

## RESOLUTION NO. R-2010- 0682

RESOLUTION APPROVING ZONING APPLICATION DOA/TDR-2009-03950  
(CONTROL NO. 2003-00079)  
a Development Order Amendment  
APPLICATION OF Windsor Place Acquisition LLC  
BY Miller Land Planning, AGENT  
(Windsor Place MXPDP)

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

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/TDR-2009-03950 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2010; and

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/TDR-2009-03950, the petition of Windsor Place Acquisition LLC, by Miller Land Planning, agent, for a Development Order Amendment to reconfigure the Master and Site Plans, add units and square footage, modify 3 Conditions of Approval (Planning, Landscaping, Zoning), and restart the development clock in the MXPDP Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 22, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 22, 2010.

Filed with the Clerk of the Board of County Commissioners on April 29, 2010.

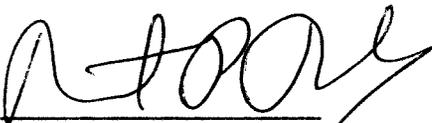
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK COUNTY  
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION:

A parcel of land lying in Block 43, Palm Beach Farms Co. Plat No. 3, according to the map or plat thereof, as recorded in Plat Book 2, Pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida; said parcel of land being more particularly described as follows:

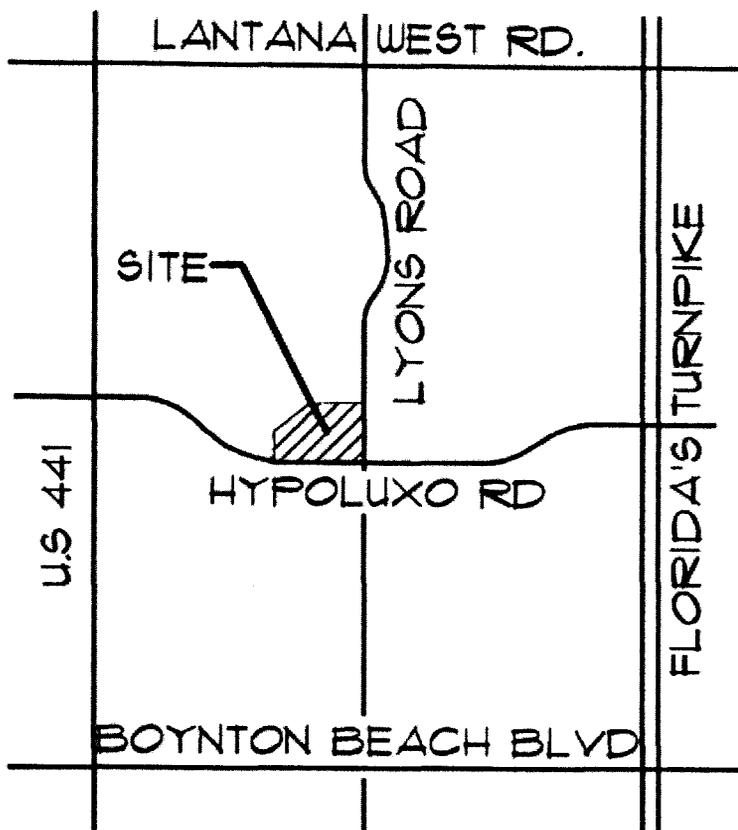
Commencing at the Southwest corner of Lexington 1 of Sherbrooke, according to the plat thereof, as recorded in Plat Book 32, Pages 195 through 198, inclusive, Public Records of Palm Beach County, Florida; thence, North 89° 26' 07" East, along the South line of said Plat of Lexington 1 of Sherbrooke, a distance of 2610.00 feet; thence, South 00° 33' 53" East, departing said South line, a distance of 725.61 feet, for a Point of Beginning; thence, continue South 00° 33' 53" East, a distance of 530.50 feet; thence, South 03° 12' 41" West, a distance of 250.54 feet; thence, South 00° 33' 53" East, a distance of 300.00 feet; thence, South 44° 26' 07" West, a distance of 56.57 feet; thence, South 89° 26' 07" West, a distance of 289.00 feet; thence South 88° 10' 30" West, a distance of 250.06 feet; thence, South 89° 26' 07" West, a distance of 1144.50 feet; thence, North 00° 33' 53" West, a distance of 570.00 feet; thence, North 52° 30' 57" East, a distance of 925.60 feet; thence, North 89° 26' 07" East, a distance of 1000.00 feet to the Point of Beginning.

Containing 40.00 acres, more or less.

Said lands situate in Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH

NTS.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition All Petitions 1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Master Plan and the Land Use Allocation Map are dated June 20, 2005. 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.

Is hereby amended to read:

The approved Preliminary MLU Master Plan and the approved Preliminary Site Plan are dated March 24, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or Zoning Commission. (ONGOING: ZONING - Zoning)

2. Condition All Petitions 2 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Phase 1 is limited to 96,870 square feet of retail; 132 multi-family units and 28,500 square feet of office. The additional 34,630 square feet office space that is shown on the Master Plan dated June 20, 2005 may be developed under Phase 2 when traffic concurrency becomes available for the site, and subject to a Development Order Amendment and BCC approval. (ONGOING: ZONING - Zoning).

Is hereby deleted. [REASON: No longer applicable.]

3. Condition All Petitions 3 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Prior to the final approval by the Development Review Officer (DRO), a site plan for each pod pursuant to the Future Land Use designations (FLU) and acreage consistent with Ordinance 2005-038 as follows:

CH FLU all retail buildings and office buildings 2,3 and 4;

CH-O Office building 1;

LR-2 units located at the northeast portion of the site;

LR-2 units located at the west portion of the site; and,

The Pedestrian Oriented Zone (POZ) with the lake;

These site plans shall be submitted to the DRO for review and approval. Each site plan shall be consistent with the elements/buildings and amenities for each FLU-pod as shown on the conceptual Master" site plan dated June 20, 2005. (DRO: DRO-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

4. Condition All Petitions 4 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Development of the site shall comply with the Windsor Place Design Guidelines and Standards for Future Development, ULDC, and Conditions of approval. If a conflict exists between the Windsor Place Design Guidelines for Future Development, the Boynton Beach Turnpike Interchange Design Guidelines, the ULDC and conditions of approval, the most restrictive requirement shall prevail. (DRO: PLANNING - Zoning)

Is hereby amended to read:

Development of the site shall comply with the Windsor Place Design Guidelines and Standards for Future Development included in Ordinance No. 2005-038, the ULDC, and Conditions of Approval. The most restrictive requirement shall prevail if a conflict exists between the Windsor Place Design Guidelines for Future Development, the ULDC, and Conditions of Approval. (DRO: PLANNING - Zoning)

5. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (DATE ONGOING: MONITORING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the residential and commercial buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

#### ENGINEERING

1. Previous condition E1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

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

- a. Building permits for more than 132 multi-family dwelling units and 5,500 s.f. of General Retail, non-residential (or the equivalent of 115 pm peak hour trips) shall not be issued until the contract has been let for dual left turn lanes south approach and an additional through lane west approach at the intersection of Hagen Ranch Road and Lantana Road. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]
- b. Building permits for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential (or the equivalent of 284 pm peak hour trips) shall not be issued until construction has commenced for the widening of Lyons Road as a 4 lane section from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]
- c. Building permits for more than 132 multi-family dwelling units and 84,200 s.f. of General Retail, non-residential (or the equivalent of 381 pm peak hour trips) shall not be issued until construction has commenced for dual left turn lanes north and south approaches and an additional through lane north approach at the intersection of Lyons Road and Lantana Road. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]
- d. No Building Permits for the site may be issued after January 1, 2009. 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)
- e. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING-ENG-Eng)

Is hereby amended to read:

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

- a. Building permits for more than 132 multi-family dwelling units and 5,500 s.f. of General Retail, non-residential (or the equivalent of 115 pm peak hour trips) shall not be issued until the contract has been let for dual left turn lanes south approach and an additional through lane west approach at the intersection of Hagen Ranch Road and Lantana Road. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]

b. Building permits for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential (or the equivalent of 284 pm peak hour trips) shall not be issued until construction has commenced for the widening of Lyons Road as a 4 lane section from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]

c. Building permits for more than 132 multi-family dwelling units and 84,200 s.f. of General Retail, non-residential (or the equivalent of 381 pm peak hour trips) shall not be issued until construction has commenced for dual left turn lanes north and south approaches and an additional through lane north approach at the intersection of Lyons Road and Lantana Road. (BLDG PERMIT: MONITORING - Eng) [Note: COMPLETED]

d. No Building Permits for the site may be issued after December 31, 2016. 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)

e. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING-ENG-Eng)

2. On or before January 1, 2006, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of the improvements identified in Condition No. E1a, E1c, and E1d above as referenced above, subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to the Land Development Division. (DATE: MONITORING-Eng) (Previous condition E2 of Resolution R-2005-1798, Control No. 2003-079) [Note: COMPLETED]

3. The property owner shall fund the construction plans and the construction of improvements identified in Condition No. E1a, E1c and E1d above. Palm Beach County shall then be responsible for the construction of the required improvements. Funding of the construction plans and construction shall be completed on or before April 1, 2006. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING-Eng) (Previous condition E3 of Resolution R-2005-1798, Control No. 2003-079) [Note: COMPLETED]

4. Previous condition E4 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Landscape within the Median of Lyons Road

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to 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 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential. (BLDG PERMIT: MONITORING-Eng)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of a certificate of occupancy (CO) for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential. (CO: MONITORING -Eng)

d. At the property owner'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 property owner 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 property owner. (ONGOING:ENG-Eng)

e. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Lyons Road. 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. (BLDG PERMIT:MONITORING-Eng)

Is hereby amended to read:

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a.The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of building permits for more than 132 multi-family dwelling units and 49,500SF of General Retail, non-residential. (BLDG PERMIT: MONITORING-Eng)

b.All installation of the landscaping and irrigation shall be completed prior to the issuance of a certificate of occupancy for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential. (CO: MONITORING -Eng)

c.At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner 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 Property Owner. The Property Owner 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 Property Owner. (ONGOING: ENGINEERING-Eng)

d.Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of building permits for more than 132 multi-family dwelling units and 49,500 s.f. of General Retail, non-residential. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons Road. 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. (BLDG PERMIT: MONITORING -Eng)

5. Prior to May 1, 2006, the property owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at Hypoluxo Road and Lyons Road Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (DATE: MONITORING Eng)(Previous condition E5 of Resolution R-2005-1798, Control No. 2003-079)[Note: COMPLETED]

6. Previous condition E6 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Prior to 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 Lyons Road at the project's north and south entrance roads. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT:MONITORING Eng)

Is hereby amended to read:

Prior to 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 Lyons Road at the project's north access connection and for the construction of a right turn lane on Hypoluxo Road at the project's east access connection. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT:MONITORING Eng)

7. Previous condition E.7 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

The property owner shall construct:

- a. Left turn lane south approach on Lyons Road at the Project's north Entrance Road;
  - b. Right turn lane north approach on Lyons Road at the Project's north and south Entrance's;
  - c. Left turn lane west approach on Hypoluxo Road at the Project's middle Entrance Road;
  - d. a restricted median opening to permit lefts in only on Lyons Road at the project's north entrance
  - e. right turn lane on Hypoluxo Road at the project's east and middle entrance road; and,
  - f. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- 1) Permits required by Palm Beach County for the construction in a, b, c, d, and e shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - 2) Construction for the improvements in a, b, c, d, and e, shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The property owner shall construct:

- i. a left turn lane south approach and a restrictive median opening on Lyons Road at the

Project's north access connection;

- ii. a right turn lane north approach on Lyons Road at the Project's north access connection;
- iii. a left turn lane west approach on Hypoluxo Road at the Project's west and middle access connections, with the west connection limited to a restricted median opening (i.e. not a full median opening); and
- iv. A right turn lane on Hypoluxo Road at the project's east access connection.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

b. Construction for the improvements above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng)

8. Prior to the issuance of the first building permit, the property owner shall abandon the 30 foot right of way that bisects the site. (BLDG PERMIT: MONITORING-Eng)

9. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Hypoluxo Road and the project's central access connection. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 96,160 sf of non-residential uses shall not be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING-Eng)

## HEALTH

1. The property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health) (Previous Condition Health 1 of Resolution R-2005-1798; Control 2003-079)

2. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: CODE ENF-Health) (Previous Condition Health 2 of Resolution R-2005-1798; Control 2003-079)

## LANDSCAPE - GENERAL

1. Condition Zoning - Landscaping - Standard 1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet, except for the north property line where tree height shall be upgraded to sixteen (16) 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. (BLDG PERMIT: LANDSCAPE -Zoning)

Is hereby amended to read:

A minimum of fifty (50) percent of all (new and replacement) trees to be planted in the landscape buffers shall meet the following minimum standard at installation: Tree height: fourteen (14) feet except for the north, west, and northwest property lines where tree height shall be upgraded to sixteen (16) feet. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Previous Zoning - Landscaping - Standard Condition 2 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements; and,
- d. in addition to Unified Land Development Code (ULDC) requirements, palm tree clusters shall be provided on the north side of the fire truck turnaround cul-de-sac and between Buildings 16 and 17 as indicated on the Preliminary Site Plan dated March 24, 2010 to provide additional screening for the adjacent property as determined by the Landscape Section. (BLDG PERMIT: LANDSCAPE - Zoning)

3.A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Zoning - Landscaping - Standard Condition 3 of Resolution R-2005-1798, Control No. 2003-079)

4.Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Zoning - Landscaping - Standard Condition 4 of Resolution R-2005-1798, Control No. 2003-079)

5.All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to final site plan approval by the Development Review Officer (DRO). (DRO: LANDSCAPE - Zoning) (Previous Zoning - Landscaping - Standard Condition 5 of Resolution R-2005-1798, Control No. 2003-079)

6.Details including design layout, elevations (where applicable) and dimensions of all the Landscape/Architectural Conditions shall be submitted to Architectural Review/Landscape Section for approval at final approval by the Development Review

Officer (DRO). (DRO: ARCH REVIEW-Zoning) (Previous Zoning - Landscaping - Standard Condition 6 of Resolution R-2005-1798, Control No. 2003-079)

**LANDSCAPE - INTERIOR**

7.Condition Zoning - Landscape Interior 1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Details shown on Regulating Plan dated June 20, 2005 shall consist and shall be revised as follows:

- a. Detail 5, Pedestrian Oriented Zone shall be designed pursuant to POZ Conditions;
- b. Detail 6, HOA Recreation Area shall be designed pursuant to Residential Condition 1;
- c. Detail 8, Signs relabel and redesign pursuant to Sign conditions;
- d. Detail 10, Entry Landscape at entrance of Hypoluxo Road and Lyons Road details shall be subject to a Landscape Plan;
- e. Detail 14, Outdoor Patio Area/Detail 18, Focal Point add an architectural focal point in the landscape area, focal points shall include but not limited to a column, loggia, a sundial, a sculpture or a fountain; and,
- f. Detail 15, Clock Tower elevations with dimensions shall be submitted. (DRO:ZONING-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

8.Condition Zoning - Landscape Interior 2 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

A minimum of two (2) different designs shall be provided for the proposed Trellis/ pergola/berceau. One design for the POZ; and one for the remaining non-residential uses. Design may be varied from a common theme. Design details shall be subject to review and approval by the Architectural Review Section at final site plan approval by the Development Review Officer (DRO). (DRO:ARCH REVIEW-Zoning)

Is hereby deleted. [Reason: No longer applicable.]

9.Condition Zoning - Landscape Interior 3 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Detail Reference for the Outdoors Seating Area adjacent to Retail building 1 on the Master' Site plan shall be revised to be consistent with Detail 1 of Regulating Plan dated June 20, 2005. The layout for the Outdoors Seating Area shall be redesigned to add an architectural focal point. This focal point shall include but not limited to one of the following: columns, a fountain, a sundial, a sculpture or a loggia. (DRO: ARCH REV - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

10.Condition Zoning - Landscape Interior 4 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Landscape diamonds with a minimum planting area of twenty-five (25) square feet shall be provided at the common intersection of four (4) parking spaces and spaced a maximum of four (4) parking spaces apart. A minimum of one (1) canopy tree or palm and appropriate ground cover shall be provided within each landscape diamond. This condition is applicable to the parking lot adjacent to Office Building E and in area where there is no landscape divider. (DRO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

11.Condition Zoning - Landscape Interior 5 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Planting for the ten (10) foot wide compatibility landscape buffer required by the ULDC could be relocated elsewhere on the subject to an Alternative Landscape Plan, the plan

shall be reviewed and approved by the Landscape Section prior to final approval by the Development Review Officer. (DRO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)**

12. Condition Zoning - Landscaping Along the North and West Property Lines (Abutting Residential) 1, Resolution R-2005-1798, Control No. 2003-079, which currently states:

In addition to code requirements and the proposed planting program, landscaping buffer width along the north and west property lines shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip excluding the width of the eight-foot walkway as required in this Condition 1.b;
- b. a minimum of eight (8) foot wide meandering sidewalk. Width of the sidewalk may be included in the 25-foot wide buffer strip if the property owner selected the option of Alternative Landscape Plan pursuant to Landscape Interior Condition 5;
- c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. a minimum of thirty (30) percent of the shrubs required by code shall be upgraded to the following size at installation:
  - i. small shrubs twenty-four (24) inches;
  - ii. medium shrubs thirty (30) inches;
  - iii. large shrubs thirty-six (36) inches;
- f. quantity of plant materials pursuant to this Condition may be adjusted by the Landscape Section to achieve the intent of the Windsor Place Design Guidelines Hypoluxo Road/Lyons Road landscape buffer. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

In addition to ULDC requirements, the landscape buffer along the north and west property lines shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer;
- b. a meandering sidewalk with a minimum width of six (6) feet except that the meandering sidewalk may be omitted from the buffer adjacent to Lake Tract W-1 if a sidewalk meeting ULDC requirements is provided along the remaining perimeter of Lake Tract W-1;
- c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line; and,
- e. the Landscape Section may adjust plant materials and clustering of plant materials to achieve the intent of the Windsor Place Design Guidelines and to provide additional tree clustering across from the adjacent residential lots. (BLDG PERMIT: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-SOUTH AND EAST PROPERTY LINES (FRONTAGE OF HYPOLUXO ROAD AND LYONS ROAD)**

13. Landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. a minimum fifty (50) foot wide strip for Hypoluxo Road and a minimum of forty (40) foot wide strip for Lyons Road, each strip shall include a minimum of twenty-six (26) foot wide landscape buffer;
- b. a minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet;
- c. a minimum of eight (8) foot wide meandering sidewalk;
- d. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line; and,
- e. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. "Ixora Nora Grant" shall be planted in a bed at the base of each Royal Palm;
- f. one (1) accent or flowering tree for each forty (40) linear feet of the property line; and,
- g. quantity of plant materials pursuant to this Condition 1.f-1.g. may be adjusted by the

Landscape Section to achieve the intent of the Windsor Place Design Guidelines Hypoluxo Road/Lyons Road landscape buffer. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. a minimum fifty (50) foot wide strip for Hypoluxo Road and a minimum forty (40) foot wide strip for Lyons Road to include a minimum twenty-six (26) foot wide landscape buffer;
- b. a minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet;
- c. a minimum of eight (8) foot wide meandering sidewalk;
- d. one (1) native canopy tree (Live Oak) for each twenty-five (25) linear feet of the property line;
- e. one (1) palm (Royal Palm) tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. *Ixora Nora Grant* shall be planted in a bed at the base of each Royal Palm; and,
- f. one (1) accent or flowering tree for each forty (40) linear feet of the property line.

The quantity of plant materials required pursuant to this condition may be adjusted by the Landscape Section in order to achieve the intent of the Windsor Place Design Guidelines for the Hypoluxo Road and Lyons Road landscape buffers. (BLDG PERMIT: LANDSCAPE - Zoning)

#### PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)

#### PLANNED DEVELOPMENT

1. Prior to 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. All recreation parcels shall be deed restricted to recreation for the use of the residents of the residential portion of the MXP. 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. (PLAT: ENG- Cty Atty)(Previous Zoning - Residential LR-2 Pod Condition 2 of Resolution R-2005-1798, Control No. 2003-079)

#### PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall indicate that no single commercial tenant on the ground floor shall occupy more than 20% of the total commercial frontage of commercial structures of the Pedestrian Oriented Zone (POZ) on the frontage line up to maximum of 180 feet. (DRO: PLANNING Planning) (Previous Planning Condition 1 of Resolution R-2005-1798, Control 2003-079)

2. In no event shall any single tenant occupy more than 40% of the total commercial square footage allowed on the CH portion of the site. The next largest commercial tenant may occupy no more than 20% of the total square footage on the CH portion of the site. (DRO: PLANNING Planning) (Previous Planning Condition 2 of Resolution R-2005-1798, Control 2003-079)

3. Access to residential portions of the project shall not be controlled by gates, guardhouses or be otherwise separated from any non-residential portions. (ONGOING: PLANNING Planning) (Previous Planning Condition 3 of Resolution R-2005-1798, Control 2003-079)

4. Prior to final approval by the Development Review Officer (DRO), a unity of control covenant for the entire 40-acre site shall be entered into and signed by the property

owner(s). (DRO: COUNTY ATTY - Planning) (Previous Planning Condition 4 of Resolution R-2005-1798, Control 2003-079)

5. Previous Planning Condition 5 of Resolution R-2005-1798, Control 2003-079 which currently states:

Prior to final approval by the Development Review Officer (DRO), the floor plans and elevations for all structures within the Pedestrian Oriented Zone as shown on the Land use Allocation Map dated June 20, 2005, shall be submitted for review to ensure consistency with the intent of the Windsor Place Design Guidelines and Standards for Future Development. (DRO: PLANNING Planning)

Is hereby deleted; No longer applicable, covered by ULDC Arch Review

6. Previous Planning Condition 6 of Resolution R-2005-1798, Control 2003-079 which currently states:

Prior to October 1, 2009, the property owner shall complete construction of the POZ and all buildings fronting the POZ, generally consistent with the certified Land Use Allocation Map dated June 20, 2005. Failure to comply with this condition will result in no additional building permits being issued for the site. (DATE: MONITORING Planning) (Previous Planning Condition 6 of Resolution R-2005-1798, Control 2003-079)

Is hereby amended to read:

Construction of the Green" and all buildings within the Pedestrian Oriented Zone", shall be completed within 3 years following the date of issuance of the first Certificate of Occupancy for the site. (ONGOING-MONITORING-Planning)

7. Previous Planning Condition 7 of Resolution R-2005-1798, Control 2003-079 which currently states:

Prior to final approval by the Development Review Officer (DRO), the following condition shall be added to the plan for the western LR-2 POD:  
(DRO: PLANNING - Planning)

Prior to the issuance of the first Certificate of Occupancy (CO) for the residential portion of this MLU, the property owner shall pave the property to the edge of the northwestern property line at the location shown on the certified site plan that reads Pedestrian Connection to Towne Park PUD". This connection shall align with the approved connection in the Towne Park PUD (P-95-116). (CO:MONITORING - Planning) (Previous Planning Condition 3 of Resolution R-2005-1798, Control 2003-079)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO) for each phase of this MLU, the property owner shall pave all pedestrian pathways and connections as shown on the certified site plan, for that phase. These connections shall align with all approved connections identified to surrounding parcels. (CO:MONITORING-Planning)

8. Prior to final site plan approval by the Development Review Officer (DRO), a note shall be placed on the site plan above the Site Breakdown Chart" that shall read Per Future Land Use Amendment Windsor Place II (LGA 2005-00013)". This note shall also include the adopting ordinance number for the amendment. (DRO: PLANNING Planning) (Previous Planning Condition 8 of Resolution R-2005-1798, Control 2003-079)

9. Prior to final site plan approval by the Development Review Officer (DRO), the notes shown on the ROW details on the Regulating Plan shall be revised to indicate the adopting ordinance number for Future Land Use Amendment Windsor Place II (LGA 2005-00013). (DRO: PLANNING Planning) (Previous Planning Condition 9 of Resolution R-2005-1798, Control 2003-079)

10. Prior to final approval by the Development Review Officer (DRO), the site plan shall include cross section details depicting shaded pathways/sidewalks along all internal pathways/sidewalks. (DRO: PLANNING - Planning) (Previous Planning Condition 10 of Resolution R-2005-1798, Control 2003-079)

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

Guarantees the attainability of all required workforce units required per article 5.G. in the ULDC. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in Article 5.G. in the ULDC. (DRO: PLANNING Planning)

12. On an annual basis, beginning May 1, 2011, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association or individual Workforce Housing dwelling unit owner, shall submit an annual report/update to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING Planning/HCD)

13. Sidewalks within the north, northwest and west buffers shall be constructed with textured concrete, recycled concrete or recycled asphalt. (ONGOING-PLANNING-Planning)

#### 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 PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-School Board) (Previous Condition SCHOOL BOARD 1 of Resolution R-2005-1798, Control No. 2003-079)

2. Condition SCHOOL BOARD 2 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board 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. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING School Board/Eng)

Is hereby amended to read:

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

#### SIGNS

1. Project Identification (Residential portion only) signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side twenty-four (24) square feet;
- c. maximum number of signs - one (1) at the west access point of Hypoluxo Road;
- d. style - monument style only; and,
- e. signs shall be limited to identification of the residential project only. (BLDG PERMIT: BLDG - Zoning) (Previous Zoning - Signs Condition 1 of Resolution R-2005-1798, Control No. 2003-079)

2. Entrance (Non- residential portion only) signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side sixty (60) square feet;
- c. maximum number of signs one (1) pair at the central access point of Hypoluxo Road and at the northern access point of Lyons Road;
- d. style - monument style only;
- e. location each pair shall be located on both sides and within eighty (80) feet of the access point, measuring from the centerline of the access drive or landscape median; and,
- f. signs shall be limited to project identification of the non-residential portion of the MLU development only. (BLDG PERMIT: BLDG - Zoning) (Previous Zoning - Signs Condition 2 of Resolution R-2005-1798, Control No. 2003-079)

3. Zoning - Signs Condition 3 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Freestanding (Tenant identification, non- residential portion only) signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point twelve (12) feet;
- b. maximum sign face area per side one hundred and twenty six (120) square feet;
- c. maximum number of signs two (2) for each Road frontage of Hypoluxo road and Lyons Road;
- d. style - monument style only;
- e. location each sign shall be located within the landscape median of each access point. In area where there is no landscape median, the sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive; and,
- f. signs shall be limited to identification of tenants of the non-residential portion of the MLU development only. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Freestanding (Tenant identification, non- residential portion only) signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point eight (8) feet;
- b. maximum sign face area per side one hundred and twenty (120) square feet;
- c. maximum number of signs two (2) for Hypoluxo Road frontage and two (2) for Lyons Road frontage;
- d. style - monument style only;
- e. location each sign shall be located within the landscape median of each access point. In area where there is no landscape median, the sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive; and,
- f. signs shall be limited to identification of tenants of the non-residential portion of the MLU development only. (BLDG PERMIT: BLDG - Zoning)

4. Wall signs shall be limited to any two (2) facades of each building and individual lettering size shall be limited to twenty-four (24) inches high, subject to compliance with all applicable ULDC requirements. Single tenant that exceeds 15,000 square feet may increase lettering size to thirty-six (36) inches. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning) (Previous Zoning - Signs Condition 3 of Resolution R-2005-1798, Control No. 2003-079)

#### SITE DESIGN

1. Interior setback for each pod (pursuant to the Future Land Use designation of CH;

CH-O and LR-2) shall be measured from the centerline of the access tract at a minimum of twenty-five (25) feet. (DRO: ZONING - Zoning) (Previous Zoning - Building and Site Design Condition 1 of Resolution R-2005-1798, Control No. 2003-079)

2. Condition Zoning Residential LR-2 Pod 1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Prior to final approval by the Development Review Officer (DRO), the HOA recreation area, Detail 6 shown on the Regulating Plan dated June 20, 2005 shall be revised to consist of, including but not limited to, the following:

- a. a tot lot, fitness station, rest station, sport court, or similar recreation amenity;
- b. all amenities shall include a direct connection to the five (5) foot wide paved pathway; and,
- c. details for all amenities shall be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)

Is hereby amended to read:

The HOA recreation area shall include but is not limited to:

- a. a tot lot, fitness station, rest station, sport court, or similar recreation amenity;
- b. all amenities shall include a direct connection to the paved pathway; and,
- c. details for all amenities shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REV - Zoning)

[REASON: BCC approval of DOA/TDR2009-3950 requesting to delete the pathway width requirement.]

#### SITE DESIGN-PEDESTRIAN ORIENTED ZONE (POZ)

3. Condition Zoning - Pedestrian Oriented Zone (POZ) 1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

A minimum of eight (8) architectural columns shall be provided along the semi-circular landscape area, and shall consist of the following:

- a. each column shall have a minimum diameter of eighteen (18) inches and a minimum height of eight (8) feet. Diameter and height of columns may be adjusted by the Architectural Review Section to ensure compatibility and proportion with the design of the posts of the berceaux as required in POZ Condition 2 ;
- b. columns shall be evenly spaced on both sides of the central walkway; and,
- c. the columns adjacent to the central walkway may be utilized to support one of the two (2) berceaux as required in POZ Condition 2. (DRO:ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: DOA application to reconfigure the site including the POZ.]

4. Pedestrian Oriented Zone (POZ) 2 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Paving for the north circular sitting area adjacent to the bulkhead shall be installed with the following options:

- a. concrete with a minimum of six (6) three (3) foot wide band of decorative pavers installed at equivalent intervals; or
- b. any decorative paving materials approved by the Architectural Review Section. (DRO: ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

5. Two (2) sets of berceaux shall be provided along the 13-foot wide walkway. Each berceaux shall be designed and consist of the following:

- a. a minimum dimension of fourteen (14) feet in width and twenty-five (25) feet in length;
- b. a berceaux (an arched trelliswork forming a covered walkway); and
- c. a climbing vine to be planted at each vertical support of the berceaux. (DRO:ARCH REVIEW-Zoning) (Previous Pedestrian Oriented Zone (POZ) 3 of Resolution R-2005-1798,

Control No. 2003-079)

6. The main central walkway shall be a minimum of thirteen (13) feet in width, and shall be paved with the following options:

- a. a minimum of three hundred (300) square feet of decorative pavers; or
- b. concrete with a minimum of three (3) foot wide band of decorative pavers installed at a maximum interval of thirty (30) feet. (DRO: ARCH REVIEW-Zoning) (Previous Pedestrian Oriented Zone (POZ) 4 of Resolution R-2005-1798, Control No. 2003-079)

7. Condition Pedestrian Oriented Zone (POZ) 5 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

The bulkhead along the lake front shall be designed and shall consist of the following:

- a. a decorative, non-opaque railing shall be provided. (DRO: ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

8. Condition Pedestrian Oriented Zone (POZ) 6 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Design for the benches located within the POZ shall have a common element of the decorative railing pursuant to Condition 4, benches as shown on the Regulating Plan dated June 20, 2005 (DRO: ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

9. Details including design layout, elevations and dimensions of the tower/shelter shall be submitted to Architectural Review for approval at final site plan approval by the Development Review Officer (DRO). (DRO: ARCH REVIEW-Zoning) (Previous Pedestrian Oriented Zone (POZ) 7 of Resolution R-2005-1798, Control No. 2003-079)

10. Condition Pedestrian Oriented Zone (POZ) 8 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Ten (10%) of the 2.5-acre lake located within the POZ shall be designed with a hard edge consisting of the following options:

- a. a bulkhead with railing; and,
- b. a minimum of 2,500 square feet of required littoral planting must be adjacent to the bulkhead. (DRO: ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

11. Condition Pedestrian Oriented Zone (POZ) 9 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

Gazebos as indicated on the Regulating Plan dated June 20, 2005 shall be relocated along the lakefront within the 2.06-acre open space. (DRO: ARCH REVIEW-Zoning)

Is hereby deleted. [REASON: No longer applicable.]

12. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to relocate the gazebo along the north property line to the east between Buildings 18 and 19 as indicated on the Preliminary Site Plan dated March 24, 2010. (DRO: ZONING – Zoning)

#### USE LIMITATIONS

1. Condition Zoning-Use Limitations 1 of Resolution R-2005-1798, Control No. 2003-079, which currently states:

The outdoor seating adjacent to Retail Building 1 and 8 as shown on the Master Site Plan dated June 20, 2005 shall be limited to the following:

a. a maximum of 3,000 square feet of outdoor eating area shall be permitted on the site. The outdoor eating area shall be considered building square footage when it is associated with a restaurant. This building area could be transferred from the indoor retail square footage as long as the total area of the outdoor eating area and indoor building square footage does not exceed 96,870 square feet. Transfer of square footage shall be subject to the approval by the Development Review Officer. (DRO:ZONING-Zoning/Planning)

Is hereby deleted. [REASONS: No longer applicable and Code requirement.]

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)