

RESOLUTION NO. R-2002-0141

RESOLUTION APPROVING ZONING PETITION PDD2001-024
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF CONTINENTAL HOMES OF FLORIDA, INC.
BY JULIAN BRYAN, AGENT
(DAHLGREN PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2001-024 was presented to the Board of County Commissioners at a public hearing conducted on January 31, 2002; and,

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2001-024, the petition of Continental Homes of Florida, Inc. by Julian Bryan, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 31, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 31, 2002.

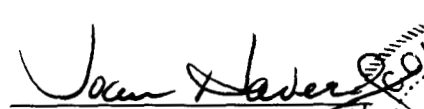
Filed with the Clerk of the Board of County Commissioners on 12 day of February 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

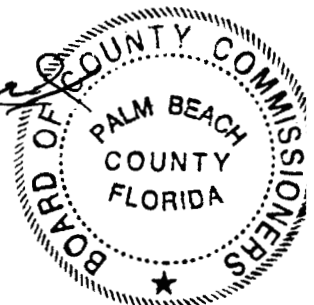


EXHIBIT A

LEGAL DESCRIPTION

PARCELA:

Being a part of Lots 1, 2 and 8, of the amended Plat of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, Page 74, of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

COMMENCING at the centerline intersection of Hypoluxo Road and Lawrence Road as now laid out and in use; thence running along the centerline of Lawrence Road, on an assumed bearing of South 02'18'40" West, a distance of 709.2 feet to a point on the Easterly extension of the South line of said Lot 1, and the POINT OF BEGINNING; thence continuing South 02'18'40" West, a distance of 396.0 feet to a point; thence running North 89'59'10" West, a distance of 348.06 feet to a point; thence running South 02°45'40" West, a distance of 9.2 feet to a point; . thence running South 89°57'20" East, a distance of 348.12 feet to a point on the centerline of said Lawrence Road; thence running South 02'18'40" West, along said centerline, a distance of 264.0 feet to a point on the Easterly extension of the South line of said Lot 8; thence running North 89'57'20" West, along said South line, a distance of 817.14 feet to a point; thence running North 03'13'30" East, a distance of 1298.2 feet to a point on the South Right-of-way line of L.W.D.D. Canal L-18; thence running due East, along said South Right-of-way line, a distance of 455.0 feet to a point; thence running South 02'40'32" West, a distance of 629.04 feet to a point on the South line of said Lot 1; thence running South 89'59'10" East, a distance of 345.5 feet to the POINT OF BEGINNING. Excepting therefrom the East 40 feet of the South 669.2 feet for Road Right-of-way.

ALSO being a part of Lot 8, amended Plat of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, Page 74, of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

COMMENCING at the centerline intersection of Hypoluxo Road and Lawrence Road, as now laid out and in use; thence running along the centerline of Lawrence Road, on an assumed bearing of South 02°18'40" West, a distance of 1105.20 feet to the POINT OF BEGINNING; thence continuing South 02'18'40" West, along said centerline a distance of 9.2 feet to a point; thence running North 89'57'20" West, a distance of 348.12 feet to a point; thence running North 02'45'32" East, a distance of 9.2 feet to a point; thence running South 89°59'10" East, a distance of 348.06 feet to the POINT OF BEGINNING. Excepting therefrom the East 40 feet for Road Right-of-way.

PARCEL B:

The South 132 feet of the East 1/2 of Tract 1 of the Subdivision of the NE 1/4 of Section 12, Township 45 South, Range 42 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 9, Page 74.

PARCEL C:

The North 150 feet of the East 1/2 of Tract 1 of the Subdivision of the NE 1/4 of Section 12, Township 45 South, Range 42 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 9, Page 74.

LESS the Road Right-of-way for Lawrence Road and Hypoluxo Road and Lake Worth Drainage District L-18 Canal Right-of-way and further LESS the West 7 feet of the East 25 feet of the South 110 feet of the North 150 feet of Tract 1 of said subdivision as shown on the amended Plat recorded in Plat Book 9, Page 74, Public Records of Palm Beach County, Florida.

EXHIBIT A
LEGAL DESCRIPTION

PARCEL D:

The South One Hundred Fourteen feet (S.114 ft.) Of the North Two Hundred Sixty-Four (N. 264 ft.) of the East Half (E 1/2) of Tract One (1) of the Subdivision of the NE 1/4 of Section 12, Township 45 South, Range 42 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 9, Page 74.

PARCEL E

All that portion of the East half (E 1/2) of Tract 1, in the Northeast quarter (NE 1/4) of the MARY A. LYMAN ET AL AMENDED PLAT of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, page 74, Public Records of Palm Beach County, Florida;

LESS the north 264 feet of said Tract 1; and

LESS the south 264 feet of said Tract 1; and

LESS the east 40 feet for road right-of-way.

LESS and except that portion taken by Order of Taking recorded in O.R. Book 11768, Page 634 and Amended Order of Taking recorded in O.R. Book 11788, Page 934, Public Records of Palm Beach County, Florida.

Together with;

PARCEL "F"

Being a part of Lot 2, amended plat of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, Page 74 of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

COMMENCING at the centerline intersection of Hypoluxo Road and Lawrence Road as now laid out and in use; thence running along the centerline of said Hypoluxo Road on an assumed bearing of due West, a distance of 796.2 feet to a point; thence running South 03°-13'-30" West, a distance of 80.14 feet to a point on the South line of L.W.D.D. Canal L-18, and the POINT OF BEGINNING; thence continuing South 03°-13'--30" West, a distance of 1298.2 feet to a point on the South line of said Lot 2; thence running North 89°-57'--20" West, along said South line, a distance of 206.01 feet to Southwest corner of said Lot 2; thence running North 03°-26'-00" East, along the West line of said Lot 2, a distance of 1297.88 feet to a point on the South Right-of-way line of L.W.D.D. Canal L-18; thence running due East, along said South Right-of-way line, a distance of 202.11 feet to the POINT OF BEGINNING.

Together with;

PARCEL "F"

Being a part of Lot 2, amended plat of Section 12, Township 45 South, Range 42 East, as recorded in Plat Book 9, Page 74 of the Public Records of Palm Beach County, Florida, and more particularly described as follows:

EXHIBIT A

LEGAL DESCRIPTION

COMMENCING at the centerline intersection of Hypoluxo Road and Lawrence Road as now laid out and in use; thence running along the centerline of said Hypoluxo Road on an assumed bearing of due West, a distance of 796.2 feet to a point; thence running South 03° -13'-30" West, a distance of 80.14 feet to a point on the South line of L.W.D.D. Canal L-18, and the POINT OF BEGINNING; thence continuing South 03° -13'-30" West, a distance of 1298.2 feet to a point on the South line of said Lot 2; thence running North 89° -57'-20" West, along said South line, a distance of 206.01 feet to Southwest corner of said Lot 2; thence running North 03° -26'-00" East, along the West line of said Lot 2, a distance of 1297.88 feet to a point on the South Right-of-way line of L.W.D.D. Canal L-18; thence running due East, along said South Right-of-way line, a distance of 202.11 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

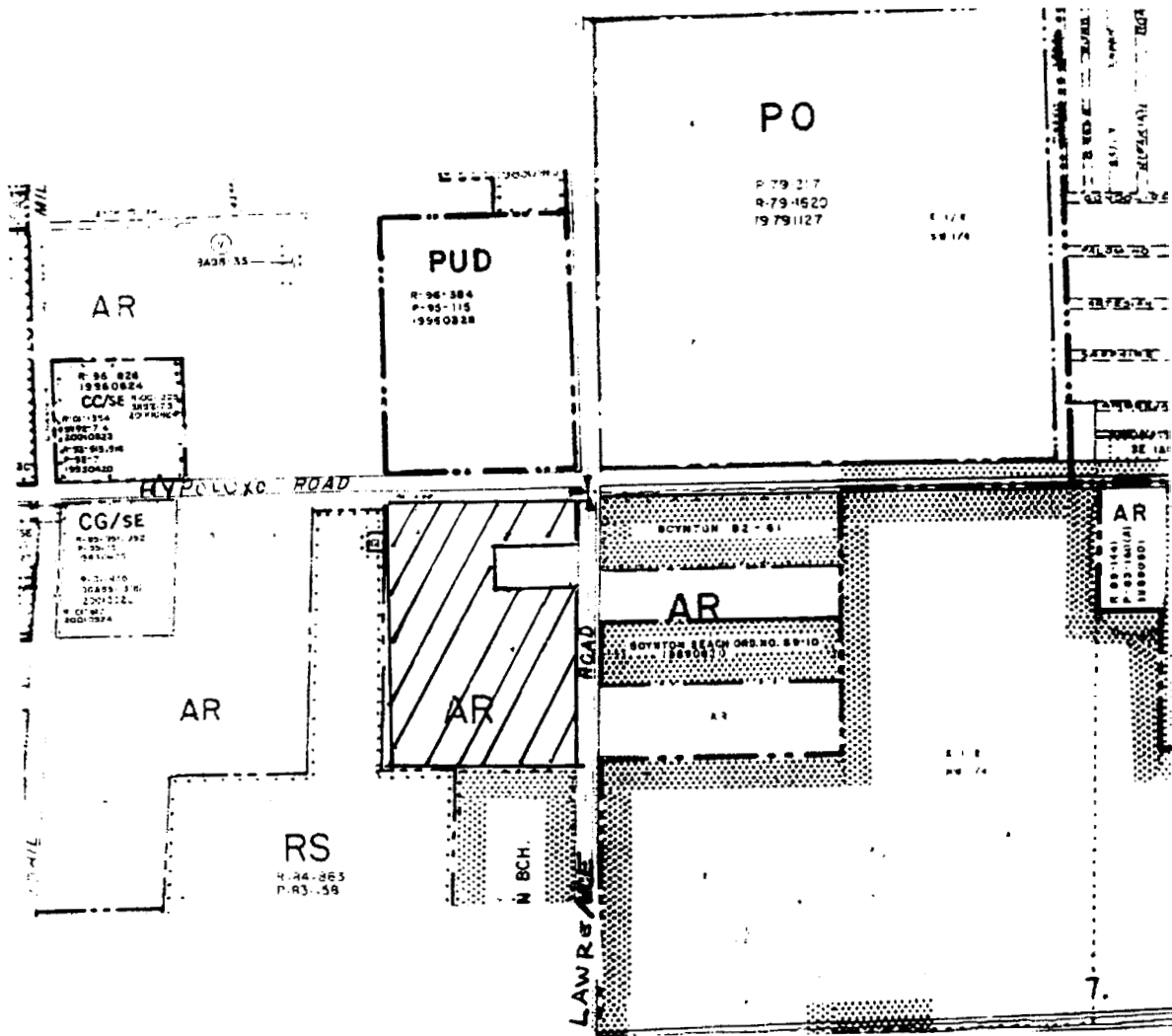


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 19, 2001. 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)

B. ANNEXATION

1. The property owner shall voluntarily annex into the City of Boynton Beach if the property is the subject of an annexation proposal by the City of Boynton Beach. (ONGOING: PLANNING)

C. SITE DESIGN

1. Prior to final Development Review Committee site plan approval, documentation shall be submitted verifying the overall width and location of the Florida Power and Light utility easement. (DRC: ZONING-Zoning)
2. Areas encumbered by the Florida Power and Light utility easement shall not be utilized to meet recreation requirements. (DRC: ZONING - Parks)
3. Prior to final Development Review Committee approval, the site plan shall be revised to indicate a minimum twenty (20) foot wide open space buffer for residential lots adjacent to the Florida Power and Light utility easement; excepting lot #90 which shall provide a minimum fifteen (15) foot wide open space buffer. (DRC: ZONING-Zoning)
4. Prior to final Development Review Committee approval, the site plan shall be revised to indicate a mountable curb to permit vehicular access where internal roadways bisect the forty (40) foot utility easement, subject to approval by FP&L. (DRC/BUILDING PERMIT: ZONING – Bldg)

D. CONCURRENCY

1. Prior to final Development Review Committee (DRC) approval, the petitioner shall revise the concurrency to match the uses shown on the approved site plan. (DRC: ZONING-Zoning)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - Building Permits for more than 106 single family dwelling units shall not be issued until construction has begun for a separate right turn lane south approach on Military Trail at Hypoluxo Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
2. Acceptable surety to the County Engineer & County Attorney required for this right turn lane shall be posted with the Office of the Land Development Division on or before May 29, 2002. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer

and shall include acquisition of any additional right of way. (TPS – Maximum 6 month time extension). (DATE: MONITORING – Eng)

3. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Hypoluxo Road Right-of-way. Landscaping shall consist of:

- Concrete median cut out strips
- Median Landscaping

As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and median plantings are permitted, the landscape material within the roadway median shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING- Eng)

C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners' documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING- Eng)

4. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lawrence Road 54.5 feet from centerline to provide for an expanded intersection. Right of way shall be conveyed on or before July 1, 2002 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and

encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)

5. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lawrence Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)
6. The Property owner shall close the existing median opening onto Hypoluxo Road adjacent to the project's entrance onto Hypoluxo Road subject to approval by the County Engineer.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of 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)
7. Property owner agrees to accept maintenance of the county-owned retention pond on Lawrence Road. The required landscape buffer west of the pond can be incorporated onto the pond site, with the approval of the County. The landscape buffer and supplemental landscaping north of the pond may also be incorporated on the pond site, with the approval of the County. Palm Beach County agrees to contribute up to \$10,000 for landscaping the pond area to supplement the landscaping from the developer. An agreement identifying the maintenance, landscaping and insurance provisions must be in place between the developer and Palm Beach County prior to the issuance of the first building permit. (BLDG. PERMIT: MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. Fifty (50) percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

2. All palms required to be planted on site 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,

Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. All landscaping to be planted within utility easements shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ADJACENT TO HYPOLUXO ROAD AND LAWRENCE ROAD)

1. Landscaping and buffering along the north and east property lines adjacent to Hypoluxo Road and Lawrence Road shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip along Hypoluxo Road;
 - b. A minimum twenty (20) foot wide landscape buffer strip along Lawrence Road. No width reduction or easement encroachment shall be permitted;
 - c. A continuous two-and-a-half (2.5) foot high berm, measured from top of curb;
 - d. One (1) native canopy tree for each thirty (30) linear feet of frontage, to be planted in a staggered manner;
 - e. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of ninety (90) feet between clusters;
 - f. One (1) small shrub for each two (2) linear feet of property line, spaced no more than twenty-four (24) inches on center, to be installed at a minimum height of eighteen (18) inches;
 - g. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - h. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- twenty-four (24) to thirty (30) inches – small shrub;
- thirty (30) to forty-eight (48) inches – medium shrub; and
- forty-eight (48) to sixty (60) inches – large shrub. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG NORTH AND SOUTH PROPERTY LINES (ABUTTING REMNANT RESIDENTIAL PARCEL)

1. Landscaping and buffering for that portion of the north property line between the existing residence and the proposed civic/recreation area (approximately 305') shall be upgraded to include:

- a. A minimum fifteen (15) foot wide 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 wood fence or wall installed at the plateau of the berm. If a wall is installed, the exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the overall development;
 - d. One (1) native canopy tree for each twenty (20) linear feet of the property line, to be planted in a staggered manner on both sides of the wall; and
 - e. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of ninety (90) feet between clusters (CO: LANDSCAPE-Zoning)
2. The following landscaping shall be required along the interior side of the required fence:
- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - c. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- twenty-four (24) to thirty (30) inches – small shrub;
- thirty (30) to forty-eight (48) inches – medium shrub; and
- forty-eight (48) to sixty (60) inches – large shrub. (CO: LANDSCAPE – Zoning)

3. Along the exterior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)
4. The same landscaping requirements shall apply to that portion of the north property line between the existing residence and the County drainage retention area if the perimeter buffer is relocated per condition E.7 (CO: LANDSCAPE-Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING AGRICULTURE)

1. Landscaping and buffering along the south property line abutting agriculture shall be upgraded to include:
 - a. A minimum twenty (20) foot wide buffer strip;
 - b. One (1) native canopy tree for each twenty (20) linear feet of the property line, to be planted in a staggered manner;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of ninety (90) feet between clusters
 - d. One (1) small shrub for each four (4) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - e. One (1) medium shrub for each eight (8) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and

- f. One large shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of thirty (30) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- twenty-four (24) to thirty (30) inches – small shrub;
- thirty (30) to forty-eight (48) inches – medium shrub; and
- seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)

J. MASS TRANSIT

1. Prior to final certification of the site plan by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and/or County Engineer prior to issuance of a building permit for more than 25% (30) of the units. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. PLANNING

1. Prior to final Development Review Committee approval, the site plan shall be revised to indicate street cross sections for all internal and external rights-of-way shown on the site, including Hypoluxo Road and Lawrence Road, in order to provide shaded pedestrian pathways in accordance with Recommendation #35 of the West Boynton Area Community Plan. (DRC: PLANNING)
2. Prior to final Development Review Committee approval, the site plan shall be amended to revise the notation which currently reads “future connection to the south (if required)” to read “proposed cross access to be paved to the property line for future vehicular and pedestrian access to adjacent parcel” where the internal roadway dead-ends at the southeastern portion of the site on the site plan dated December 19, 2001. (DRC: PLANNING)
3. Prior to the issuance of a certificate of occupancy, the petitioner shall pave the property to the edge of the southeastern property line at the location shown on the site plan labeled “proposed cross access...”. (CO: MONITORING-BUILDING-Planning)

L. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided for all internal roadways similar to those required under Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

2. Street trees shall be planted within all internal roadways in a manner similar to those required under Section 6.8.A.16.c.(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. All utilities shall be underground, pursuant to Section 6.8.A.16.c.(5) of the ULDC, with exception to overhead power transmission lines located in the forty **(40)** foot Florida Power and Light (FP&L) easement. (PLAT: ENG - Zoning)
4. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to show a focal point at the terminus of each residential access street, and cul-de-sac. The focal point shall be in the form of decorative pavement and specimen planting, a plaza, fountain, arcade or similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: ZONING)
5. The property owner/petitioner shall provide a minimum amount of recreation amenities in the principal recreation area as specified on the site plan dated December 19, 2001, which includes: a clubhouse, pool, sun deck, tot lot and BBQ. (DRC: ZONING)
6. Zero-lot line lots (units) which abut the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING/BLDG)
7. Prior to final Development Review Committee approval, the site plan shall be revised to expand the proposed FP&L/open space corridor pedestrian pathway to connect the recreation area to the open space area bordering the western property line. A park bench or other pedestrian oriented sitting area shall be provided at the western terminus of the pathway. (DRC: ZONING)
8. Pedestrian connections that cross a road right-of-way shall be in the form of decorative brick pavers or stamped concrete. (DRC/BUILDING PERMIT: ZONING – Bldg)
9. 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, among other things, provide for 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. The property shall not be subjected 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 - Co Att)
10. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of Florida Power and Light (FP&L) overhead power transmission lines and associated easements in the vicinity of the development. The property owner/petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on June 1, 2002, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (ONGOING: MONITORING)

M. SIGNS

1. Wall signs fronting on Hypoluxo Road and Lawrence Road shall be limited as follows:
 - a. Maximum sign height: six (6) feet;
 - b. Maximum sign face area per side: sixty (60) square feet along Lawrence Road and thirty (30) square feet along Hypoluxo Road;
 - c. Maximum number of signs: two (2) pairs; and
 - d. Style: entry wall only. (CO: BLDG)
2. Project identification signage on Hypoluxo Road shall clearly denote that the entrance is for "Residents Only." (CO: BLDG)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)