

RESOLUTION NO. R-2011-0569

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-00158  
(CONTROL NO. 2003-00011)  
an Expedited Application Consideration (EAC)  
APPLICATION OF Colony at Lake Worth LLC  
BY Land Design South, Inc., AGENT  
(Colony at Lake Worth 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; and

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; and

WHEREAS, Zoning Application EAC-2011-00158 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2011; and

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; and

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; and

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; and

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 an Expedited Application Consideration (EAC).

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 EAC-2011-00158, the petition of Colony at Lake Worth LLC, by Land Design South, Inc., agent, for an Expedited Application Consideration (EAC) to modify Conditions of Approval (Planning) in the PUD Zoning District, 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 April 28, 2011, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

|                                       |       |
|---------------------------------------|-------|
| Commissioner Karen T. Marcus, Chair   | - Aye |
| Commissioner Shelley Vana, Vice Chair | - Aye |
| Commissioner Paulette Burdick         | - Aye |
| Commissioner Steven L. Abrams         | - Aye |
| Commissioner Burt Aaronson            | - Aye |
| Commissioner Jess R. Santamaria       | - Aye |
| Commissioner Priscilla A. Taylor      | - Aye |

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 28, 2011.

Filed with the Clerk of the Board of County Commissioners on May 3, 2011.

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

Legal Description

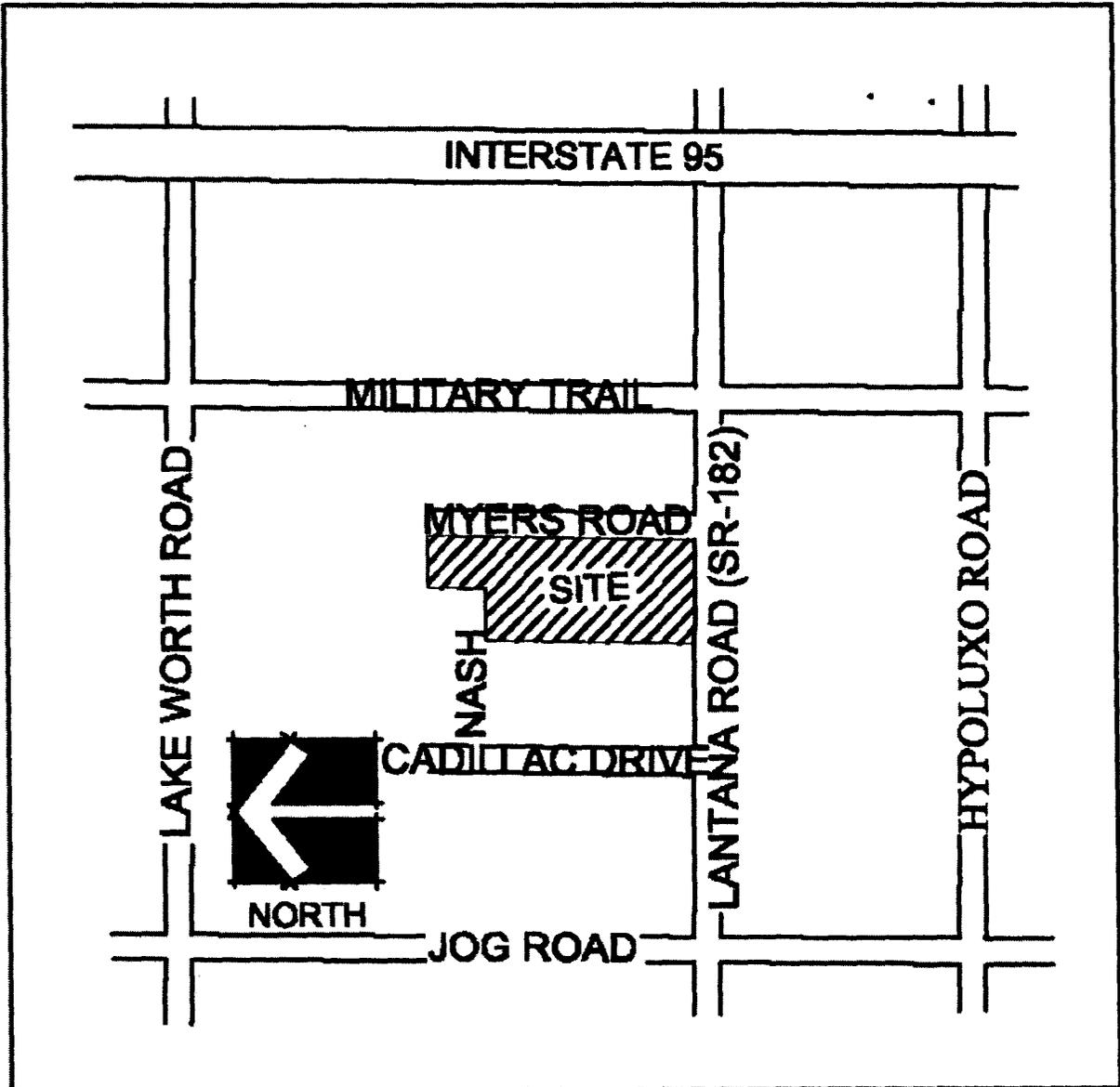
Colony at Lake Worth PUD, as recorded in Plat Book 113, Pages 69-72 of the Public Records of Palm Beach County, Florida.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

NTS.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All Petitions 1 of Resolution R-2008-1707, Control No. 2003-011, 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 master plan is dated September 11, 2008. 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)

Is hereby amended to read:

The approved Preliminary Master Plan is dated March 16, 2011. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolutions Nos. R-2004-0158 and R-2008-1707 (Control 2003-011), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. All Transfer of Development Rights (TDR) Conditions of Approval of Resolution Nos. R-2004-0159 and R-2008-1708 (Control 2003-011), shall remain in full force and effect. (ONGOING: MONITORING - Zoning)

#### ENGINEERING

1. Prior to DRO approval of the Preliminary Development Plan, the existing road right of way for Thunderbird Drive through this site shall be abandoned by the Board of County Commissioners. (DRO: ENGINEERING - Eng) (Previous Condition E.1 of Resolution R-2008-1707, Control No. 2003-011)

[Note: COMPLETED]

2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed an additional 1 feet of right of way for Lantana Road (55 feet from center line). This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2008-1707, Control No. 2003-011)

[Note: COMPLETED]

3. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the projects entrance road.

This right of way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.3 of Resolution R-2008-1707, Control No. 2003-011)  
[Note: COMPLETED]

4. The Property owner shall construct a right turn lane east approach on Lantana Road at the Projects Entrance Road.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: MONITORING - Eng)
- b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.4 of Resolution R-2008-1707, Control No. 2003-011)

5. Previous Condition E.5 of Resolution R-2008-1707, Control 2003-011, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2012. 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)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after December 31, 2013. 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)

#### ENVIRONMENTAL

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) (Previous Environmental Condition 1 of Resolution R-2008-1707, Control No. 2003-011)

2. An upland set-aside preserve equal to or greater than 1.92 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is

approved by ERM. (ONGOING:ERM-ERM) (Previous Environmental Condition 2 of Resolution R-2008-1707, Control No. 2003-011)

3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRO:ERM-ERM) (Previous Environmental Condition 3 of Resolution R-2008-1707, Control No. 2003-011)

#### LANDSCAPE - GENERAL

1. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution R-2008-1707, Control No. 2003-011) [NOTE: COMPLETED]

2. Fifty-percent (50%) of trees to be planted in the perimeter buffer of the Development Area (Multi-family units) shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 2 of Resolution R-2008-1707, Control No. 2003-011)

3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to twenty two (22) feet in height. Along the west facades of Buildings 10 and 11, palm height shall be a minimum of twenty-two (22) feet for screening of the windows; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 3 of Resolution R-2008-1707, Control No. 2003-011)

4. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 6 of Resolution R-2008-1707, Control No. 2003-011)

5. 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. (DRO: LANDSCAPE - Landscape) (Previous Landscape Condition 7 of Resolution R-2008-1707, Control No. 2003-011)

6. Preservation areas may be excluded from perimeter landscape buffer planting subject to the following:

- a. Prior to final Development Review Officer (DRO) site plan approval, the applicant/property owner shall provide to the Landscape Section for review and approval a set of plans pursuant to Landscape Condition 1. These plans shall demonstrate that the preserve area and other existing vegetation on site will meet or exceed the required perimeter landscaping; and,
- b. the applicant/property owner shall meet with Landscape Section staff on site to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE - Zoning) (Previous Landscape Condition 8 of Resolution R-2008-1707, Control No. 2003-011)

7. Six (6) months following the issuance of the Notice of Intent to Construct (NIC) for the Type II Excavation (Lake), the property owner shall complete the installation of the six (6) foot wall and two (2) foot berm within the north and west perimeter of the site. Clearing of the site prior to this is restricted to the southeast corner of the site for the sales trailer and sales model buildings. (ONGOING: MONITORING ERM) (Previous Landscape Condition 10 of Resolution R-2008-1707, Control No. 2003-011)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE DEVELOPMENT AREA (LANTANA ROAD FRONTAGE)**

8. In addition to Code requirements, landscaping and buffering along the south property line of the development area, for the proposed multi-family units shall be upgraded to include:

- a. a continuous two and one half (2.5) foot high berm measured from top of curb;
- b. a six (6) foot high concrete wall shall be located on the plateau of the berm. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 11 of Resolution R-2008-1707, Control No. 2003-011)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 1,273 FEET OF THE EAST PROPERTY LINE OF THE DEVELOPMENT AREA (FRONTAGE OF MYERS ROAD)**

9. In addition to Code requirements, landscaping and buffering along the south 1,273 feet of the east property line of the development area, for the proposed multi-family units shall be upgraded to include:

- a. a six (6) foot high concrete wall. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property; and,
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 12 of Resolution R-2008-1707, Control No. 2003-011)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE DEVELOPMENT AREA (NASH TRAIL FRONTAGE)**

10. In addition to Code requirements, landscaping and buffering along the north property line (excluding the east 55 feet of the north property line) of the development area (south side of Nash Trail), for the proposed multi-family units shall be upgraded to include:

- a. a minimum seventy two (72) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides;
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition 14 of Resolution R-2008-1707, Control No. 2003-011)

**LANDSCAPE - PERIMETER-LANDSCAPING-LANDSCAPING ALONG THE EAST 55 FEET OF THE NORTH PROPERTY LINE OF THE DEVELOPMENT AREA (NASH TRAIL FRONTAGE)**

11. Previous Landscape Condition 15 of Resolution R-2008-1707, Control No. 2003-011, which currently states:

- a. a minimum thirty-two (32) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides;
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO: LANDSCAPE Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping along the east 55 feet of the north property line of the development area (Nash Trail frontage) shall be upgraded to include:

- a. a minimum thirty-two (32) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides;
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (CO: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH 265 FEET OF THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA (ABUTTING RESIDENTIAL AND AGRICULTURAL PROPERTIES)**

12. Previous Landscape Condition 18 of Resolution R-2008-1707, Control No. 2003-011, which currently states:

- a. a minimum total of sixty (60) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted ;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides; and,
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (DRO:LANDSCAPE Zoning)

Is hereby amended to read:

In addition to Code requirements, landscaping and buffering along the north 265 feet of the west property line of the development area (abutting residential and agricultural properties) shall be upgraded to include:

- a. a minimum sixty (60) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete

wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides; and,

c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (CO: LANDSCAPE Zoning)

#### LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA (EXCLUDING THE NORTH 265 FEET) (ABUTTING RESIDENTIAL, AGRICULTURAL AND UNDEVELOPED PROPERTIES)

13. In addition to Code requirements, landscaping and buffering along the west property line (excluding the north 265 feet of the west property line) of the development area, proposed multi-family units shall be upgraded to include:

a. a minimum total of thirty (30) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;

b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides; and,

c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (CO: LANDSCAPE Zoning)(Previous Landscape Condition 17 of Resolution R-2008-1707, Control No. 2003-011)

#### LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG PERMIT/ONGOING: BLDG - Code Enf) (Previous Lighting Condition 1 of Resolution R-2008-1707, Control No. 2003-011)

2. All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the north and west property lines. (BLDG PERMIT: BLDG - Bldg) (Previous Lighting Condition 3 of Resolution R-2008-1707, Control No. 2003-011)

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 Lighting Condition 4 of Resolution R-2008-1707, Control No. 2003-011)

#### PALM TRAN

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRO. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran) (Previous Palm Tran Condition 1 of Resolution R-2008-1707, Control No. 2003-011)

2. Previous Palm Tran Condition 1 of Resolution R-2008-1707, Control No. 2003-011, which currently states:

Prior to Plat Recordation, 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 is required. (PLAT: ENG-Palm Tran)

Is hereby amended to read:

Prior to Plat Recordation, 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 is required. (PLAT: ENG-Palm Tran)

#### PLANNED DEVELOPMENT

1. Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pedestrian pathway within the 20-foot wide lake maintenance easement of the 1.81-acre lake tract, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the lake tract. A minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and Engineering Department. These shade structures shall be a minimum of one hundred and twenty (120) square feet each and shall include bench(es) and trash receptacle(s). (DRO: ZONING - ENG) (Previous PUD Condition 6 of Resolution R-2008-1707, Control No. 2003-011)

2. Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pathway through each of the lakefront open space areas as shown on the Preliminary Master Plan dated September 11, 2008. These pathways shall provide an uninterrupted connection between the pedestrian sidewalk system on the property and the pedestrian pathway required per PUD Condition 7. These pathways shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO/PLAT: ZONING - Zoning) (Previous PUD Condition 7 of Resolution R-2008-1707, Control No. 2003-011)

3. Prior to the issuance of a Certificate of Occupancy (CO) for the 110th unit, the property owner shall mulch or pave all pedestrian pathways and install all gazebos, shade structures/trellis, benches and trash receptacles required per PUD Condition 1. (CO: MONITORING - Landscape) (Previous PUD Condition 8 of Resolution R-2008-1707, Control No. 2003-011)

4. 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) (Previous PUD Condition 9 of Resolution R-2008-1707, Control No. 2003-011)

5. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of a commercial stable and horse breeding farm

and a private club adjacent to the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2005, and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) (Previous PUD Condition 10 of Resolution R-2008-1707, Control No. 2003-011)

6. Access to the site by all construction traffic shall be from Lantana Road and the segment of Myers Road from Lantana Road to Nash Trail only. At no time shall construction traffic use Nash Trail to access the site. (ONGOING: CODE ENF - Zoning) (Previous PUD Condition 11 of Resolution R-2008-1707, Control No. 2003-011)

7. There shall be no recreation areas or recreational equipment within 200 feet of the north property line. (DRO: ZONING-Zoning) (Previous PUD Condition 12 of Resolution R-2008-1707, Control No. 2003-011)

## PLANNING

1. Planning Condition 2 of Resolution R-2008-1707, Control No. 2003-011, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

- a. Guarantees the attainability of all required workforce units, which includes all units required per Article 5.G in the ULDC and all requested TDR units, for a period of twenty-five years (recurring). These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and
- b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY- Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

- a. Guarantees the attainability of all required workforce units, which includes all units required per Article 5.G in the ULDC and all requested TDR units, for a period of fifteen years (recurring) for-sale units and thirty years (non-recurring) for rental units. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and
- b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (DRO: COUNTY ATTY Planning)

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall include notations on Master Plans and related Site Plans that the requested TDR units have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants and shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households. (DRO: PLANNING-Planning) (Previous Planning Condition 3 of Resolution R-2008-1707, Control No. 2003-011)

3. Planning Condition 4 of Resolution R-2008-1707, Control No. 2003-011, which currently states:

On an annual basis, beginning April 1, 2009, or as otherwise stipulated in the Declaration

of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

Is hereby amended to read:

On an annual basis, beginning March 1, 2013, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

4. Prior to final site plan certification by the Development Review Officer (DRO), the applicant shall submit a copy of the recorded Declaration of Restrictive Covenants for Workforce Housing units in accordance with Article 5.G. (DRO: PLANNING Planning)

#### SCHOOL BOARD

1. School Board Condition 1 of Resolution R-2008-1707, Control No. 2003-00011, which currently states:

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. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO), the 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board)

2. 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) (Previous School Board Condition 2 of Resolution R-2008-1707, Control No. 2003-00011)

#### UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: WUD-WUD) (Previous Utilities Condition 1 of Resolution R-2008-1707, Control No. 2003-011)

#### 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: 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 (CO); 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 Unified Land Development Code (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 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: MONITORING - Zoning)