

RESOLUTION NO. R-2001- 1663

RESOLUTION APPROVING ZONING PETITION EACI989-019(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GL HOMES OF BOYNTON BEACH ASSOC. V LTD
BY KILDAY & ASSOCIATES INC., AGENT
(VALENCIA FALLS PUD (AKA VALENCIA GRAND ISLES))

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC 1989-019(F) was presented to the Board of County Commissioners at a public hearing conducted on October 2, 2001; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 EAC 1989-019(F), the petition of GL Homes of Boynton Beach Assoc. V Ltd, by Kilday & Associates Inc., agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to modify a condition of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 2, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
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 October 2, 2001.

Filed with the Clerk of the Board of County Commissioners on 2 day of October, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

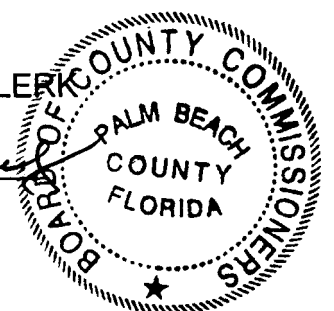


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF PALM BEACH FARMS COMPANY PLAT NO. 1, RECORDED IN PLAT BOOK 2, AT PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF TRACTS 1 THROUGH 7, 26 THROUGH 39, 58 THROUGH 71, 90 THROUGH 96 AND THOSE PORTIONS OF TRACTS 8, 25, 40, 57, 72 AND 89 LYING EAST OF THE EAST RIGHT OF WAY LINE OF HAGEN RANCH ROAD, 80.00 FEET IN WIDTH, AS NOW LOCATED AND CONSTRUCTED, PER OFFICIAL RECORDS BOOK 706, PAGE 142, OFFICIAL RECORDS BOOK 704, PAGE 249, OFFICIAL RECORDS BOOK 696, PAGE 120, OFFICIAL RECORDS BOOK 688, PAGE 283 AND PALM BEACH COUNTY DRAWING 3-56-027.

LESS AND EXCEPT THE NORTH 116.01 FEET OF TRACT 1; THEN NORTH 121.33 FEET OF TRACT 2; THE NORTH 118.63 FEET OF TRACT 3; THE NORTH 116.00 FEET OF TRACTS 4, 6 AND 8; AND THE NORTH 115.96 FEET OF TRACTS 5 AND 7, FOR RIGHT OF WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-30 CANAL.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 235.252 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

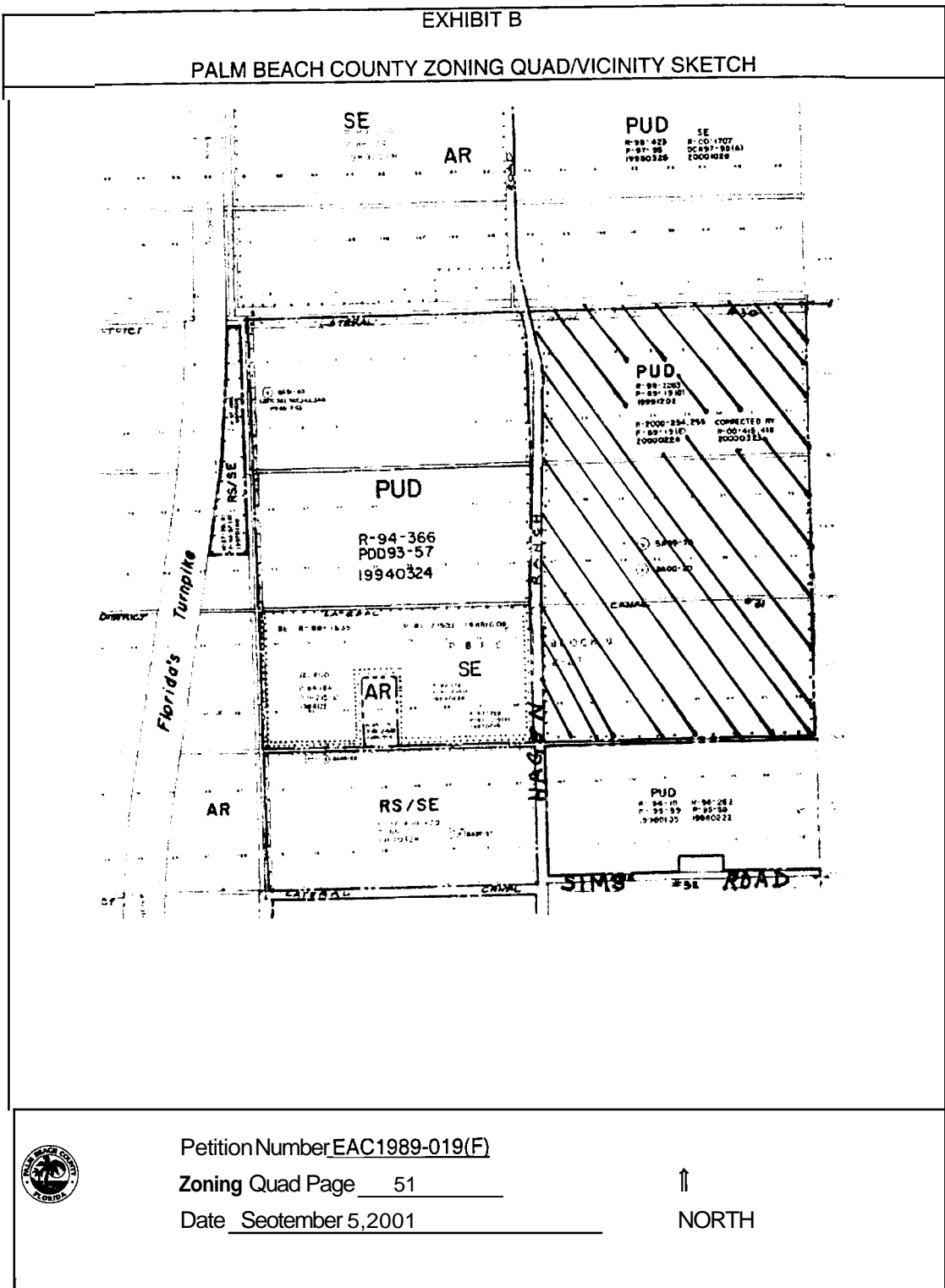


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2000-0255, Petition PDD89-019(E) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-2263 (Petition 89-019(D)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2000-0254, R-2000-0255 and R-2000-0415 (Petition 89-019(E)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONTIORING - Zoning)

2. Resolutions R-89-1321, granting approval of Petition 89-019, R-91-382, granting approval of Petition **89-019(B)**, and R-94-365, granting approval of Petition **89-019(C)**, are hereby revoked. (Previous Condition A.2 of Resolution R-2000-0255, Petition PDD89-019(E)) (MONITORING)
3. Condition A.3 of Resolution R-2000-0255, Petition PDD89-019(E) which currently states:

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 plan are dated February 14,2000. 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)

Is hereby amended to read:

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 plan are dated July 18, 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. 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.

A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT: BLDG/ZONING) (Previous Condition B.1 of Resolution R-2000-0255, Petition PDD89-019(E))

2. The proposed residential buildings within Pods A-I shall be designed and constructed to be similar to the facade elevations contained in the G.L. Homes Valencia Isles brochures dated July 27, 1999. Modifications may be permitted provided the new architectural treatment are equal to or an upgrade of the original architectural treatment. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.2 of Resolution R-2000-0255, Petition PDD89-019(E))

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM) (Previous Condition C.1 of Resolution R-2000-0255, Petition PDD89-019(E))
2. The Master Plan shall show the new sites and shall be in compliance with the Wellfield Section (9.3) and the Excavation Section (7.6) of the ULDC prior to DRC certification. (DRC: ERM) (Previous Condition C.2 of Resolution R-2000-0255, Petition PDD89-019(E))

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. At the discretion of the Health Department, the comfort stations may be reviewed under separate criteria. (HEALTH) (Previous Condition D.1 of Resolution R-2000-0255, Petition PDD89-019(E))
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HEALTH) (Previous Condition D.2 of Resolution R-2000-0255, Petition PDD89-019(E))

E. ENGINEERING

1. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the Project's Entrance and Hagen Ranch Road. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING - Eng) (Previous Condition E.1 of Resolution R-2000-0255, Petition PDD89-019(E))
2. 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 on Hagen Ranch 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. 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) (Previous Condition E.2 of Resolution R-2000-0255, Petition PDD89-019(E))

3. The Property owner shall fund the construction of a right turn lane south approach on Hagen Ranch Road at the projects entrance road.
 - a) Funding for this construction to the Roadway Production Division of the County Engineers Office shall be prior to February **1 2000**. 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. (DATE: MONITORING - Eng) (Previous Condition E.3 of Resolution R-2000-0255, Petition PDD89-019(E))
4. On or before July 31, **2000**, the property owner shall convey to Palm Beach County sufficient road drainage **easement(s)** through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hagen Ranch Road along the property frontage; and a maximum 800 feet of these adjacent **roadway(s)**. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient **retention/detention** and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road **Section(s)** of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate **wingwall** or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess **fill** material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this **fill** material. (DATE: MONITORING - Eng) (Previous Condition E.4 of Resolution R-2000-0255, Petition PDD89-019(E))
5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for no more than **440** adult single family residences shall be issued until construction has begun for the widening of Hagen Ranch as a 5 lane section from Boynton Beach Boulevard to West Atlantic Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.5 of Resolution R-2000-0255, Petition PDD89-019(E))
6. LANDSCAPE WITHIN LANDSCAPE STRIP 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 for a permit to provide landscaping within the Landscape Strip of Hagen Ranch Road right-of-way and shall

comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by 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. 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) (Previous Condition E.6.A of Resolution R-2000-0255, Petition PDD89-019(E))

B. All required Landscape Strip Landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscape material shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Associate and/or Homeowners'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. 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 January 1, 2001. (DATE: MONITORING-Eng) (Previous Condition E.6.B of Resolution R-2000-0255, Petition PDD89-019(E))

C. If the County does not assume maintenance responsibility, 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) (Previous Condition E.6.C of Resolution R-2000-0255, Petition PDD89-019(E))

7. Prior to technical compliance of the first plat, the property owner shall provide to the County Engineer a temporary construction easement along Hagen Ranch Road. The temporary construction easement shall be along the projects entire frontage. (TC: ENG) (Previous Condition E.7 of Resolution R-2000-0255, Petition PDD89-019(E))

F. LANDSCAPING- STANDARD

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

- a. Tree height: Twelve (12) feet
- b. Trunk diameter: 25 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)

(Previous Condition F.1 of Resolution R-2000-0255, Petition PDD89-019(E))

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) (Previous Condition F.2 of Resolution R-2000-0255, Petition PDD89-019(E))
3. A group of three **(3)** or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution R-2000-0255, Petition PDD89-019(E))
4. All internal PUD buffers between pods shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING) (Previous Condition F.4 of Resolution R-2000-0255, Petition PDD89-019(E))

G. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ADJACENT TO LWDD L-30 CANAL AND AGRICULTURAL USE)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) canopy tree planted every thirty **(30)** feet on center. A group of three **(3)** or more palm or pine trees may supersede the requirement for a maximum **fifty** (50) percent of the required canopy trees in that location within the buffer;
 - c. East property line only - A minimum one **(1)** to three **(3)** foot undulating berm with an average height of two **(2)** feet, measured from top of curb and 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; and,
 - d. Thirty **(30)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of forty-eight **(48)** inches. (CO: LANDSCAPE) (Previous Condition G.1 of Resolution R-2000-0255, Petition PDD89-019(E))

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ADJACENT TO HUNTINGTON WALK, A.K.A. VILLA BORGHESE PUD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip, with reduction in width and encroachments as permitted by the ULDC;
 - b. One **(1)** canopy tree planted every thirty **(30)** feet on center. A group of three **(3)** or more palm or pine trees may supersede the requirement for a maximum **fifty** (50) percent of the required canopy trees in that location within the buffer; and,

- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE) (Previous Condition H.1 of Resolution R-2000-0255, Petition PDD89-019(E))

I. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO HAGEN RANCH ROAD)

- 1. Landscaping and buffering along the west property line shall include:
 - a. A minimum thirty-five (35) foot wide landscape buffer strip with a five (5) foot maximum easement encroachment. Encroachment of the well site may be permitted provided it is setback a minimum of fifteen (15) feet from the PUD's west property line and screened with appropriate landscaping;
 - b. A minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet measured from top of curb;
 - c. One (1) canopy tree for each twenty-five (25) linear feet of property line with a maximum spacing of thirty (30) feet between clusters. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required canopy trees in that location within the buffer;
 - d. One (1) additional palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE) (Previous Condition I.1 of Resolution R-2000-0255, Petition PDD89-019(E))

J. LWDD

- 1. Per LWDD Board of Supervisors meeting July 14, 1999, the L-31 Canal located in the east half of Section 9/46/42 will be relocated along the west section line of the Northwest Quarter of Section 10/46/42. Prior to Plat Recordation the L-31 Canal along said west section line will be constructed and a seventy (70) foot easement will be conveyed to the District for the relocated L-31, the District will concurrently quit claim its interest relative to the L-31 canal in the east half of section 9; otherwise the owner of that portion of the east half of section 9 in which the L-31 canal is located, shall convey to the District by either quit claim or easement the L-31 canal required right-of-way as shown in ORB 1732 Page 612. (PLAT: ENG - LWDD) (Previous Condition J.1 of Resolution R-2000-0255, Petition PDD89-019(E))

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) (Previous Condition K.1 of Resolution R-2000-0255, Petition PDD89-019(E))

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) (Previous Condition K.2 of Resolution R-2000-0255, Petition PDD89-019(E))

L. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng) (Previous Condition L.1 of Resolution R-2000-0255, Petition PDD89-019(E))
2. Street trees shall be provided as follow:
 - a. Along a minimum of one side of all internal PUD right-of-ways forty (40) feet in width or greater;
 - b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
 - c. At one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. (CO: LANDSCAPE - Zoning) (Previous Condition L.2 of Resolution R-2000-0255, Petition PDD89-019(E))

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) (Previous Condition L.3 of Resolution R-2000-0255, Petition PDD89-019(E))

4. Recreation uses in accordance with the Board of Adjustment Petition BOFA 9900070 conditions of approval shall be provided. Such recreation uses shall have a direct connection to the pedestrians 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 toward 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) (Previous Condition L.4 of Resolution R-2000-0255, Petition PDD89-019(E))

5. Condition L.5 of Resolution R-2000-0255, Petition PDD89-019(E) which currently states:

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 A, B, D, F (** for all pods)	Pods C, E (** for all pods)	Pods G-H (** for all pods)
Lot Width /Frontage (Interior/Corner /Side Street)	42'144'148' min.		X	
Building Coverage (SFD/ZLL)	44%/55% max.	X	X	X
Front Setback	22.5' min.	X		X

** Pavers shall be provided for the driveways of all units (DRC: ZONING)

Is hereby amended to read:

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 A, B, D, E, F (** for all pods)	Pods C, G (** for all pods)	Pods H (** for all pods)
Lot Width /Frontage (Interior/Corner /Side Street)	42'144'148' min.		X	
Building Coverage (SFD/ZLL)	44%/55% max.	X	X	X
Front Setback	22.5 min.	X		X

** Pavers shall be provided for the driveways of all units. (DRC: ZONING)

6. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), or cul-de-sac consistent with the Focal Point Exhibit dated November 1, 1999. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division.

(DRC: ZONING) (Previous Condition L.6 of Resolution R-2000-0255, Petition PDD89-019(E))

7. No rear, side interior or side street setback reductions may be permitted with the exception of lots abutting lake tracts or open space tracts as permitted by the ULDC. (DRC: ZONING)(Previous Condition L.7 of Resolution R-2000-0255, Petition PDD89-019(E))
8. Drainage easements shall not be permitted along the width and within the rear yards of the back-to-back units. (DRC: ZONING) (Previous Condition L.8 of Resolution R-2000-0255, Petition PDD89-019(E))
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) (Previous Condition L.9 of Resolution R-2000-0255, Petition PDD89-019(E))
10. Prior to plat recordation, the external access to the Civic Pod from Hagen Ranch Road shall be deleted from the preliminary development plan if the land area is not used as a Public Civic site. (PLAT: ZONING) (Previous Condition L.10 of Resolution R-2000-0255, Petition PDD89-019(E))

M. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by December **1,2000** for a **4.68** 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 PUD, 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 build able 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) (Previous Condition M.1 of Resolution R-2000-0255, Petition PDD89-019(E))
2. The property owner shall provide the County with a certified survey of the proposed civic site by November 1, 2000. 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. 21HH.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 indicate 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) (Previous Condition M.2 of Resolution R-2000-0255, Petition PDD89-019(E))

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by November 1, 2000. 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 the property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b. Review the 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 locate in a Wellfield Zone. (DATE: MONITORING - PREM) (Previous Condition M.3 of Resolution R-2000-0255, Petition PDD89-019(E))

4. Prior to November 1, 2000, 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 sufficiently met the intent of ULDC 6.8.B.6.a.(2). (DATE: MONITORING- PREM) (Previous Condition M.4 of Resolution R-2000-0255, Petition PDD89-019(E))

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) (Previous Condition N.1 of Resolution R-2000-0255, Petition PDD89-019(E))
2. Condition N.2 of Resolution R-2000-0255, Petition PDD89-019(E) which currently states:

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)

Is hereby amended to read:

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 Code Enforcement Special Master 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)