

RESOLUTION NO. R-2000- 1582

RESOLUTION APPROVING ZONING PETITION DOA97-084(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SIESTA KEY AT BOYNTON BEACH, LTD.
BY LAND DESIGN SOUTH, AGENT
(STONYBROOK PUD (AKA SIESTA KEY PUD))

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA97-084(B) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA97-084(B), the petition of Siesta Key at Boynton Beach, Ltd., by Land Design South, agent, for a Development Order Amendment (DOA) to add land area and units 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	Aye
Warren Newell, Vice Chair	Absent
Karen T. Marcus	Aye
Carol A. Roberts	Aye
Mary McCarty	Absent
Burt Aaronson	Absent
Tony Masilotti	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

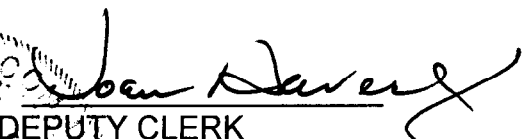
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

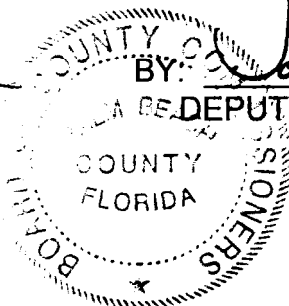


EXHIBIT A
LEGAL DESCRIPTION

ALL OF TRACTS 13 AND 4, BLOCK 56, PALM BEACH FARMS COMPANY PLAT NO. 3,
ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE
CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54.

LESS THE SOUTH 15.00 FEET THEREOF.

EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-I 155 (Petition **PDD97-084(A)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 1 of Resolution R-99-I 155, Petition PDD97-084(A)

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated October 29, 1998. 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:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 29, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. **Prior to DRC approval of the Preliminary Development Plan, exterior elevations shall be submitted. The project architect shall certify to Palm Beach County that the elevations comply with the design criteria listed below. The exterior elevations of all residential buildings shall provide variety and visual interest, by incorporating all of the following items:**
 - a. **Varied roof lines within the same building. All roof lines shall not run in continuous place for more than 150' without offsetting or jogging the roof plane. The jog shall be a minimum of five (5) feet in depth;**
 - b. **Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);**
 - c. **Contrasting shapes and forms within the building mass including off-setting of vertical or horizontal planes;**
 - d. **Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.);**

- e. **Varied architectural details (i.e. columns, pilasters, vents, decorative trims and moldings, stucco or horizontal banding, decorative railings, decorative accent tiles, etc.);**
 - f. **All ground or roof mounted air condition and mechanical equipment shall be screened from view. The roof mounted equipment shall be screened by the parapet or a full pitched roof. The ground mounted equipment shall be screened by similar architectural treatment as the buildings or equivalent landscaping.** (DRC: ZONING - Bldg) (Previously Condition B.I of Resolution R-99-I 155, Petition PDD97-084(A))
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Condition C.I of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

The maximum height including all air conditioning and mechanical equipment, measured from finished grade to highest point, for all structures on site shall not exceed forty (40) feet provided all setback requirements are met.

Is hereby amended to state:

The maximum height including all air conditioning, mechanical equipment, and satellite dishes, measured from finished grade to highest point, shall not exceed forty (40) feet. (BLDG PERMIT: BLDG - Zoning)

2. **The residential building of the PUD shall not exceed three (3) stories.** (BLDG PERMIT: BLDG -Zoning) (Previously Condition C.2 of Resolution R-99-I 155, Petition PDD97-084(A)).
3. The site plan for Pod B shall be amended to indicate the following amenities:
- a. A minimum of two (2) entry features to Pod B with turnabouts and pavers;
 - b. A minimum of five (5) focal points which may include 2 terminal island features, paver treatment, trellis, enhanced landscape treatment, or fountains;
 - c. Pedestrian connections from the garages to residential entryways shall utilize decorative paver materials;
 - d. A minimum of one (1) tot lot and play area;
 - e. A minimum of two (2) covered picnic shelters; and,
 - f. An eight (8) foot wide mulch fitness trail around the perimeter of Pod B which connects to the recreation area, clubhouse, and pedestrian pathways of Pod A. The fitness trail may encroach the landscape buffer. (DRC: ZONING- Bldg Permit)

D. DUMPSTER

1. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of any property line and shall be confined to the areas designated on the site plan. (DRC / ONGOING: ZONING /CODE ENF) (Previously Condition D.I of R-99-I 155, Petition PDD97-084(A)**

E. ENGINEERING

1. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Boynton Beach Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT: MONITORING-Eng) (Previously Condition E.I of Resolution R-99-I 155, Petition PDD97-084(A) [COMPLETE]**
2. **Prior to master plan approval by the DRC committee, the property owner shall obtain a turnout permit from the Florida Department of Transportation for access onto Boynton Beach Boulevard and shall comply with all requirements of the subject permit.**
 - a. **If the median opening is required to be closed by the Florida DOT then the site plan shall be amended to reflect this requirement. Also, the developer shall be required to lengthen the existing left turn lane east approach at the adjacent median opening to the west to a minimum length of 335 feet.**
 - b. **If the median opening is required to be reconstructed as a directional median opening, then the project entrance shall be relocated or modified as required.**
 - 1) **All required construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**
 - 2) **Construction permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng) (Previously Condition E.2.B.2 of Resolution R-99-I 155, Petition PDD97-084(A)**
 - 3) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previously Condition E.2.B.3 of Resolution R-99-I 155, Petition PDD97-084(A)**

Condition E.3 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

3. LANDSCAPE WITHIN MEDIAN OF BOYNTON BEACH BOULEVARD

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Boynton Beach Boulevard road right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards.

The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme and specifications meeting standards set forth in Section 2B (1) (2) of the Boynton Beach Turnpike Interchange Corridor- Design Guidelines and Standards Manual, dated November 12, 1996.

All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners.

All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed within 90 days notice from the County Engineer to the Developer that the Okeechobee Road widening has been completed. If the final CO for the site is requested prior to the completion of the road widening then acceptable surety shall be provided to insure the planting of the required median landscaping. (ENG/FINAL CO: MONITORING-Eng)

- c) If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)

4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 102 Multi-family dwelling units shall not be issued until construction has begun for Boynton Beach Blvd. as a 6 lane section from Hagen Ranch Rd to Jog Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - b. Building Permits for more than 217 Multi dwelling units shall not be issued until construction has begun for Boynton Beach Blvd. as a 6 lane section from Jog Road to El Clair Ranch Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification.** (DRC: ERM)
(Previously Condition F. 1 of Resolution R-99-I 155, Petition PDD97-084(A))
2. **A tree survey of existing specimen trees shall be completed and submitted to ERM prior to DRC site plan submittal.** (DRC: ERM)
(Previously Condition F.2 of Resolution R-99-I 155, Petition PDD97-084(A))
3. Native trees that are intended to be preserved in place shall be shown on the site plan prior to DRC site plan certification. (DRC: ERM)

G. LANDSCAPING - STANDARD

1. **All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**
 - a. **Tree height: twelve (12) feet;**
 - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade;**
 - c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,**
 - d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements.** (CO: LANDSCAPE - Zoning)
(Previously Condition G. 1 of R-99-I 155, Petition PDD97-084(A))
2. **All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**
 - a. **Palm heights: twelve (12) feet clear trunk;**
 - b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
 - c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements.** (CO: LANDSCAPE - Zoning)
(Previously Condition G.2 of R-99-I 155, Petition PDD97-084(A))

3. **A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location.** (CO: LANDSCAPE - Zoning) (Previously Condition G.3 of R-99-I 155, Petition PDD97-084(A))
4. All internal buffers between pods and perimeter TDR compatibility buffers shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)

H. LANDSCAPING-INTERIORANDADJACENTTOWATERMANAGEMENTTRACT

1. Condition H.1 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet.

Is hereby amended to state:

Landscape islands for Pod B shall have a minimum of one (1) landscape island for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

2. Condition H.2 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

A minimum of five (5) foot wide pedestrian walkway (asphalt paved) to be provided around the entire perimeter of the 2.79 acre lake.

Is hereby amended to state

A minimum of five (5) to eight (8) foot wide pedestrian walkway and mulch fitness trail around the entire perimeter of the 2.79 acre lake, and connecting to the mulch path provided on the remainder of the site. The trail may encroach into the south and west perimeter landscape buffer. (DRC: ZONING- Bldg Permit)

3. **A minimum of five (5) foot landscape strip to be provided on both sides of the pedestrian walkway as per Condition H.2. The following landscaping shall be provided within the strip:**

- a. **One (1) native, canopy tree shall be provided for each thirty (30) linear feet of the pedestrian walkway and to be planted on alternate sides of the walkway.** (CO: LANDSCAPE - Zoning) (Previously Condition H.3 of R-99-I 155, Petition PDD97-084(A))

4. A minimum twenty (20) foot buffer shall be provided between Pod A and Pod B and shall meet the following criteria:

- a. Garages may encroach into the landscape buffer.
- b. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the buffer area with a maximum tree spacing of sixty (60) feet on center.
- c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between cluster. (DRC: ZONING)

5. A landscaped divider median with at grade bicycle and pedestrian cuts shall be provided in the center of the main entryway. The minimum length of this median shall be twenty five (25) feet. A minimum width of eight (8) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)
6. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING BOYNTON BEACH BOULEVARD)

1. **Landscaping and buffering along the north property line shall be upgraded to include:**
 - a. **A minimum twenty five (25) foot wide landscape buffer strip;**
 - b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
 - c. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
 - d. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and**
 - e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE) (Previously Condition I. 1 of R-99-I 155, Petition PDD97-084(A))**

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING 102nd PLACE SOUTH)

Condition J. 1 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

1. **Landscaping and buffering along the above property lines shall include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
 - c. **A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.**

Is hereby amended to read:

Landscaping and buffering along the south property line shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of two and one half (2 ½) feet measured from top of curb;
 - c. A six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. **The following landscaping requirements shall be installed on the exterior side of the required wall:**
- a. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
 - b. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,**
 - c. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)**
(Previously Condition J.2 of R-99-I 155, Petition PDD97-084(A))
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

Condition K. 1 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states

K. LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES

1. **Landscaping and buffering along the above property lines shall include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
 - c. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
 - d. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and**
 - e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)**

Is hereby amended to read:

LANDSCAPING ALONG THE EAST PROPERTY LINES

1. Landscaping and buffering along the east property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of two and one half (2 ½) feet measured from top of curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and ,
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

L. LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering of native vegetation along the west property line shall include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A minimum of seventy-five foot landscape buffer strip which is not separated by a water management tract a minimum of 80 feet in width,
 - c. A minimum two to three foot high undulating berm with an average height of two and one half (2 ½) feet measured from top of curb;
 - d. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - e. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and ,
 - f. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

M. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs with the exception of the tennis court lights shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning) (Previously Condition L. 1 of Resolution R-99-I 155, Petition PDD97-084(A))**
2. **All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. Tennis court lighting shall be a maximum of twenty five (25) feet in height. (CO: BLDG -Zoning) (Previously Condition L.2 of Resolution R-99-I 155, Petition PDD97-084(A))**

N. MASS TRANSIT

1. **A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following:**

mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tram. (DRC: ZONING) (Previously Condition M. 1 of Resolution R-99-I 155, Petition PDD97-084(A))

2. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of a building permit for more than 25% (55) of the units, or the 100th unit, whichever is less. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng) (Previously Condition M.2 of Resolution R-99-I 155, Petition PDD97-084(A))**

0. PLANNED UNIT DEVELOPMENT

1. Condition N.1 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

Is hereby amended to read:

Decorative street lights shall be provided pursuant to Section 6.8.A. 16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

2. Condition N.2 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)

Is hereby amended to read:

Street trees shall be planted within or adjacent to rights-of-way of fifty (50) feet in width or greater, pursuant to Section 6.8.A. 16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)

3. Recreation uses provided in accordance with Section 6.8.B.6. of the ULDC shall be located on a minimum of 0.1 acre. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING)

4. Focal points shall remain generally consistent with the August 29, 2000 conceptual site plan. The focal points shall be in the form of plazas, fountains, arcades or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING)
5. A minimum of two (2) designated parking spaces shall be provided per unit. (DRC/CO: ZONING/BLDG)
6. A minimum of 10% of the parking spaces shall be covered. (DRC - Zoning/Bldg Permit)
7. Condition N.3 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)

Is hereby amended to read:

All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)

8. **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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att) (Previously Condition N.4 of R-99-I 155, Petition PDD97-084(A))

9. **Twenty-four hour security shall be provided at the guardhouse located at the main PUD entrance following the issuance of a Certificate of Occupancy for the 100th unit.. (CO: BLDG Permit - ONGOING: CODE ENFORCEMENT) (Previously Cond. N.5 of R-99-I 155, PDD97-084(A))**

P. SECURITY MEASURES

1. Security lighting shall be provided for all stairwells and shall not be extinguished during evening hours. (ONGOING: CODE ENF)
2. The manager and caretaker/maintenance person shall reside on site to assure the availability of convenient and continuous maintenance and residential management services. (ONGOING: CODE ENF)

Q. PLANNING

1. **Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated October 29, 1998 (Rec.# 36, 37, 40). In addition, the indication of a stub street/cross access shall remain on the site plan. (DRC: PLANNING) (Previously Condition 0.1 of Resolution R-99-I 155, Petition PDD97-084(A))**
2. **Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of thirty (30) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. For the internal sidewalks around the lake of the property, the shade trees shall be spaced an average distance of fifty (50) feet or less along both sides of the lake. (DRC: PLANNING) (Previously Condition 0.2 of Resolution R-99-1155, Petition PDD97-084(A))**
3. **All buildings and structures shall be designed and constructed in accordance with Section 4 - "Architectural Design Guidelines" of the Boynton Beach Turnpike Interchange Corridor-Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning) (Previously Condition 0.3 of R-99-I 155, Petition PDD97-084(A))**
4. **Per the requirements of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, the architectural style of the homes shall be of the Spanish Mission or Mediterranean type. (ONGOING: PLANNING) (Previously Condition 0.4 of Resolution R-99-1155, Petition PDD97-084(A))**
5. **Although this project is not of a commercial nature, signage proposed at the entrance to the project from Boynton Beach Boulevard shall be designed and constructed in accordance with Section 5 - "Signage Guidelines" of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: BLDG - Planning) (Previously Condition 0.5 of Resolution R-99-I 155, Petition PDD97-084(A))**
6. Condition 0.6 of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

Prior to the issuance of a building permit, the property owner shall include in the landscape median permit application, landscaping details/specifications meeting the standards as set forth in Section 2B (1) (2) of the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996. (BLDG PERMIT: MONITORING - Planning)

Is hereby deleted. [REASON: superceded by Engineering condition]

7. **Prior to Master Plan Certification by the Development Review Committee (DRC), the master plan shall reflect a twenty-five (25) foot wide northern landscape buffer (along Boynton Beach Boulevard).** (DRC: PLANNING) (Previously Condition 0.7 of Resolution R-99-I 155, Petition PDD97-084(A))
8. **Trees within the perimeter landscape buffers shall be provided at a maximum oftwent-five (25) feet on center.** (CO: LANDSCAPE - Planning) (Previously Condition 0.8 of Resolution R-99-I 155, Petition PDD97-084(A))
9. **Prior to final master plan approval, the development shall include a landscaped pathway/sidewalk system along Boynton Beach Boulevard in order to provide shade/canopy for the pedestrian walkway.** (DRC: LANDSCAPE-Planning) (Previously Condition 0.9 of Resolution R-99-I 155, Petition PDD97-084(A))
10. **The project shall be subject to the Boynton Beach Turnpike Interchange Corridor - Design Guidelines and Standards Manual, dated November 12, 1996, inclusive of the following landscaping provisions:**
 - a) **Section 2: Boynton Beach Boulevard Buffers/Streetscape and Median; and**
 - b) **Section 3: Landscaping Guidelines.** (ONGOING: PLANNING) (Previously Condition 0.10 of Resolution R-99-I 155, Petition PDD97-084(A))

R. SCHOOL BOARD

1. Condition P.I of Resolution R-99-I 155, Petition PDD97-084(A) which currently states:

The School District staff will recommend that the subject development post a notice of annual boundary school assignments for students from this development. The District will provide an 11" x 17" sign to 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 residence. School district policies regarding overcrowding, racial balancing or other boundary policy decision affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 to verify the most current school assignment(s) for the house addresses in this development. (ONGOING: CODE ENF/SCHOOL BOARD)

Is hereby amended to read:

The property owner shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" x 17" sign to 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 closet to their residences. School Board policies regarding overcrowding 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)

S. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previously Condition Q.I of Resolution R-99-I 155, Petition PDD97-084(A))**

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

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition Q.2 of Resolution R-99-I 155, Petition PDD97-084(A))