

RESOLUTION NO. R-2000- 0724

RESOLUTION APPROVING ZONING PETITION PDD99-061
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF JG EQUITIES/TPR ASSOC. LTD./MICHAEL'S NURSERY & FARMS
INC./JOSEPH & JUANITA STEINER/STANLEY & JEWELL STEINER/CENTEX
HOMES/JAMES A. BURG/TPR ASSOCIATES INC.
BY ROBERT BENTZ, AGENT
(LEIDER 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 PDD99-061 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 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 PDD99-061, the petition of JG Equities/TPR Assoc. Ltd./Michael's Nursery & Farms Inc./Joseph & Juanita Steiner/Stanley & Jewell Steiner/Centex Homes/James A. Burg/TPR Associates Inc. by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) 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 May 25, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson 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		Absent
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus	-	Nay
Carol A. Roberts		Absent
Mary McCarty		Absent
Burt Aaronsoq		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 25, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Pauline Altier*
COUNTY ATTORNEY

BY: *Joan Lawrence*
DEPUTY CLERK

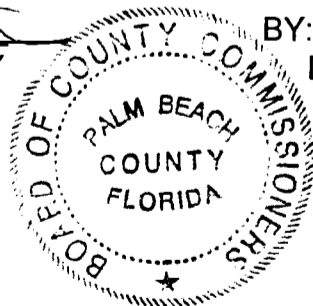


EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE SOUTH 02' 11' 09" EAST ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 335.39 FEET; THENCE SOUTH 89' 02' 59" WEST, A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING OF THE DESCRIBED PARCEL; THENCE SOUTH 02' 11' 09" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 1,006.12 FEET; THENCE SOUTH 89' 05' 12" WEST ALONG THE SOUTH LINE OF THE NORTH ONE HALF OF THE NORTHEAST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 1,586.30 FEET; THENCE NORTH 01' 49' 13" WEST ALONG THE WEST LINE OF THE EAST ONE HALF OF THE SOUTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 669.99 FEET; THENCE SOUTH 89' 03' 44" WEST ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE NORTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 656.81 FEET; THENCE SOUTH 01' 40' 26" EAST ALONG EAST LINE OF THE WEST ONE HALF OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER AND THE EAST LINE OF THE WEST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 1,339.36 FEET; THENCE NORTH 89' 06' 40" EAST ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF THE SOUTHEAST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 660.24 FEET; THENCE SOUTH 01' 49' 13" EAST ALONG THE EAST LINE OF THE WEST ONE HALF OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 654.80 FEET; THENCE SOUTH 89' 08' 08" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT L-29 CANAL, A DISTANCE OF 952.61 FEET; THENCE NORTH 01' 36' 03" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT'S E-3 CANAL, A DISTANCE OF 2,502.99 FEET; THENCE NORTH 89' 02' 15" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF PIPERS GLEN BOULEVARD OF SAID PLAT, A DISTANCE OF 1,926.24 FEET; THENCE SOUTH 02' 02' 23" EAST ALONG THE WEST LINE OF TRACE 'S' OF SAID PLAT, A DISTANCE OF 175.20 FEET; THENCE NORTH 89' 02' 59" EAST ALONG THE SOUTH LINE OF SAID TRACT 'S', A DISTANCE OF 595.94 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

AND

THE EAST HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

AND

THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

1. THE SOUTH 30 FEET OF THE WEST 100 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST.
2. THE EAST 100 FEET OF THE WEST 200 FEET OF THE SOUTH 30 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 42 EAST.
3. COMMENCE AT THE WEST LINE OF MILITARY TRAIL AND THE CENTERLINE OF STEINER ROAD; THENCE, N 02'11'09" W, ALONG SAID WEST LINE, 20.01 FEET TO THE NORTH LINE OF THE 40' MAINTENANCE EASEMENT AND THE POINT OF BEGINNING; THENCE S89°05'12"W, ALONG SAID MAINTENANCE EASEMENT 25.69 FEET; THENCE N 00°54'48W, 20.00 FEET TO THE NORTH LINE OF THE PROPOSED RIGHT OF WAY OF STEINER ROAD; THENCE N 42°59'29" W, 35.58 FEET TO THE WEST LINE OF MILITARY TRAIL; THENCE S 02'11'09" E, ALONG SAID WEST LINE, 45.65 FEET TO THE POINT OF BEGINNING. CONTAINING 832.788 SQUARE FEET OR 0.159 ACRES

EXHIBIT B

VICINITY SKETCH

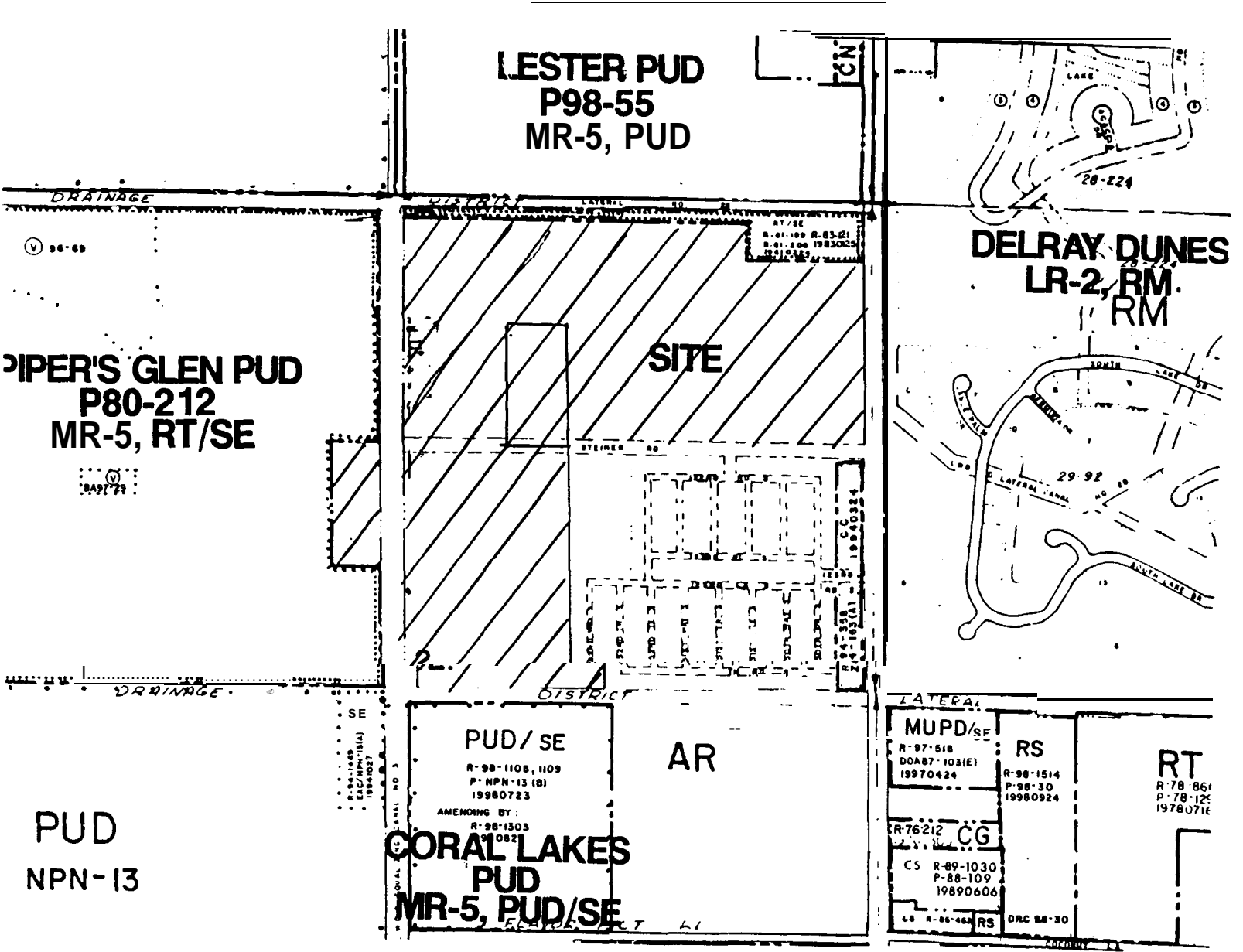


EXHIBIT C

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 site plan is dated March 23, 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)
2. Construction access shall be limited to Military Trail only. (ONGOING: CODE ENF - Zoning)
3. Prior to Master Plan Approval by the DRC the Property Owner shall record a restrictive covenant limiting occupancy of the units to an "adult only community". (DRC: ZONING)
4. Starting on June 1, 2001, the petitioner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng/School Board)

B. ARCHITECTURAL CONTROL

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:
 - a. No more than three (3) homes with the same elevation shall be placed next to each other; or,
 - b. No more than three (3) homes with the same exterior color scheme may be placed next to each other.

This obligation shall be included in the Homeowners Association's documentation. A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT: BLDG/ZONING)

2. Prior to DRC final certification of the site plan, the petitioner shall provide architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: ZONING)
3. Similar architectural character and treatment, including but not limited to color, roof pitch and treatment, material, fenestration, and horizontal and vertical architectural details shall be provided on all sides of the townhouse buildings. (BLDG PERMIT: BLDG - Zoning)

C. LANDSCAPING - STANDARD

1. All perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) 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)
 - 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 supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 - 4. All internal PUD buffers between pods shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)
- D. LANDSCAPING ALONG THE NORTH PROPERTY LINES, THE ~~987~~ 1586 FEET SOUTH PROPERTY LINE AND THE EAST PROPERTY LINES (ABUTTING PIPERS GLEN BOULEVARD, MILITARY TRAIL AND MOBILE HOMES)
 - 1. Landscaping and buffering along the above 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 and one half (2.5) foot high continuous berm measured from top of curb;
 - c. a minimum six (6) foot high opaque concrete wall to be installed on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE)
 - 2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - 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 (120) feet between clusters; and
 - c. 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). A minimum fifty (50)% of the shrub or hedge material shall be planted on the plateau of the berm (CO: LANDSCAPE)
 - 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. A minimum fifty (50)% of the shrub or hedge material shall be planted on the plateau of the berm. (CO: LANDSCAPE)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed:
 - a) the additional right of way for the construction of a right turn lane on Military Trail at the project's entrance road. This additional right of way shall be dedicated prior to the issuance of a building permit. The geometrics for the right turn lane shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
 - b) for Steiner Road 20 feet from centerline on or before June 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur. A T turnaround at the western terminus of Steiner Road shall also be provided, with appropriate right of way in accordance with the County Engineer's approval. (DATE/BLDG PERMIT: MONITORING-Eng)

Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

2. The Property owner shall construct:
 - a. Right turn lane north approach on Military Trail at the project's entrance road;
 - b. Left turn lane south approach and the associated relocation of the median opening on Military Trail at Steiner Road;
 - c. Left turn lane east approach on Pipers Glen Boulevard at the projects entrance road.
 - A) This 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.
 - 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)
3. Prior to the issuance of a Building Permit, 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 Military Trail 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. (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 204 single family dwelling units shall not be issued until construction has begun for Lake Ida Road as a 4/5 lane section from Military Trail to Barwick Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

The mix of allowable dwelling units uses, as permitted by the Zoning Division, listed above may be adjusted 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. (DATE: MONITORING:Eng)

5. Unless previously bonded, acceptable surety required for the widening of Lake Ida Road from Military Trail to Barwick Road as outlined above shall be posted with the Office of the Land Development Division on or before November 27, 2000. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Military Trail Right-of-Way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, 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 landscaping installation and maintenance requirements shall be subject to the standards as 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 prior to the issuance of the first certificate of occupancy. (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)
- 7. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF MILITARY TRAIL
 - 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 Military Trail from the project's south property line to Pipers Glen Boulevard. 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. 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 Palm Beach County 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 the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted, the landscaping shall consist of Landscape Material approved by the County Engineer. 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 to the issuance of the first certificate of occupancy. (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)
8. MAINTENANCE OF EXISTING LANDSCAPING AND STREET LIGHTING WITHIN THE MEDIAN OF PIPERS GLEN BOULEVARD
 - A. The property owner shall perpetually fund and maintain the existing landscape and street lighting on Piper's Glen Boulevard adjacent to this site.
 - B. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved by the County Engineer and recorded prior to the issuance of a building permit. (BLDG.PERMIT:MONITORING - Eng)
9. Prior to the issuance of a building permit the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying the restriction of left turn movements leaving the site to turn west onto Piper's Glen Boulevard. Written printed information required above shall appear in bold print. (BUILDING PERMIT:MONITORING - ENGINEERING)
 - a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 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. (DATE: MONITORING-Eng)
 - b. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (ONGOING - Eng)
10. The project's entrance onto Pipers Glen Boulevard shall be signed to prohibit left turns out of the site (westbound left turn movement). This restriction shall remain on the property unless the Board Of County Commissioners removes this restriction in accordance with the condition below. This entrance shall be used by the residents of the PUD only and shall be signed appropriately. (ONGOING-Eng)
11. Concurrent with the issuance of the 300th Certificate of Occupancy for the site the Monitoring Section shall notify the Engineering Department to complete a left turn study to determine if the left turn restriction for the subject site at Pipers Glen Boulevard shall remain. Upon completion of the left turn lane study the Engineering Department shall provide the findings and recommendation to the Board of County Commissioners for a final determination on the left turn restriction. (CO:MONITORING -Eng)
12. The property owner shall provide paved access to the not included out parcel along Steiner Road through this project's entrance onto Military Trail. This

access shall be shown on the plat for the subject site.
(PLAT:ENGINEERING - Eng)

13. The Pipers Glen entrance shall not be used as the construction entrance for the site during the construction of the PUD or the construction of the individual home sites. (ONGOING)

F. LANDSCAPING ALONG THE 952 FEET SOUTH PROPERTY LINE, THE WEST PROPERTY LINES (ADJACENT PUD AND THE LWDD CANAL E-3)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip along the east property line. 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 (120) feet between clusters;
 - d. 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)

G. LANDSCAPING ALONG THE 2.24 ACRE RECREATION POD AND THE 2.0 ACRE CIVIC POD (ADJACENT PUD AND THE LWDD CANAL E-3)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip along the north, south and west property lines of the recreation/civic pods and a minimum ten (10) foot wide landscape buffer strip along the east property line of the recreation/civic pods. No reductions or easement encroachments shall be permitted;
 - b. a minimum two and one half (2.5) foot high continuous berm measured from top of curb to be provided on the north, south and west property lines;
 - 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 property line, with a maximum spacing of one hundred (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). On the north, south and west property lines, shrubs or hedge material shall be planted on the plateau of the berm. (CO: LANDSCAPE)

H. 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 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 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)

I. 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. (CO: BLDG - Eng)
2. Street trees shall be provided as follows:
 - a. along a minimum of 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. 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. (CO: 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. 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 (ZLL and townhomes)	22.5' min.	All Pods
Rear Setback (townhomes only)	20' min.	All Pods
Lot Coverage (ZLL only)	55%	All Pods

5. Pavers or decorative pavement shall be provided for the driveways of all units (DRC:ZONING)
6. 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 March 23, 2000. 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)
7. No side interior or side street setback reductions may be permitted. (DRC: ZONING)
8. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) 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)

J. 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 Boynton Area Community Plan incorporated onto the conceptual site plan and the preliminary development plan and regulating plan dated March 23, 2000 (Rec.# 37, 40, and 47). In addition, the site plan shall also be amended to indicate the types of shade trees to be planted internal to the site and along Military Trail and Piper's Glen Boulevard. (DRC: PLANNING)
2. Prior to final site plan approval, the site plan shall be amended to indicate a shaded pedestrian pathway/sidewalk along Piper's Glen Boulevard. In addition, the site plan shall indicate street cross sections which depict shaded landscaping for the entire pathway/sidewalk along Piper's Glen Boulevard. An 8' sidewalk shall be installed along Piper's Glen Boulevard except in areas where there are existing trees. In areas along Piper's Glen Boulevard where there are existing trees, the sidewalk width shall be a minimum of 5'. (DRC:PLANNING)
3. Prior to the final certificate of occupancy, the petitioner shall install a pedestrian pathway/sidewalk along Piper's Glen Boulevard. An 8' sidewalk shall be installed along Piper's Glen Boulevard except in areas where there are existing trees. In the areas along Piper's Glen Boulevard where there are existing trees, the sidewalk width shall be a minimum of 5'. (CO-BLDG-Planning)
4. Prior to final site plan approval, the site plan shall indicate street cross sections which depict landscaping for the existing pathway/sidewalk system along Military Trail outside of the FPL utility easement in order to provide shade/canopy trees in accordance with FPL guidelines for the pedestrian walkway. (DRC: LANDSCAPE-Planning)

K. ENVIRONMENT RESOURCES MANAGEMENT

1. A 25% upland set-aside and/or incorporation of the specimen sized native trees shall be shown on the site plan prior to final DRC certification of the site plan. (DRC: ERM)

L. 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)



**Department of Planning,
Zoning & Building**
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**Palm Beach County
Board of County
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Bun Aaronson

Tony Masilotti

County Administrator

Robert Weisman

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director *WCW*
DATE: May 31, 2000 *ryxc*
RE: Amended Conditions from the May 25, 2000
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on May 25, 2000.

The **following** petitions were amended:

- | | |
|--------------|------------------------|
| Z/CA2000-005 | Congress Business Park |
| PDD99-061 | Leider PUD |
| Z/CA2000-001 | Sunset Lakes |

U:\ZONING\Zoning Review\BCC\2000\05-26-00-cond-mem

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