

RESOLUTION NO. R-2001- 0444

RESOLUTION APPROVING ZONING PETITION PDD2000-098  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT(PDD)  
PETITION OF MICHAEL MORTON  
BY KILDAY & ASSOCIATES, AGENT  
(SAN MICHELE 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 PDD2000-098 was presented to the Board of County Commissioners at a public hearing conducted on March 22, 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 PDD2000-098, the petition of Michael Morton 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 March 22, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

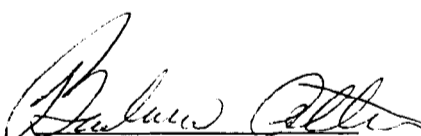
Warren H. Newell, Chair	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

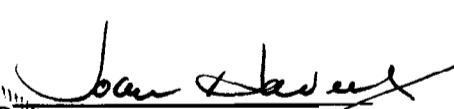
The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

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

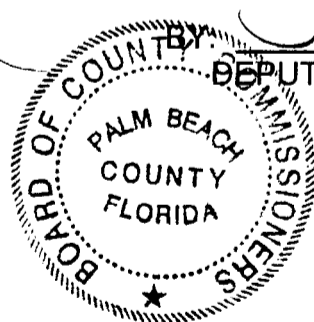


EXHIBIT A

LEGAL DESCRIPTION

Tracts 9 through 24, inclusive and Tracts 41 through 56, inclusive, Block 64, 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, LESS AND EXCEPTING therefrom the East 25 feet of Tracts 9, 24, 41 and 56;

TOGETHER WITH that certain 30 foot strip of land lying South of Tracts 17 through 24, and lying North of Tracts 41 through 48, LESS the East 25 feet and LESS the West 40.26 feet thereof, Block 64, 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;

LESS the North 38.28 feet of Tracts 9, 10, 11, 12, 13, 14, 15 and 16 for drainage purposes (per Chancery Case No. 407);

AND LESS the West 40.26 feet of Tracts 16, 17, 48 and 49, Block 64 (per Chancery Case No. 407).

ALSO LESS AND EXCEPT the following described parcel :

PARCEL A :

A portion of Tracts 41, 42, 43, 54, 55 and 56, Block 64, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, Florida, being more particularly described as follows :

COMMENCING at the Southeast corner of said Tract 56, Block 64;

THENCE North00°00'22"East, along the East line of said Block 64, a distance of 960.69 feet;

THENCE North90°00'00"West, a distance of 26.50 feet to the POINT OF BEGINNING;

THENCE continue North90°00'00"West, a distance of 815.62 feet;

THENCE South00°00'19"West, a distance of 800.90 feet to a point;

THENCE North90°00'00"East, a distance of 254.00 feet;

THENCE South00°00'00"East, a distance of 16.00 feet to a point;

THENCE North90°00'00"East, a distance of 503.11 feet;

THENCE North45°00'11"East, a distance of 56.57 feet;

THENCE North00°00'22"East, a distance of 280.00 feet;

THENCE North13°30'07"East, a distance of 51.42 feet;

THENCE North00°50'21"East, a distance of 446.95 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT the following described parcel :

EXHIBIT A  
LEGAL DESCRIPTION

PARCEL B :

A land of parcel being a portion of Tracts 41 and 56, Block 64, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 through 54, of the Public Records of Palm Beach County, Florida, being more particularly described as follows :

COMMENCING at the Southeast corner of said Tract 56, Block 64;

THENCE with a bearing of North00°00'22"East, along the East line of said Block 64, a distance of 960.69 feet to a point;

THENCE with a bearing of North90°00'00"West, a distance of 25.00 to the POINT OF BEGINNING;

THENCE with a bearing of South00°00'22"West, along the West right-of-way line of Hagen Ranch Road, a distance of 816.90 feet to a point;

THENCE with a bearing of North90°00'00"West, a distance of 60.00 feet to a point;

THENCE with a bearing of North45°00'11 "East, a distance of 56.57 feet to a point;

THENCE with a bearing of North00°00'22"East, along a line that is 20.00 feet Westerly of and parallel to the existing West right-of-way line of Hagen Ranch Road, a distance of 280.00 feet to a point;

THENCE North13°30'07"East, a distance of 51.42 feet to a point;

THENCE North00°50'21 "East, a distance of 446.95 feet to a point;

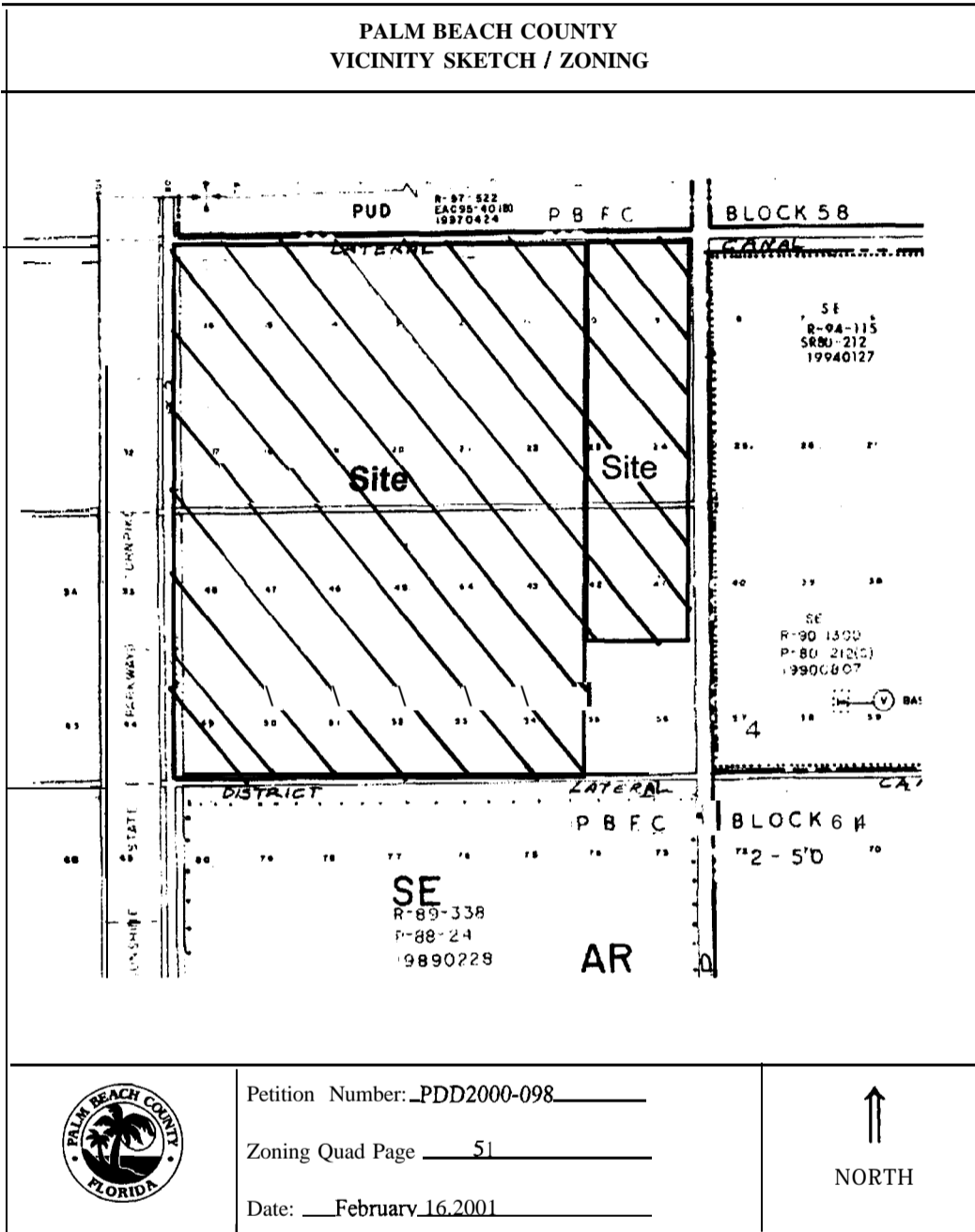
THENCE North90°00'00"East, a distance of 1.50 feet, more or less, to the POINT OF BEGINNING.

Said lands lying and situated within, Palm Beach County, Florida.

CONTAINING 140.227 Acres, more or less.

EXHIBIT B  
VICINITY SKETCH

EXHIBIT B



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## 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 and conceptual site plans are dated March 8, 2001. 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. 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 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)

#### C. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING VALENCIA LAKES PUD AND LWDD-CANAL L-28) AND ALONG THE SOUTH PROPERTY LINE (FUTURE FLAVOR PICT ROAD FRONTAGE AND COMMERCIAL) AND ALONG THE SOUTH 800 FEET OF THE EAST PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping and buffering along the north property line and along the south property line and along the south 800 feet of the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip, no width reductions shall be permitted;
  - b. a two (2) to three (3) foot high undulating berm, with an average height of two and one half (2.5) feet, measured from the top of the curb;
  - c. one (1) canopy tree planted every thirty (30) feet on center;

- d. one (1) palm for each thirty (30) linear feet of frontage or property line, with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may not supersede the requirement for a canopy tree in that location; and,
- e. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING ALONG THE NORTH 1804 FEET EAST PROPERTY LINE (HAGEN RANCH ROAD FRONTAGE)

- 1. Landscaping and buffering along the north 1804 feet of east property line shall be upgraded to include:
  - a. a minimum thirty-two (32) foot wide landscape buffer strip, no width reductions shall be permitted;
  - b. a three and one half (3.5) to four and one half (4.5) foot high undulating berm, with an average height of four (4) feet, measured from the top of the curb;
  - c. one (1) canopy tree planted every thirty (30) feet on center;
  - d. one (1) palm 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 may not supersede the requirement for canopy tree in that location; and,
  - e. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

E. ENGINEERING

- 1. Prior to 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 on:
  - a) Hagen Ranch Road at the projects entrance Road;
  - b) Hagen Ranch Road for the adjacent commercial 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. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. The Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
- 2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Flavor Pict Road extension, 160 feet north of the LWDD L-29 Canal on or before July 1, 2002. 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. If the Board of County Commissioners deletes this section of Roadway from the Thoroughfare plan prior to conveyance then this developer shall be required to convey eighty feet of right of way which may be a private roadway from

Hagen Ranch Road to the Project's entrance which will be required. The master plan shall also be amended to reflect this requirement.

3. The Property owner shall construct:
    - I) Flavor Pict Road extension from Hagen Ranch Road to the projects required entrance. If this section of road is not removed from the thoroughfare plan this section of road shall be constructed to thoroughfare plan standards. If this section of road is removed from the thoroughfare plan this section of road shall be constructed to collector road standards;
    - II) At the intersection of Flavor Pict Road and Hagen Road:
      - Left turn lane south approach;
      - Left turn lane west approach;
    - III) At the intersection of Hagen Ranch Road and the projects entrance road:
      - Left turn lane south approach;
      - Right turn lane north approach;
      - Left turn lane west approach
  - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
    - a. Building permits for more than 120 adult single family units (or the equivalent of 966 tpd) shall not be issued until construction commences on Hagen Ranch Road from Boynton Beach Blvd. to West Atlantic Avenue as a five-lane section. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.
    - b. Building permits for more than 419 adult single family dwelling units and a maximum of 91,800 square feet of general retail (or the equivalent of 6885 tpd) shall not be issued until construction commences on an additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on Hagen Ranch Road at the intersection of Hagen Ranch Road and Atlantic Avenue. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.



c. Building permits for more than the following land uses:

- 419 adult single family dwelling units and,
- 100,000 square feet of general retail and,
- 10,000 square foot bank and,
- 10,000 square foot office
- construction of the Civic parcel (maximum 251 trips per day)

(total equivalent of 8779 tpd) shall not be issued until construction commences on Jog Road from Lake Ida Road to Atlantic Avenue as a six-lane section. Construction commences is defined as awarding the contract for construction, the acquisition of all right-of way and construction easements and the acquisition of all required permits.

d. Prior to Preliminary Development approval the Developer shall record a restrictive covenant on the property limiting the use of the dwelling units to "seniors only".

The mix of allowable commercial and residential uses as permitted by the Zoning Division; as well as the adult only restriction listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: MONITORING-Eng)

5. Acceptable surety required for the design; right of way acquisition; and the Construction Engineering and Inspection Costs for the dual left turn lane as outlined above shall be posted with the Office of the **Land Development Division** on or before September 29, 2001. A minimum of 10.5 additional feet of right of way, 100 feet in length with a taper length of 315 feet or as approved by the County Engineer will be required to be acquired for the receiving lanes on the east side of **Hagen** Ranch Road at West Atlantic Avenue. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made. In the event such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety draw) and Palm Beach County may then complete all required work. (TPS) (DATE: MONITORING-Eng)
6. The Property owner shall provide construction plans for an additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on **Hagen** Ranch Road at the intersection of **Hagen** Ranch Road and Atlantic Avenue. 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. These construction plans shall be completed on or before February 1, 2002. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng)
7. The property owner shall provide for the acquisition of right of way to provide for the additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on **Hagen** Ranch Road at the intersection of **Hagen** Ranch Road and Atlantic Avenue. A minimum of 10.5 additional feet of right of way, 100 feet in length with a taper length of 315 feet or as approved by the County Engineer will be required to be acquired for the

receiving lanes on the east side of Hagen Ranch Road at West Atlantic Avenue. Funding shall include all associated costs. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2001. Notification by the developer shall be given to the **Land Development Division**. (DATE: MONITORING/ ENG)

8. The property owner shall construct an additional west approach left turn lane (dual left turns) including the appropriate receiving lanes on Hagen Ranch Road at the intersection of Hagen Ranch Road and Atlantic Avenue. Construction shall be completed on or before December 1, 2002. All canal crossings within the project limits shall be constructed to their ultimate configuration. Any required signalization upgrade shall be a mast arm structure installation and shall be funded by the property owner. (DATE: MONITORING-Eng)
9. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF HAGENRANCHROAD
  - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Hagen Ranch Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)
  - B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
  - C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's 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)

10. LANDSCAPE WITHIN THE LANDSCAPE ISLAND OF HAGEN RANCH ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the Landscape Island of Hagen Ranch Road right-of-way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this Landscape Island and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING- Eng)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)
- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's 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)

11. Prior to master plan approval the developer shall:

- A. Revise the master plan to add an access from the PUD onto Flavor Pict Road extension.

- B. Submit an approved internal traffic study outlining all site related turn lanes and widths of internal roadways based on traffic volumes.  
(DRC APPROVAL: ENG)
12. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

**Hagen Ranch Road and the project entrance road (Piper's  
Glen Boulevard extension)**

Signalization shall be a mast arm structure installation. Acceptable surety for this signalization shall be provided prior to the issuance of the first certificate of occupancy. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 5 years after the final Certificate of Occupancy for this property, the property owner shall be relieved from this condition. If the Board of County Commissioners establishes a policy requiring surety or length of the Developer's obligation which is different than this condition, the Developer shall be required to conform the adopted policy. (CO: MONITORING-Eng)

**F. LANDSCAPING ALONG THE WEST PROPERTY LINE ( ABUTTING FLORIDA'S  
TURNPIKE)**

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. a minimum thirty (30) foot wide landscape buffer strip, no width reductions shall be permitted;
  - b. a minimum continuous three (3) foot high berm measured from top of curb;
  - c. a minimum six (6) foot high opaque concrete wall shall be placed on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. one (1) canopy tree planted every twenty (20) feet on center;
  - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - c. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
- 3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

**G. ENVIRONMENTAL RESOURCES MANAGEMENT**

- 1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRC: ERM)

## H. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Street bike lanes shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
5. 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)

6. 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. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
7. No 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. No front setback reduction shall be permitted. (DRC: ZONING)
8. Prior to final DRC certification of the Preliminary Development Plan/Site Plan, the Preliminary Development Plan and Site Plan shall be amended to indicate additional recreation/open spaces. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each pod. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING)

9. 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)
10. 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

(DRC: ZONING)

11. Development of the project shall be consistent with the conceptual site plan dated March 8, 2001. 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 and the concurrency reservations shall be revised to show a maximum of 399 units for the entire PUD should the Flavor Pict Road r.o.w. be included and a maximum of 375 units without the Flavor Pict Road r.o.w. (DRC: ZONING)
12. Starting on October 1, 2002, the petitioner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng/School Board)

I. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **April 1, 2002**, for a 2.79 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 **February 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 **February 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. 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)

J. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated March 8, 2001 (Rec.# 34, 35, 36, & 37). In addition, the notations on the site plan labeled "pedestrian connection to commercial site" shall remain in the location on the site plan dated March 8, 2001 and the notation shall be revised to read "shaded pedestrian connection to commercial site". (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to include cross section details depicting the shaded landscaped pathway/sidewalk system, excluding palm trees, along Hagen Ranch Road, Flavor Pict Road, and along the areas labeled "shaded pedestrian connection to commercial site". (DRC: LANDSCAPE-Planning)
3. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the eastern and southern property line at the locations shown on the site plan which shall read "shaded pedestrian connection to commercial site". (CO/BLDG PERMIT: MONITORING-BUILDING)



K. 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<sup>th</sup> 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)

L. COMPLIANCE

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

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

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