

RESOLUTION NO. R-2001 -0238

RESOLUTION APPROVING ZONING PETITION PDDOO-052
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GL HOMES OF FLORIDA II CORP
BY KILDAY & ASSOCIATES, AGENT
(VALENCIA IV 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 PDDOO-052 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2001; 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 PDDOO-052, the petition of GL Homes of Florida II Corp by Kilday & Associates, agent, for an Official Zoning Map Amendment (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 January 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Absent
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 22, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

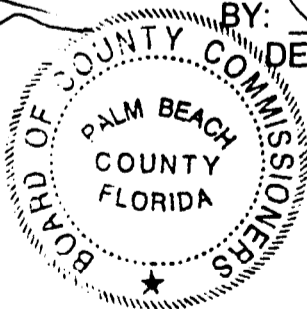


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying within a portion of Blocks 42 and 43 of the PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida, said lands also lying within Sections 7 and 8, Township 45 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of Tract 101, Block 43, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida; thence **N.00°29'27"W.**, along the west line of said Tract 101 and the west line of Tract 100 of said Block 43 and the northerly prolongation of the west line of said Tract 100, a distance of **1,335.52** feet; thence **N.88°58'41"E.**, along the centerline of a 30 foot roadway situated between Tracts 73 through 88 of said Block 43, on the North and Tracts 89 through 100 of said Block 43, on the South, a distance of **5,340.07** feet to a point on the west line of Block 42 of said PALM BEACH FARMS COMPANY PLAT NO. 3; thence **N.01°02'18"W.**, along the centerline of a 50 foot roadway situated between Tracts 59 and 88 of said Block 43, on the West and Tracts 69 and 70 of said Block 42, on the East, said centerline also being the west line of said Block 42, a distance of **1,335.49** feet; thence **N.88°57'43"E.**, along the westerly prolongation of the north line of Tract 69 of said Block 42, a distance of **25.00** feet to the northwest corner of said Tract 69; thence **S.01°02'18"E.** along the west line of said Tract 69, a distance of **35.64** feet; thence **N.88°57'43"E.** along a line that is parallel with and **35.64** feet south of, as measured at right angles to, the north line of Tracts 68 and 69 of said Block 42, a distance of **659.77** feet to a point on the east line of said Tract 68; thence **S.01°02'01"E.** along the east line of said Tract 68, a distance of **0.66** feet; thence **N.88°57'43"E.** along a line that is parallel with and **36.30** feet south of, as measured at right angles to, the north line of said Tract 67, a distance of **659.77** feet to the east line of said tract 67; thence **N.01°01'44"W.** along the east line of said Tract 67, a distance of **0.66** feet; thence **N.88°57'43"E.** along a line that is parallel with and **35.64** feet south of, as measured at right angles to, the north line of Tracts **64, 65,** and **66** of said Block 42, a distance of **989.65** feet to a point on the east line of said Tract 64; thence **S.01°01'18"E.** along the east line of said Tract 64, a distance of **0.36** feet; thence **N.88°57'43"E.** along a line that is parallel with and **36** feet south of, as measured at right angles to, the north line of said Tract 63, a distance of **329.88** feet to a point on the east line of said Tract 63; thence **N.01°01'09"W.** along the east line of said Tract 63, a distance of **36.00** feet to the northeast corner of said Tract 63; thence **N.88°57'43"E.** along the easterly prolongation of the north line of said Tract 63, a distance of **30.00** feet to the northwest corner of said Tract 62; thence **S.01°01'09"E.** along the west line of said Tract 62, a distance of **46.00** feet; thence **N.88°57'43"E.** along a line that is parallel with and **46** feet south of, As measured at right angles to, the north line of said Tract 62, a distance of **329.88** feet to a point on the east line of said Tract 62; thence **S.01°01'01"E.** along the east line of said Tract 62, a distance of **0.20** feet; thence **N.88°57'43"E.** along a line that is parallel with and **46.20** feet south of, as measured at right angles to, the north lines of Tracts 57 through 61 of said Block 42, a distance of **1,787.42** feet to a point in the westerly limits of lands as described in the Order of Taking recorded in Official Record Book 8223, Page 1084 of the Public Records of Palm Beach County, Florida; thence **S.05°08'39"W.**, a distance of **382.15** feet; thence **S.01°06'52"E.**, a distance of **732.79** feet; thence **S.04°51'23"E.**, a distance of **1516.81** feet to a point on the south line Tract 108 of said Block 42, the preceding three courses also being coincident with those lands as described in said Order of Taking; thence **S.88°58'42"W.**, along a line parallel with and **25** feet north of, as measured at right angles to, the south line of said Block 42, a distance of **4,872.20** feet to a point on the centerline of a 50 foot roadway situated between said Blocks 42 and 43, said point also being on the west line of said Block 42; thence continue **S.88°58'42"W.** along a line parallel with and **25** feet north

EXHIBIT A
LEGAL DESCRIPTION

of, as measured at right angles, to the south line of said Block43 a distance of **5,352.84** feet to the Point of Beginning.

All of the above said lands situate, lying and being in Palm Beach County, Florida.

Containing **19,780,085** square feet or 454.088 acres, more or less.

EXHIBIT B
VICINITY SKETCH

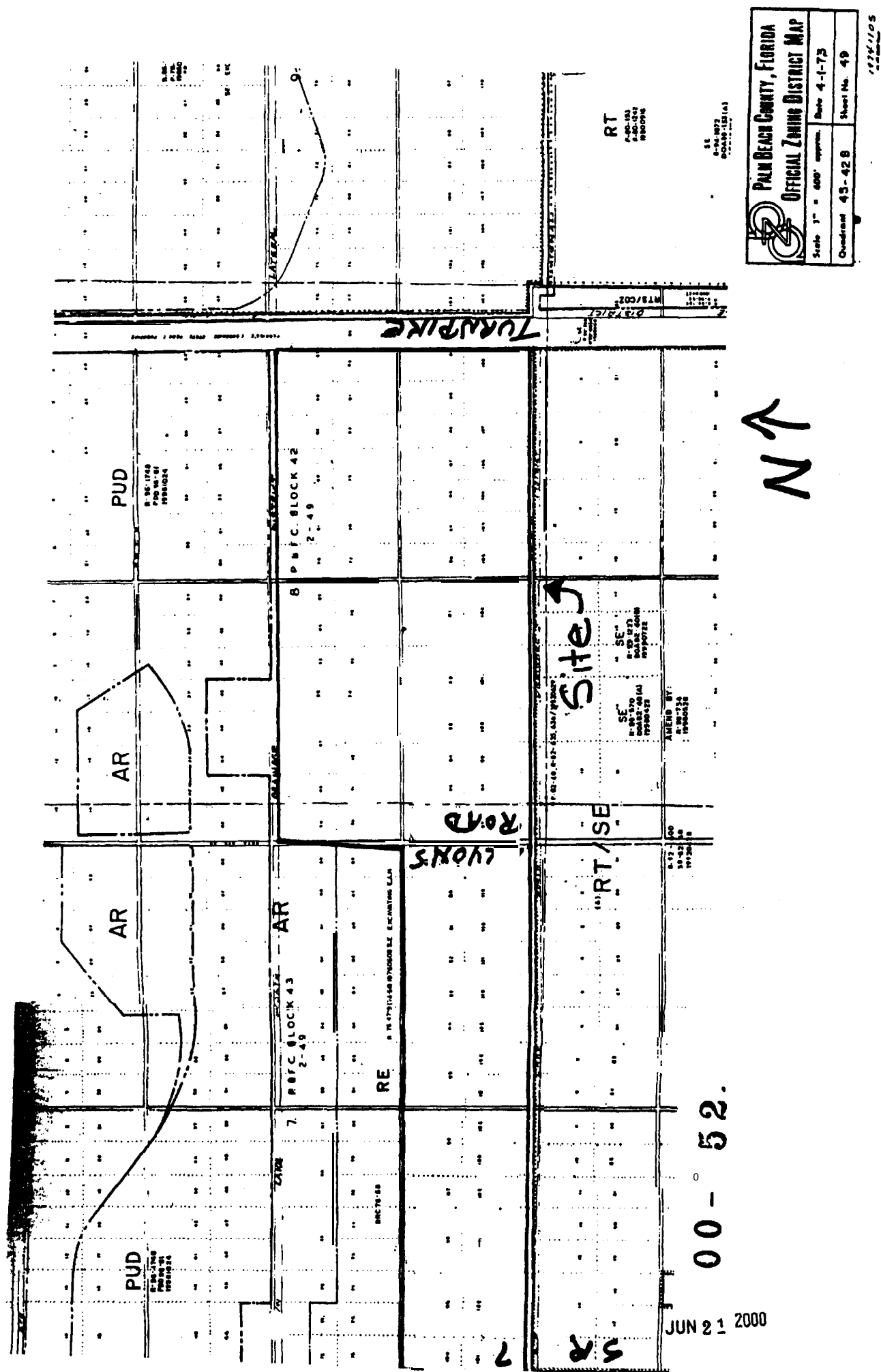


EXHIBIT C

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 preliminary development plan is dated November **21, 2000**. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:
 - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).
 - b. No more than three (3) homes with the same elevation shall be placed next to each other; and,
 - c. 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. (BLDG PERMIT: **BLDG/ZONING**)

2. Prior to final DRC certification of the preliminary development 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 - STANDARDS

1. Fifty (50) percent of all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: Six (6) 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 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 a perimeter canopy tree. (CO: LANDSCAPE - Zoning)
 4. All internal buffers between pods and perimeter TDR compatibility buffers shall be approved by the Development Review Committee (DRC) in accordance with the ULDC unless specifically modified by the Board of County Commissioners as part of this approval. (DRC: ZONING)
 5. Modification to spacing of plant material in the landscape buffer strips may be permitted to accommodate transversing utility or drainage easement crossings.

D. LANDSCAPING ALONG NORTH PROPERTY LINE EAST OF LYONS ROAD (ADJACENT TO VILLAGES OF WINDSOR PUD AND AWAD PROPERTY)

1. Landscaping and buffering along this portion of the north property line shall be upgraded to include:
 - a. A thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) native canopy tree for each (20) linearfeet of property line with a maximum spacing of thirty (30) feet on center;
 - c. A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of curb;
 - d. One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;
 - e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
 - f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

E. ENGINEERING

1. Prior to July 1, 2001, the property owner shall convey a temporary roadway construction easement along Lyons Rd. 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)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Lyons Rd., 1 10 feet of right of way on an alignment approved by the County Engineer. This right of way shall be conveyed **prior** to July 1, 2001. (DATE: MONITORING-Eng)

- b) Additional right of way for the Lyons Road overpass over the project's south east west road with the alignment and location to be approved by the County Engineer. This right of way shall be conveyed prior to July 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur. (DATE/BLDG PERMIT: MONITORING-Eng)
- c) Prior to the issuance of a building permit the property owner shall convey to Palm Beach County **Land Development Division** by road **right-of-way** warranty deed additional right of way **for the** construction of a right turn lane north and south approach on Lyons Road at the project's entrance road. This right-of-way 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)
(BLDG PERMIT: MONITORING-Eng)

All 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.

- 3. Prior to final subdivision approval for any **PODs** adjacent to the Florida Turnpike a required buffer/berm combination shall be shown on the site plan along the Florida Turnpike in accordance with **DOT approval**. This buffer/berm shall then be constructed concurrent with the required improvements for the affected POD. (DRC: ENG)

4. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a) Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Right-of-Ways. 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 on or before June 1, 2002. (DATE: MONITORING-Eng)

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

5. The Property owner shall construct the following turn lane improvements:

- I. Project's Entrance at SR 7;
 - a) Left turn lane north approach;
 - b) left turn lane east approach

- II. Project Entrance Road and Lyons Road;
 - a) left turn lane north approach;
 - b) right turn lane south approach;
 - c) left turn lane east approach;
 - d) right turn lane east approach;

- a) Permits required by Palm Beach County and the Florida Department of Transportation for construction of the above turn lanes shall be submitted prior to Technical Compliance for the plat containing the project's entrance road onto either SR 7 or Lyons Road. (PLAT: ENG)

- b) This construction shall be concurrent with the construction of the Project's Entrance Road onto either SR 7 or Lyons Road. 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.

6. The property owner shall provide for the acquisition of Lyons Road, 1 **10** feet of right of way from the present terminus south of Lantana Road to the present terminus at **Melrose** PUD. This condition does not apply to any portion of Lyons Road in which there is a minimum of 108 feet of existing right of way. All funding for the cost of the right-of-way and associated costs as referenced in the Condition above shall be provided with acceptable surety to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before May 1, 2001. Notification by the developer shall be given to the **Land Development Division**. (DATE: MONITORING - Eng)

7. On or before June 1, 2001 the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parcelled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to **Land Development Division**. (DATE: MONITORING-Eng)

8. Prior to June 1, 2001, the Property owner shall fund the construction plans for Lyons Road as a 3 lane section plus the appropriate paved tapers from the present terminus south of Lantana Road to the present terminus at Melrose PUD. 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)
9. The property owner shall fund the construction of Lyons Road as a 3 lane section in accordance with the condition above.. Funding for this construction shall be completed on or before February 1, 2002. (DATE: MONITORING-Eng)
10. Acceptable surety required for the Lyons Road improvements as outlined in the Conditions above and for the construction of Dual Left turn lanes east approach at the intersection of Lake Worth Road/Lyons Road shall be posted with the Office of the **Land Development Division** on or before July 25, ~~2002~~ ~~2001~~ in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS) (DATE: MONITORING-Eng)
11. 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:

- project's entrance and Lyons Road
- project's entrance 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)

12. 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 Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for Lyons Road. 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 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. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)
13. (a) Building permits for no more than entitlement density (or 44 adult

single-family housing units) shall be issued until contracts are let for construction of the following roadway improvements:

1. SR 7 from Boynton Beach Boulevard to West Atlantic as a 4-lane divided cross section.
2. SR 7 from Lake Worth Road to Boynton Beach Boulevard as a 6-lane divided cross section.
3. Lyons Road from the present terminus south of Lantana Road to present terminus at Melrose PUD.

(b) Building permits for no more than 653 adult single-family housing units (the equivalent of 5228 tpd) until construction commences on Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane divided section. This construction shall be assured by the developer. Surety in the amount of 110% of the certified cost estimate submitted by the Developers Engineer, and approved by the County Engineer shall be provided to Land Development on or before July 25, 2001. Construction costs shall include all right of way acquisition costs, construction plans, and construction costs. (DATE: MONITORING-Eng)

(c) Building permits for no more than 1089 adult single-family housing units shall be issued until the following:

1. Construction contracts are let for Lantana Road from SR 7 to Grand Lacuna Boulevard as a 4/6 lane divided section (including intersection improvements at Lantana Road/Lyons Road).
2. Construction commences on a second westbound left turn lane at the intersection of Lake Worth Road/Lyons Road. This construction shall be assured by the developer.

14. The Property Owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at the intersection of Boynton Beach Boulevard and Lyons Road. This funding shall be shared with any and all other developers with this same condition based on the total project traffic impacting this intersection. 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).

F. LANDSCAPING ALONG NORTH PROPERTY LINE WEST OF LYONS ROAD (ADJACENT TO JACK RABBIT FARMS)

1. Landscaping and buffering along the westerly 2,470 foot portion of the north property line shall include:

- a. A minimum thirty (30) foot wide landscape buffer located on the north side of the proposed project entrance road with a maximum five (5) foot easement encroachment;
 - 1) Double row of native canopy trees for each twenty (20) linear feet of property line with a maximum spacing of thirty (30) feet on center except traversing utility or drainage easement crossings;
 - 2) A continuous minimum four (4) foot high berm measured from top of curb;

- 3) One (1) additional palm or pine tree every twenty (20) linear feet of property line; with a maximum spacing of sixty (60) feet between palm or pine;
 - 4) Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of seventy-two (72) inches.
- b. A minimum twenty-five (25) foot wide landscape buffer located on the south side of the proposed project entrance road with a maximum five (5) foot easement encroachment;
- 1) One (1) native canopy tree for each twenty (20) linear feet of property line with a maximum spacing of thirty (30) feet on center except traversing utility or drainage easement crossings;
 - 2) A continuous minimum three and one-half (3.5) foot high berm measured from top of curb;
 - 3) One (1) additional palm or pine tree every twenty (20) linear feet of property line; with a maximum spacing of sixty (60) feet between palm or pine;
 - 4) A group of three (3) or more native palm or pine trees may supersede the required native canopy trees in the buffer; and,
 - 5) Twenty-four (24) inch high shrub or hedge material with a minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than **twenty-four (24) inches** on center and maintained at a minimum height of thirty-six (36) inches.
2. Landscaping and buffering along the easterly 2,870 foot portion of the north property line shall include:
- a) A minimum fifty-five (55) foot wide landscape buffer with a maximum five (5) foot easement encroachment;
 - b) Double row of native canopy trees for each twenty (20) linear feet of property line with a maximum spacing of thirty (30) feet on center except traversing utility or drainage easement crossings;
 - c) A continuous minimum eight (8) foot high berm measured from top of curb;
 - d) One (1) additional palm or pine tree every twenty (20) linear feet of property line; with a maximum spacing of sixty (60) feet between palm or pine;
 - e) Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of seventy-two (72) inches.

G. LANDSCAPING ALONG US 441/SR 7 AND BOTH SIDES OF LYONS ROAD EXTENSION

1. Landscaping and buffering along US 441/SR 7 and both sides of Lyons Road extension shall consist of the following:
- a. A minimum thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) native canopy tree for each (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
 - c. A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of

curb;

- d. One (1) additional palm or pine tree every twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between palm or pine clusters;
- e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
- f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

H. LANDSCAPING ALONG THE FLORIDA TURNPIKE

- 1. Landscaping and buffering along the Florida Turnpike shall consist of the following:
 - a. A minimum thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;
 - c. A minimum fifteen (15) foot high berm and/or wall combination measured from top of curb;
 - d. One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;
 - e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
 - f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO MELROSE PUD)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;
 - c. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet, measured from top of curb;
 - d. One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;
 - e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,

- f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

J. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. PLANNED UNIT DEVELOPMENTS

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 along both sides of all internal streets at the equivalent of one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

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

3. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att)

4. The petitioner has agreed to provide the following exemplary design elements:
 - a. Varied building elevations and color schemes;
 - b. Pavers or decorative pavement shall be provided for the driveways of all units;
 - c. Focal points within a neighborhood recreation area or open space tract;
 - d. Utilize perimeter canals and proposed water bodies, open space and perimeter buffers to minimize potential impacts on the adjacent residential uses.
 - e. Eighty (80) percent or more of all lots shall be adjacent to water management tracts, canals, open space or perimeter landscape buffers. (DRC: ZONING)

5. 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), roundabouts, open space or cul-de-sac consistent with the Conceptual Site Plan dated November 3, 2000. These focal points shall be public areas and shall be in the form of accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)

6. All recreation areas used towards the Parks and Recreation Department's minimum recreation requirement shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT:ZONING)

7. No reduction in width for any of the perimeter landscape buffers shall be permitted. (DRC: ZONING)

8. Flexible Regulations and/or Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following reduction in lot width and increased lot coverage:

Property Development Regulations	Code	Admin. Deviation (10% max.)	Flexible Regs (20% max.)	Proposed Reduction/ Increase
Minimum lot width (double Z lots)	45'	42'		-3'
Building coverage (Z-lots)	50%	55%		+0.05
Building Coverage (S.F. lots)	40%	44%		+0.04

9. Drainage easements shall not be permitted in the side or rear yards of any back-to-back lots. (DRC: ZONING)

10. All zero-lot line lots where a side yard abuts the rear yard of two (2) or more lots shall be restricted to one (1) story in height. (DRC: ZONING)

11. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses, water craft and water skiing activities in the vicinity of and adjacent to the development. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2002 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/ONGOING: MONITORING)
12. Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the existence of agricultural uses, water craft and water skiing activities acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit. . (ONGOING/DRC: CODE ENF/ZONING - Cty Att)
13. No side interior, rear or side street setback reductions (structure, pool/spa and/or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6 of the ULDC. (DRC:ZONING)
14. To promote interconnectivity, vehicular access shall be permitted from the adjacent parcel of land (Jack Rabbit Farms) onto the project's private entrance road (west parcel) in a location acceptable to Jack Rabbit Farms, the petitioner and the County Engineer. (DRC:ZONING)
15. Lighting elements utilized along the projects entrance road adjacent to Jack Rabbit Farms shall be installed in a manner so as direct lighting toward the ground and away from the adjacent property. Further, lighting elements along the north side of the entrance road (west parcel) shall include a sliding metal light cut-off shield to direct lighting away from the adjacent property (Jack Rabbit Farms). (DRC:ZONING)

L. PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 36, 37, 40, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development for all proposed road right-of-ways. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of fifty (50) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer.
- 2 . Prior to final site plan approval, the site plan shall indicate street cross sections, which depict landscaping for the pathway/sidewalk system along Lyons Road in order to provide shade/canopy trees for the pedestrian walkway. (DRC: LANDSCAPE-Planning)

M. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **March 1, 2002**, for a 9.0 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 civic site by **January 1, 2002**. 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 **January 1, 2002**. 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 civic site 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 March 1, 2002, 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 and 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 petitions 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 **sufficiently** met the intent of ULDC 6.8.B.6.a(2). (DATE:MONITORING-PREM)

N. 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)