

RESOLUTION NO. R-2014- 0207

RESOLUTION APPROVING ZONING APPLICATION EAC-2013-02917
(CONTROL NO. 2003-00001)
an Expedited Application Consideration
APPLICATION OF Bridgewater Lake Osborne, LLC
BY Cotleur & Hearing, Inc., AGENT
(Bridgewater at Lake Osborne)

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;

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;

WHEREAS, Zoning Application EAC-2013-02917 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 an Expedited Application Consideration; and,

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 EAC-2013-02917, the petition of Bridgewater Lake Osborne, LLC, by Cotleur & Hearing, Inc., agent, for an Expedited Application Consideration to modify and delete Conditions of Approval (Landscaping, Planning) in the Residential Planned Unit Development (PUD) 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 February 27, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams 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 Priscilla A. Taylor, Mayor	- Aye
Commissioner Paulette Burdick, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Jess R. Santamaria	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2014.

Filed with the Clerk of the Board of County Commissioners on March 4th, 2014.

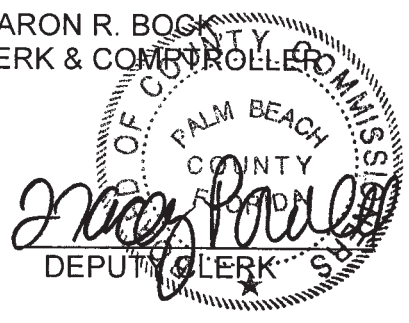
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOGGS
CLERK & CONTROLLER




BY: 
DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

BRIDGEWATER AT LAKE OSBORNE a P.U.D. according to the plat thereof, as recorded in Plat Book 108, pages 5 and 6, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

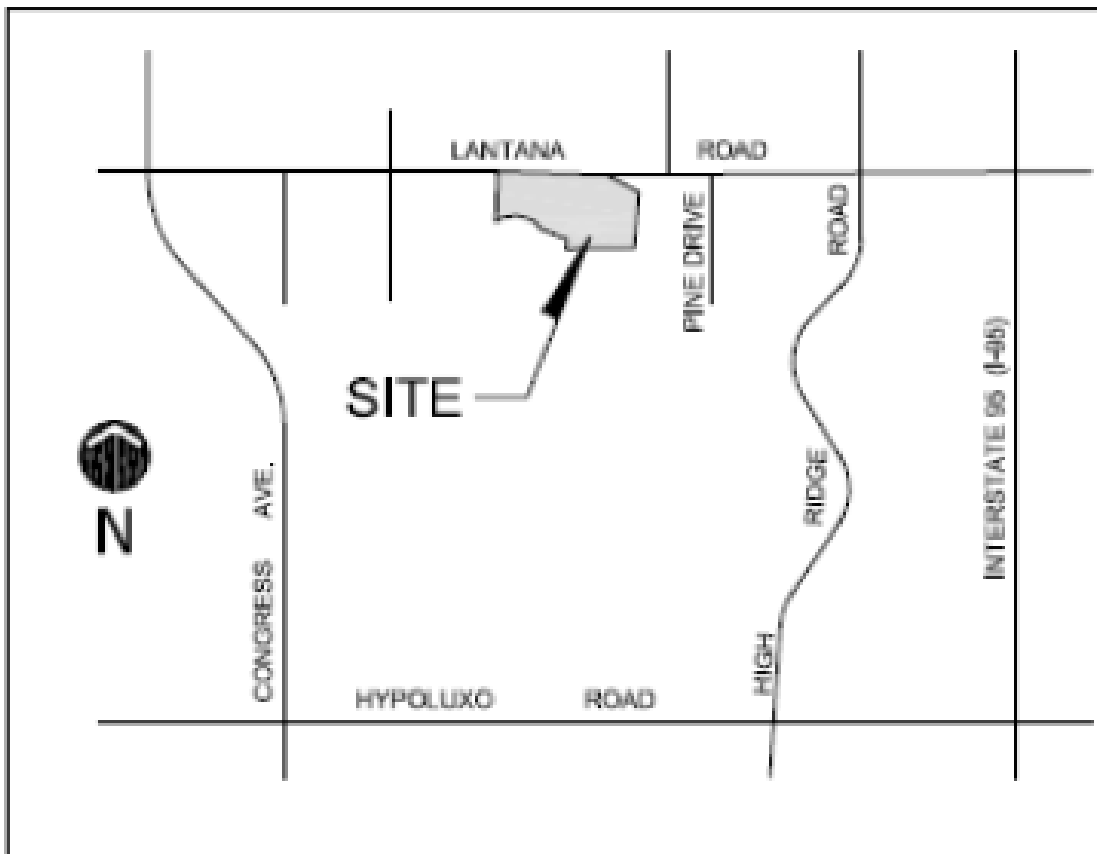


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. All Petitions Condition A.1 of Resolution R-2003-0953, Control No. 2003-001, 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 preliminary development plan is dated March 11, 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated November 20, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-0953 (Control 2003-001), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with the Lennar Homes Bridge Water at Lake Osborne Pattern Book dated May 8, 2003, and Section 6.6.E and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and the certified DRC site plan. (Previous Architectural Review B.1 of Resolution R-2003-0953, Control No. 2003-001) (DRO: ZONING - Zoning)

2. The maximum height for all structures, measured from finished grade to highest point, shall be thirty-five (35) feet, with exception to the area encumbered by a Runway Protection Zone. (Previous Architectural Review B.2 of Resolution R-2003-0953, Control No. 2003-001) (BLDGPM: ZONING - Zoning)

DEPARTMENT OF AIRPORTS (DOA)

1. The owner of any new building shall provide disclosure to all prospective purchasers or tenants that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable. (Previous Department of Airports C.1 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: AIRPORTS - Airports)

2. That portion of the property, which falls within the Runway Protection Zone (RPZ), is hereby restricted to prohibit the construction and use thereof of above ground structures of any type. The petitioner will be permitted to utilize a portion of the RPZ for detention of water so long as that detention area is designed, constructed and maintained in a way that is consistent with FAA Advisory Circular 150/5200-33. The use of the property included in the legal description of the petition shall be in compliance with Federal Aviation Administration Advisory Circulars, Order and Regulation, including without limitation, AC 150/5300-13, Airport Design and AC 150/5200-33, Hazardous Wildlife Attractants on or

near Airports and FAR Part 77. (Previous Department of Airports C.2 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: AIRPORTS - Airports)

3. All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof. (Previous Department of Airports C.3 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: AIRPORTS - Airports)

4. The petitioner shall grant an aviation/noise easement in favor of the County over the entire site that protects the County against future claims in relationship to the operation of Palm Beach County Park (Lantana) Airport. (Previous Department of Airports C.4 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: AIRPORTS - Airports)

ENGINEERING

1. Condition E.1 of Resolution R-2003-0953, Control No. 2003-001, which currently states:

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, 2006. A time extension for this condition may be approved (by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code.

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:

No Building Permits for the site shall be issued after December 31, 2016. A time extension for this condition may be approved by the County Engineer 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 Art. 2.E of the Unified Land Development Code. (BLDGPMT/DATE: MONITORING - Engineering)

2. LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD

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

a. Prior to the issuance of the first building permit, the necessary permit(s) for this landscaping and irrigation shall be applied for. (BLDGPMT: MONITORING - Engineering)

b. Prior to the issuance of the first certificate of occupancy, all installation of the landscaping and irrigation shall be completed. (BLDGPMT/CO: MONITORING - Engineering)

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: MONITORING - Engineering)

d. 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 project's front footage along Lantana 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. (Previous Condition E.2 of Resolution No. R-2003-0953, Control No. 2003-001) (BLDGPM: MONITORING - Engineering)

3. Pursuant to the terms of the Traffic Performance Ordinance, Developer agrees to pay to the County an amount equal to \$192,438 to ensure widening of Lantana Road. Funding to the County shall be completed prior to February 27, 2004. Payment of this amount does not vest the Developer, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, Developer, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 10. (Previous Condition E.3 of Resolution No. R-2003-0953, Control No. 2003-001) (DATE: ENGINEERING - Engineering)

ENVIRONMENTAL

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. (Previous Condition No. D.1 of Resolution No. R-2003-0953, Control No. 2003-001) (ONGOING: ERM - ERM)

LANDSCAPE - GENERAL

1. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.

(Previous Landscaping - Standard F.2 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

2. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (Previous Landscaping - Standard F.4 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (Previous Landscaping - Standard F.5 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

6. Prior to final Development Review Committee site plan certification, the petitioner shall meet with Zoning Division Landscape staff to ensure that existing native vegetation is incorporated into the final site design, where feasible. (Previous Landscaping - Standard F.6 of Resolution R-2003-0953, Control No. 2003-001) (DRO: LANDSCAPE - Zoning) [NOTE: COMPLETED.]

LANDSCAPE - INTERIOR

1. Landscaping in the interior cul-de-sacs shall include the following:

- a. One (1) native canopy tree, cluster of three (3) palms or pines, or other landscape focal

point approved by the Zoning Division;

- b. One (1) twenty-four inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface; and,
- c. Appropriate ground cover.

(Previous Landscaping - Interior J.1 of Resolution R-2003-0953, Control No. 2003-001)
(ONGOING: LANDSCAPE - Zoning)

2. A total of four (4) new native hammock planting areas shall be provided on site to be consistent with the locations and planting details indicated on the preliminary development/regulating plans dated March 11, 2003. (Previous Landscaping - Interior J.2 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

3. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to provide an opaque landscape buffer along the backside of building 13. Landscaping materials shall be consistent with the native hammock planting proposed for the northwest corner of building 13. (Previous Landscaping - Interior J.3 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

4. Foundation planting or grade level planters shall be provided along the side and rear of all residential building facades, to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure;
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each forty (40) linear foot of building facade, with accent shrubs, hedges and appropriate ground cover; and,
- d. Foundation plantings shall be used to define the boundaries of ground level residential patio areas. (Previous Landscaping - Interior J.4 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

1. Canopy trees required in the perimeter buffer shall be native species and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements.

(Previous Landscaping - Standard F.1 of Resolution R-2003-0953, Control No. 2003-001)
(ONGOING: LANDSCAPE - Zoning)

2. All shrub or hedge materials in the perimeter buffer 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;
- d. This condition shall not apply where a single-row of shrubs or hedge material is required along one side of a fence or wall.

(Previous Landscaping - Standard F.3 of Resolution R-2003-0953, Control No. 2003-001)
(ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD)

3. Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A two (2) to three (3) foot high undulating berm, with an average height of two-and one-half (2.5) feet, measured from top of curb;

- c. One (1) native canopy tree for each thirty (30) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation; and,
- h. Exceptions may be permitted to ensure compliance with Department of Airports requirements for landscape plantings in a Runway Protection Zone.
(Previous Landscaping G.1 of Resolution R-2003-0953, Control No. 2003-001)
(ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO LAKE OSBORNE)

4. Landscaping and buffering along the south and east property lines adjacent to Lake Osborne shall be upgraded to include:
- a. A minimum twelve (12) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. One (1) canopy tree planted for each thirty (30) linear feet of the property line;
 - c. One (1) palm or pine for each thirty (30) linear feet of the property line;
 - d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. One (1) medium shrub for each ten (10) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
 - f. One (1) large shrub for each fifteen (15) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
 - g. Modifications to plant and tree spacing may be permitted to allow for the partial encroachment of a four (4) foot wide meandering walkway and connections; and,
 - h. Exceptions may be permitted to ensure compliance with Department of Airports requirements for landscape plantings in a Runway Protection Zone and/or an Alternative Landscape Plan.
(Previous Landscaping H.1 of Resolution R-2003-0953, Control No. 2003-001)
(ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

5. Landscaping Condition I.1 of Resolution R-2003-0953, Control No. 2003-001, which currently states:
Landscaping and buffering along the west property line abutting residential shall be upgraded to include:
- a. A minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. A six (6) foot high black or green vinyl coated chain link fence;;
 - d. One (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
 - 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;
 - f. Exceptions may be permitted to ensure compliance with Planning conditions requiring interconnectivity between sites.

Is hereby amended to read:

- Landscaping and buffering along the west property line abutting residential shall be upgraded to include:
- a. A minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous two (2) foot high berm measured from top of curb;

- c. One (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation;
- f. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- g. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- h. One (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (ONGOING: LANDSCAPE - Zoning)

6. Landscaping Condition I.2 of Resolution R-2003-0953, Control No. 2003-001, which currency states:

The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) large shrub for each two (2) linear feet of the property line, spaced no more than twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Request to eliminate the fence. Shrub requirement relocated to 5.e.]

7. Landscaping Condition I.3 of Resolution R-2003-0953, Control No. 2003-001, which currently states:

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 eighteen (18) inches at installation;
- b. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
- c. One (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE Zoning)

Is hereby deleted. [REASON: Request to eliminate the fence. Shrubs requirement relocated to 5.f, 5.g, and 5.h.]

PALM TRAN

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. (Previous Mass Transit K.1 of Resolution R-2003-0953, Control No. 2003-001) (DRO: PALM TRAN - Palm Tran)

2. Prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area as a separate instrument. Additionally, the property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. (Previous Mass Transit K.2 of Resolution R-2003-0953, Control No. 2003-001) (PLAT: PALM TRAN - Palm Tran)

3. Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (Previous Mass Transit K.3 of Resolution R-2003-0953, Control No. 2003-001) (BLDGPM: PALM TRAN -

Palm Tran)

PLANNED DEVELOPMENT

1. Decorative street lights shall be provided in a manner consistent with Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (Previous Planned Unit Development M.1 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: ZONING - Zoning)

2. Street trees shall be provided along all internal access ways, to be consistent with the internal driveway cross section delineated on the regulating plan dated March 11, 2003. (Previous Planned Unit Development M.2 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: LANDSCAPE - Zoning)

3. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (Previous Planned Unit Development M.3 of Resolution R-2003-0953, Control No. 2003-001) (PLAT: ENGINEERING - Zoning)

4. The petitioner shall include the following in the Declaration of Restrictions and Covenants:

a. A restriction limiting each dwelling unit to no more than two (2) vehicles, which shall be parked or stored only within the spaces provided for at the individual unit;

b. A statement indicating that the development is located within a Land Use Compatibility Noise Zone for the Palm Beach County Park Airport (AKA: Lantana Airport) and that aircraft noise may be objectionable; and,

c. A disclosure statement regarding the restriction/statement shall be included in all sales brochures, sales contracts and site plans. (Previous Planned Unit Development M.4 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: ZONING - Zoning)

5. 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. (Previous Planned Unit Development M.5 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: MONITORING - Zoning)

6. Prior to the issuance of the first certificate of occupancy, the following minimum recreational amenities shall be installed in the 0.23 acre lake front amenity park: a pavilion and trellis with seating area, a play area, benches or similar recreation amenities subject to approval by the Zoning Division. (Previous Planned Unit Development M.6 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: ZONING - Zoning)

7. Prior to the issuance of the first certificate of occupancy, the following minimum recreational amenities shall be installed in the 0.23 acre pool area: a pool, sundeck, cabana and restrooms or similar recreation amenities subject to approval by the Zoning Division. (Previous Planned Unit Development M.7 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: ZONING - Zoning)

8. The storage of boats, trailers, and other similar recreation equipment/vehicles shall be limited to a maximum of 24 hours within designated storage areas which shall be enforced with deed restrictions. (Previous Planned Unit Development M.8 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: ZONING - Zoning)

PLANNING

1. Planning condition 1 of Resolution R-2003-953, Control No. 2003-001, which currently

states:

Prior to final Development Review Committee (DRC) approval of the site plan/Preliminary Development Plan (PDP), Planning Staff shall determine whether the site plan/PDP conforms with the site plan/PDP certified on March 11, 2003. The internal sidewalk system with benches at various points along the sidewalk shall remain on the site plan/PDP. In addition, the notation on the western property line that states, "possible pedestrian connection" shall be revised to read "proposed pedestrian pathway to be paved to the property line". There shall also be a break in the 6 foot chain link fence to allow this pedestrian access point. (DRC:PLANNING-Planning)

Is hereby deleted. [REASON: No longer applicable]

2. Planning condition 2 of Resolution R-2003-953, Control No. 2003-001, which currently states:

Prior to the first certificate of Occupancy, the property owner shall pave the pedestrian pathway shown on the western portion of the site to the property line. There shall also be an opening in the six (6) foot chain link fence to allow this pedestrian access point. (CO:MONITORING/PLANNING-Planning)

Is hereby deleted. [REASON: No longer applicable]

SCHOOL BOARD

1. Condition N.1 of Resolution 2003-0953, Control 2003-00001, which currently states:

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

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, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. [NOTE: PROJECT HAS SCHOOL DISTRICT APPROVED BUS SHELTER] (ONGOING: SCHOOL BOARD - School Board)

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

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (Previous Condition N.2 of Resolution 2003-0953, Control No. 2003-001) (ONGOING: SCHOOL BOARD - School Board)

SIGNS

1. Signage fronting on Lantana Road shall be limited as follows:

- a. Maximum sign height: six (6) feet;
- b. Maximum sign face area per side: sixty (60) square feet;

- c. Maximum number of signs: one (1);
 - d. Location: Lantana Road entrance; and
 - e. Style: monument.
- (Previous Signs O.1 of Resolution R-2003-0953, Control No. 2003-001) (ONGOING: ZONING - Zoning)

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: ZONING - 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; the 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 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 of Approval; 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.