

RESOLUTION NO. R-2003- 0565

RESOLUTION APPROVING ZONING PETITION PDD2002-068  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF GL HOMES OF FLORIDA II CORP  
BY KIERAN KILDAY, AGENT  
(FOGG PROPERTY CENTRAL PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2002-068 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2003; and,

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2002-068, the petition of GL Homes of Florida II Corp by Kieran Kilday, agent, for an Official Zoning Map Amendment to a Planned Development District Rezoning from the Agricultural Reserve Zoning Districts to the Agricultural Reserve Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2003, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 28 day of May, 2003

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK

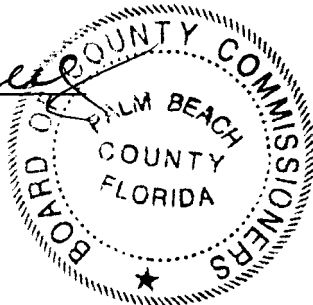


EXHIBIT A

LEGAL DESCRIPTION

**FOGG PROPERTY - DEVELOPMENT PARCEL DESCRIPTION (includes Fogg Central Development Parcel, Lyons Road ROW, Acme Dairy ROW, and LWDD dedication for the L-26 canal)**

A PORTION OF TRACTS 6 THROUGH 27 AND TRACTS 38 THROUGH 59, BLOCK 59, AND THAT STRIP OF LAND, 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 17 THROUGH 27 AND SAID TRACTS 38 THROUGH 48 AND THAT STRIP OF LAND, 30 FEET IN WIDTH, LYING BETWEEN THE WEST LINE OF SAID TRACTS 8, 25, 40, 57 AND THE EAST LINE OF SAID TRACTS 9, 24, 41, 56, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 16, BLOCK 59 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE SOUTH 43°01'22" WEST, A DISTANCE OF 36.34 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°36'36" EAST ALONG A LINE BEING 26.40 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF TRACTS 9 THROUGH 16, A DISTANCE OF 2,665.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 9; THENCE SOUTH 00°02'46" EAST, ALONG THE EAST LINE OF SAID TRACT 9, A DISTANCE OF 6.60 FEET; THENCE NORTH 89°36'36" EAST, ALONG A LINE BEING 33.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 360.05 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 8; THENCE SOUTH 00°26'28" EAST, ALONG THE EAST LINE OF SAID TRACT 8, A DISTANCE OF 3.00 FEET; THENCE NORTH 89°36'36" EAST, ALONG A LINE BEING 36.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF TRACT 7, A DISTANCE OF 330.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 7; THENCE NORTH 00°26'28" WEST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'36" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 6, A DISTANCE OF 278.84 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1,653.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 87°57'06" WEST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°26'10", A DISTANCE OF 127.99 FEET TO A POINT OF TANGENCY; THENCE SOUTH 06°29'05" WEST, A DISTANCE OF 1,080.39 FEET TO A POINT OF CURVATURE WITH A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 3,460.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 83°30'55" EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°10'08", A DISTANCE OF 1,036.80 FEET TO A POINT OF TANGENCY; THENCE SOUTH 10°41'03" EAST, A DISTANCE OF 409.40 FEET TO A POINT ON THE SOUTH LINE OF TRACTS 49 THROUGH 59, BLOCK 59 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE SOUTH 89°36'33" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 49 THROUGH 59, A DISTANCE OF 3,595.77 FEET; THENCE NORTH 00°26'28" WEST ALONG A LINE BEING 25.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF SAID TRACTS 16, 17, 48 AND 49, A DISTANCE OF 2644.73 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT the 100' Lyons Road Rural Parkway being described as follows  
**(LEGAL DESCRIPTION 100' RURAL PARKWAY EASEMENT (Fogg Central):**

BEING A PORTION OF TRACTS 16, 17, 48 AND 49 AND A PORTION OF THE ROAD, DYKE AND DITCH RESERVATIONS, 30.00 FEET IN WIDTH, LYING BETWEEN AND CONTIGUOUS WITH THE AFOREMENTIONED TRACTS, ALL LYING AND BEING IN BLOCK 59, PALM BEACH COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE

PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 100.00 FEET OF THE WESTERLY 155.00 FEET OF SAID BLOCK 59, BOUNDED ON THE NORTH BY A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 16, AND BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID TRACT 49 OF SAID BLOCK 59.

SAID RURAL PARKWAY CONTAINING 6.063 ACRES, MORE OR LESS.

TOTAL DEVELOPMENT AREA PARCEL HEREIN DESCRIBED CONTAINING 208.214 ACRES, MORE OR LESS.

**FOGG CENTRAL 100' LYONS ROAD RURAL PARKWAY PRESERVE PARCEL DESCRIPTION:**

BEING A PORTION OF TRACTS 16, 17, 48 AND 49 AND A PORTION OF THE ROAD, DYKE AND DITCH RESERVATIONS, 30.00 FEET IN WIDTH, LYING BETWEEN AND CONTIGUOUS WITH THE AFOREMENTIONED TRACTS, ALL LYING AND BEING IN BLOCK 59, PALM BEACH COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 100.00 FEET OF THE WESTERLY 155.00 FEET OF SAID BLOCK 59, BOUNDED ON THE NORTH BY A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 16, AND BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID TRACT 49 OF SAID BLOCK 59.

CONTAINING 6.063 ACRES, MORE OR LESS.

**DUBOIS PRESERVATION PARCEL DESCRIPTION (includes Dubois preservation parcel and 100' Lyons Road Rural Parkway easement)**

TRACTS 66, 67 AND 68, LESS THE NORTH 38.28 FEET THEREOF; TRACT 69, LESS THE NORTH 38 FEET THEREOF; TRACTS 70 AND 71, LESS THE NORTH 38.28 FEET THEREOF; TRACT 72, LESS THE NORTH 38 FEET THEREOF; TRACTS 73 AND 74, LESS THE NORTH 36 FEET THEREOF; TRACT 75 AND 76, LESS THE NORTH 35.64 FEET THEREOF; TRACT 77, LESS THE NORTH 36 FEET THEREOF; TRACTS 78 AND 79, LESS THE NORTH 35.64 FEET THEREOF; TRACT 80, LESS THE NORTH 36 FEET THEREOF; TRACT 81 THROUGH 95, INCLUSIVE; TRACTS 98 THROUGH 112, INCLUSIVE; TRACTS 113 THROUGH 119, INCLUSIVE, LESS THE SOUTH 40.26 FEET THEREOF; THE WEST 336.71 FEET OF TRACT 120; LESS THE SOUTH 40.26 FEET THEREOF; ALL IN BLOCK 63, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND THAT STRIP OF LAND, 25 FEET IN WIDTH, LYING 25 FEET EAST OF AND CONTIGUOUS WITH THE WESTERLY LINE OF SAID BLOCK 63, BOUNDED ON THE NORTH BY A LINE BEING 36 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 80 AND ITS WESTERLY PROLONGATION, AND BOUNDED ON THE SOUTH BY A LINE BEING 40.26 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 113 AND ITS WESTERLY PROLONGATION.

TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN AND/OR ADJACENT TO THE ABOVE TRACTS, AS CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 9045, PAGE 1341.

CONTAINING 264.632 ACRES, MORE OR LESS.

**MAZZONI PRESERVATION PARCEL DESCRIPTION (includes Mazzoni preservation parcel, Flavorpict Road ROW and the 100' Lyons Road Rural Parkway easement)**

THE SOUTH 549.58 FEET OF TRACTS 57 THROUGH 63, LESS THE WEST 15.00 FEET, BLOCK 63, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

CONTAINING 28.981 ACRES, MORE OR LESS.

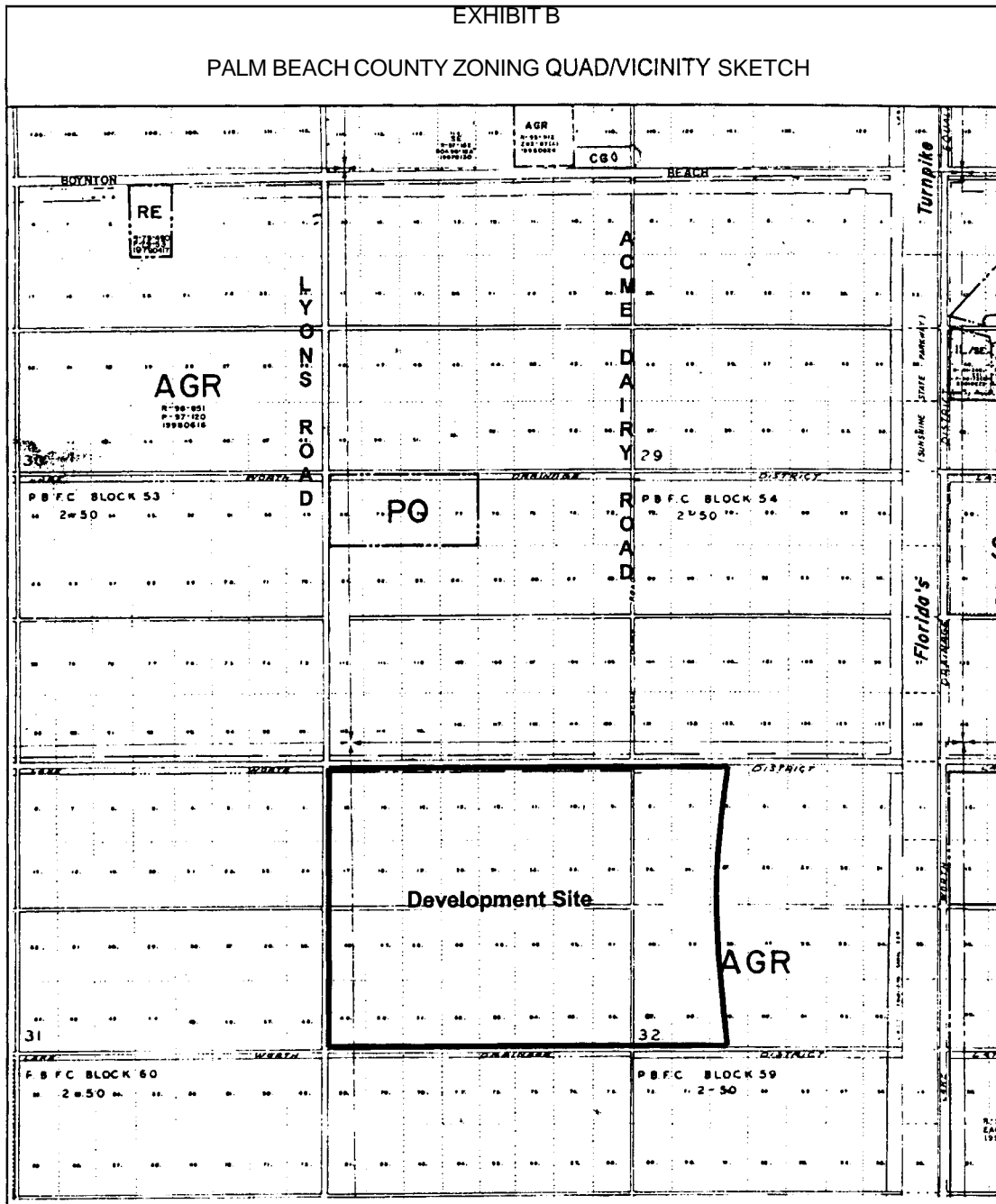
**BUTTS – CENTRAL PRESERVATION PARCEL DESCRIPTION**

A TRACT OF LAND LYING WITHIN A PORTION OF THE NORTH THREE-QUARTERS (N 3/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 88°14'18" WEST ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 135.10 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°45'18" EAST ALONG A LINE BEING 135.07 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, A DISTANCE OF 1,984.19 FEET; THENCE SOUTH 88°07'54" WEST ALONG THE SOUTH LINE OF THE NORTH THREE-QUARTER (N 3/4) OF THE NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 203.24 FEET; THENCE NORTH 00°45'18" WEST ALONG A LINE BEING 338.28 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, A DISTANCE OF 1,984.57 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 14; THENCE NORTH 88°14'18" EAST ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 203.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.256 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





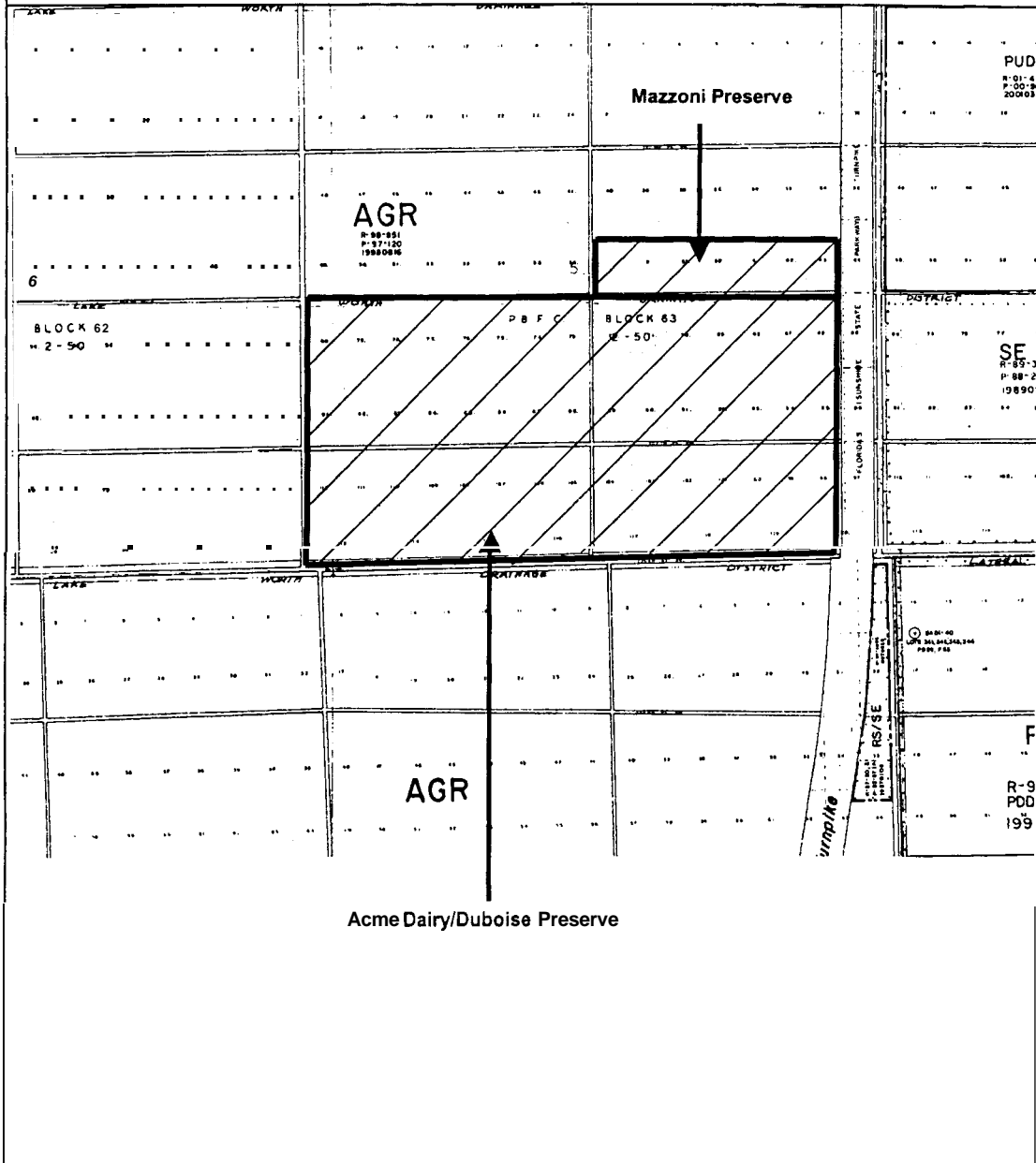
	Petition Number <u>PDD2002-068</u>	 NORTH
	Zoning Quad Page <u>50</u>	
	Date <u>March 20, 2003</u>	

EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Petition Number PDD2002-068

Zoning Quad Page 51

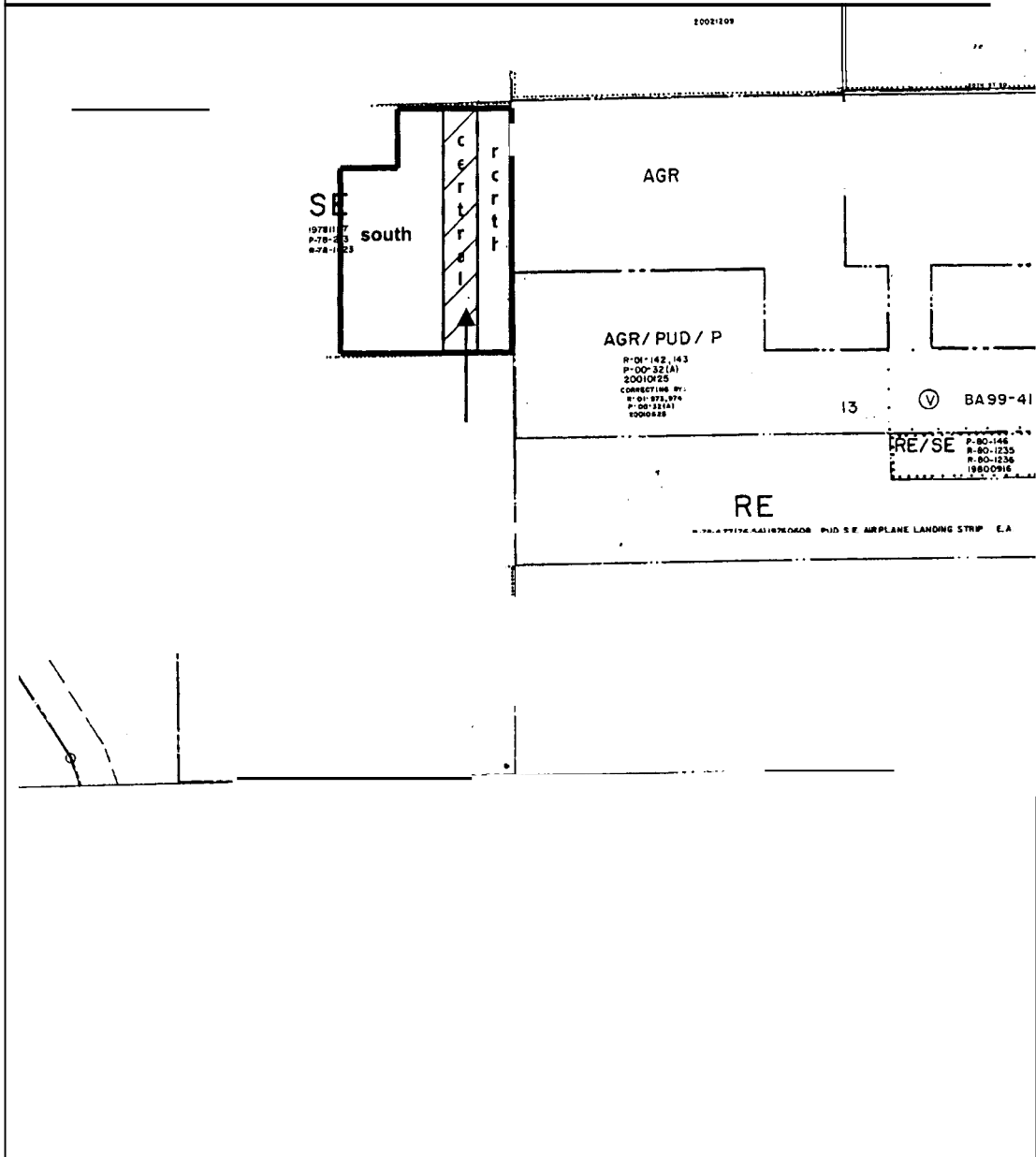
Date March 21, 2003



NORTH

EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Petition Number PDD2002-068

Zoning Quad Page 64

Date March 21, 2003



NORTH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated February 18, 2003. 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)
2. Prior to submittal of the Final DRC certification of the preliminary development plan, the plan shall be revised to meet code requirements for the north, south and west buffers or seek variance relief for width reduction of the buffers from the Board of Adjustment. (DRC: ZONING-Zoning)

#### B. ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the Mazzoni and Dubois conservation parcels associated with the Fogg Central PUD, shall be approved by ERM prior to final DRC site plan approval. (DRC: ERM-ERM)
2. All Restricted Covenant Agreements and Conservation Easements for the Mazzoni and Dubois conservation parcels associated with the Fogg Central PUD, shall be submitted to ERM for review and approval prior to recordation. (DRC: ERM-ERM)

#### C. LANDSCAPING - STANDARD

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:
  - a. tree height: fourteen (14) feet
  - b. trunk diameter: 3.5 inches measured 4.5 feet above grade;
  - c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. palm heights: twelve (12) feet clear trunk;
  - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
  - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;

- b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
  - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
  5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
  6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SCENIC CORRIDOR/FRONTAGE OF LYONS ROAD)

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
  - b. one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;
  - c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - d. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - e. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Lyons Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s) on Lyons Road and Acme Dairy Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Acme Dairy Road and Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)
4. Prior to June 1, 2004, the property owner shall convey to Palm Beach County **Land Development Division** by warranty deed for
  - a. Lyons Road right of way adjacent to the PUD development area: 110 feet on an alignment approved by the County Engineer;
  - b. Lyons Road right of way adjacent to the PUD preservation area: 55 feet on an alignment approved by the County Engineer. This condition does not apply to the Talmo parcel fronting on Lyons Road as this parcel is not part of this petition.
  - c. Acme Dairy Road right of way adjacent to or within the PUD development area and preservation area (if applicable): 80 feet on an alignment approved by the County Engineer.
  - d. Flavor Pict Road right of way adjacent to or within the PUD preservation area (if applicable): 120 feet on an alignment approved by the County Engineer.
  - e. Sufficient right of way to provide for an expanded intersection at Flavor Pict Road and Lyons Road (if applicable).
  - f. Sufficient right of way to provide the turnpike crossing on Flavor Pict Road at the Florida Turnpike (if applicable).

All right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng)

5. The Property owner shall construct:
  - a. left turn lane north approach on Lyons Road at the Project's Entrance Road;
  - b. right turn lane south approach on Lyons Road at the Project's Entrance Road;
  - c. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - d. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - e. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
6. On or before January 1, 2004, 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:
  - Acme Dairy Road and
  - Lyons Road
  - Flavor Pict Road (if applicable)

Required drainage limits shall be 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 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. Where portions of Acme Dairy Road, Lyons Road, and/or Flavor Pict Road are adjacent to or within the property proposed for preservation area, the property owner shall dedicate sufficient land area or easement area from the preservation area to accommodate the drainage necessary for the ultimate section of these roads as required and approved by the County Engineer. (DATE: MONITORING-Eng)

7. Prior to December 1, 2003, the Property owner shall commence the construction plans for Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-27 canal) plus the appropriate tapers. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng)
8.
  - A) Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Lyons Road as a 110 foot right of way within the limits referenced in the Condition above. (DATE: MONITORING-Eng)
  - B) This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Lyons Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING-Eng)
9. On or before, December 1, 2003, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING-Eng)

10. Prior to December 1, 2004, the property owner shall commence the construction of Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-27 canal) plus the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements:
  - a. dual left turn lanes north approach, dual left turn lane south approach, right turn lane south approach on Lyons Road at Boynton Beach Boulevard.
  - b. dual left turn lanes east approach, dual left turn lanes west approach on Boynton Beach Boulevard at Lyons Road and receiving lanes including appropriate tapers on Lyons Road on North and South departure sides of intersection. (DATE: MONITORING-Eng)
  
11. Prior to June 1, 2004, the Property owner shall complete the construction plans for Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus the appropriate tapers. Included in these construction plans shall be a 280 foot left turn lane north approach plus the appropriate paved tapers on Acme Dairy Road at Boynton Beach Boulevard (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner) and a round-about at Acme Dairy Road and the projects entrance road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING-Eng)
  
12. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Acme Dairy Road as an 80 foot right of way within the limits as referenced in the Condition above with the exception of the left turn lane north approach on Acme Dairy Road. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Acme Dairy Road. The property owner shall not be responsible for funding the acquisition of necessary right of way, temporary construction easements/embankment easements and drainage area/easements for the construction of the left turn lane north approach on Acme Dairy Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING-Eng)
  
13. On or before, September 1, 2004, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Acme Dairy Road as referenced above (with the exception of the left turn lane north approach on Acme Dairy Road) subject to the approval of the County Engineer. Notification shall be given to Land Development Division. (DATE: MONITORING-Eng)
  
14. Prior to the issuance of the 201st building permit, the property owner shall complete the construction of Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus a round-about at the project's entrance road and the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements at the intersection of Acme Dairy Road and Boynton Beach Boulevard:

- A. left and right turn lane south approach;  
left turn lane east approach  
(BLDG PERMIT: MONITORING-Eng)
  - B. left turn lane north approach (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner. Failure of the County to obtain the necessary right of way (inclusive of temporary construction easements, embankment easements, drainage easements, drainage areas, etc.) prior to the letting of the contract for the construction of Acme Dairy Road or September 1, 2005, which shall last occur shall relieve the property owner of having to comply with this condition prior to the issuance of the 201<sup>st</sup> certificate of occupancy.
15. The Property Owner shall fund a proportionate share of the cost of signal installation as determined by the County Engineer for signal installation if warranted as determined by the County Engineer at:
- Boynton Beach Boulevard and Acme Dairy Road
  - Lyons Road and the Project's Entrance Road
- a. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved of this condition of approval. (ENG)
  - b. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of these signals. (BLDG PERMIT: MONITORING-Eng).
16. The property owner shall fund a proportionate share of the cost of signal modifications as determined by the County Engineer at the intersection Boynton Beach Boulevard and Lyons Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications shall also include relocation of mast arms as part of the signal modifications. Funding shall be completed within 80 days after receiving notice from Palm Beach County. (ONGOING: ENG-Eng)
17. 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 26 dwelling units shall not be issued until the until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
  - b. Building Permits for more than 241 dwelling units shall not be issued until construction commences for the widening of Lyons Road as a 4 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)

- c. Building Permits for more than 211 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from SR 7 to the Lyons Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
  - d. Building Permits for more than 291 dwelling units shall not be issued until construction commences for the construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
  - e. Building Permits for more than 336 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 6 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
  - f. No Building Permits for the site may be issued after June 30, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
18. Prior to October 24, 2003, the property owner shall provide surety for improvements identified in E17b, E17c, E17d, and E17e and E19. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event that such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. This surety shall then be updated based on certified cost estimate from the Developers Engineer and approved by the County Engineer prior to the issuance of the Road Construction Permit. (TPS) (DATE: MONITORING-Eng)
19. A) Prior to January 1, 2007 the Property owner shall commence the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. Construction shall include but not be limited to; all right of way acquisition, drainage areas, temporary construction easements, and embankment costs, Construction Engineering, Inspection Construction Engineering, Inspection Costs, all construction costs, and a golf cart crossing for the Sherbrooke PUD. This golf cart crossing shall be subject to the requirement and approval of the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. This construction shall be eligible for Traffic Impact Fee Credit. (DATE: MONITORING-Eng)
- B) No further building permits shall be issued after June 30, 2008 until this construction has been completed. The County Engineer shall have the authority to extend the compliance date(s) in the event it is

determined that there has been a government caused delay beyond the reasonable control of the property owner. (DATE/BLDG PERMIT: MONITORING-Eng)

20. On or before, June 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE/BLDG PERMIT: MONITORING-Eng)
21. On or before June 1, 2005, the Property owner shall complete the construction plans for Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE/BLDG PERMIT: MONITORING-Eng)
22. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in **bold print**. (PLAT: ENG)
  - a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 1, 2004, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)
  - b. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING FRONTAGE OF ACME DAIRY ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum fifty (50) foot wide landscape buffer strip and with a maximum easement encroachment of five (5) feet;
  - b. a minimum four (4) to six (6) foot undulating berm, with an average minimum height of five (5) feet, measured from the top of the curb on the south, east and west property lines;
  - c. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
  - d. one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;



- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

G. LAKE WORTH DRAINAGE DISTRICT

- 1. Fogg Property Central - Prior to platting, the owner shall convey an easement for the North 30 feet of Tracts 9-16 Block 59 less lands owned by the District for the ultimate right-of-way for the L-26 Canal (based on cross sections). (PLAT: ENG – LWDD)
- 2. Dubois 264/Acme Dairy Preserve - Prior to platting, the owner shall convey an easement for the North 40 feet of Tracts 67-80 Block 63 less lands owned by the District for the ultimate right-of-way for the L-29 Canal (based on cross sections) along with the South 60 feet of Tracts 113-120, Block 63 less lands owned by the District for the required right-of-way for the L-30 Canal. (PLAT: ENG – LWDD)
- 3. Mazzone Preserve Central - Prior to platting, the owner shall convey an easement for the South 10 feet of Tracts 57-63 Block 63 required right-of-way for the L-29 Canal (based on cross sections). (PLAT: ENG – LWDD)

H. MASS TRANSIT

Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement, recorded as a separate instrument, adjacent to the development area of this petition along Lyons Road for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC/BLDG PERMIT: MONITORING - Palm Tran)

I. PLANNED UNIT DEVELOPMENT

- 1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

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. To the extent permitted by Palm Beach County Water Utilities and County Engineering, street trees shall be placed on the side of the street adjacent to the sidewalk to provide shade to pedestrians. (DRC: ZONING / ENG – Zoning / Land Dev.)
- 3. 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 each residential access street, cul-de-sac, or nonresidential access way as

shown on the Conceptual Site Plan dated February 18, 2003. The focal point shall be in the form of a plaza, landscaping, benches, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING - Zoning)

4. Recreation uses shall be provided, and shall be located on a minimum of 0.1 acre as shown on the Conceptual Site Plan dated February 18, 2003. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Departments minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC / PLAT: ZONING - Zoning)
5. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRC: ZONING - Zoning)
6. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING / BLDG - Zoning)
7. 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" propertyowner'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 / COUNTY ATTY - Zoning)
8. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural use in the vicinity of the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Zoning)
9. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING - Zoning)
10. No side interior, rear or street setback reductions (structure, pool/spa and or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6., Section 6.6.A.9.b.(2)., and Section 6.6.A.10.b.(2). of the ULDC. (DRC/BLDG. PERMIT: BLDG/ZONING - Zoning)
11. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying potential homeowners of the County's plan to build a District Park with ballfields/lights and other associated park amenities adjacent to the Fogg Development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within

the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - PREM)

J. PLANNING

1. 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: Fogg Central PUD Developable area (2/6/03), Lyons Road Rural Parkway Easement (2/18/03), all other Preserve parcels (2/6/03), and Land Use Justification correspondence from Kilday and Associates dated (2/6/03). (DRC: ZONING-PLANNING-Planning)
2. The PUD shall be limited to a maximum of 500 dwelling units provided 60/40 requirements are met. Prior to final Preliminary Development Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Preliminary Development Plan indicating that the balance of unused units (17) units shall not be utilized outside the boundary of the Fogg Central PUD site as identified in Petition No. 2002-068. (DRC: PLANNING-Planning)
3. 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 buildable 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. 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 permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRC: PLANNING - Planning)
5. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall provide a 100' Lyons Road Rural Parkway Sketch for the eastern portion with cross section details, to include cross section details for the Lake Worth Drainage District (LWDD) L-26 and L-27 canal crossing sections, to the width specified below for the canals. A cross section detail from the Fogg Central-Dubois/Acme Dairy Preserve parcel north over the L-29 canal to the Talmo owned parcel shall also be provided. The cross section for the bridge crossings over the Lake Worth Drainage District canals stated above must show a minimum of 40 feet of easement width. All of these items shall be subject to approval by the Planning Division and Engineering Department. (DRC:PLANNING/ENGINEERING-Planning)
6. Prior to or concurrent with the plat for the Fogg Central PUD, the conservation easement for the 100 foot wide Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division.
  - a. The conservation easement for the 100 foot wide Lyons Road Rural Parkway Preserve Area shall contain:
    - i. A Rural Parkway Conceptual Landscape Plan that conforms with the preliminary Rural Parkway Conceptual Landscape Plan received by the Planning Division on March 18, 2003, previously presented to Planning Staff, to include but not be limited to the following items:
    - ii. Flowering trees;

- iii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
    - iv. Benches/ pedestrian gathering area with a water fountain as previously depicted. One pedestrian gathering area shall be provided within the 100' Lyons Road Rural Parkway along this projects frontage.
    - v. The amount of landscape material in the Dubois/Acme Dairy Preserve parcel portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division.
  - b. The Rural Parkway easement shall not include:
    - i. Walls;
    - ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, benches /pedestrian gathering area, and a water fountain;
  - c. The Rural Parkway easement may include:
    - i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;
    - ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD. (DRC: PLANNING-Planning)
    - iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.
  - d. Prior to December 31<sup>st</sup>, 2003, the petitioner shall submit to the Planning Division, a maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance. (DATE: MONITORING/PLANNING-Planning)
  - e. Prior to December 31<sup>st</sup>, 2003, Title insurance for these 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. (DATE: MONITORING/PLANNING-Planning)
  - f. Should the 100 foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1<sup>st</sup>, 2004, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING/PLANNING-Planning)
7. Prior to the 200<sup>th</sup> building permit, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan for the L-26 and L-27 Canals, and north across the L-29 Canal (from the Dubois/Acme Dairy Preserve parcel north to the Talmo owned parcel), to include 40 foot bridge canal crossings, subject to Lake Worth Drainage District approval. (BLDG PERMIT: MONITORING-Planning-Eng)
8. Prior to or concurrent with the plat for the Fogg Central PUD, the conservation easement for the Mazzoni, Dubois/Acme Dairy, and Butts Preserve parcels shall be recorded, as approved by the County Attorney's Office and the Department of Environmental Resources Management.

- a. The conservation easements for all of these preserve parcels shall contain:
    - i. a legal description, site location, and a sketch including the area subject to the easement;
    - ii. a list of permitted, not permitted uses, and prohibited activity.
  - b. Title insurance for these 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.
  - c. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1<sup>st</sup>, 2004, 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-Planning)
9. Prior to certification by the Development Review Committee of the Preliminary Development Plan for the developable area, a management plan for all of the preservation parcels with the exception of the 100' Lyons Road Rural Parkway Easement preserve parcel shall be submitted. 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. (DRC:PLANNING-Planning)
10. Prior to final Preliminary Development Plan certification by the Development Review Committee (DRC), the developer shall add a "Preservation Area/Proposed Uses" notes section on page 2 of the Preliminary Development Plan and include the following:
- a. The preservation areas approved as part of Petition 2002-068 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

**PERMITTED USES**

- i. crop production, pasture, or equestrian purposes or may be retained as fallow land;
- ii. accessory structures such as barns and pump structures are permitted;
- iii. wetland or bona fide agricultural uses per the ULDC;
- iv. Other uses as permitted by the required conservation easements;
- v. Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,;

**NOT PERMITTED**

- vi. 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/ONGOING:PLANNING-Planning)
11. Prior to recordation of a plat for the Fogg Central Development parcel, the applicant is responsible for the recordation of boundary plats for all of the 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)

12. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Mazzoni Preserve 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 28.981 acres. (TC: ENG/PLANNING-CTY ATTY-Planning)
13. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Butts 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 9.256 acres. (TC: ENG/PLANNING-CTY ATTY-Planning)
14. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Dubois Preserve 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 264.632 acres. (TC: ENG/PLANNING-CTY ATTY-Planning)
15. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the 100 foot-wide Lyons Road Rural Parkway 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 6.063 acres. (TC: ENG/PLANNING-CTY ATTY-Planning)
16. Prior to or concurrent with recordation of the plat for the developable area as identified in Petition No. 2002-068, for all of the 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)
17. Prior to Preliminary Development Plan final certification by the Development Review Committee (DRC), the Preliminary Development Plan shall be amended to include a notation from at least one cul-de-sac or dead end street location on the western and eastern edges of the Fogg Central development area site, in addition to the entrance road location, that will allow pedestrian access from the Developable area to the Lyons Road Rural Parkway. The notation(s) shall read "pedestrian cross access to be mulched or paved to the western property line, which may be gated with carded or keyed access for only residents of the Fogg Central PUD." (DRC: PLANNING-Planning)
18. Prior to the issuance of a certificate of occupancy for any unit within the pod where the pedestrian cross access point is located, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Fogg Central PUD." (CO: MONITORING-Planning)

19. Prior to the issuance of the certificate of occupancy for the primary recreation building on the 5.08 acre recreation site, the petitioner shall mulch or pave the pedestrian trail shown fronting the recreation area on the certified PDP dated February 6, 2003. In addition, at least one (1) bench shall be placed at this location. (CO: MONITORING-Planning)
20. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, for the Fogg Central Development area, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks (to the extent permitted by the County Engineer and the Palm Beach County Water Utilities Department) for pedestrian circulation for all internal sidewalks shown in this project and for the entire length of the sidewalk fronting Acme Dairy Road. (DRC: PLANNING)

K. SCHOOL BOARD

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the 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, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: MONITORING-Eng.)
2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service 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-SCHOOL BOARD)

L. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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)