

RESOLUTION NO. R-2003- 0430

RESOLUTION APPROVING ZONING PETITION PDDI995-118B
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF AMKBJ PARTNERS LTD
BY JOE LELONEK, AGENT
(LANTANA ROAD PROPERTY 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 PDD1995-118B was presented to the Board of County Commissioners at a public hearing conducted on March 27, 2003; and,

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

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

WHEREAS, Article 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 PDD1995-118B, the petition of AMKBJ Partners Ltd by Joe Lelonek, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from Agricultural Residential to Residential Planned Unit Development District Zoning District with an existing commercial communication tower in the public civic tract 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 March 27, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

| | | |
|-------------------------------|---|--------|
| Karen T. Marcus, Chair | - | Absent |
| Tony Masilotti, Vice Chairman | - | Aye |
| Jeff Koons | - | Absent |
| Warren H. Newell | - | Aye |
| Mary McCarty | - | Aye |
| Burt Aaronson | - | Aye |
| Addie L. Greene | - | Aye |

The Chair thereupon declared that the resolution was duly passed and adopted on March 27, 2003.

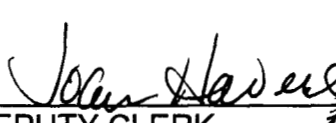
Filed with the Clerk of the Board of County Commissioners on 3 day of April, 2002.

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

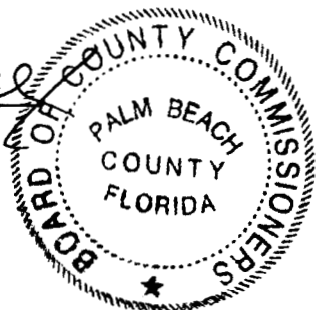


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LOT 2 TRACT 42, TOWNSHIP 44 - 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EST 10 ACRES THEREOF, SAID TEN ACRES BEING EASTERLY TEN ACRES EAST OF A LINE PARALLEL TO THE EAST LINE OF LOT 2, AND LESS THE NORTH 40 FEET FOR LANTANA ROAD RIGHT-OF-WAY.

TOGETHER WITH

LEGAL DESCRIPTION:

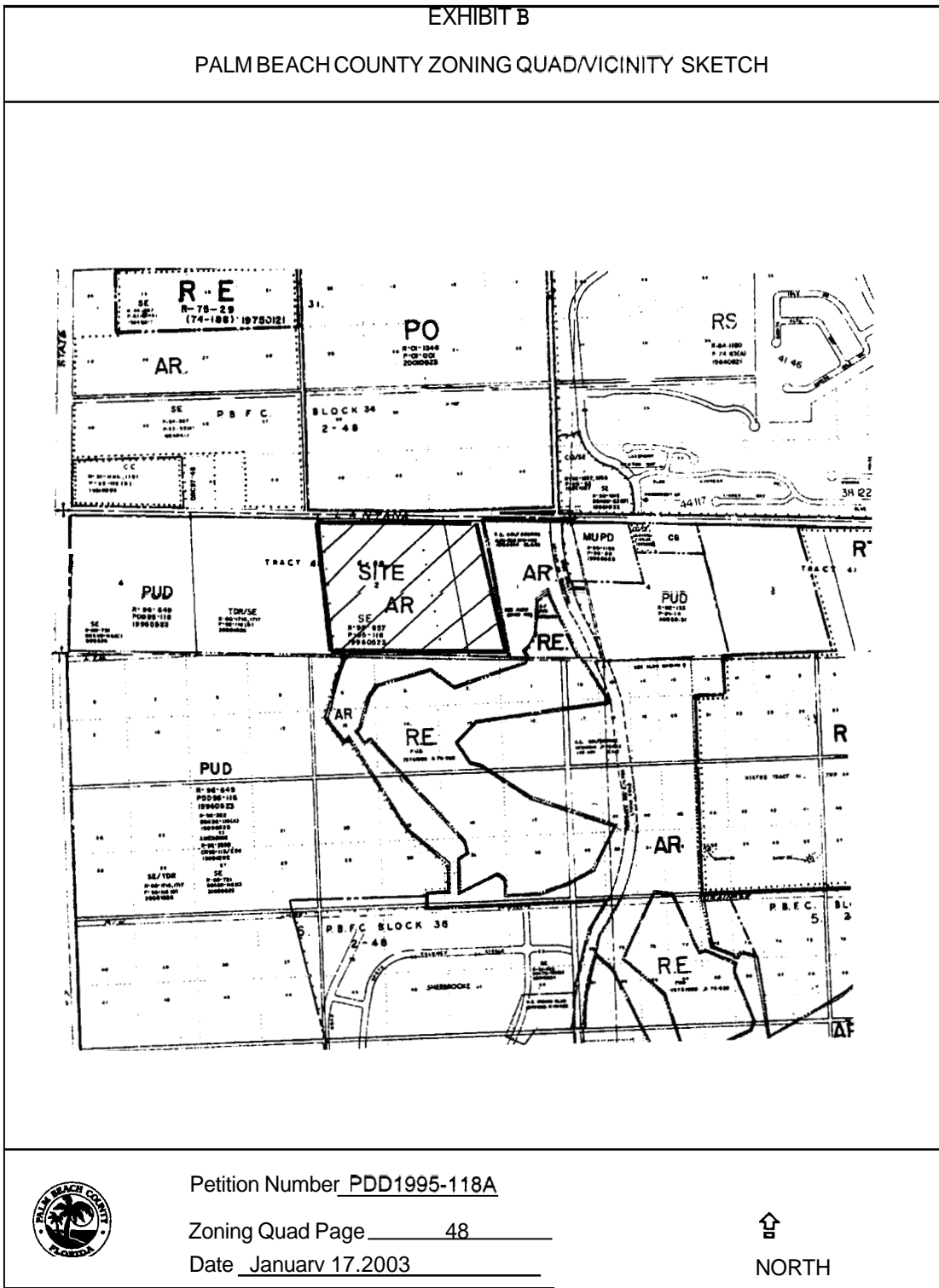
THE EAST 10 ACRES OF LOT 2, TRACT 42, TOWNSHIP 44-1/2 SOUTH, RANGE 42 EAST; SAID EAST 10 ACRES BEING THE EASTERLY 10 ACRES OF SAID LOT 2, LYING EAST OF A LINE RUNNING PARALLEL TO THE EAST LINE OF SAID LOT 2, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID LOT 2 BLOCK 42, RUN THENCE SOUTH 8 DEGREES, 57 MINUTES, 16 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 2, SAID NORTH LINE BEING THE CENTER LINE OF LANTANA ROAD, A DISTANCE OF 1,058.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ON THE SAME COURSE, A DISTANCE OF 291.24 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE RUN SOUTH 9 DEGREES, 01 MINUTES, 38 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 1,524.12 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE RUN NORTH 87 DEGREES, 52 MINUTES, 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 291.32 FEET; THENCE RUN NORTH 9 DEGREES, 01 MINUTES, 38 SECONDS WEST A DISTANCE OF 1,523.69 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE NORTH 40 FEET FOR RIGHT-OF-WAY FOR LANTANA ROAD, PALM BEACH COUNTY, FLORIDA. SAID LANDS LOCATED IN PALM BEACH COUNTY, FLORIDA.

AND:

FROM A GOVERNMENT LAND OFFICE MONUMENT AT THE SOUTHEAST CORNER OF LOT 1, GOVERNMENT TRACT 42, TOWNSHIP 44 1/2, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; GO IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1011.08 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG THE SAME COURSE A DISTANCE OF 448.87 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE GO IN A NORTHWESTERLY DIRECTION ALONG THE WEST LINE OF LOT 1, A DISTANCE OF 1483.48 FEET TO A POINT; THENCE GO IN AN EASTERLY DIRECTION PARALLEL TO THE NORTH LINE OF LOT 1, A DISTANCE OF 448.87 FEET TO A POINT; THENCE GO IN A SOUTHEASTERLY DIRECTION PARALLEL TO THE WEST LINE OF LOT 1, A DISTANCE OF 1484.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH



Petition Number PDD1995-118A

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Date Januarv 17.2003



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-96-0657 (Petition 95-118), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. 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 is dated March 18, 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. (DRC: ZONING - Zoning)
3. Prior to Technical Compliance for the first plat, the property owner shall record a conservation easement for the 6.91 acres of wetlands and adjoining upland buffer areas. The property shall be maintained predominantly in its natural state, or enhanced as required by the permitting agencies. The recordation of the easement shall be in a form and content acceptable to the South Florida Water Management District (SFWMD). Prior to recordation of this easement, the property owner shall enter into a maintenance agreement. The property owner shall provide a Maintenance Plan for perpetual maintenance of the wetlands. The Plan shall be reviewed and approved by SFWMD. (PLAT: SFWMD / ENG - Zoning)
4. Prior to final Development Review Committee (DRC) certification of the site plan, the property owner shall record a deed restriction subject to approval of the county attorney for the 0.3 acre tower parcel. The deed restriction would restrict the communication tower to its existing condition. Maintenance of the tower shall be allowed, but all modifications to the height and type of structure shall be prohibited unless allowed under existing tower lease. At the time when the communication tower is no longer in use and the tower leases expire, a conservation easement shall be recorded for this site in a form and content acceptable to the SFWMD. No extension or renewal of the tower lease beyond those allowed within the existing tower leases shall be allowed. The property owner shall be responsible for the removal of the tower, and revegetate the site to a condition acceptable to the SFWMD. (DRC: COUNTY ATTY / SFWMD / ZONING - Zoning)

B. COMMUNICATION TOWER

1. **Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS - Zoning)** (Previous Condition B.1 of Resolution R-96-0657, Petition 1995-118; Note: Completed)

2. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM - PREM) (Previous Condition C.1 of Resolution R96-0657, Petition CA95-118)
3. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS - Zoning) (Previous Condition C.2 of Resolution R-96-0657, Petition 1995-118; Note: Completed)
4. The communication tower shall be limited to a maximum height of 150 feet. (DRC: ZONING - Zoning) (Previous Condition C.3 of Resolution R96-0657, Petition CA95-118)

C. ENVIRONMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - ERM)

D. LANDSCAPING - STANDARD

1. The petitioner shall record a 40 foot wide landscape buffer easement adjacent to the south, east and west property lines of the .07 acre lease parcel. The buffer easement shall remain undeveloped and unencumbered from any encroachments, excluding an access easement to the site only. (DRC: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R96-0657, Petition CA95-118; Note: Completed)
2. 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; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
3. 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,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
4. 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; and,
 - c. forty-eight (**48**) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE - Zoning)
5. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 6. A group of three (3) or more palm or pine trees may not supersede the requirement for all canopy trees in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Condition E.I of Resolution R-96-0657, Petition P-95-118, which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 95-118, to be paid at the time of issuance of the Building Permit presently is \$110.00 (2 trips X \$55.00 per trip). (BLDG PERMIT: IMPACT FEE COORDINATOR - Eng)

~~It~~ hereby deleted. REASON: [Code requirement].

2. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road an additional sixteen (16) feet of right of way, along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
3. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width (in addition to the 16 feet of right of way along the projects frontage as required in the condition above), and a taper length of fifty (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. (BLDG PERMIT: MONITORING - Eng)
4. 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 eighty-four (84) single family dwelling units shall be issued until the construction has begun for a north and south approach right turn lane at Lake Worth Road and Lyons Road. (BLDG PERMIT: MONITORING - Eng)
- b) Building permits for no more than one hundred and four (104) single family dwelling units shall be issued until construction has begun for a south approach right turn lane at Lantana Road and Lyons Road. (BLDG PERMIT: MONITORING - Eng)
- c) No Building Permits for the site may be issued after December 31, 2004. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)
- d) Acceptable surety for the design; right of way acquisition; and the Construction Engineering and Inspection Costs as well as the construction for the offsite road improvements as outlined in "a" and "b" above shall be posted with the Office of the Land Development Division on or before August 28, 2003. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. (TPS) (DATE: MONITORING - Eng)

5. The Property owner shall construct:

- a. right turn lane west approach on Lantana Road at the projects entrance road.
- b. north and south approach right turn lane at Lake Worth Road and Lyons Road.
- c. south approach right turn lane at Lantana Road and Lyons Road.
- d. left 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 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 identified in "a" and "d" above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

- d) Construction identified in “b” above shall be completed prior to the issuance of the 100th Certificate of Occupancy. (CO: MONITORING - Eng)
- e) Construction identified in “c” above shall be completed prior to the issuance of the 110th Certificate of Occupancy. (CO: MONITORING - Eng)

6. 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 with the specifications and standards for the County’s Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Condition 6.d.
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- d. At petitioner’s option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING)
- e. At petitioner’s option, prior to issuance of a building permit, the petitioner may make a contribution to the County’s OTIS program for installation and maintenance of median landscaping on qualifying thoroughfares. This payment shall relieve petitioner of the obligation for installation and maintenance of median landscaping established in Paragraph A. This payment, shall be based on the project’s front footage along Lantana Road. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date the payment is made. (ONGOING)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;

- 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. Field adjustment of the berm may be permitted to accommodate pedestrian walkways and signage;
- c. one (1) native canopy tree for each thirty (30) 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; and,
- 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 forty-eight (48) inches at installation. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING GOLF COURSE)

- 1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)
- 2. Subject to approval of an Alternative Landscape Plan, landscaping required to be planted to the south of existing wetlands may be relocated to recreation and/or open space areas on site. (DRC: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING TOWNE PARK PUD)

- 1. 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 three (3) foot high berm measured from 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 twenty-four (24) 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 thirty-six (36) inches at installation; and,
- g. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation. (CO: LANDSCAPE - Zoning)

I. LWDD

- 1. Prior to platting, the owner shall convey to the District an easement for the fifty-five (55) feet lying north and adjacent to the south property line, less the twenty-five (25) foot easement in ORB 3568 Page 1385, for the ultimate right-of-way for the L-16 Canal. (PLAT: ENG - LWDD)

J. MASS TRANSIT

- 1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC / BLDG PERMIT: MONITORING - Palm Tran)
- 2. This easement shall be recorded as a separate instrument prior to Technical Compliance of the first plat. Additionally, the petitioner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. The location of the easement shall be shown on the site plan prior to final certification by the Development Review Committee. (TC: PALM TRAN - Palm Tran)
- 3. Prior to the issuance of the building permit for the 84th 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 petitioner. (BLDG PERMIT: MONITORING - Eng)

K. PLANNED UNIT DEVELOPMENT

- 1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets, forty (40) feet in width or greater;
 - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater; and,
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC: ZONING / ENG - Zoning / Land Dev.)

3. Street bike lanes shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)
4. Drainage easements shall not be permitted along the rear yards of back-to-side units. (DRC: ZONING - Zoning)
5. 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 / COUNTY ATTY - Zoning)
6. 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 the commercial communication tower in the vicinity of 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 February 27, 2004, 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. (ONGOING: MONITORING - Zoning)
7. 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. (ONGOING: MONITORING - Zoning)
8. No approval shall be granted which allows deviation from front setback regulations. (DRC: ZONING - Zoning)
9. Prior to final Development Review Committee (DRC) certification, the site plan shall be amended to indicate a pedestrian plaza or other feature acceptable to the Zoning Division, to be located between the east lake tract and the terminus of the adjacent cul-de-sac to the south. The plaza/feature shall be accessed from the cul-de-sac by a four (4) foot wide concrete or paver sidewalk and be supplemented by a minimum of four (4) benches. The pedestrian feature and all benches shall be oriented toward the lake. (DRC / ONGOING: CO / ZONING - Zoning)
10. A minimum of two (2) benches shall be provided in each of the open space areas located northeast and northwest of wetland #1 and north of wetland #5. All benches shall be oriented toward the adjacent wetland and be subject to approval by South Florida Water Management District. (ONGOING: CO - Zoning)

L. SCHOOL BOARD

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

"NOTICE TO HOME BUYERS/TENANTS"

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)

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

M. SIGNS

1. **No point of purchase or freestanding signs shall be permitted on the lease parcel or parent tract identifying the commercial communication tower or users. (CO: BLDG - Zoning)** (Previous Condition A.I of Resolution R96-0657, Petition CA95-118)
2. Freestanding signs fronting on Lantana Road shall be limited as follows:
 - a. maximum sign height, excluding architectural features, measured from finished grade to highest point - six (6) feet;
 - b. maximum sign height, including architectural features, measured from finished grade to highest point - eight (8) feet;
 - c. maximum total sign face area - sixty (60) square feet;
 - d. maximum number of signs - one (1) pair;
 - e. style - monument style only; and,
 - f. location - within fifty (50) feet on both sides of the main access driveway. (CO: BLDG - Zoning)

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. (ONGOING: MONITORING - Zoning)