

RESOLUTION NO. R-2000- 1236

RESOLUTION APPROVING ZONING PETITION PDD2000-032  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF GL HOMES OF FLORIDA CORP. II,  
GL HOMES OF PALM BEACH ASSOC. LTD.  
BY LAND DESIGN SOUTH, AGENT  
(SUSSMAN AGR-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 PDD2000-032 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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 PDD2000-032(1), the petition of GL Homes of Florida Corp. II and GL Homes of Palm Beach Assoc. Ltd. by Land Design South, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/D) and two (2) Official Zoning Map Amendments (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/P) 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 August 24, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 24, 2000.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Paula Allen*  
COUNTY ATTORNEY

BY: *Joan Harvey*  
DEPUTY CLERK

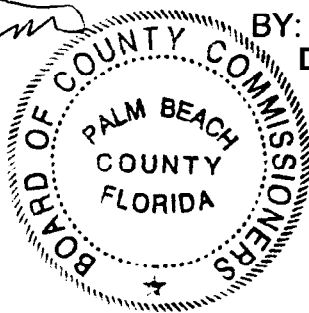


EXHIBIT A  
LEGAL DESCRIPTION  
DEVELOPMENT AREA  
(PARCEL 1)

OVERALL

PARCEL 1:

TRACTS 10 THROUGH 16, LESS THE NORTH 28 FEET OF TRACTS 15 AND 16, AND LESS THE WEST 80 FEET OF TRACT 16, IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; AND TRACTS 73 THROUGH 76, 85 THROUGH 88, 105 THROUGH 108, AND 113 THROUGH 120, LESS THE SOUTH 25 FEET OF TRACTS 113 THROUGH 120, AND LESS THE WEST 80 FEET OF TRACT 113, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST; ALL IN THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28; AND ALL OF BLOCK 1; LOTS 1 THROUGH 34, AND 39 THROUGH 48 OF BLOCK 2; ALL OF BLOCK 3; LOTS 1 THROUGH 10, AND 16 THROUGH 48, OF BLOCK 4; ALL OF BLOCKS 5, 6, 7, 8, AND 9; LOTS 1 THROUGH 41, AND 44 THROUGH 48, OF BLOCK 10; AND ALL OF BLOCKS 11 AND 12, IN MILLER'S PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 69; AND LOTS 1 THROUGH 16, AND 19 THROUGH 48, BLOCK 1; ALL OF BLOCKS 2, 3, AND 4; LOTS 1, 2, 5 THROUGH 16, AND 19 THROUGH 48, OF BLOCK 5; LOTS 1 THROUGH 32, AND 35 THROUGH 48, OF BLOCK 6, IN MILLER'S PARK UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 75; ALL AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT RIGHTS OF WAY, EASEMENTS OR RIGHTS OF THE LAKE WORTH DRAINAGE DISTRICT.

PARCEL 2:

LOTS 35, 36, 37, AND 38, BLOCK 2, IN MILLER'S PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

LOTS 11, 12, 13, 14, AND 15, BLOCK 4, IN MILLER'S PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

LOT 42, BLOCK 10, IN MILLER'S PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

LOT 43, BLOCK 10, IN MILLER'S PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT AREA  
(PARCEL 1)

PARCEL 6:

LOTS 17 AND 18, BLOCK 1, IN MILLER'S PARK UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7:

LOTS 3 AND 4, BLOCK 5, IN MILLER'S PARK UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

LOTS 17 AND 18, BLOCK 5, IN MILLER'S PARK UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 9:

LOTS 33 AND 34, BLOCK 6, IN MILLER'S PARK UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 75, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 10:

ROAD RIGHTS-OF-WAY LYING WITHIN MILLER'S PARK, AS RECORDED IN PLAT BOOK 4, PAGE 69 AND MILLER'S PARK UNIT TWO, AS RECORDED IN PLAT BOOK 4, PAGE 75 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT RIGHTS-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT.

PARCEL 11:

A PARCEL OF **LAND** LYING WITHIN TRACTS 10 THROUGH 16 IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND TRACTS 113 THROUGH 119 IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST ALL ACCORDING TO PALM BEACH FARMS CO. PLAT NO. 1 AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING THE NORTH 33.0 FEET OF SAID TRACTS 10 THROUGH 16 TOGETHER WITH THE SOUTH 25.00 FEET OF SAID TRACTS 113 THROUGH 119.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT AREA  
(PARCEL 1)

PROPOSED L-36 CANAL:

A PARCEL OF LAND LYING WITHIN TRACTS 10 THROUGH 16 IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND TRACTS 119 AND 120 IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ALL ACCORDING TO PALM BEACH FARMS CO. PLAT NO. I, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGIN AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID TRACT 120 AND LINE 25.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 120; THENCE SOUTH  $89^{\circ}03'06''$  WEST ALONG A LINE 25 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACT 120, A DISTANCE OF 348.45 FEET; THENCE SOUTH  $00^{\circ}59'38''$  EAST ALONG THE EAST LINE OF SAID TRACTS 119 AND 10, A DISTANCE OF 699.12 FEET; THENCE SOUTH  $89^{\circ}02'20''$  WEST ALONG THE SOUTH LINE OF SAID TRACTS 10 THROUGH 16, A DISTANCE OF 2273.21 FEET; THENCE NORTH  $00^{\circ}43'31''$  WEST ALONG A LINE 80 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 16, A DISTANCE OF 75.00 FEET; THENCE NORTH  $89^{\circ}02'20''$  EAST ALONG A LINE 75 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 10 THROUGH 16, A DISTANCE OF 2080.12 FEET; THENCE NORTH  $44^{\circ}02'20''$  EAST, A DISTANCE OF 83.21 FEET; THENCE NORTH  $00^{\circ}59'38''$  WEST, A DISTANCE OF 479.50 FEET; THENCE NORTH  $44^{\circ}02'20''$  EAST, A DISTANCE OF 135.47 FEET; THENCE NORTH  $89^{\circ}03'06''$  EAST ALONG A LINE 35.00 FEET NORTH OF AND PARALLEL WITH, THE SOUTH LINE OF SAID TRACTS 119 AND 120, A DISTANCE OF 386.37 FEET; THENCE SOUTH  $01^{\circ}34'10''$  EAST ALONG THE EAST LINE OF SAID TRACT 120, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 185.735 ACRES MORE OR LESS.

EXHIBIT A

LEGAL DESCRIPTION

PRESERVE  
(PARCEL 2)

BEING TWO PARCELS OF LAND IN THE EAST HALF OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL A:**

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00°%D54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2810.27 FEET TO THE EAST QUARTER CORNER OF SECTION 1 AS MARKED BY A ROD AND CAP IN CONCRETE SET BY ADAIR AND BRADY, INC., IN 1982; THENCE SOUTH 89°%D29'13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 84.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING OF SAID PARCEL 1; THENCE CONTINUE SOUTH 89°%D29'13" WEST ALONG SAID QUARTER SECTION LINE 2550.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE SOUTH 00°%D53'54" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 2571.20 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, THENCE NORTH 89°%D37'37" EAST ALONG THE SOUTH LINE OF SECTION 1, A DISTANCE OF 2562.59 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF SR 7, THE SOUTHEAST CORNER OF SECTION 1 BEING 72.40 FEET EAST HEREOF; THENCE NORTH 01°%D10'24" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 2577.57 FEET TO THE POINT OF BEGINNING.

**PARCEL B:**

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00°%D54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2810.27 FEET TO THE EAST QUARTER CORNER OF SECTION 1 AS MARKED BY A ROD AND CAP IN CONCRETE SET BY ADAIR & BRADY, INC., IN 1982 THENCE SOUTH 89°%D29'13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 84.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING OF SAID PARCEL 2: THENCE SOUTH 89°%D29'13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 2550.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE NORTH 00°%D53'54" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 1, A DISTANCE OF 112.08 FEET TO A 4" SQUARE CONCRETE MONUMENT SET BY ADAIR & BRADY, INC., ON THE AGREEMENT LINE BETWEEN SPANISH RIVER PRESBYTERIAN CHURCH, INC., AND OSCAR JOHNSON IN 1995; THENCE NORTH 89°%D28'27" EAST ALONG SAID AGREEMENT LINE, 2549.63 FEET

EXHIBIT A

LEGAL DESCRIPTION

PRESERVE  
(PARCEL 2)

TO A 4" SQUARE CONCRETE MONUMENT SET BY ADAIR & BRADY, INC., IN 1995 ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 7; THENCE SOUTH 01 °D10'24" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 112.66 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

PARCEL 1 (STJ PROPERTIES PARCEL RECORDED IN OR 8211 / 1074):

A PARCEL OF LAND IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 00°D39'00" WEST ALONG THE EAST LINE OF SAID SECTION 1 (THE EAST LINE OF SAID SECTION 1 IS ASSUMED TO BEAR NORTH 00°D39'00" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 2232.20 FEET TO A POINT; THENCE SOUTH 89°D53'00" WEST A DISTANCE OF 80.81 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP 93210-2101 AND THE POINT OF BEGINNING OF THE HEREAFTER DESCRIBED PARCEL; THENCE SOUTH 89°D53'00" WEST A DISTANCE OF 1244.42 FEET TO A POINT; THENCE NORTH 00°D51'57" WEST A DISTANCE OF 351.16 FEET TO A POINT; THENCE NORTH 89°D59'02" EAST A DISTANCE OF 1244.45 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE SOUTH 00°D51'57" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 348.98 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (SOUTHERN BELL PARCEL RECORDED IN OR 3983 / 1966):

NORTH 50 FEET OF THE SOUTH 150 FEET OF THE EAST 340 FEET OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 (STATE ROAD 199) U.S. 441.

PARCEL 3 (DOT PARCEL RECORDED IN D.B. 642 / 332):

THAT CERTAIN PROPERTY CONVEYED TO THE STATE ROAD DEPARTMENT OF THE STATE OF FLORIDA BY QUIT-CLAIM DEED RECORDED IN DEED BOOK 642, PAGE 332, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4 (441 TAKING):

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 89°D00'30" EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 0.787 METER (2.58 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF

EXHIBIT A

LEGAL DESCRIPTION

PRESERVE  
(PARCEL 2)

TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210.2524; THENCE NORTH 01°05'04" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.170 METERS (0.56 FEET); THENCE NORTH 01°14'38" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 30.644 METERS (100.54 FEET); THENCE SOUTH 88°45'22" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 01°14'38" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 30.484 METERS (100.01 FEET) TO A POINT ON THE SOUTH LINE OF SAID SECTION 1; THENCE SOUTH 89°36'16" WEST ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 48.771 METERS (160.01 FEET); THENCE NORTH 01°14'38" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 30.484 METERS (100.01 FEET); THENCE NORTH 89°36'16" EAST, A DISTANCE OF 48.771 METERS (160.01 FEET) TO THE POINT OF BEGINNING.

PARCEL 5 (441 TAKING):

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 89°00'30" EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 0.787 METERS (2.58 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE NORTH 01°05'04" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.170 METERS (0.56 FEET); THENCE NORTH 01°14'38" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 30.644 METERS (100.54 FEET); THENCE SOUTH 88°45'22" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 7 (U.S. 441); THENCE NORTH 01°14'38" WEST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 15.242 METERS (50.01 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'16" WEST, A DISTANCE OF 48.771 METERS (160.01 FEET); THENCE NORTH 01°14'38" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 633.251 METERS (2,077.59 FEET); THENCE NORTH 89°27'42" EAST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 01°14'38" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 633.373 METERS (2,077.99 FEET) TO THE POINT OF BEGINNING.



EXHIBIT A

LEGAL DESCRIPTION

PRESERVE  
(PARCEL 2)

PARCEL 6 (441 TAKING):

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "B", "PLAT OF S.T.J. PROPERTIES, INC.", AS RECORDED IN PLAT BOOK 73, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID CORNER BEING A FOUND CONCRETE MONUMENT WITH NAIL & TABS; THENCE SOUTH 89° 33' 21" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 1.621 METERS (5.32 FEET); THENCE NORTH 01° 10' 57" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 9321 O-2524, A DISTANCE OF 34.668 METERS (113.74 FEET); THENCE NORTH 89° 28' 26" EAST, A DISTANCE OF 48.769 METERS (160 FEET) TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7; THENCE SOUTH 01° 10' 57" EAST ALONG A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 34.738 METERS (113.97 FEET); THENCE SOUTH 89° 33' 21" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 47.149 METERS (154.69 FEET) TO THE NORTHEAST CORNER OF SAID TRACT "B" AND THE POINT OF BEGINNING.

LESS AND EXCEPT THE SOUTH 1433.74 FEET OF THE ABOVE DESCRIBED PARCEL.  
CONTAINING 60.09 ACRES MORE OR LESS

EXHIBIT A

LEGAL DESCRIPTION

PRESERVE  
(PARCEL 3)

TRACTS 1,2,3, (LESS THE NORTH 215 FEET OF SAID TRACT 3), TRACTS 8 & 9, (LESS THE EAST 80 FEET OF SAID TRACT 9), TRACTS 10, 11, 12, 14, 15, & 19, (LESS THE WEST 120 FEET OF TRACT 19), TRACTS 20, 21, 22 & 23, BLOCK 52, 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, PAGE 45, SAID LAND LYING, SITUATE AND BEING IN PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD 7. CONTAINING 136.677 ACRES MORE OR LESS.

TOGETHER WITH:

THE NORTH 215 FEET OF TRACT 3, THE EAST 80 FEET OF TRACT 9, THE EAST 80 FEET OF  
THE NORTH HALF (N1/2) OF TRACT 16, THE SOUTH HALF (S1/2) OF TRACT 16, ALL OF TRACTS 17 AND 18, THE WEST 120 FEET OF TRACT 19 AND ALL OF TRACT 30, BLOCK 52,  
PALM BEACH FARMS CO. 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, PAGE 45, SAID LANDS SITUATE, LYING AND BEING  
IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 39.470 ACRES MORE OR LESS

EXHIBIT B

VICINITY SKETCH

DEVELOPMENT AREA  
(PARCEL 1)

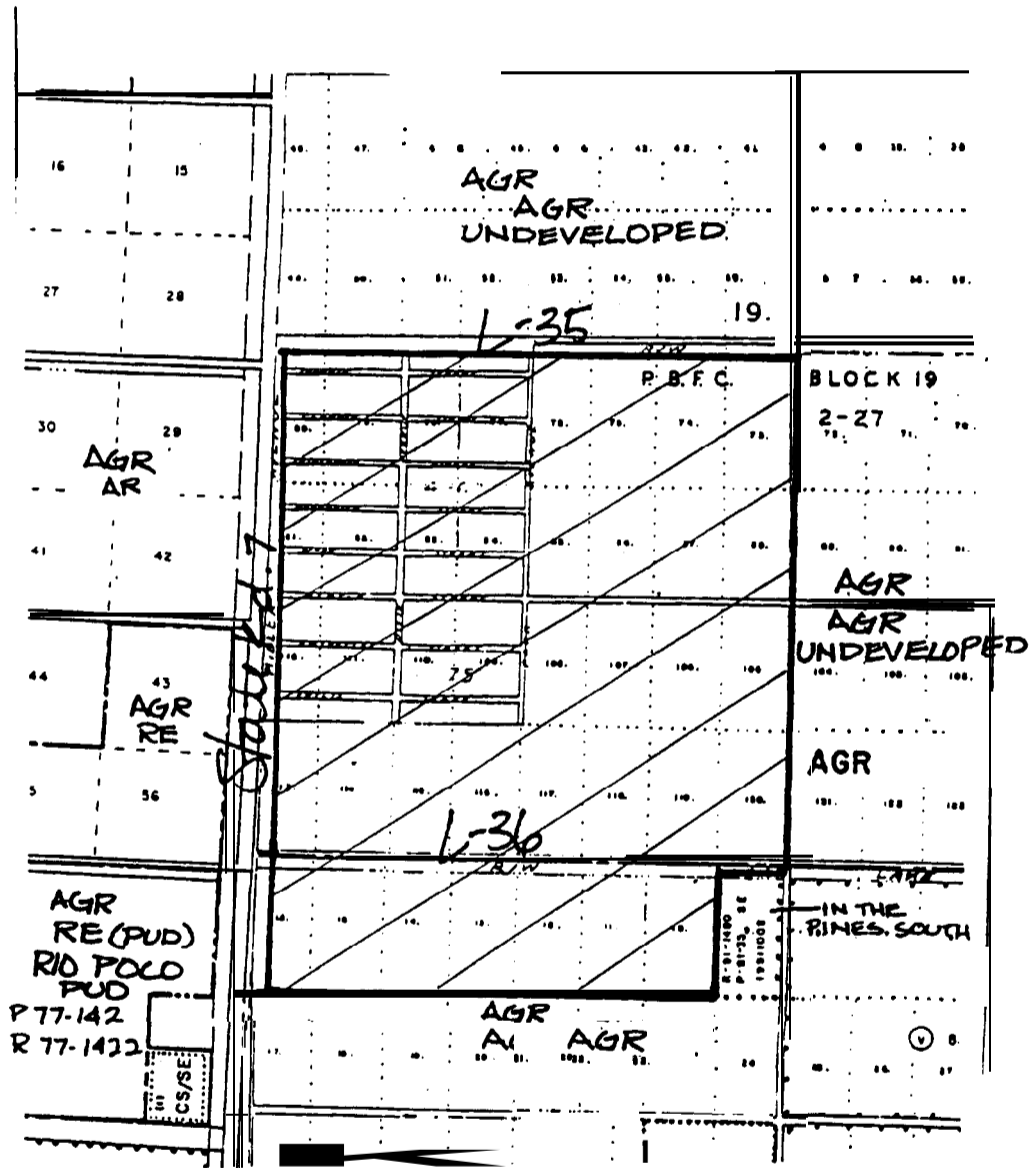


EXHIBIT B  
VICINITY SKETCH

PRESERVE  
(PARCEL 2)

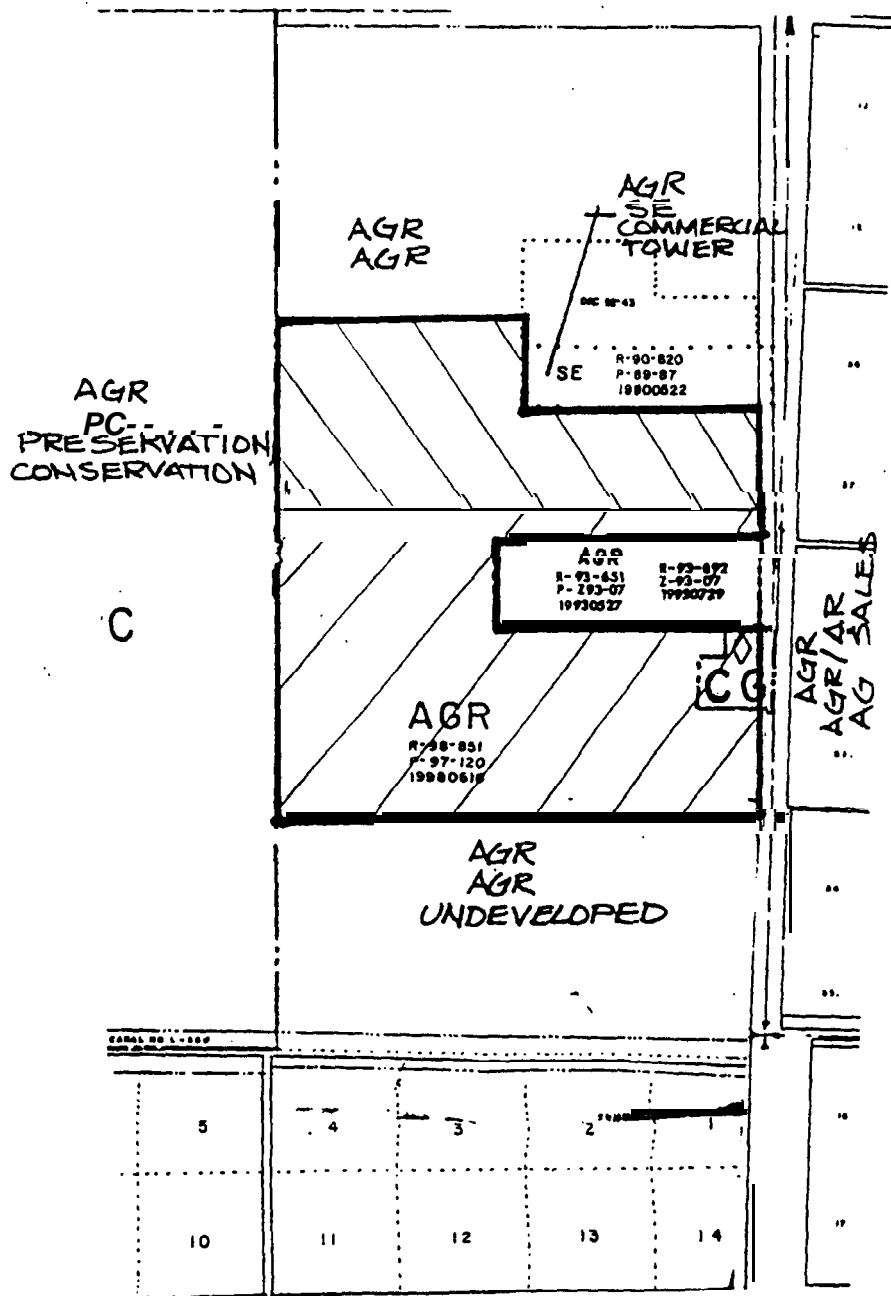


EXHIBIT B  
VICINITY SKETCH

PRESERVE  
(PARCEL 3)

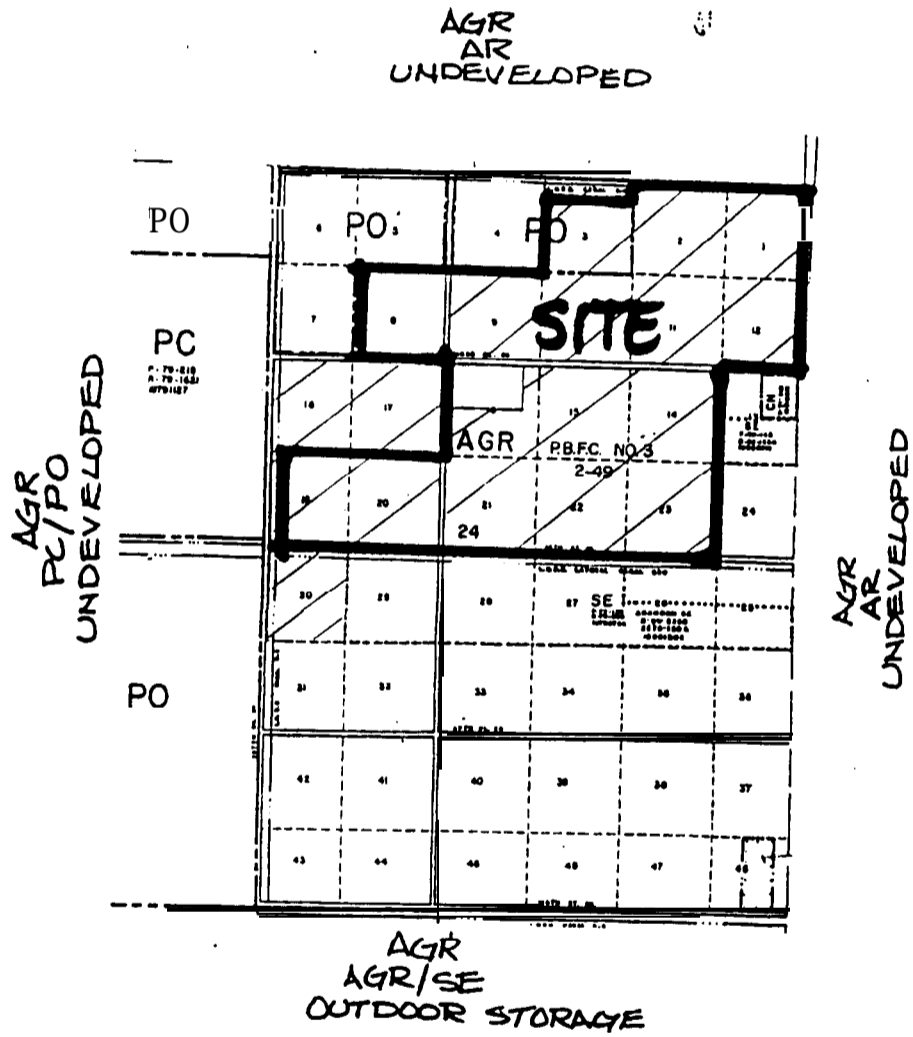


EXHIBIT C

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 development plan is dated July 25, 2000 and the conceptual site plan dated August 15, 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 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; and
  - c. No more than three (3) 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. 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)

C. LANDSCAPING - STANDARD

1. Fifty (50) percent of 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. 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 PERIMETER PROPERTY LINES

- 1. Landscaping and buffering along perimeter property lines shall be upgraded to include:
  - a. a minimum fifty (50) foot wide landscape buffer strip on the south, east and west property lines, no width reductions or easement encroachments shall be permitted on the south and west property lines. A maximum five (5) foot wide encroachment shall be permitted only on the east property line;
  - b. a four (4) to six (6) foot undulating berm, with an average height of five (5) feet, measured from the top of the curb on the south, east and west property lines;
  - c. one (1) canopy tree planted every thirty (30) feet on center;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms or pines may not supersede the requirement for canopy tree in that location;
  - 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)

E. ENGINEERING

- 1. The property owner shall construct the following turn lane improvements:
  - I. **Linton** Boulevard at SR 7:
    - a) left turn lane north approach;
    - b) right turn lane south approach;
    - c) Right turn lane east approach;
    - d) Left turn lane east approach;
  - II. **Linton** Boulevard at the projects entrance road:
    - a) left turn lane east approach;
    - b) left turn lane west approach;
    - c) left turn lane north approach;
    - d) Left turn lane south approach
  - III. Projects' entrance Road at SR 7:
    - a) directional left turn lane north approach
    - b) right turn lane south approach;
- A) The construction of those improvements enumerated in E. 1 .III. shall be concurrent with the construction of the projects' entrance road onto SR 7 unless any of these turn lanes are constructed by the Florida Department of Transportation as part of the road widening of SR 7. The construction of those improvements enumerated in E. 1.I and E. 1 .II above shall be concurrent with the construction of the projects' entrance road onto **Linton** Boulevard. 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. (PLAT: ENG)

- B) Permits required by Palm Beach County and the Florida Department of Transportation for the construction shall be submitted prior to technical **compliance for E. 1.III and prior to December 1, 2001 for E. 1.I and E. 1.II.** (TC/DATE: ENG)
  - C) Construction shall be completed in accordance with a phasing schedule approved by the DRC at the time of the approval of the Preliminary Development Plan. (DRC: ENG)
2. Prior to December 1, 2001 the Property owner shall provide construction plans for **Linton** Boulevard as a 3 lane section plus the appropriate paved tapers from SR 7 to Lyons Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE; MONITORING-Eng)
  3. The property owner shall construct **Linton** Boulevard as a 3 lane section from SR 7 east to ½ Mile Road. Construction shall be completed on or before December 1, 2002. (DATE/BLDG PERMIT: MONITORING-Eng)
  4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at **Linton** Boulevard and SR 7 and the project's entrance road and SR-7. In the event **Linton** Boulevard is removed from the Thoroughfare Plan, the petitioner shall be relieved of the obligation to fund the cost of signalization at **Linton** Boulevard and SR-7.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)
  5. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents, all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying **Linton** Boulevard as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for **Linton** Boulevard. Information which appears in written **form** shall appear in **bold print**. (PLAT: ENG)
    - 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 January 1, 2002, and shall continue on an annual basis until all units within the development have been sold, **Linton** Boulevard is removed from the Thoroughfare Plan, or the developer relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)



- b. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. The signs may be removed if **Linton** Boulevard is removed from the Thoroughfare Plan. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)
6. The property owner shall to convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
- a) **Linton** Boulevard 120 feet of right of way on an alignment previously approved by the Board of County Commissioners, from the projects east property line to SR 7
  - b) ½ Mile Road 30 feet from centerline from the projects south property line to **Linton** Boulevard
  - c) Expanded intersection at **Linton** Boulevard and SR 7

The right of way for E.6.b) shall be conveyed prior to the issuance of the first Building Permit or prior to June 1, 2001. The right of way for E.6.a) and **E.6.c)** shall be conveyed prior to December 1, 2001. 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/DATE: **MONITORING-Eng**)

7. 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 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 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 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 100th 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 issuance of the first Building Permit. (BLDG PERMIT: **MONITORING-Eng**)

8. "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 cutouts within the concrete median of SR 7 **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, 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 any 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, the cost of Cutting out the concrete median and the Landscape material shall be funded 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)

9. Prior to December 1, 2001, the property owner shall convey a temporary roadway construction easement along the **Linton** Boulevard Extension 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. (DATE: MONITORING-Eng)
10. Prior to December 1, 2001, 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. (DATE: MONITORING-Eng)
11. Prior to DRC approval of the Preliminary Development Plan the Master Plan shall be revised to reflect an adequate distance from the Traffic Control Gates to the first intersection as approved by the County Engineer. (DRC APPROVAL: ENG)
12. If the Board of County Commissioners deletes the section of **Linton** Boulevard from **the Thoroughfare** Plan, Conditions E.I .I, E.I .II, those portions of E.I .A) and E.I.B) specific to **Linton** Boulevard, E-2., **E.3.**, those portions of E.4. specific to **Linton** Boulevard, E-5., those portions of E.6. specific to **Linton** Boulevard, **E-9.**, and those portions of **E.10.** specific to **Linton** Boulevard shall be considered to be null and void.

F. 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 the County Engineer. (DRC: ZONING)
- B. 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 100" 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)

G. 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 Engineer. (CO: BLDG - Eng)

2. Street trees shall be provided 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. 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. Pavers or decorative pavement shall be provided for the driveways of all units (DRC: ZONING)
5. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show
  - a. 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 as shown on the conceptual site plan dated August 152000. 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; and,
  - b. a minimum twenty-five percent (25) % of the eighty (80) foot wide single family lots shall be provided with semi-circular driveway. (DRC: ZONING)

6. No rear, side interior, side corner setback reduction shall be permitted, with the exception of those lots abutting a lake or open space tract as permitted in the ULDC. (DRC: ZONING)

7. 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 as shown on the conceptual site plan dated August 152000. 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)

8. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
9. 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 in the vicinity of 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. (ONGOING: MONITORING)
10. Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document acceptable to the County Attorney, giving notice of the existence of agricultural uses shall be submitted to the Zoning Division. The document shall describe the uses in separate paragraphs, 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 sold in the developable areas. (ONGOING/DRC: CODE ENF/ZONING - Cty Att)
11. All zero-lot line lots (units) which side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING)
12. 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
Lot Coverage - ZLL	55%	All Pods
Lot Coverage - Single Family	44%	All Pods

13. Development of the project shall be consistent with the conceptual site plan dated August 15, 2000. No single family units/pods shall be permitted to convert to zero lot line units without BCC approval. Prior to final DRC certification of the last remaining subdivision plan (residential pod), the master plan shall be revised to show a maximum of 360 units for the entire PUD. (DRC: ZONING)

H. SCHOOL BOARD

1. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to label the school bus stop, turnaround and bus shelter and shall be approved by the School Board. (DRC: SCHOOL BOARD)
2. The property owner shall place 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 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)

I. PLANNING

DEVELOPMENT AREA:

1. The conservation easements on the preservation areas shall be recorded prior to or concurrent with the first plat for the Sussman PUD. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to December 1, 2001, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: **MONITORING/DRC/PLANNING**)
2. Prior to initial Master Plan Certification by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revise to reflect the most current acreage totals per surveys submitted on the following dates: Sussman **PUD-2000-032(1)**, (May 252000 (sheet 1) and April **19, 2000** (sheet **2**)), Spanish River Presbyterian **Church/GL & Johnson parcels-2000-032(2)**, (May **25, 2000** (sheet 1) and April **19, 2000** (sheet **2**)), and **Bruschi/GL & LWDD parcels-2000-032(3)**, (April **19, 2000**), and Land Use Justification correspondence from Land Design South dated May 252000. (DRC: **PLANNING**)
3. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as a buildable area, and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: **PLANNING**)
4. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall amend the location map on the master plan so as to include the locations of the preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Development Code (ULDC). (DRC: **PLANNING**)
5. The PUD shall be limited to a maximum of 455 single family units provided **60/40** requirements are met. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Master Plan indicating that the balance of unused units (1 **10** units) shall not be utilized outside the boundary of the Sussman PUD site as identified in petition No. PDD **2000-032(1)**. (DRC: **PLANNING**)
6. Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall add the following notes to the Preliminary Development Plan:

The preservation areas approved as part of Petition 2000-032 (1,2,3) shall be restricted to preservation uses as follows:

PERMITTED USES

- a) crop production, pasture, or equestrian purposes or may be retained as fallow land;
- b) accessory structures such as barns and pump structures are permitted;
- c) wetland or bona fide agricultural uses per the ULDC;
- d) Other uses as permitted by the required conservation easements;
- e) Other uses as may be permitted within the protected area of an Agr-PDD consistent with the Comprehensive Plan and the Unified Land Development Code;

NOT PERMITTED

- f) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected area of the Agr-PUD; nor shall new residential uses be accommodated thereon. (DRC: PLANNING)
- g) The Special Agriculture (SA) land use designation on a portion of the Spanish River Presbyterian **Church/GL & Johnson parcels-2000-032(2)** is no longer valid.

PARCEL 2 (PRESERVE)

- 7. The conservation easement on the preservation areas shall be completed prior to or concurrent with the first plat for the Sussman PUD. Should a conservation easement not be placed on this property in a form acceptable to the County Attorney prior to December 1, 2001, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DRC /DATE: PLANNING / MONITORING - Planning)
- 8. Prior to or concurrent with recordation of the first plat for the buildable area as identified in Petition No. PDD 2000-032(1), the applicant shall dedicate the land to Palm Beach County, record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel, or subject the parcel to a conservation easement, limiting it to an agricultural reserve preserve area in accordance with the provisions of the Comprehensive Plan. (DRC: PLANNING)
- 9. Prior to final master plan certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to remove the SA future land use designation from the future land use atlas (FLUA) and include notations on the FLUA identifying the respective parcel as an agricultural reserve preserve area, and shall coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)

10. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD **2000-032(1)** (with the exception of dry models), the applicant shall record a boundary plat for the subject site, and include on said boundary plat, language limiting the site to agricultural reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 Section 5.2.c.2 of the Land Use Element, page 33. (BLDG PERMIT: PLANNING / BLDG)
11. Prior to site plan certification by the Development Review Committee (DRC), the applicant shall provide a notation on the regulating plan for Petition 2000-032 indicating all dwellings allocated to the subject site shall be located on the buildable area as identified in Petition No. PDD **2000-032(1)**. (DRC: PLANNING)

PARCEL 3 (PRESERVE)

12. Prior to recordation of the first plat, the petitioner shall record a legal lot(s) of record in order to create the configuration of this preservation parcel. The applicant shall provide documentation to the Zoning and Planning Divisions and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel shall have a total 176.15 acres. (DRC: ZONING/PLANNING/COUNTY ATTY)
13. The conservation easement on the preservation areas shall be completed prior to or concurrent with the first plat for the Sussman PUD. Should a conservation easement not be placed on this property in a form acceptable to the County Attorney prior to December 1, 2001, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DRC /DATE: PLANNING / MONITORING - Planning)
14. Prior to or concurrent with recordation of the first plat for the buildable area as identified in Petition No. PDD **2000-032(1)**, the applicant shall dedicate the land to Palm Beach County, record a restrictive covenant in a form acceptable to the Palm Beach **County Attorney for the** subject parcel, or subject the parcel to a conservation easement, limiting it to an agricultural reserve preserve area in accordance with the provisions of the Comprehensive Plan. (DRC: PLANNING)
15. Prior to final master plan certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as an agricultural reserve preserve area, and shall coordinate with the **PZ&B** Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)
16. Prior to the issuance of the first building permit for the development area as identified in Petition No. PDD **2000-032( 1)** (with the exception of dry models), the applicant shall record a boundary plat for the subject site, and include on said boundary plat, language limiting the site to agricultural reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 Section 5.2.c.2 of the Land Use Element, page 33. (BLDG PERMIT: PLANNING / BLDG)



17. Prior to site plan certification by the Development Review Committee (DRC), the applicant shall provide a notation on the regulating plan for Petition 2000-032 indicating all dwellings allocated to the subject site shall be located on the buildable area as identified in Petition No. PDD 2000-032(1). (DRC: **PLANNING**)

J. PARKS

1. Should **Linton** Boulevard be removed from the Thoroughfare Plan, the developer may relocate the 1.12 acre recreation parcel shown north of **Linton** Boulevard to a new location south of **Linton** Boulevard to be contiguous with the 1.53 acre Master Recreation area. This amendment to the plan shall only require DRC approval. (DRC: PARKS)

K. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Management Plan addressing the removal of prohibited exotic vegetation shall be submitted to and approved by ERM prior to DRC Master Plan certification. (DRC: ERM)

L. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **November 1, 2001** for a 3.72 acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
  - a. Developer to provide a title policy insuring marketable title to **Palm** Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
  - b. All ad **valorem** real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
  - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
  - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
    - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
    - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.

- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
  - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
  - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civicsite by November 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21 HH.6.
  - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
  - c. The **survey** should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by **September 1, 2001**. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civicsite will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
  - 3) Hazardous Waste Data Management System List (HWDMS)
- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.

- e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. Prior to **September 1, 2001**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC **6.8B.6a** (2). (DATE: MONITORING - PREM)

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)