggered building setbacks and to achieve a varied streetscape. (BLDGPM: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

ENGINEERING

1. Previous E condition 1 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

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.

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.

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.

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.

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.

Is hereby amended to read:

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.

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.

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.

[Note: COMPLETED]

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. (BLDGPMT: ENGINEERING - Engineering) [Note: COMPLETED]

c. No Building Permits for the site may be issued after December 31, 2019. 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 - Engineering)

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.

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 - Engineering) [Note: COMPLETED]

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 - Engineering) [Note: COMPLETED] (Previous E condition 2 of Resolution R-2004-954, Control No.2003-00034)

3. Previous E condition 3 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall fund the cost of signal modifications and pavement markings as determined by the County Engineer at Lantana Road and Bentbrook Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. (BLDGPMT/CO: MONITORING - Engineering)

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 (ONGOING: ENGINEERING - Engineering)

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. CO: MONITORING - Eng (BLDGPMT/CO: MONITORING - Engineering)

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. (ONGOING: ENGINEERING - Engineering)

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 beautification 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. (ONGOING: ENGINEERING - Engineering) (Previous E condition 4 of Resolution R-2004-954, Control No.2003-00034)

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. (BLDGPMT: MONITORING - Engineering)

(Previous E condition 5 of Resolution R-2004-954, Control No.2003-00034)

6. Previous E condition 6 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

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.

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.

Is hereby amended to read:

Noise Mitigation

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 that this site 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 after any noise mitigation improvements will be constructed by the Property Owner.

If the State of Florida guidelines does not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation were not required under the State of Florida Guidelines at the time of the approval, and that any noise mitigation measures requested in the future will not be constructed by Palm Beach County. The Property Owner shall submit documentation of compliance on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE: MONITORING - Engineering)

b. Prior to DRO certification of the Preliminary Development Plan, the Master Plan shall be revised to reflect compliance with the approved noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

c. Construction of any sound walls and/or landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

7. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous E condition 7 of Resolution R-2004-954, Control No.2003-00034)

8. Previous E condition 8 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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. (BLDGPMT: MONITORING - Engineering)

Is hereby deleted. [REASON: MUPD has been merged with the PUD]

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 - Engineering) [Note: COMPLETED] (Previous E condition 9 of Resolution R-2004-954, Control No.2003-00034)

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 - Engineering) [Note: COMPLETED] (Previous E condition 10 of Resolution R-2004-954, Control No.2003-00034)

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 - Engineering) [Note: COMPLETED] (Previous E condition 11 of Resolution R-2004-954, Control No.2003-00034)

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 (PLAT: ENGINEERING - Engineering)

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of 25 Building Permits. (BLDGPMT: MONITORING - Engineering)

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 - Engineering) (Previous E condition 12 of Resolution R-2004-954, Control No.2003-00034)

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. (PLAT: ENGINEERING - Engineering) [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of 50 Building Permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

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. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 13 of Resolution R-2004-954, Control No.2003-00034)

14. Prior to issuance of the first building permit, the Property Owner shall plat the subject property and any residual parcels in accordance with provisions of Article 11 of the Unified Land Development Code or as approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering)

15. Prior to the recordation of the plat, the Property Owner shall abandon the portion of the utility easement which is located on proposed Lots 122 and 127 through 131. (PLAT: ENGINEERING - Engineering)

16. Prior to the issuance of the first Building Permit, the Property Owner shall create legal access to the out parcel shown on the Master Plan as "Remainder Lot 4 Tract 40". Access to the out parcel shall be equal to that required for access if the parcel was developed to the maximum density or intensity permitted under the Comprehensive Plan or as approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

17. The Property Owner shall re-stripe the existing eastbound U-turn lane on Lantana Road at Bentbrook Boulevard to be a left turn lane. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

18. The Property Owner shall modify the existing median openings on Lantana Road at both access points to allow left turns out of the site. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

ENVIRONMENTAL

1. Provide a Phase II Audit for all portions of this petition that may have stored or utilized regulated substances currently or have in the past prior to DRO Master or Site Plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

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. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 1 of Resolution R-2004-954, Control No.2003-00034)

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. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 2 of Resolution R-2004-954, Control No.2003-00034)

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. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 3 of Resolution R-2004-954, Control No.2003-00034)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 4 of Resolution R-2004-954, Control No.2003-00034)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees, unless specified herein. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 5 of Resolution R-2004-954, Control No.2003-00034)

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. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 6 of Resolution R-2004-954, Control No.2003-00034)

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. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 7 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD), AND BOTH SIDES OF LANTANA ROAD

8. Previous F condition 1 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

Landscaping and buffering along the north property line fronting Lantana Road, and both sides of the project's Lantana Road entrance drive 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. (BLDGPM: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-2-E CANAL AND FLORID'S TURNPIKE)

9. Previous G condition 1 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

Landscaping and buffering along the west property line 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. (BLDGPM: LANDSCAPE - Zoning)

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

10. Previous G condition 2 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

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. (BLDGPMT: LANDSCAPE - Zoning)

11. 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 fortyeight (48) inches at maturity. (BLDGPMT: LANDSCAPE - Zoning) (Previous G condition 3 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST 200 FEET OF THE SOUTH PROPERTY LINE (ABUTTING LWDD L-16 CANAL)

12. Landscaping and buffering along the west 200 feet of the south property line 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. (BLDGPMT: LANDSCAPE - Zoning) (Previous H condition 1 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF POD A AND THE EAST 298 FEET OF THE SOUTH PROPERTY LINE

13. Landscaping and buffering along the south property line of Pod A and the east 298 feet of the south property line abutting the LWDD L16 Canal shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a 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. (BLDGPM: LANDSCAPE - Zoning) (Previous I condition 1 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING WOODLAND CREEK SUBDIVISION)

14. 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. (BLDGPM: LAKE CLARKE - Zoning) (Previous J condition 1 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING WOODLAND CREEK SUBDIVISION)

15. 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 DROA 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. (BLDGPM: LANDSCAPE - Zoning) (Previous J condition 2 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING LOT 4, TRACT 40)

16. Landscaping and buffering along the south, east and west property lines (abutting Lot 4, Tract 40) 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. (BLDGPMPT: LANDSCAPE - Zoning) (Previous K condition 1 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST (617.96 FEET AND WEST (610.27) FEET PROPERTY LINES (ABUTTING LOT 4, TRACT

17. 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. (BLDGPMPT: LANDSCAPE - Zoning) (Previous K condition 2 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST (617.96) FEET AND WEST (610.27) FEET PROPERTY LINES (ABUTTING LOT 4, TRACT

18. 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. (BLDGPMPT: LANDSCAPE - Zoning) (Previous K condition 3 of Resolution R-2004-954, Control No.2003-00034)

LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG THE NORTH PROPERTY LINE OF POD B (ABUTTING COMMERCIAL PROPERTY)

19. Previous L condition 1 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby deleted. [REASON: No longer applicable as the commercial property will be part of PUD.]

20. Previous L condition 2 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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 L1.b.; and,
- c. responsibility for installing the berm shall be assumed by the property owner, petitioner or developer of the development that first occurs.

Is hereby deleted. [REASON: No longer applicable as the commercial property will be part of PUD.]

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. (ONGOING: CODE ENF - Zoning) (Previous M condition 1 of Resolution R-2004-954, Control No.2003-00034)
2. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (ONGOING: CODE ENF - Zoning) (Previous M condition 2 of Resolution R-2004-954, Control No.2003-00034)
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) (Previous M condition 3 of Resolution R-2004-954, Control No.2003-00034)

PALM TRAN

1. Prior to Plat Recordation or Issuance of the first Building Permit, whichever shall occur first, 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 shall be required. (BLDG PERMIT/PLAT:MONITORING -Palm Tran) (ONGOING/PLAT: PALM-TRAN - Palm-Tran)

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.
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.
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.

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. (BLDGPMPT: PALM-TRAN - Palm-Tran)

PLANNED 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. (BLDGPMPT/ONGOING: LANDSCAPE - Zoning) (Previous O condition 1 of Resolution R-2004-954, Control No.2003-00034)

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. (Previous O condition 2 of Resolution R-2004-954, Control No.2003-00034)

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: ZONING - Zoning) (Previous O condition 3 of Resolution R-2004-954, Control No.2003-00034)

4. Previous O condition 4 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

Prior to final approval by the DRO, the Master/Subdivision Plan(s) shall be amended to indicate the following:

- a. a fountain within the 6.45-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: ZONING - Zoning)

5. Previous O condition 6 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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 facade 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.

Is hereby deleted. [REASON: No longer applicable as the commercial property will be part of the PUD.]

6. Previous O condition 7 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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).

Is hereby amended to read:

Prior to final approval by the DRO, the PDP/site plan(s) shall be revised to indicate recreation amenities within the 0.74-acre recreation area . 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: LANDSCAPE - Zoning)

7. Drainage easements shall not be permitted along the rear yards of back-to-back units. (ONGOING: ZONING - Zoning) (Previous O condition 8 of Resolution R-2004-954, Control No.2003-00034)

8. 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. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous O condition 9 of Resolution R-2004-954, Control No.2003-00034)

9. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:

a. formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas;

b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents;

c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD; 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. (ONGOING/PLAT: ENGINEERING - Zoning) (Previous O condition 10 of Resolution R-2004-954, Control No.2003-00034)

PLANNING

1. Previous P condition 1 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby deleted. [REASON: No longer applicable.]

2. Previous P condition 2 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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)

Is hereby deleted. [REASON: No longer applicable.]

3. Previous P condition 3 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby deleted. [REASON: No longer applicable. Recorded ORBK18371-PG1012]

4. Previous P condition 4 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby deleted. [REASON: No longer applicable. Recorded ORBK18371-PG1012]

5. Previous P condition 5 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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)

Is hereby deleted. [REASON: No longer applicable.]

6. Prior to the issuance of the first residential Building Permit, the applicant shall submit

payment to DES and a copy of a receipt for that payment to the Planning Division in the amount of \$163,000 (2 units at \$81,500 per WHP unit). (BLDGPMT: MONITORING - Planning)

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 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 10' by 15' school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. 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 shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)

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: ZONING - Zoning) (Previous B condition 1 of Resolution R-2004-954, Control No.2003-00034)

2. Previous B condition 2 of Resolution R-2004-954, Control No.2003-00034, which currently states:

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.

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the Preliminary Master and Subdivision Plan(s) shall include a notation indicating that homes located on lots 10 through 30, as shown on the conceptual site plan dated November 20, 2014 shall be limited to one (1) story. This notation shall also be reflected on the recorded plat. (DRO: BUILDING DIVISION - 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 (BLDGPMT: ZONING - Zoning) (Previous B condition 3 of Resolution R-2004-954, Control No.2003-00034)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.