

RESOLUTION NO. R-2003-0561

RESOLUTION APPROVING ZONING PETITION PDD2002-020
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GEORGE & DOROTHY HAAS
BY ROBERT BENTZ, AGENT
(BERNARD HAAS 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 PDD2002-020 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 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 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 PDD2002-020, the petition of George & Dorothy Haas by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Absent
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
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 April 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 28 day of May, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

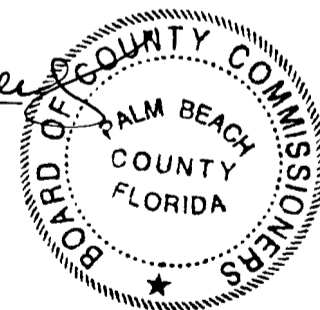


EXHIBIT A
LEGAL DESCRIPTION

PARCEL ONE:

The South 260 feet of Tract 21; the South 260 feet of the East one-half (E 1/2) of Tract 22; the North 140 feet of the East one-half (E 2) of Tract 27; and the North 140 feet of Tract 28, THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, page 48, Public Records of Palm Beach County, Florida.

PARCEL TWO:

All of the West one-half of Tract 22, less the North 400 feet thereof, in Block 28 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof recorded in Plat Book 2, page 48, of the Public Records of Palm Beach County, Florida.

Together With

THE NORTH 400 FEET OF TRACTS 21 AND 22, ALL OF TRACTS 23 AND 24 AND THE NORTH 200 FEET OF TRACT 25, LESS THE WEST 29 FEET THEREOF, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, 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 2, PAGES 45 THROUGH 54, INCLUSIVE.

EXHIBIT B
VICINITY SKETCH

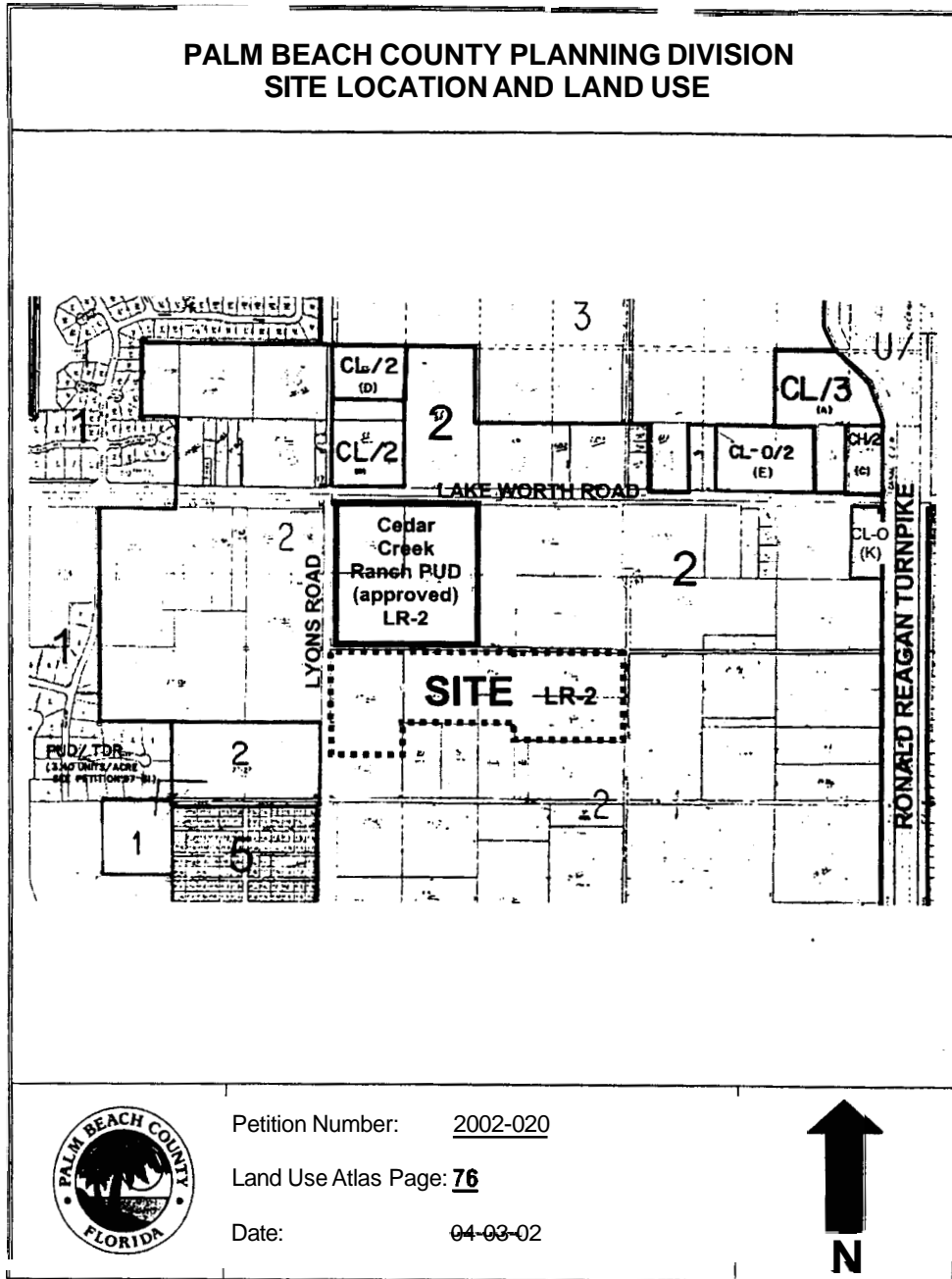


EXHIBIT C

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 preliminary development plan is dated April 23, 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. (ONGOING: ZONING-Zoning)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

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

C. LANDSCAPE-STANDARD

1. Fifty-percent (50%) 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; and,
 - d. 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,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (**24**) inches: groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches: medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches: large shrub; and,
 - d. This condition does not apply where a single row of hedge is required on one or both sides of the fence. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. 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)

D. LANDSCAPING ALONG THE WEST 1,290 FEET OF THE NORTH PROPERTY LINE (ABUTTING CEDAR CREEK PUD)

1. Landscaping and buffering along the west 1,290 feet of the north property line shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip. If the road right of way abandonment is not approved at the recordation of the first plat of this project, the petitioner shall provide a fifteen (15) foot wide buffer in the area where it abuts the Cedar Creek PUD;
 - 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; and
 - 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. (CO/PLAT: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Project's Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons 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)
3. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a) Lyons Road 50 feet from centerline,
 - b) Polo Road 30 feet from centerline

All right of way shall be conveyed on or before December 1, 2003, 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)

4. The Property owner shall construct a left turn lane north approach on Lyons Road at the projects entrance road.

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.

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)

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. On or before December 1, 2003, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this project's retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng)
6. 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 46 single family dwelling units shall be issued until construction has commenced for a right turn lane South Approach on Lyons Road at Lake Worth Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of any additional right of way and construction easements, and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
 - b. Building Permits for no more than 60 dwelling units shall be issued until construction has commenced for a right turn lane South Approach on Lyons Road at Lantana Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of any additional right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) (BLDG PERMIT: MONITORING-Eng)
 - c. No Building Permits for the site may be issued after January 1, 2005, 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)

7. Acceptable surety for the design; right of way acquisition; Construction Engineering and Inspection Costs and all construction costs for the turn lanes identified in E6a and E6b above shall be posted with the Land Development Division on or before October 24, 2003. Amount of the Surety shall be 110% of a Cost Estimate based on a preliminary cost estimate by the Developers Engineer and approved by the County Engineer. Amount of the required surety shall then be adjusted if required based on final Construction Plans. (TPS) (DATE: MONITORING-Eng)
8. The Property owner shall construct:
 - a. A right turn lane South Approach on Lyons Road at Lake Worth Road
 - b. A right turn lane South Approach on Lyons Road at Lantana Road

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.

Permits required by Palm Beach County for the construction shall be obtained prior to the issuance of the 30th Building Permit. (BLDG PERMIT: MONITORING-Eng)

9. Prior to approval of Final Subdivision Plan by the DRC, property owner shall submit a drainage study to the County Engineer. The drainage study shall address what historical off-site drainage flows onto the subject site and what modifications to the subdivision plan may be necessary to accommodate this off-site flow. (DRC: ENG – Eng)

F. LANDSCAPING ALONG THE EAST 1,350 FEET OF THE NORTH PROPERTY LINE, (ABUTTING POLO FIELDS)

1. Landscaping and buffering along the east 1,350 feet of the north property line, shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip; and a total of forty (40) foot wide buffer when the adjacent road right-of-way is abandoned. No width reduction or easement encroachment shall be permitted.
 - b. a continuous three (3) foot high berm, measured from top of adjacent road curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
 - c. a six (6) foot high opaque fence or wall to be located on the plateau of the berm. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence or wall:
 - a. one (1) areca palm with a maximum spacing of four (4) feet between each palm and along the required section of the north property line except in area to meet Condition F.2.b. Palm shall be a minimum height of seventy-two (72) inches at installation. Palm shall also be installed at a minimum three (3) feet from the required fence or wall;
 - b. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5), and shall be planted at every one hundred (100) linear feet interval of the areca palms. (CO: LANDSCAPE-Zoning)
3. The following landscaping requirements shall be installed on the interior side of the required fence or wall:

- a. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - b. 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;
 - c. 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;
 - d. 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
 - e. a minimum of fifty (50) percent of the shrub materials shall be native species. (CO: LANDSCAPE-Zoning)
4. Within thirty (30) days of the approval of the vegetation removal permit issued by ERM, the developer shall complete Conditions F.1 and F.2. Condition F.3 may be completed prior to the issuance of Certificate of Occupancy. (VEG. PERMIT/CO:ERM/BLDG-Zoning)
- G. LANDSCAPING ALONG THE EAST 1,230 FEET OF THE SOUTH PROPERTY LINE WHICH INCLUDES THE 140 FOOT JOG IN THE SOUTH PROPERTY LINE, AND 250 FEET ADJACENT TO THE SOUTHWEST CUL-DE-SAC (ABUTTING RESIDENTIAL)
- 1. Landscaping and buffering along the east 1,230 feet of the south property line which includes the 140 foot jog in the south property line and the 250 feet adjacent to the southwest cul-de-sac shall be upgraded to include:
 - a. a minimum sixty (60) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted, except in area adjacent to the proposed eastern lake and the wetland;
 - b. a continuous six (6) foot high berm, measured from top of adjacent road curb. Height of berm may be reduced in area adjacent to the proposed lake. Field adjustment of berm location may be permitted for transverse of utility easement, pedestrian walkways or to accommodate existing vegetation, or wetland area; and
 - c. a six (6) foot high opaque fence or wall to be located on the plateau of the berm. (CO: LANDSCAPE-Zoning)
 - 2. The following landscaping requirements shall be installed on the exterior side of the required fence or wall:
 - a. one (1) areca palm with a maximum spacing of four (4) feet between each palm and along the required section of the north property line except in area to meet Condition **F.2.b**. Palm shall be a minimum height of seventy-two (72) inches at installation. Palm shall also be installed at a minimum three (3) feet from the required fence or wall;
 - b. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5), and shall be planted at every one hundred (100) linear feet interval of the areca palms. (CO: LANDSCAPE-Zoning)
 - 3. The following landscaping requirements shall be installed on the interior side of the fence or wall:
 - a. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - b. 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;
 - c. 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;

- d. 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
 - e. a minimum of fifty (50) percent of the shrub materials shall be native species. (CO: LANDSCAPE-Zoning)
4. Within thirty (30) days of the approval of the vegetation removal permit issued by ERM, the developer shall complete Conditions G.1 and G.2. Condition G.3 may be completed prior to the issuance of Certificate of Occupancy. (VEG. PERMIT/CO: ERM/BLDG-Zoning)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING R.O.W. AND POLO FIELDS)

1. Landscaping and buffering along the east property line shall be upgraded to include:
- a. a minimum forty (40) foot wide landscape buffer strip, with a twenty (20) foot wide bridal trail for a total of sixty (60) feet.
 - b. a continuous six (6) foot high berm, measured from top of adjacent road curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
 - c. a six (6) foot high opaque fence or wall to be located on the plateau of the berm. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence or wall:
- a. one (1) areca palm with a maximum spacing of four (4) feet between each palm and along the required section of the north property line except in area to meet Condition F.2.b. Palm shall be a minimum height of seventy-two (72) inches at installation. Palm shall also be installed at a minimum three (3) feet from the required fence or wall;
 - b. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5), and shall be planted at every one hundred (100) linear feet interval of the areca palms.
3. The following landscaping requirements shall be installed on the interior side of the fence or wall:
- a. one (1) native canopy tree for each twenty (20) linear feet of the property line;
 - b. 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;
 - c. 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;
 - d. 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
 - e. a minimum of fifty (50) percent of the shrub materials shall be native species. (CO: LANDSCAPE-Zoning)
4. Within thirty (30) days of the approval of the vegetation removal permit issued by ERM, the developer shall complete Conditions H.1 and H.2. Condition H.3 may be completed prior to the issuance of Certificate of Occupancy. (VEG. PERMIT/CO:ERM/BLDG-Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO WETLAND)

1. Concurrent with the submittal of the final site plan, the petitioner shall provide the Landscape Section an Alternative Landscape Plan for the south property line where the Cypress wetland is located for review and approval. (DRC: LANDSCAPE-Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF LYONS ROAD)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip; with a maximum of five (5) foot easement encroachment;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation.
 - c. one (1) native canopy tree for each thirty (30) 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; 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 thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

K. MASS TRANSIT

1. Prior to the recordation of the first plat, the property owner shall convey to Palm Beach County an easement for a bus stop, subject to the approval of Palm Tram. (PLAT: ENG – 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 35th unit, the developers shall construct a Palm Tram approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and alighting area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the property owner. (BLDG. PERMIT: MONITORING-Eng)

L. PLANNED DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (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;
 - 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. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of each residential access street, cul-de-sac and T-intersections. The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public areas, decorative pavement acceptable to the Zoning Division. (DRC: ZONING-Zoning)
5. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located between lots 31 and 32. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING-Zoning)
6. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRC: ZONING-Zoning)
7. 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-Zoning)
8. **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)
9. 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 equestrian activities, and horse manure pits 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 January 30, 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)

M. PLANNING

1. Prior to final Preliminary Development Plan approval by the Development Review Committee, the notation at the northern property line where the cul-de-sac is shown which reads "50' ROW possible future connection to Cedar Creek PUD" shall be amended to read "proposed vehicular and pedestrian cross access to be paved to the northern property line for future access." (DRC:PLANNING-Planning)
2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the northern property line at the location shown on the site plan which reads "proposed vehicular and pedestrian cross access." (CO:MONITORING-PLANNING-Planning)
3. Prior to final DRC Certification of the site plan, subject to review and approval by the Planning Division, the site plan shall be amended to include mulch pathways the southwestern cul-de-sac along the eastern edge of the SFWMD conservation easement to the 4' sidewalk along the 50' ROW. (DRC:PLANNING-Planning)
4. Prior to the first certificate of occupancy, the applicant shall construct mulch pathways in the areas specified in Condition J.5 including benches as shown on the final certified site plan. (CO:MONITORING-PLANNING-Planning)

N. 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-School Board)

O. 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)