

RESOLUTION NO. R-2004-0010

RESOLUTION APPROVING ZONING PETITION PDD2003-012  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF PLANT FACTORY GARDEN CENTER  
BY LAND DESIGN SOUTH, AGENT  
(MILITARY TRAIL 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 PDD2003-012 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2004; 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, contingent upon the approval of Small Scale Development Amendment No. 2003-0022 SCA;
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 PDD2003-012, the petition of Plant Factory Garden Center by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the General Commercial and Residential Medium Density Zoning Districts 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 January 8, 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 Greene and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 2003-0022 SCA (MILITARY TRAIL RESIDENTIAL a.k.a. MILITARY TRAIL PUD) is effective.

Filed with the Clerk of the Board of County Commissioners on 2 day of February 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

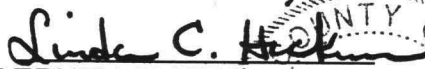
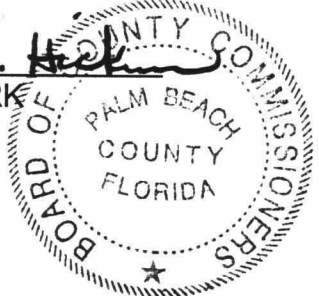
BY:   
DEPUTY CLERK 

EXHIBIT A

LEGAL DESCRIPTION

**PARCEL 1**

THE SOUTH ONE ACRE OF THE SOUTH ONE-HALF (S 2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA, LESS THE WEST 40 FEET THEREOF. LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL AS CONTAINED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK (O.R.B.) 5910, PAGE 1938, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 40,108 SQUARE FEET OR 0.921 ACRES MORE OR LESS.

**PARCEL 2**

THE NORTH ONE ACRE OF THE SOUTH TWO ACRES OF THE SOUTH ONE-HALF (S 2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST (NW) CORNER OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 25 (25/44/42), A DISTANCE OF 130.78 FEET TO A POINT; THENCE SOUTH 89 DEGREES 39 MINUTES 55 SECONDS EAST, A DISTANCE OF 40.00 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD NO. 809) AND THE **POINT OF BEGINNING**; THENCE SOUTH 87 DEGREES 14 MINUTES 54 SECONDS EAST, A DISTANCE OF 626.20 FEET TO A POINT; THENCE SOUTH 01 DEGREES 30 MINUTES 54 SECONDS WEST, A DISTANCE OF 65.51 FEET; THENCE NORTH 87 DEGREES 14 MINUTES 18 SECONDS WEST, A DISTANCE OF 626.20 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 65.40 FEET TO THE **POINT OF BEGINNING**. LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL AS CONTAINED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK (O.R.B.) 5910, PAGE 1938, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 40,027 SQUARE FEET OR 0.918 ACRES MORE OR LESS.

**PARCEL 3**

THE NORTH 63.00 FEET OF THE WEST ONE-HALF (W 2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA. LESS THE WEST 53.00 FEET THEREOF.

CONTAINING: 17,608 SQUARE FEET OR 0.404 ACRES MORE OR LESS.

**PARCEL 4**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 25; THENCE SOUTH 01 DEGREES 31 MINUTES 00 SECONDS WEST ALONG THE

NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 1,404.03 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 00 SECONDS EAST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 53.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE SOUTH 87 DEGREES 16 MINUTES 54 SECONDS EAST, A DISTANCE OF 279.97 FEET; THENCE SOUTH 01 DEGREES 30 MINUTES 42 SECONDS WEST, A DISTANCE OF 500.48 FEET; THENCE NORTH 87 DEGREES 11 MINUTES 01 SECONDS WEST, A DISTANCE OF 255.58 FEET; THENCE NORTH 42 DEGREES 50 MINUTES 01 SECONDS WEST, A DISTANCE OF 34.95 FEET TO A POINT ON SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 475.56 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 139,735 SQUARE FEET OR 3.208 ACRES MORE OR LESS.

**PARCEL 5**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 25; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST, ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 538.71 FEET THENCE SOUTH 88 DEGREES 29 MINUTES 00 SECONDS EAST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 53.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 131.47 FEET; THENCE NORTH 47 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 35.75 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 87 DEGREES 11 MINUTES 01 SECONDS EAST, A DISTANCE OF 254.45 FEET; THENCE SOUTH 01 DEGREES 30 MINUTES 42 SECONDS WEST, A DISTANCE OF 157.04 FEET; THENCE NORTH 87 DEGREES 11 MINUTES 01 SECONDS WEST, A DISTANCE OF 280.04 FEET TO A **POINT OF BEGINNING**.

CONTAINING: 43,631 SQUARE FEET OR 1.002 ACRES MORE OR LESS.

**PARCEL 6**

THE EAST HALF (E2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, **LESS**, THE NORTH 80.00 FEET OF THE SOUTH 107.00 FEET OF THE WEST 75.00 FEET OF THE EAST HALF (E2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 217,258 SQUARE FEET OR 4.988 ACRES MORE OR LESS.

**PARCEL 7**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 25; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST, ALONG THE NORTH-SOUTH ONE-QUARTER

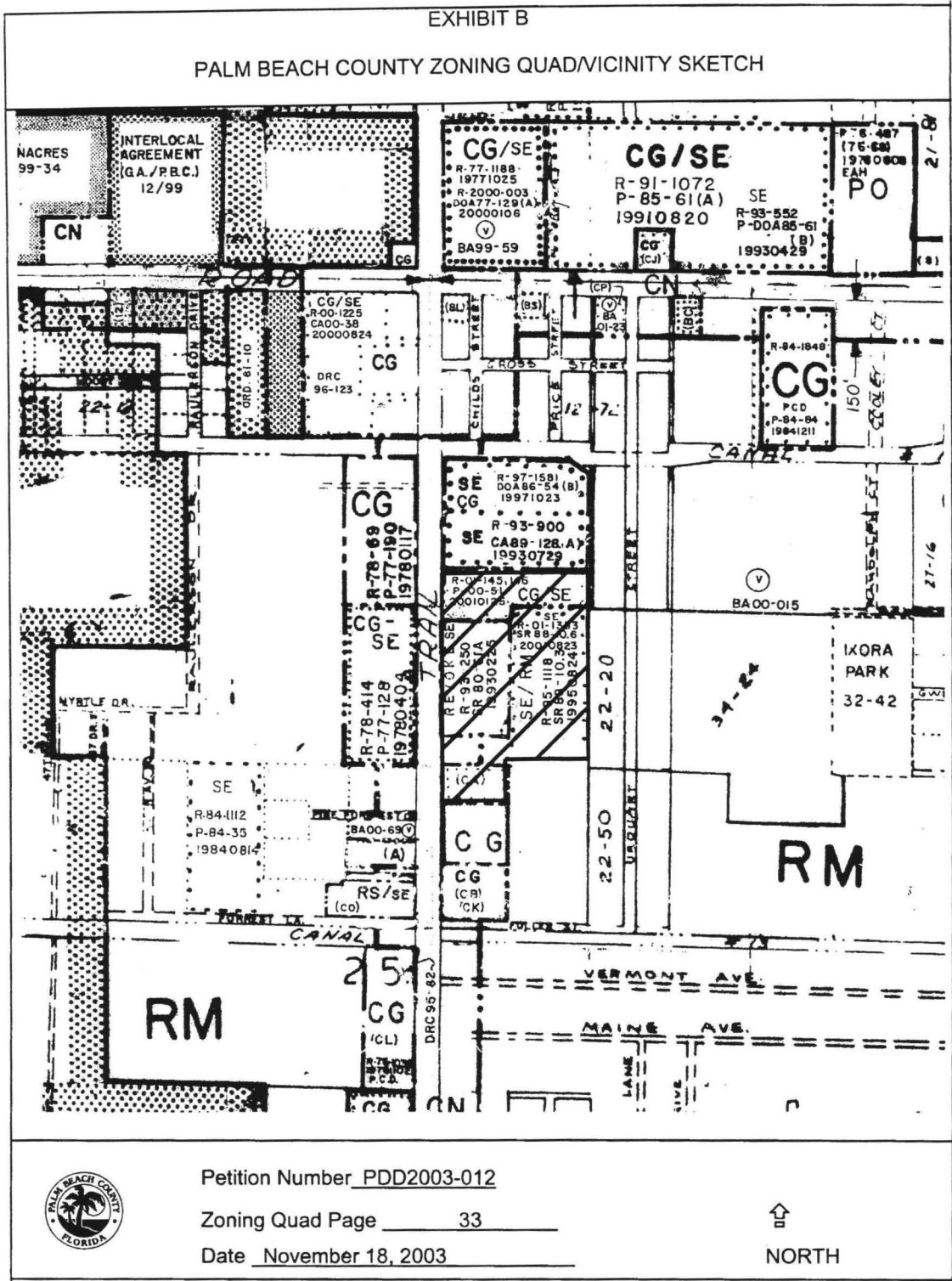
SECTION LINE, A DISTANCE OF 538.71 FEET THENCE SOUTH 88 DEGREES 29 MINUTES 00 SECONDS EAST AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 53.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS EAST ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 131.47 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 47 DEGREES 09 MINUTES 59 SECONDS EAST, A DISTANCE OF 35.75 FEET; THENCE SOUTH 87 DEGREES 11 MINUTES 01 SECONDS EAST, A DISTANCE OF 329.47 FEET; THENCE NORTH 01 DEGREES 30 MINUTES 42 SECONDS EAST, A DISTANCE OF 80.02 FEET; THENCE NORTH 87 DEGREES 11 MINUTES 01 SECONDS WEST, A DISTANCE OF 330.60 FEET; THENCE NORTH 42 DEGREES 50 MINUTES 01 SECONDS WEST, A DISTANCE OF 34.95 FEET TO AN INTERSECTION WITH THE SAID EASTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 01 DEGREES 31 MINUTES 00 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 130.03 FEET TO A **POINT OF BEGINNING**.

CONTAINING: 29,028 SQUARE FEET OR 0.666 ACRES MORE OR LESS.

GRAND TOTAL: 527,395 SQUARE FEET OR 12.107 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

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 October 14, 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. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Committee (DRC) approval, architectural elevations for the residential buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to meet the requirements of Section 6.6.E of the ULDC. Building footprints shall be generally consistent with the building detail shown on the approved site plan dated October 14, 2003. Development shall be consistent with the approved architectural elevations and the DRC approved site plan. (DRC: ARCH REVIEW - Zoning)

#### C. DEPARTMENT OF AIRPORTS

1. 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 prospective residents that the community is within the Airport Land Use Noise Zone of the Palm Beach County Park Airport, and that aircraft noise may be objectionable. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2005 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Airports)

#### D. ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

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

#### E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

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 Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Eng)

#### 2. LANDSCAPE WITHIN THE MEDIAN OF MILITARY TRAIL

- A. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Military Trail. 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 Paragraph 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 the 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.
  - E. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Military Trail. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.
3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING - ENG - Eng)

F. LANDSCAPING - STANDARD

- 1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
- 2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. palm heights: twelve (12) feet clear trunk;
  - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (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 shrub or hedge is required on one side of a fence or wall. (CO: LANDSCAPE - Zoning)
4. All trees and palms required to be planted on the property by this approval 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 perimeter canopy trees in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (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 and existing vegetation. (CO: LANDSCAPE - Zoning)
8. Prior to final DRC approval, an Alternative Landscape Plan shall be submitted for landscaping along any portion of the property where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)
9. Prior to final DRC approval, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL)

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 five (5) feet of utility easement encroachment;
  - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
  - c. a six (6) foot high opaque concrete panel wall shall be located on the plateau of the berm. Field adjustment of wall location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with both the proposed residential buildings and abutting development;
  - d. one (1) canopy tree for each thirty (30) feet of the property line, alternating on both sides of the wall;
  - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall;

- f. 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, to be planted on both sides of the wall; and,
- g. 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, to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING COMMERCIAL PROPERTY)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
  - c. a six (6) foot high black, brown or green vinyl coated chain link fence shall be located on the plateau of the berm. Field adjustment of fence location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
  - d. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and,
  - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required fence:
  - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)
3. Along the exterior side of the required fence, the petitioner shall install a continuous row of forty-eight (48) inch high shrub or hedge material to create a solid opaque visual screen, to be maintained at a height of seventy-two (72) inches at maturity. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL, COMMERCIAL AND UNDEVELOPED PROPERTIES)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
  - c. a six (6) foot high black, brown or green vinyl coated chain link fence shall be located on the plateau of the berm. Field adjustment of fence location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
  - d. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and,

- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
    - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
    - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)
  3. Along the interior side of the required fence, the petitioner 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 at maturity. (CO: LANDSCAPE - Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/ CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures shall be setback a minimum of thirty (30) feet from the south and east property lines. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security and street lighting only. (ONGOING: CODE ENF - Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

K. MASS TRANSIT

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN - Palm Tran)
2. Prior to the issuance of the first building permit, the property owner 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. (BLDG PERMIT: PALM TRAN - Palm Tran)

L. 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: LANDSCAPE - Eng/Zoning)

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/Eng)
3. Prior to final Development Review Committee (DRC) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate a roundabout with central focal island, or an alternative deemed to be acceptable by the County Engineer and Zoning Division, at the intersection to the east of the driveway throat. Pre-cast concrete pavers shall be provided for the entire surface area of the surrounding drive aisles. The focal feature(s) shall be in the form of a fountain, other architectural element or special planting treatment, subject to approval by the Zoning Division. (DRC: ZONING - Zoning)
4. Prior to final Development Review Committee (DRC) approval, the Preliminary Development Plan/conceptual site plan shall be amended to indicate decorative paving treatment along the driveway throat from Military Trail. This paving shall be provided for the entire surface area of the drive aisles and extend eastward a minimum of one hundred (100) feet from the west property line. (DRC: ZONING - Zoning)
5. Prior to final Development Review Committee (DRC) approval, the conceptual site plan shall be amended to indicate an ancillary parking space adjacent to the driveway of all end units. (DRC: ZONING - Zoning)
6. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
  - a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas;
  - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents; and,
  - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY - Zoning)
7. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of a wholesale building supplies operation adjacent to the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2005 and shall continue on an annual basis until all units within the development have been sold, the petitioner relinquishes control to the homeowners association, or that use ceases. (DATE: MONITORING - Zoning)

M. PLANNING

1. Prior to final approval by the Development Review Committee, the site plan shall provide for decorative pedestrian pathways at street crossings as indicated on the site plan dated October 14, 2003. These decorative pedestrian pathway areas are to be constructed of pavers, brick, decorative/stamped concrete or similar pavement treatment to clearly indicate that the pathway is intended for pedestrians. (DRC: PLANNING - Planning)
2. Prior to final approval by the Development Review Committee, the Planning Division shall determine whether the site plan conforms with those recommendations of the Lake Worth Road Corridor incorporated into the site plan dated October 14, 2003. (DRC: PLANNING - Planning)

N. SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the developer shall provide a school bus shelter at an adequate location to the School District and Engineering Department. The subject bus shelter shall be designed and constructed in a manner or form acceptable to both the Palm Beach County School District and Engineering Department. (CO: SCHOOL BOARD/ENG - School Board)
2. The subject development 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 AND  
PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residents. 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)