

RESOLUTION NO. R-2002- 2204

RESOLUTION APPROVING ZONING PETITION DOAI997-104C
DEVELOPMENT ORDER AMENDMENT
PETITION OF THE OAKS AT BOCA RATON
BY KILDAY AND ASSOCIATES, AGENT
(THE OAKS AT BOCA (AKA RAINBOW 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, 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 DOAI997-104C was presented to the Board of County Commissioners at a public hearing conducted on December 9, 2002; 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 DOA1997-104C, the petition of The Oaks at Boca Raton, by Kilday and Associates, agent, for a Development Order Amendment to reconfigure site plan, add land area and units 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 December 9, 2002, 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 Greene and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	-	Nay
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Nay
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 9, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of January, 200³.

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

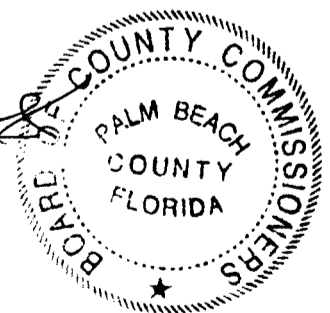


EXHIBIT A

DEVELOPMENT LEGAL DESCRIPTION

Development area only

DESCRIPTION: LANDS SURVEYED

ALL OF "FOX HILL ESTATES OF BOCA RATON", AS RECORDED IN PLAT BOOK 87, PAGES 4 THROUGH 12, TOGETHER WITH A PORTION OF BLOCK 70, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID "FOX HILL ESTATES OF BOCA RATON"; THENCE N.89E34'01"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 529.44 FEET; THENCE N.00E25'59"W. ALONG SAID NORTH LINE, A DISTANCE OF 5.47 FEET; THENCE N.89E34'01"E. ALONG SAID NORTH LINE, A DISTANCE OF 1,980.00 FEET; THENCE N.00E25'59"W., A DISTANCE OF 1.32 FEET; THENCE N.89E34'01"E., A DISTANCE OF 345.00 FEET; THENCE N.00E25'59"W., A DISTANCE OF 8.96 FEET; THENCE N.89E34'01"E., A DISTANCE OF 345.00 FEET; THENCE N.00E25'59"W., A DISTANCE OF 28.00 FEET TO THE NORTHWEST CORNER OF TRACT 71 OF SAID BLOCK 70; THENCE N.89E34'01"E. ALONG THE NORTH LINE THEREOF, A DISTANCE OF 330.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 71; THENCE S.00E25'59"E. ALONG THE EAST LINE THEREOF, A DISTANCE OF 35.64 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-39; THENCE N.89E34'01"E., A DISTANCE OF 1950.07 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 11413, PAGES 1734 THROUGH 1749 OF SAID PUBLIC RECORDS; THENCE S.00E26'13"E., A DISTANCE OF 1943.85; THENCE S.00E35'39"W., A DISTANCE OF 250.04 FEET; THENCE S.00E26'13"E., A DISTANCE OF 120.00 FEET; THENCE S.13E03'32"W., A DISTANCE OF 51.42 FEET; THENCE S.00E26'13"E., A DISTANCE OF 270.51 TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF TRACTS 121 THROUGH 128 OF SAID BLOCK 70 FEET; THENCE S.89E34'01"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2593.74 FEET TO THE SOUTHWEST CORNER OF TRACT 121 OF SAID BLOCK 70; THENCE N.00E25'59"W. ALONG THE WEST LINE THEREOF, A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 121; THENCE S.89E34'01"W., A DISTANCE OF 15.00 FEET; THENCE N.00E25'59"W., A DISTANCE OF 675.00 FEET; THENCE S.89E34'01"W., A DISTANCE OF 345.00 FEET; THENCE S.00E25'59"E., A DISTANCE OF 675.00 FEET TO THE SOUTHEAST CORNER OF TRACT 106 OF SAID BLOCK 70; THENCE S.89E34'01"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 2,474.24 FEET TO THE SOUTHWEST CORNER OF SAID "FOX HILL AT BOCA RATON"; THENCE N.01E27'31"W., ALONG THE WEST LINE THEREOF A DISTANCE OF 1,966.56 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 12,272,233 SQUARE FEET OR 281.732 ACRES, MORE OR LESS.

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-2002-0491, petition 1997-104(B) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-1213 (Petition DOA1997-104(A)) 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-98-741 Petition 1997-104(2), R-98-742, Petition 1997-104(3) and R-2002-0491 (Petition DOA1997-104B) 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)

2. All conditions of approval contained in Resolution R-79-1759, Petition 79-255, R-92-1576, Petition 90-5, and R-90-1318, Petition 90-5, are hereby repealed. The approvals granted by Resolution R-79-1759, Petition 79-255, R-92-1576, Petition 90-5, and R-90-1318, Petition 90-5, however, shall remain in full force and effect. (ONGOING: MONITORING-Zoning) (Previous Condition A.2 of Resolution R-2002-0491, Petition 1997-104(B))
3. Condition A.3 of Resolution R-2002-0491, Petition DOA1997-104(B) 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 and conceptual site plans are dated January 14, 2002. 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-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 is dated October 8, 2002. 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-Zoning)

4. Resolution R-83-206 granting approval of Petition 82-155 is hereby revoked, (Walker parcel). (ONGOING:MONITORING-Zoning)

B. ENVIRONMENTAL RESOURCE MANAGEMENT

1. An Exotic Removal Management Plan, that includes the Walker and Bedner conservation parcels associated with the entire Agricultural Reserve Rainbow PUD, shall be required to be approved by ERM prior to the first plat of either Pod E, F or G. The Plan shall designate a phased approach to include specific dates for removal of invasive non-native vegetation from these two conservation parcels associated with the entire Rainbow PUD. (PLAT:ERM-ERM)

C. 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: 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) (Previous Condition B.1 of Resolution R-2002-0491, Petition DOA1997-104(B))
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 B.2 of Resolution R-2002-0491, Petition DOA1997-104(B))
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location, except where specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition B.3 of Resolution R-2002-0491, Petition DOA1997-104(B))
4. Buffers between incompatible land uses, pods, and adjacent to internal rights-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (DRC: ZONING-Zoning) (Previous Condition B.4 of Resolution R-2002-0491, Petition DOA1997-104(B))

D. LANDSCAPING ALONG ALL PROPERTY LINES (FRONTAGE OF US441/SR7, LYONS ROAD CLINT MOORE ROAD, AND AGR)

1. Landscaping and buffering along all the property lines shall be upgraded to include:
 - a. A minimum fifty (50) foot wide landscape buffer strip; except for the portion with frontage on Clint Moore Road which may be permitted width reductions per ULDC requirements;

- b. a minimum two (2) to four (4) foot undulating berm, with an average height of three (3) feet (undulating berm for Pod A only), or a six (6) foot high continuous berm measured from the top of the curb; and,
- c. a minimum six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the residential units of the-PUD;
- d. a minimum of one (1) canopy tree planted every thirty (30) feet on center;
- e. a minimum of one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and
- f. twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted on both sides of the wall. Shrubs to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)
NOTE: (the 6 foot high wall and undulating berm are existing along the SR7 frontage adjacent to Pod A at the time when this project is review for BCC approval)

E. ENGINEERING

1. 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 49 dwelling units shall not be issued until the contract has been let for the construction for State Road 7 as a 6 lane section from Yamato Road to Atlantic Avenue plus the appropriate paved tapers. (BLDG: PERMIT: MONITORING- Eng) (Previous Condition E.1 of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)
2. Prior to DRC approval of the Master Plan the property owner shall revise the Preliminary Development Plan to provide for adequate legal access to Tract 105. (DRC: ENG-Eng) (Previous Condition E.2 of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)
3. Conditions E.3.A, E.3.B, E.3.C and E.3.D of Resolution R-2002-0491, Petition DOA1997-104(B)) which currently state:

LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

- a. Prior to issuance of the 55th building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Road Right-of-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 to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All 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 owner's 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' 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 55th certificate of occupancy. (CO: MONITORING-Eng)
- c. If the construction of SR 7 has not been completed at the time of the issuance of the 55th certificate of occupancy, then the property owner shall post surety in the amount of 110% of an approved certified cost estimate with the Office of the County Engineer for the required median plantings. All landscape material shall then be installed within 90 days from receipt of notice by the County Engineer that the SR 7 construction has been completed. (CO:ENG-Eng)
- d. If the Developer does not enter into an agreement with Palm Beach County to assume the 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 the 55th Building Permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.3.D of Resolution R-2002-0491, Petition DOA1997-104(B))

Are hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF SR 7 AND CLINT MOORE ROAD

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of both Clint Moore Road and SR 7.

This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to September 1, 2003. (BLDG PERMIT: MONITORING- Eng)

- b. All installation of the landscaping and irrigation shall be completed prior to February 1, 2004. (CO:MONITORING – Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner,

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Clint Moore Road and SR 7. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

4. The property owner shall fund the construction of the pedestrian pathway which is included in the road widening of SR 7 by the Florida Department of Transportation. Limits of the sidewalk funding by this property owner shall be from Spanish Isles Boulevard to the project's entrance onto SR 7. Amount of funding for this sidewalk shall be approved by the Florida Department of Transportation and the County Engineer. Funding shall be completed prior to the issuance of the first 12th Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.4 of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)

Condition E.4.A of Resolution R-98-1115, Petition PDD97-104(1) was deleted by Resolution R-2001-1213, Petition DOA1997-104(A).

5. Condition E5a of zoning resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

The Property owner shall fund the construction of a right turn lane extension south approach on SR7 at the Project entrance road.

- a. Funding for the construction shall be completed prior to the issuance of the 12th Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.5.A of Resolution R-2002-0491, Petition DOA1997-104(B))

Is hereby deleted. Reason:[DOT would not issue a permit for this right turn lane extension].

6. Condition E6 of zoning resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Prior to February 1, 2002, 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 Clint Moore 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. Portions of such system not included within roadways or waterways dedicated for drainage purposes shall be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng)

Is hereby amended to read:

Prior to December 31, 2002, 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 of Clint Moore Road from the project's west property line to Lyons Road; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes shall be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng) (Previous Condition E.6 of Resolution R-2002-0491, Petition DOA1997-104(B))

7. Prior to DRC approval of the Preliminary Development Plan the property owner shall modify this plan to reflect a continuous Road Right of Way through POD C. (DRC APPROVAL: ENG) (Previous Condition E.7 of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)

8. 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 111 single family dwelling units and 0 multi family dwelling units (including all previously approved dwelling units) shall be issued until construction has begun for Clint Moore Road as a 6 lane section from Lyons Road to Jog Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) ((Previous Condition E.8.a of Resolution R-2002-0491, Petition DOA1997-104(B))
 - b. The mix of allowable residential uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING: Eng) (Previously Condition E.8.b of Resolution R-2002-0491, Petition DOA1997-104(B))
9. Prior to January 27,2002 the property owner shall provide acceptable surety for the partial funding to be used for the widening of Clint Moore Road from Lyons Road to Jog Road. Surety shall be in the amount of \$1,188,000 and shall be provided to the County Engineer. Palm Beach County may draw on this Surety at any time. (DATE: ENG) (Previous Condition E.9 of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETE)
10. Condition E.IO.a of Resolution R-2002-0491, Petition DOA1997-104(B)) which currently states:

LANDSCAPE AND MEDIAN CUTOUTS WITHIN THE MEDIAN OF CLINT MOORE ROAD ADJACENT TO THE SITE

- a. Prior to October 15,2003, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to:
 - landscape the adjacent median (and)
 - construct median cutouts

All construction shall be within the Clint Moore Road Right-of-Way. This permit shall comply with all the 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 median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING- Eng)

Is hereby deleted. [Reason: Consolidated with E.3].

- b. Condition E.10.b of Resolution R-2002-0491, Petition DOA1997-104(B)) which currently states:

All required median landscaping, including an irrigation system for the required median Cut Outs, the cost of Cutting out or removing the existing concrete median as well as the cost of the Landscape material shall all be funded 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 andlor 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 and median cut outs shall be installed prior July 1,2004. (DATE: MONITORING-Eng)

Is hereby deleted. [Reason: Consolidated with E.3].

- c. Condition E.10.c of Resolution R-2002-0491, Petition DOA1997-104(B)) which currently states:

If the Developer does not enter into an agreement with Palm Beach County to assume the 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 January 15, 2004. (DATE: MONITORING-Eng)

Is hereby deleted. [Reason: Consolidated with E.3].

- 11. a. The existing pavement within the thirty (30) foot platted Palm Beach Farms right-of-way between Tracts 120 and 121 shall be maintained(i.e. potholes repaired and filled, additional patching as necessary) by the developer for the duration of its use as a construction access drive, sales trailer parking, and tree farm access. Between the project and Tract 105, the Developer shall repair and fill all potholes with suitable shellrock. (ONGOING UNTIL APRIL 26,2002) (Previous Condition E.11.A of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)
- b. No later than April 26,2002, use of the road for any purpose by the developer shall cease and the developer shall make one final repair of potholes in the driveway, including a leveling course as necessary, with one lift of an asphalt overlay (minimum 3/4 inch) over the entire length of Tract 120 including the approximate southerly 20 feet of Tract 105 where the asphalt currently terminates. (DATE: MONITORING - Eng) (Previous Condition E.II.B of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)

c. **No later than May 26, 2002 the Developer's Engineer shall then provide a certification letter to Land Development that this repair work on this drive has been completed in accordance with plans which will be submitted to the Land Development Section for review.** (DATE: MONITORING - Eng) (Previous Condition E . II.C of Resolution R-2002-0491, Petition DOA1997-104(B)) (COMPLETED)

12. The Property owner shall fund the construction of a right turn Lane east Approach on Clint Moore Road at the project's entrance road. All funding for this construction shall be completed prior to January 1, 2003 to the Land Development Division. Funding shall be based on a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. Funding shall also include the redesign costs of the existing construction plans to include this right turn lane. This right turn lane shall then be incorporated into the 4 laning of Clint Moore Road. (DATE:MONITORING-Eng)

13. On or before December 1, 2003, 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 the projects entire frontage of Lyons Road plus a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, 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)

F. ■ - Condition C.1 of Resolution R-2002-0491, Petition DOA1997-104(B)) which currently states:

LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF US441/SR7)

- a. **a minimum fifty (50) foot wide landscape buffer strip;**
- b. **a six (6) foot high continuous berm measured from top of curb; and,**
- c. **a six (6) foot high opaque concrete wall to be located 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 residential units of the PUD.** (CO: LANDSCAPE-Zoning)

Is hereby deleted. REASON:[Replaced by Condition D.1]

2. Condition C.2 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) canopy tree planted every thirty (30) feet on center;
- b. one (1) 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-Zoning)

Is hereby deleted. REASON: [Replaced by Condition D.1]

3. Condition C.3 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

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-Zoning)

Is hereby deleted. REASON:[Replaced by Condition D.1]

- G. Condition D.1 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

LANDSCAPING ALONG NORTH, SOUTH (EXCEPT FOR THE 660 FEET OF FRONTAGE ALONG CLINT MOORE ROAD) AND EAST PROPERTY LINES (ABUTTING PACKING PLANT AND FARMLAND)

1. Landscaping and buffering along the north, south (except for the 660 feet of frontage along Clint Moore Road) and east property lines shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip;
 - b. a six (6) foot high continuous berm measured from the top of the curb; and,
 - c. a six (6) foot high opaque concrete wall to be located 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 residential units of the PUD. (CO: LANDSCAPE-Zoning)

Is hereby deleted. REASON:[replaced by Condition D.1].

2. Condition D.2 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. one (1) native canopy tree for each thirty (30) linear feet of frontage, and to be planted in a staggered manner;
- b. one (1) palm or pine tree for each thirty (30) linear feet of frontage;
- c. one (1) flowering tree for each fifty (50) linear feet of frontage;
- d. twenty four (24) inch high small shrub for each two (2) linear feet of frontage, to be maintained at a minimum height of thirty-six (36) inches; and,

- e. thirty (30) inch high large shrub for each four (4) linear feet of frontage, to be maintained at a minimum height of forty-eight (48);
- f. all plant materials shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE-Zoning)

Is hereby deleted. REASON:[replaced by Condition D.1].

- 3. Condition D.3 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

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-Zoning)

Is hereby deleted. REASON:[replaced by Condition D.1].

H. LWDD

- 1. Prior to the issuance of the first building permit or construction permit, the property owner shall convey to the District, either by easement or Quit Claim deed, the West 45 feet of Tracts 80, 81 & 112 for right-of-way for the E-I Canal and the North 65 feet of Tracts 71 thru 80 inclusive, Block 70, less the lands currently owned by the District, for right-of-way for the L-39 Canal. (MONITORING: LWDD) (Previous Condition F.I of Resolution R-2002-0491, Petition DOA1997-104(B))

I. 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-Zoning) (Previous Condition G.I.A of Resolution R-2002-0491, Petition DOA1997-104(B)).
- 2. Condition G.I.B of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:
 - 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 37th 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)

Is hereby amended to read:

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 the Certificate of Occupancy for the 50th units. 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)

J. PLANNED UNIT DEVELOPMENT

1. Condition H.I of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

All property included in the legal description of the PUD 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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (BLDG PERMIT/PLAT: MONITORING/ENG - Co Atty)

Is hereby amended to read:

All property included in the legal description of the PUD for the development area only, 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.

Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for either Pod E, F or G of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (BLDG PERMIT/PLAT: MONITORING/ENG - Co Atty)

2. The property owner 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, packing plant (southwest) in the vicinity of the development and the existence of the animal clinic located on Tract 120. 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, 1999 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.
 - a. The following language shall be included in the above documents for the animal clinic:

Portions of the [Property] are immediately adjacent to the Clint Moore Animal Hospital, which is a veterinary clinic and commercial dog kennel, and which has outdoor exercise areas. The activities of this facility, among other things, generate noise. Each [Lot Owner] acknowledges and agrees that the uses of the Clint Moore Animal Hospital predates the development of the [Project] and that in acquiring the respective Lot, the [Lot Owner] had an opportunity to inspect the conditions presented by the uses of the Clint Moore Animal Hospital and knowingly and voluntarily acknowledges and accepts such conditions. (DATE: MONITORING) (Previous Condition H.2 of Resolution R-2002-0491, Petition DOAI997-104(B))

3. 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, packing plant and animal clinic uses acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the two (2) 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 sold in the developable areas.
 - a. The following language shall be included in the above documents for the animal clinic:

Purchaser acknowledges, recognizes and agrees that portions of the [Development] are immediately adjacent to the Clint Moore Animal Hospital, which is a veterinary clinic and commercial dog kennel, and which has outdoor exercise areas. The activities of this facility, among other things, generate noise. Purchaser acknowledges and agrees that the uses of the Clint Moore Animal Hospital predated the [Development] and that, in acquiring the [Lot], the Purchaser has had an opportunity to inspect the conditions presented by the uses of the Clint Moore Animal Hospital and voluntarily acknowledges and accepts such conditions. (ONGOING/DRC: CODE ENF/ZONING - Co Atty) (Previous Condition H.3 of Resolution R-2002-0491, Petition DOAI997-104(B))

K. PLANNED UNIT DEVELOPMENT (ALL PODS EXCEPT A and B1)

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) (Previous Condition 1.1 of Resolution R-2002-0491, Petition DOAI997-104(B))
2. Condition 12 of Resolution R-2002-0491, Petition DOAI997-104(B) which currently states:

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)

Is hereby amended to read:

Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;

- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC:ZONING/ENG– Zoning/Land Dev)
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) (Previous Condition 1.3 of Resolution R-2002-0491, Petition DOA1997-104(B))
 4. Condition 1.4 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Street pavers or decorative pavement shall be provided for the driveways of all units. (Applicable to Single Family units, Pods B2, B3 and D) (DRC: ZONING)

Is hereby amended to read:

Street pavers or decorative pavement shall be provided for the driveways of all units. (DRC: ZONING-Zoning)

5. Condition 1.5 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabout, open space adjacent to round-about or cul-de-sac as shown on the Conceptual Site Plan dated May 30,2001. 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)

Is hereby amended to read:

Focal point shall be provided 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-Zoning)

6. Rear setback reductions shall not be permitted in single family lots unless as allowed by the ULDC. (DRC: ZONING-Zoning) (Previous Condition 1.7 of Resolution R-2002-0491, Petition DOA1997-104(B))
7. All utilities shall be underground, pursuant to Section **6.8.A.16.c(5)** of the ULDC. (PLAT: ENG - Zoning) (Previous Condition 1.8 of Resolution R-2002-0491, Petition DOA1997-104(B))
8. Drainage easements shall not be permitted along the width of the rear yards of the back-to-back units. (DRC: ZONING-Zoning) (Previous Condition 1.9 of Resolution R-2002-0491, Petition DOA1997-104(B))
9. Condition 1.10 of Resolution R-2002-0491, Petition DOA1997-104(B)) 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
Front Setback	22.5 feet	Units with side loaded garage only. All Pods
Side Setback	6 feet	All Pods
Lot Coverage - Single Family	44%	All Pods
Lot Coverage - Zero Lot Line	55%	All Pods

(DRC: ZONING –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	Maximum Administrative Deviation or Flexible Regulations	Pods
Front Setback	22.5 feet	Single Family Units with side loaded garage only.
Side Setback	6 feet	All Pods
Lot Coverage - Single Family	44%	All Pods
Lot Coverage – Zero Lot Line	55%	All Pods

L. PLANNING

1. Condition J.I of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

The Conservation easements on the preservation areas shall be recorded prior to or concurrent with the first plat for the Rainbow PUD. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to June 1, 1999, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: MONITORING/ PLANNING)

Is hereby amended to read:

The agricultural conservation easements for the Bedner and Walker agricultural preserves and the environmental conservation easement for the cypress preserve areas on the Walker parcel shall be recorded prior to or concurrent with the plat for either Plats E, F, or G for the Oaks of Boca Raton PUD, as approved by the County Attorney's Office and the Department of Environmental Resources Management.

The agricultural conservation easements for the Walker and Bedner parcel shall contain:

- a.) a legal description and a sketch;

- b.) a list of permitted and not permitted uses.

The environmental conservation easement for the Walker parcel shall contain:

- a.) a legal description, site location, and sketch including the area subject to the easement;
- b.) a list of permitted and prohibited activity in the area subject to the environmental conservation easement.

Title insurance for both easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.

In addition, a management plan for the Bedner and Walker parcels shall be submitted prior to certification by the Development Review Committee for Plats E, F, or G. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. For the Walker parcel, the management plan shall also contain a legal description and sketch of the existing excavated area and no agricultural excavation will be allowed beyond the footprint existing on October 31, 2002.

Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to December 1, 2003, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLATIDATE: MONITORING PLANNING-Planning)

- 2. Condition J.2 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Prior to initial Master Plan Certification by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Rainbow PUD (97-104(B) (1), (November 21, 2001) Young-97-104(2), (March 18, 1998), and Sunshine Meadows-97-104(3), (March 17, 1998), and Land Use Justification correspondence from Kilday and Associates dated November 21, 2001 and Land Design South March 18, 1998. (DRC:/ZONING-PLANNING)

Is hereby amended to read:

Prior to initial certification of the Preliminary Development Plan (PDP) by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Rainbow PUD (97-104(C) June 11, 2002, Young-97-104(2), (March 18, 1998), Sunshine Meadows-97-104(3), (March 17, 1998), Bedner, June 11, 2002, and Walker, May 1, 2002, and Land Use Justification correspondence from Kilday and Associates dated May 1, 2002 and Land Design South March 18, 1998. (DRC: ZONING-PLANNING-Planning)

- 3. Condition J.3 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on

the future land use atlas identifying the respective parcel as a buildable area, and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)

Is hereby amended to read:

Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the Palm Beach County Planning Division shall include notations on the future land use atlas identifying the respective parcels as either a developable area or preserve area and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING-Planning)

4. Condition J.4 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall amend the location map on the master plan so as to include the locations of the preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Development Code (ULDC). (DRC: PLANNING)

Is hereby amended to read:

Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall amend the location map on the PDP so as to include the locations of the Preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRC: PLANNING - Planning)

5. Condition J.5 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

The PUD shall be limited to a maximum of 405 dwelling units. (DRC: PLANNING)

Is hereby amended to read:

The PUD shall be limited to a maximum of 493 dwelling units with a civic site and 499 units without a civic site provided 60/40 requirements are met. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Master Plan indicating that the balance of unused units (215 units with a civic site or 209 units without a civic site) shall not be utilized outside the boundary of the Oaks at Boca Raton PUD site as identified in Petition No. PDD 1997-104(C). (DRC: PLANNING-Planning)

6. Condition J.7 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall remove the "Preservation Area/Proposed Uses notes" depicted on the 60/40 PUD Location Map on page 2 of the Preliminary Development Plan and replace it with the following:

The preservation areas approved as part of Petition 97-104 (1,2,3) shall be restricted to the following:

PERMITTED USES

- a) crop production, pasture, or equestrian purposes or may be retained as fallow land;
- b) accessory structures such as barns and pump structures;
- c) wetland or bona fide agricultural uses per the ULDC;
- d) Other uses as permitted by the required conservation easements;
- e) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code;
- f) Existing use (equestrian training facility) on the Sunshine Meadows Preservation property shall reflect uses shown on the site plan dated February 26, 1998.

NOT PERMITTED

- g) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon. (DRC: PLANNING)
- h) The existing uses already approved under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows Petition shall remain outside of the 168 acre preservation area. Any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878) or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement.

Is hereby amended to read:

Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall remove the "Preservation Area/Proposed Uses" notes depicted on the 60/40 PUD Location Map on page 2 of the Preliminary Development Plan and replace it with the following:

The preservation areas approved as part of Petition 1997-104(C) shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES

- a) crop production, pasture, or equestrian purposes or may be retained as fallow land;
- b) accessory structures such as barns and pump structures are permitted;
- c) wetland or bona fide agricultural uses per the ULDC;
- d) Other uses as permitted by the required conservation easements;

- e) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,;
- f) Existing use (equestrian training facility) on the Sunshine Meadows Preservation property shall reflect uses shown on the site plan dated February 26, 1998.

NOT PERMITTED

- g) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon.
 - h) The existing uses already approved under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows Petition shall remain outside of the 168 acre Preservation area. Any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878) or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement.
 - i) For the Walker Preserve parcel, excavation will no longer be permitted except Agricultural Excavation as defined by ULDC Section 7.6. (DRC: PLANNING-Planning)
7. Prior to receipt of Technical Compliance of a plat for either Pods E, F or G, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Bedner Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 67.88 acres. (TC: ENG/PLANNING-CTY ATTY-Planning)
 8. Prior to or concurrent with recordation of the next plat for either Pods E, F, or G for the developable area as identified in Petition No. 1997-104(C), for the Walker and Bedner Preserve parcels, the applicant shall either: 1) dedicate these lands to Palm Beach County; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for these subject parcels; or 3) subject these parcels to a conservation easement, limiting these sites to Agricultural Reserve preserve areas in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING-Planning)
 9. Prior to recordation of a plat for either pods E, F or G, the applicant is responsible for the recordation of boundary plats for the Walker and Bedner Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. (PLAT: MONITORING-Planning)
 10. Prior to master plan certification by the Development Review Committee (DRC), the applicant shall provide a notation on the regulating plan for Petition 1997-104(C) indicating all dwellings allocated to the subject site shall be located on the developable area. (DRC: PLANNING-Planning)
 11. Prior to master plan certification by the Development Review Committee (DRC), for the Walker Preserve parcel, the RE Zoning with a Special Exception for an excavation approval shall be abandoned and removed from the zoning map. Since excavation has previously occurred on the site, the

applicant shall submit and have approved, prior to DRC Certification, a revised reclamation plan for this site for those portions of the property that have already been excavated and indicate how it will be used for Agricultural Excavation purposes as specified in ULDC Section 7.6. (DRC: PLANNING-Planning).

M. PREM

1. Condition K.I of Resolution R-2002-0491, Petition DOAI997-104(B) which currently states:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by April 1, 1999 for a 3.33 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. 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 assign sufficient traffic trip capacity such that, for theoretical purposes, the traffic volume associated with a County Library facility shall be attached to the civic site and recorded on the concurrency reservation. The Developer shall request both PREM and the Traffic Division input as to the size of the

theoretical structure which the civic site would support and the corresponding amount of trips.

- h. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)**

Is hereby amended to read:

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by December 1, 2003, which shall be used as the day of closing on a net 2.3 acre Public civic site (exclusive of buffers), 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. All title exception documentation to be provided to County by November 1, 2003. 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 to the day of closing or a prior day of closing as mutually agreed upon by the County and property owner.
- 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 assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation. The Developer shall request both PREM and the Traffic Division input as to the size of a structure which the civic site would support and the corresponding amount of trips.
- h. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)

2. Condition K.2 of Resolution R-2002-0491, Petition DOAI997-104(B) which currently states:

The property owner shall provide the County with a certified survey of the proposed civic site by April 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 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 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)

Is hereby amended to read:

The property owner shall provide a survey of the proposed civic site certified to Palm Beach County by September 1, 2003. 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 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. Condition K.3 of Resolution R-2002-0491, Petition DOA1997-104(B) which currently states:

The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by April 1, 1999. 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)

Is hereby amended to read:

The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by September 1, 2003. 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 April 1, 1999, 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) (Previous Condition K.4 of Resolution R-2002-0491, Petition DOA1997-104(B))

5. In lieu of the dedication outlined herein, the petitioner may exercise the option to cash out the civic site obligation. The cash out value shall be determined based upon the greater of the following: (i) the appraised value of the required 2.36 acre civic site as determined by appraisal obtained by Property & Real Estate Management Division and paid for by the petitioner, or (ii) \$300,000. The cash out price shall be paid in cash to the County on or before April 30, 2003. (DATE: PREM – Prem)

N. SCHOOL BOARD

1. The property owner shall post the following notice of annual boundary school assignments for students from this development on an 11" X 17" sign in a clear and visible location in all sales offices and models:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING:

SCHOOL BOARD-Zoning) (Previous Condition L.1 of Resolution R-2002-0491, Petition DOA1997-104(B))

2. Prior to the issuance of the first Certificate of Occupancy (CO) for Pods B2, B3, C and D, a school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Bldg.) (Previous Condition L.2 of Resolution R-2002-0491, Petition DOA1997-104(B))

O. 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) (Previously Condition M.1 of Resolution R-2002-0491, Petition DOA1997-104(B))
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 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. (ONGOING:MONITORING-Zoning) (Previous Condition M.2 of Resolution R-2002-0491, Petition DOA1997-104(B))