

RESOLUTION NO. R-2000- 0573

RESOLUTION APPROVING ZONING PETITION PDD99-047  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF RICHARD B. CRUM, TRUSTEE  
BY WILLIAM BOOSE, AGENT  
(DIAMOND SHAMROCK PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD99-047 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2000; and,

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

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD99-047, the petition of Richard B. Crum, Trustee by William Boose, agent, for an Official Zoning Map Amendment to a Planned Development District from Agricultural Residential (AR) to Planned Unit Development (PUD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 23, 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 Aaronson 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	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2000.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard A. Ott*  
COUNTY ATTORNEY

BY: *Joan Sewing*  
DEPUTY CLERK

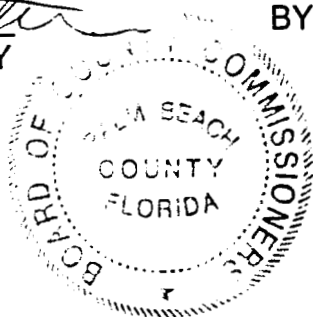


EXHIBIT A  
LEGAL DESCRIPTION

TRACTS 59 TO 70, INCLUSIVE, AND THE NORTH HALF (N 1/2) OF TRACTS 71 AND 72, BLOCK 43, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING BETWEEN TRACTS 66 AND 67 OF SAID BLOCK 43.

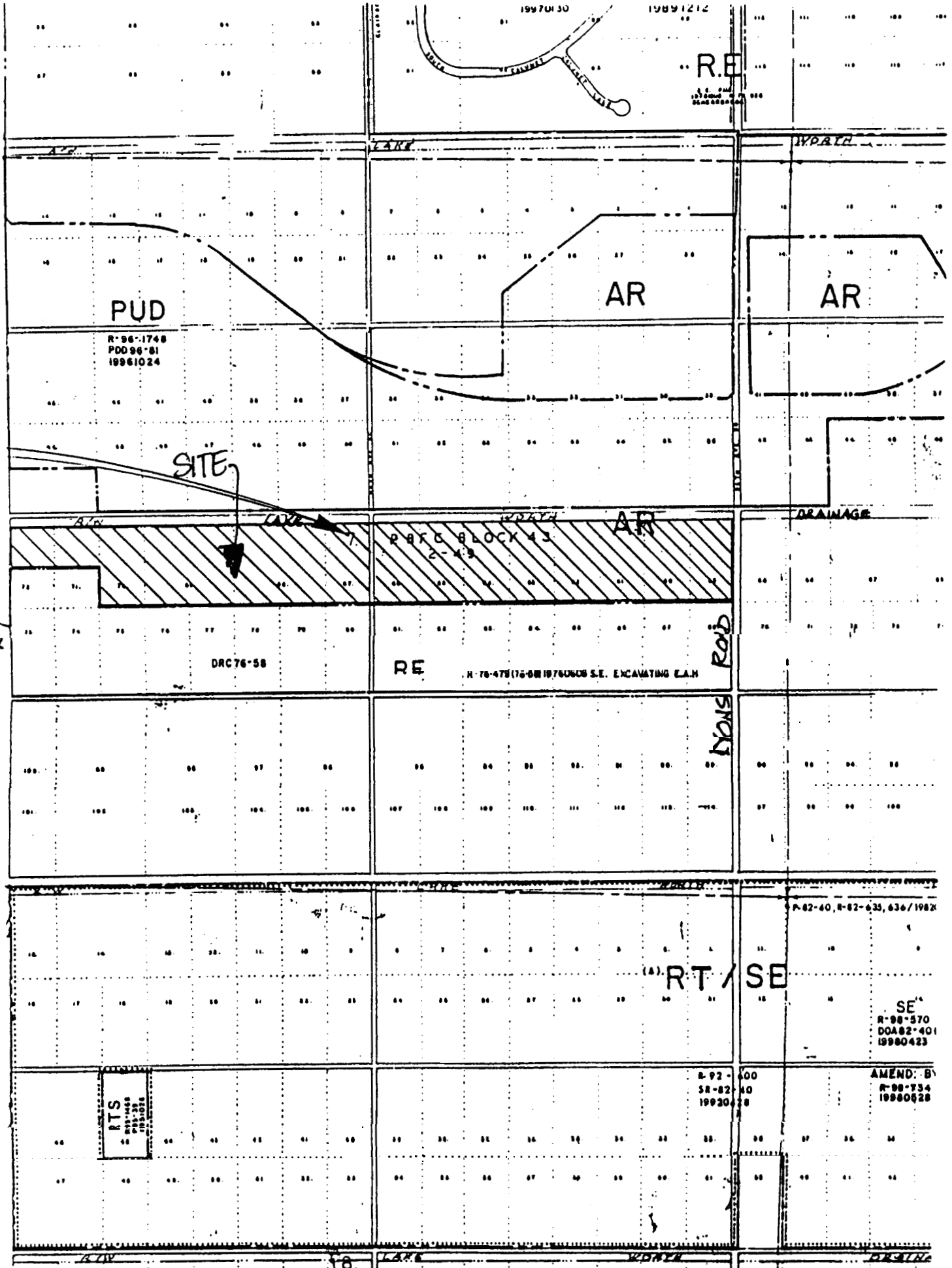
LESS HOWEVER, THE NORTH 35.64 FEET OF THE EAST HALF AND THE NORTH 46.2 FEET OF THE WEST HALF OF THAT NOW ABANDONED 30 FOOT PALM BEACH FARMS COMPANY RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 66 AND 67.

ALSO LESS, PER CHANCERY CASE NO. 407, THE NORTH 35.64 FEET OF SAID TRACTS 59 THROUGH 66, INCLUSIVELY, AND THE NORTH 46.2 FEET OF TRACTS 67 THROUGH 71, INCLUSIVELY, AND THE NORTH 46.62 FEET OF SAID TRACT 72.

CONTAINING: 70.36 ACRES, MORE OR LESS.

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

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master/site plans are dated March 7, 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. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:

- a. no identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).

This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT/CO: BLDG - Zoning)

2. Prior to DRC final certification of the site plan, the petitioner shall provide architectural elevations to the Public Hearing Section, Zoning Division for review. The proposed residential building shall be developed in conformance to the approved architectural elevations. (DRC: ZONING)

#### C. 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: fourteen (14) feet (height reduction is Permitted only along the northern buffer. D provide minimum twelve (12) feet in height if height reduction is requested.)
- 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)

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

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

3. A group of three (3) or more palm or pine trees may not supersece the requirementfor perimetercanopytree inthat location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All internal PUD buffersbetween pods shall be approved bythe Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)
5. All small, flowerina trees required to be planted on site bythis approval, except on individual residential lots, shall meet the following minimum standa rds at installation:
  - a. tree heiaht: ten (10) feet
  - b. canopy diameter: five (5) feet. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO LWDD L-19 CANAL AND PUD)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum ten (10) foot wide landscape buffer strip, no reductions or easement encroachments shall be permitted;
  - b. one (1) canopy tree planted every thirty (30) feet on center;
  - c. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of one hundred and twenty (120) feet between clusters; and
  - d. thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to December 1, 2000 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lyons Road, 55 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. 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 encumbrance; and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng)
2. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and

the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)

4. The Property owner shall construct:
  - a) Right turn lane south approach and a left turn lane north approach on S.R. 7 at the projects entrance road in accordance with Florida DOT Approval;
  - b) Left turn lane south approach on Lyons Road at the projects entrance road.
  - A) This construction shall be concurrent with the construction of the Projects Entrance Road onto SR 7 and Lyons Road. All construction costs 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.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring - Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
5. On or before **December 1, 2000**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)
6. Prior to DRC approval of the Master Plan the drainage study for the site shall be amended to reflect compliance with the condition of approval above which requires the Developer to provide legal positive outfall for Lyons Road. Adjustments to the drainage system shall be amended as required. (DRC: ENG)

7. The Property owner shall fund the construction plans for Lyons Road as a 2 lane section Expandable to 4 lanes from the current 2 lane terminus north of Boynton Beach Boulevard north to the southerly terminus of Lyons Road by the Villages of Windsor PUD, plus the appropriate tapers. Funding shall be based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Funding for the construction plans shall be completed on or before March 1, 2001. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Eng)

8. ~~The property owner shall provide for the acquisition of Lyons Road right of way by funding the cost of the right-of-way and all associated costs as referenced in the Condition above and shall provide surety acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2000. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - ENG)~~

The property owner shall provide surety for acquisition of a total of 110 feet of right of way and the construction of Lyons Road (2 lane section) as referenced in the conditions above. Limits of the funding for Lyons Road construction shall be from the current 2 lane terminus north of Boynton Beach Boulevard north to the southerly terminus of future Lyons Road by the Village of Windsor PUD. Acceptable surety shall be provided to the Office of the County Engineer and County Attorney on or before October 27, 2000. Notification by the developer shall be given to the Land Development Division. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

9. On or before June 1, 2001, the property owners 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 as referenced in the condition 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 **Land Development Division**. (DATE: MONITORING- Eng)

10. The property owner shall fund the construction of Lyons Road as a 2 lane section from the current 2 lane terminus north of Boynton Beach Boulevard north to the southerly terminus of future Lyons Road by the Villages of Windsor PUD, plus the appropriate tapers. Funding of the construction shall be completed on or before August 1, 2001. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng)

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

a. No Building Permits shall be issued until construction has begun for the widening of S.R. 7 as a 4 lane section from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (E LDG PERMIT: MONITORING- Eng)



- b) Building Permits for more than 53 single family dwelling units shall not be issued until the contract has been let for the construction of Lyons Road as a 2 lane section from the entrance to Melrose PUD to Lantana Road to provide for paved continuity. (BLDG PERMIT: MONITORING-Eng)
- c) Building Permits for more than 64 single family dwelling units shall not be issued until the contract has been let for the construction of Lantana Road as a 4 lane section from the entrance to Grand Lacuna to Lyons Road. (BLDG PERMIT: MONITORING-Eng)

12. LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

- 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 SR 7 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 latest revision to the Palm Beach County Engineering and Public Works Department 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 Standard;. 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 as signs 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 prior to April 1, 2002. (DATE: 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)

13. CUTOUT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF SR 7

- 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 provide landscape cutouts within the concrete median of SR 7 Right-of-way contiguous to the frontage. 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, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. When landscape cutouts are permitted by the Florida Department of Transportation, landscaping shall consist of Landscape Material approved by the County Engineer. 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. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- b. All required median landscaping, including an irrigation system, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall be funded at the property owners expense. All new and existing 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. The 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, and the irrigation system. All landscape material shall be installed prior April 1, 2002. (DATE: MONITORING - Eng)
- c. If the County does not assume maintenance responsibility, when 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)

F. LANDSCAPING ALONG THE ENTIRE SOUTH PROPERTY LINE AND THE SOUTH 330 FEET OF THE WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL LOTS 139 AND 140)

1. Landscaping and buffering along the south property line and the south 330 feet of the west property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip, no reductions or easement encroachments shall be permitted. A 50% width reduction may be permitted where residential lots 139 and 140 abut the buffer;
  - b. a minimum two and one half (2.5) foot high continuous berm measured from top of curb;
  - c. a minimum five (5) foot high black or green vinyl coated chainlink fence to be installed on the plateau of the berm. (CO: LANDSCAPE)

2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. one (1) canopy tree planted every thirty (30) feet on center;
  - b. one (1) additional palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of one hundred and twenty (120) feet between clusters;
  - c. one (1) additional small flowerina tree for each sixty (60) linear feet of property line with a maximum spacing of one hundred and twenty (120) feet between clusters: and,
  - ~~c.d.~~ thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. All shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)
  
3. A minimum ten (10) foot wide landscape buffer strip along lots 139 and 140 and shall include the following:
  - a. a minimum one and half (1.5) foot high continuous berm;
  - b. a minimum five (5) foot high black or green vinyl coated chain link Fence on top of the berm, the top of this section of the fence shall be flush with the top of the fence as indicated in Condition F.1.c;
  - c. one (1) canopy tree planted every fifteen (15) feet on center to be planted on the exterior side of the fence;
  - d. thirty (30) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches and to be planted on the exterior side of the fence. **All** shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)
  
4. All landscaping along the south property line and the south 330 feet of the west property line shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns 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 the landscape material during periods of drought in order to maintain healthy plant material. (CO: LANDSCAPE)

G. LANDSCAPING ALONG EAST AND WEST PROPERTY LINES (ADJACENT TO LYONS ROAD AND SR7/US441)

1. Landscaping and buffering along the east and west property lines shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip, no reductions or easement encroachments shall be permitted;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
  - c. one (1) canopy tree planted every thirty (30) feet on center;
  - d. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of one hundred and twenty (120) feet between clusters; and,
  - e. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. LWDD

1. Prior to Plat recordation, the owner shall voluntarily agree to convey to the District, either by quit claim or easement, the North 45 feet of Tracts 59-72 and the West 45 feet of the North ½ of Tract 72, less lands owned by the District, for the required right-of-way for the L-19 and E-1 Canals respectively. (PLAT: ENG - LWDD)

I. MASS TRANSIT

1. 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 the County Engineer. (DRC: ZONING)
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 Tran, and County Engineer prior to issuance of a building permit for the 100th unit. 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)

J. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. All proposed street lights that are adjacent to the south property line shall be located on the north side of the road. (CO: BLDG - Eng)
2. Street trees shall be installed as follows:
  - a. Along one side of all internal PUD right-of-ways forty (40) feet in width or greater;
  - b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
  - c. At one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. Prior to DRC certification of the preliminary development plan, street tree planting detail; and cross sections shall be approved by the Zoning Division, Utilities departments, and the County Engineer. (DRC/CO: ZONING/UTILITIES/ENG/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. (PLAT: ENG - Co Att)

4. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses, water craft and water ski activities in the vicinity of and adjacent to the development. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2001 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (ONGC ING: MONITORING)
5. Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the existence of agricultural uses, water craft and water ski activities acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit ~~and in the developable areas~~. (ONGOING/DRC: CODE ENF/ZONING - Cty Att)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations	Administrative Deviation or Flexible Regulations	Pods
Front Setback	22.5' min.	All Pods
Lot Coverage	44%	All Pods

7. Pavers or decorative pavement shall be provided for the driveways of all units (DRC: ZONING)
8. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabout, open space adjacent to round-about or cul-de-sac consistent with the Focal Point Exhibit dated January 27, 1999. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
9. No rear, side interior or side street setback reductions may be permitted with the exception of lots abutting lake tracts or open space tracts as permitted by the ULDC. (DRC: ZONING)

10. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)( ) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. 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)

#### K. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Brynton Area Community Plan incorporated onto the conceptual site plan and the preliminary development plan and regulating plan dated March 7, 2000 (Rec.# 36, 37, and 40). In addition, the street cross sections shown on the regulating plan shall be revised to indicate the types of shade trees to be planted internal to the site and along Lyons Road. (DRC: PLANNING)
2. Prior to the issuance of the first building permit, ~~the petitioner shall pave the property to the edge of the southern property line at the location shown on the master and regulating plan labeled "potential 50' stub street connection".~~ and if permitted by ERM and/or SFWMD, the Petitioner shall place a sign at the edge of the property line at the western 1.77 acre open space location shown on the master and reauiatina plan that a potential 50' stub street connection, including pedestrian and bicycle paths, may be built in this location. If this potential stub street location is not permitted, then the sign stub street location shall be placed at the edae of the property line at the most western 1.15 acre open space location shown on the master and regulating plan. (BLDG PERMIT: MONITORING - BLDG/PLANNING)

#### L. SCHOOL BOARD

1. The subject development 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.

##### "NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residence. School Board policies regarding overcrowding, racial balance 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)

2. Prior to final DRC site plan approval, the petitioner shall revised the site plan to indicate the bus stop/pull off area/bus shelter. The petitioner shall also submit a drawing of the bus stop/pull off area and shelter to the School District for review. (ONGOING: SCHOOL BOARD)

M. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. the issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or,
  - b. the revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or,
  - c. a requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or,
  - d. Referral to code enforcement; and/or,
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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)