

RESOLUTION NO. R-2003-1124

RESOLUTION APPROVING ZONING PETITION DOA2000-071A
DEVELOPMENT ORDER AMENDMENT
PETITION OF 280 ESTATES LLC
BY LAND DESIGN SOUTH, AGENT
(EQUUS (AKA BOYWIC 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 DOA2000-071A was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2003; 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 has considered the findings in the staff report and 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 DOA2000-071A, the petition of 280 Estates LLC, by Land Design South, agent, for a Development Order Amendment to reconfigure the site plan, add an access point for equestrian center parking and manure removal, and to modify a condition of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 24, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution

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

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

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

Filed with the Clerk of the Board of County Commissioners on 22 day of August, 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


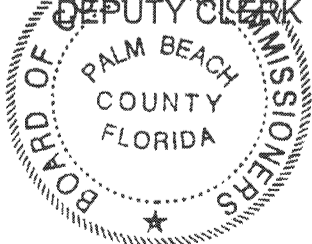
BY: 
DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

PUD PHASE ONE

A PARCEL OF LAND LYING IN A PART OF SECTIONS 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF BLOCKS 45 AND 51, TOGETHER WITH PORTIONS OF THE ROAD, DYKE AND DITCH RESERVATIONS, LYING IN AND BORDERING BLOCKS 45 AND 51, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 30, BLOCK 51 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3;

THENCE WITH A BEARING OF S 89° 21' 25" W, ALONG THE SOUTH LINE OF SAID TRACT 30, BLOCK 51, FOR A DISTANCE OF 58.00 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD;

THENCE WITH A BEARING OF S 00° 39' 00" E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 15.00 FEET TO A POINT;

THENCE WITH A BEARING OF S 89 ° 21' 25" W, ALONG A LINE LYING 15.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF TRACTS 25 THROUGH 30, BLOCK 51 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 1630.09 FEET TO A POINT;

THENCE WITH A BEARING OF N 02° 24' 00" W, FOR A DISTANCE OF 364.77 FEET TO A POINT;

THENCE WITH A BEARING OF S 87° 36' 00" W, FOR A DISTANCE OF 74.83 FEET TO A POINT;

THENCE WITH A BEARING OF N 02° 24' 00" W, FOR A DISTANCE OF 50.00 FEET TO A POINT;

THENCE WITH A BEARING OF N 87° 36' 00" E, FOR A DISTANCE OF 75.09 FEET TO A POINT;

THENCE WITH A BEARING OF N 02° 24' 00" W, FOR A DISTANCE OF 267.00 FEET TO A POINT;

THENCE WITH A BEARING OF S 87° 36' 00" W, FOR A DISTANCE OF 13.83 FEET TO A POINT;

THENCE WITH A CURVE CONCAVE TO THE EASTERLY, HAVING AN INITIAL TANGENT BEARING OF N 08° 01' 38" W, A RADIUS OF 1782.39 FEET, A CENTRAL ANGLE OF 17° 34' 29", FOR AN ARC DISTANCE OF 546.73 FEET TO A POINT OF TANGENCY;

THENCE WITH A BEARING OF N 09° 32' 51" E, FOR A DISTANCE OF 104.35 FEET TO A POINT;

THENCE WITH A BEARING OF S 85° 21' 44" E, FOR A DISTANCE OF 5.50 FEET TO A POINT;

THENCE WITH A BEARING OF N 04° 38' 16" E, FOR A DISTANCE OF 267.00 FEET TO A POINT;

THENCE WITH A BEARING OF N 85° 21' 44" W, FOR A DISTANCE OF 115.17 FEET TO A POINT;

THENCE WITH A BEARING OF N 04° 38' 16" E, FOR A DISTANCE OF 442.95 FEET TO A POINT LYING ON THE NORTH LINE OF TRACT 120, BLOCK 45 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3;

THENCE WITH A BEARING OF N 89° 21' 25" E, ALONG THE NORTH LINE OF TRACTS 120 THROUGH 123, BLOCK 45 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 1075.24 FEET TO THE SOUTHWEST CORNER OF TRACT 95, BLOCK 45 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3;

THENCE WITH A BEARING OF N 00° 39' 14" W, ALONG THE WEST LINE OF TRACTS 63, 92 AND 95, BLOCK 45 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 2025.06 FEET TO A POINT;

THENCE WITH A BEARING OF N 89° 21' 19" E, ALONG A LINE LYING 15.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF TRACTS 62 AND 63, BLOCK 45 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 629.92 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD;

THENCE WITH A BEARING OF S 00° 36' 35" E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 52.58 FEET TO A POINT OF CURVATURE;

THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 2918.79 FEET, A CENTRAL ANGLE OF 04° 08' 38", ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR AN ARC DISTANCE OF 211.10 FEET TO A POINT OF TANGENCY;

THENCE WITH A BEARING OF S 04° 45' 13" E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 107.91 FEET TO A POINT OF CURVATURE;

THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 5531.00 FEET, A CENTRAL ANGLE OF 04° 06' 13", ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR AN ARC DISTANCE OF 396.14 FEET TO A POINT OF TANGENCY;

THENCE WITH A BEARING OF S 00° 39' 00" E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 2025.31 FEET TO A POINT OF CURVATURE;

THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 3527.00 FEET, A CENTRAL ANGLE OF 06° 24' 00", ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR AN ARC DISTANCE OF 393.97 FEET TO A POINT OF TANGENCY;

THENCE WITH A BEARING OF S 05° 45' 00" W, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 159.96 FEET TO A POINT OF CURVATURE;

THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 2918.79 FEET, A CENTRAL ANGLE OF 06° 24' 00", ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR AN ARC DISTANCE OF 326.03 FEET TO A POINT OF TANGENCY;

THENCE WITH A BEARING OF S 00° 39' 00" E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 385.53 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 4,788,729 SQUARE FEET (109.934 ACRES), MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

ALSO DESCRIBED AS ALL OF "EQUUS AGR-PUD PHASE ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 97, PAGES 11 - 24 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PUD PHASE TWO

A PARCEL OF LAND LYING IN A PART OF SECTIONS 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO BEING A PORTION OF BLOCKS 45 AND 51, TOGETHER WITH PORTIONS OF THE ROAD, DYKE AND DITCH RESERVATIONS, LYING IN AND BORDERING BLOCKS 45 AND 51, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 30, BLOCK 51 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3;

THENCE WITH A BEARING OF S.89°21'25"W., ALONG THE SOUTH LINE OF SAID TRACT 30, BLOCK 51, FOR A DISTANCE OF 58.00 FEET TO A POINT, SAID POINT LYING ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD;

THENCE WITH A BEARING OF S.00°39'00"E., ALONG THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, FOR A DISTANCE OF 15.00 FEET TO A POINT;

THENCE WITH A BEARING OF S.89°21'25"W., ALONG A LINE LYING 15.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF TRACTS 25 THROUGH 30, BLOCK 51 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 1630.09 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE WITH A BEARING OF S.89°21'25"W., ALONG A LINE LYING 15.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF TRACTS 16 THROUGH 25, BLOCK 51 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 3654.50 FEET TO A POINT;

THENCE WITH A BEARING OF N.00°39'01"W., ALONG A LINE LYING 12.50 FEET WEST OF AND PARALLEL TO THE WEST LINE OF TRACTS 15 AND 16, BLOCK 51 AND TRACT 110, BLOCK 45 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, FOR A DISTANCE OF 2045.17 FEET TO A POINT;

THENCE WITH A BEARING OF N.89°21'25"E., ALONG THE NORTH LINE OF TRACTS 110 THROUGH 120, BLOCK 45, FOR A DISTANCE OF 3608.23 FEET TO A POINT;

THENCE WITH A BEARING OF S.04°38'16"W., FOR A DISTANCE OF 442.95 FEET TO A POINT;

THENCE WITH A BEARING OF S.85°21'44"E., FOR A DISTANCE OF 115.17 FEET TO A POINT;

THENCE WITH A BEARING OF S.04°38'16"W., FOR A DISTANCE OF 267.00 FEET TO A POINT;

THENCE WITH A BEARING OF N.85°21'44"W., FOR A DISTANCE OF 5.50 FEET TO A POINT;

THENCE WITH A BEARING OF S.09°32'51"W., FOR A DISTANCE OF 104.35 FEET TO A POINT OF CURVATURE;

THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1782.39 FEET, A CENTRAL ANGLE OF 17°34'29", FOR AN ARC DISTANCE OF 546.73 FEET TO A POINT;

THENCE WITH A BEARING OF N.87°36'00"E., FOR A DISTANCE OF 13.83 FEET TO A POINT;

THENCE WITH A BEARING OF S.02°24'00"E., FOR A DISTANCE OF 267.00 FEET TO A POINT;

THENCE WITH A BEARING OF S.87°36'00"W., FOR A DISTANCE OF 75.09 FEET TO A POINT;

THENCE WITH A BEARING OF S.02°24'00"E., FOR A DISTANCE OF 50.00 FEET TO A POINT;

THENCE WITH A BEARING OF N.87°36'00"E., FOR A DISTANCE OF 74.83 FEET TO A POINT;

THENCE WITH A BEARING OF S.02°24'00"E., FOR A DISTANCE OF 364.77 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

CONTAINING 7,413,814 SQUARE FEET (170.198 ACRES), MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

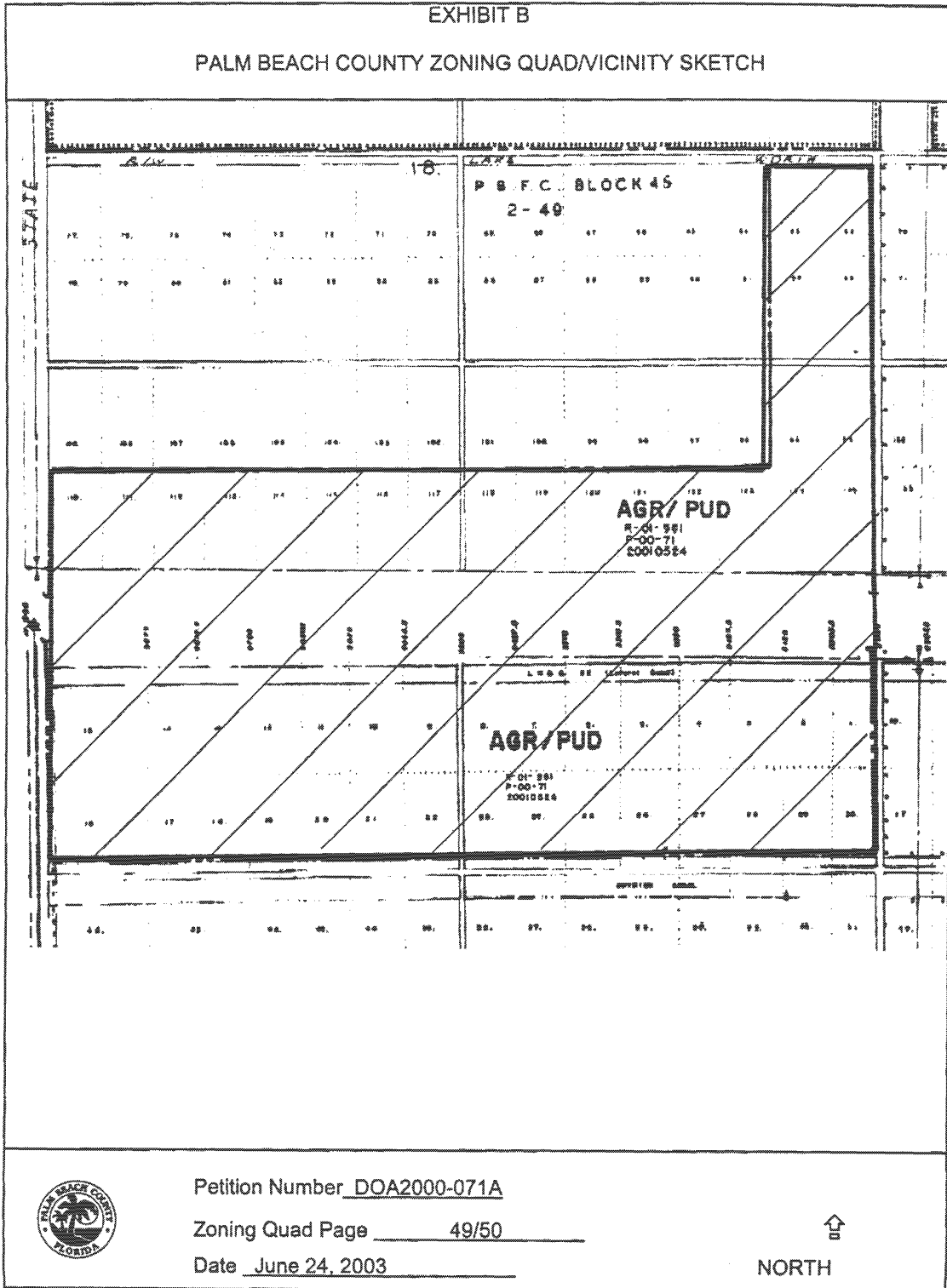


EXHIBIT C

CONDITIONS OF APPROVAL

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

A ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2001-0961 (Petition 2000-071), 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. Condition A.1 of Resolution R-2001-0961, Petition 2000-071, 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 site plan is dated March 1, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - 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 site plan is dated May 23, 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 - Zoning)

B AGR/PUD PRESERVATION AREA

1. **Minimum fifty (50) feet setback for fences, corrals, stables, pole barns, etc., from perimeter property lines.** (BLDG PERMIT: ZONING - Zoning) (Previous Condition B.1 of Resolution R-2001-0961, Petition 2000-071)
2. **Minimum one hundred (100) feet wide Preservation Area located on three (3) sides of Development Area.** (DRC: ZONING - Zoning) (Previous Condition B.2 of Resolution R-2001-0961, Petition 2000-071)
3. **Minimum four fifty (50) feet wide equestrian connections to allow the residents access from the central Preservation Area pasture and lake areas to the perimeter pasture.** (DRC: ZONING - Zoning) (Previous Condition B.3 of Resolution R-2001-0961, Petition 2000-071)
4. **Equestrian connections to be located approximately every 1/4 mile (1320 feet) in order to transverse the proposed Development Area of the AGR/PUD.** (DRC: ZONING - Zoning) (Previous Condition B.4 of Resolution R-2001-0961, Petition 2000-071)

C ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - ERM)

D HEALTH

1. Prior to final DRC certification, the petitioner shall submit an on-site horse manure Best Management Plan or off-site disposal plan subject to approval by the Palm Beach County Health Department. (DRC: HEALTH - Health) (Previous Condition C.1 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]

E ENGINEERING

- 1 Prior to the recordation of the first plat the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). 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. (PLAT: MONITORING - Eng) (Previous Condition E.1 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]
- 2 Prior to July 1, 2002 the property owner shall convey a temporary roadway construction easement along 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. (DATE: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]
- 3 The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a) Lyons Rd., 110 feet of right of way on an alignment approved by the County Engineer. This right of way shall be conveyed prior to July 1, 2002. (DATE: MONITORING - Eng) (Previous Condition E.3 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]
- 4 **LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7**
 -) Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County

Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.4.a of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]

- b) All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before June 1, 2002. (DATE: MONITORING - Eng) (Previous Condition E.4.b of Resolution R-2001-0961, Petition 2000-071)**
- c) 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 first building permit. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.4.c of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]**

5 The Property owner shall construct the following improvements

- I Project's residential entrance road and Lyons Road;
 - a) left turn lane south approach;**
 - b) left turn lane west approach;**
 - c) right turn lane north approach;****
- a) This construction shall be concurrent with the construction of the project's entrance road onto Lyons Road. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**
- b) Permits required by Palm Beach County for this construction shall be submitted prior to Technical Compliance for the plat containing the project's entrance road onto Lyons Road. (PLAT: ENG - Eng) (Previous Condition E.5 of Resolution R-2001-0961, Petition 2000-071)**

6 In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- (a) If construction of Lyons Road from the existing paved terminus south of Lantana Road to the existing paved terminus north of Venetian Isles Boulevard has not commenced, then building permits for more than 77 single-family dwelling units shall not be issued until construction has commenced for Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane median divided section. (BLDG PERMIT: MONITORING - Eng)**

(Previous Condition E.6.a of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]

- (b) **After construction of Lyons Road from the existing paved terminus south of Lantana Road to the existing paved terminus north of Venetian Isles Boulevard has commenced, then building permits for more than 145 single-family dwelling units shall not be issued until construction has commenced for Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane median divided section. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6.b of Resolution R-2001-0961, Petition 2000-071)**

7 Acceptable surety required for the construction of

-Lyons Road from the existing paved terminus south of Lantana Road to the existing paved terminus north of Venetian Isles Boulevard.

-Boynton Beach Boulevard widening from Lyons Road to the Florida Turnpike as a 4-lane median divided section.

shall be posted with the Office of the Land Development Division on or before November 24, 2001. This surety shall include design costs, right of way acquisition, all construction costs and CEI. This surety shall be in the amount of in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS) (DATE: MONITORING - Eng) (Previous Condition E.7 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed].

- 8 The property owner shall provide for the acquisition of Lyons Road right of way, 110 feet of right of way from the present terminus south of Lantana Road to the present terminus at Melrose PUD. All funding for the cost of the right-of-way and associated costs as referenced in the Condition above shall be provided with acceptable surety to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before November 24, 2001. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Eng) (Previous Condition E.8 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]**

- 9 On or before November 24, 2001, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and 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) (Previous Condition E.9 of Resolution R-2001-0961, Petition 2000-071)**

Prior to November 24, 2001, the Property Owner shall fund the construction plans for Lyons Road as a 3 lane section plus the appropriate paved tapers from the present terminus south of Lantana Road to the present terminus at Melrose PUD. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Eng) (Previous Condition E.10 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]

11. **The property owner shall fund the construction of Lyons Road as a 3 lane section in accordance with the condition above. Funding for this construction shall be completed on or before February 1, 2002. (DATE: MONITORING - Eng) (Previous Condition E.11 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]**

12. **The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at:**
 - Project Entrance and Lyons Road

Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING - Eng) (Previous Condition E.12 of Resolution R-2001-0961, Petition 2000-071)

13. **Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents, all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for Lyons Road. Information which appears in written form shall appear in bold print. (PLAT: ENG - Eng) (Previous Condition E.13 of Resolution R-2001-0961, Petition 2000-071)**
 - a) **The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 1, 2003, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING - Eng) (Previous Condition E.13.a of Resolution R-2001-0961, Petition 2000-071)**

 - 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) (Previous Condition E.13.b of Resolution R-2001-0961, Petition 2000-071)**

14. **The Property Owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at the intersection of Boynton Beach Boulevard and Lyons Road. This funding shall be shared with any and all other developers with this same condition based on the total project traffic impacting this intersection. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING - Eng) (Previous Condition E.14 of Resolution R-2001-0961, Petition 2000-071)**

15. **Prior to Master Plan approval by the DRC the Property owner shall modify the master plan for the site to align the projects residential entrance with the entrance to the proposed Magna Horse Training Facility. (DRC: ENG - Eng) (Previous Condition E.15 of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]**

16. The site plan and preliminary development plan shall be modified to show an extension of 87th Place as shown on the site plan dated May 23, 2001 and labeled Exhibit A. The construction of this right-of-way will be based on the following criteria:
- a 87th Place right of way shall be dedicated to the public concurrent with the first plat for the Boywic Residential PUD. Road geometrics shall be approved by the County Engineer. (ENG) (Previous Condition E.16.a of Resolution R-2001-0961, Petition 2000-071)
 - b Upon the expiration of the current lease of Boywic PUD, 87th Place shall be permitted to be extended to Lyons Road in its current configuration through the Boywic PUD by this property owner. This roadway shall then continue to be left open until the new right-of-way has been dedicated and constructed. (ONGOING) (Previous Condition E.16.b of Resolution R-2001-0961, Petition 2000-071)
 - c The developer for Boywic PUD shall be responsible for the construction of a shellrock road from its current terminus to Lyons Road within the proposed right-of-way concurrent with the paving and drainage improvements for Plat One of Boywic PUD. Maintenance of this roadway shall then be the responsibility of the adjacent property owners of 87th Place from SR 7 to Boywic PUD in accordance with the June 20, 2001 letter from Alan J. Ciklin representing the affected property owners of 87th Place. (DRC: ONGOING - Eng) (Previous Condition E.16.c of Resolution R-2001-0961, Petition 2000-071) [NOTE: Completed.]
17. Prior to December 1, 2003, 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 on Lyons Road at Equus Circle. 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. (DATE: MONITORING - Eng)

F LANDSCAPING - STANDARD

1. Fifty (50) percent of all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
- a Tree height: Fourteen (14) feet
 - b Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c Canopy diameter: Six (6) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3 feet in length; and,
 - d Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.1. of Resolution R-2001-0961, Petition 2000-071)
- 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 D.2 of Resolution R-2001-0961, Petition 2000-071)**
- 3 **A group of three (3) or more palm or pine trees may not supersede the requirement for a perimeter canopy tree. (CO: LANDSCAPE - Zoning) (Previous Condition D.3 of Resolution R-2001-0961, Petition 2000-071)**
 - 4 **All internal buffers between Development and Preservation Areas shall be approved by the Development Review Committee (DRC) in accordance with the ULDC. (DRC: ZONING - Zoning) (Previous Condition D.4 of Resolution R-2001-0961, Petition 2000-071)**
 - 5 **Modification to spacing of plant material in the landscape buffer strips may be permitted to accommodate transversing utility or drainage easement crossings. (CO: LANDSCAPE - Zoning) (Previous Condition C.1 of Resolution R-2001-0961, Petition 2000-071)**

G LANDSCAPING FOR DEVELOPMENT AREA ADJACENT TO PERIMETER PROPERTY LINE

1. **Landscaping and buffering along the Development Area adjacent to perimeter property line shall be upgraded to include:**
 - a **A minimum thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;**
 - b **One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;**
 - c **A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of curb;**
 - d **One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;**
 - e **A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer; and,**
 - f **Twenty-four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE - Zoning) (Previous Condition F.1 of Resolution R-2001-0961, Petition 2000-071)**

H LANDSCAPING OF DEVELOPMENT AREA ALONG US 441/SR 7 AND LYONS ROAD

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

- d One (1) additional palm or pine tree every twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between palm or pine clusters;
- e A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
- f Twenty-four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE - Zoning) (Previous Condition G.1 of Resolution R-2001-0961, Petition 2000-071)

I. LANDSCAPING FOR PRESERVATION AREA ADJACENT TO PERIMETER PROPERTY LINES

- 1 Landscaping within preserve areas adjacent to all perimeter property lines, excluding corral fencing only, shall be consistent with the landscaping shown on drawings prepared by Land Design South dated June 19, 2003. These plans shall be submitted to the Zoning Division at time of submittal for final DRC approval. (DRC / CO: LANDSCAPE - Zoning)

J. PLANNED UNIT DEVELOPMENT

- 1 **Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng) (Previous Condition H.1 of Resolution R-2001-0961, Petition 2000-071)**

- 2 **Street trees shall be provided along both sides of all internal streets at the equivalent of one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters. (DRC / CO: LANDSCAPE - Zoning)**

Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. Prior to DRC certification of the preliminary development plan, street tree planting details and cross sections shall be approved by the Zoning Division, Utilities departments, and the County Engineer. (DRC/CO: ZONING/UTILITIES/ENG/ LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-2001-0961, Petition 2000-071)

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

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Atty) (Previous Condition H.3 of Resolution R-2001-0961, Petition 2000-071)

- 4 **The petitioner shall provide the following exemplary design elements**
 - a. **Additional neighborhood amenities;**
 - b. **Varied building elevations and color schemes;**

- c Pavers or decorative pavement shall be provided for the driveways of all units;
 - d Focal points within a neighborhood recreation area or open space tract;
 - e Focal points at the roundabout area and the adjacent open space and
 - f. Utilize perimeter canals and proposed water bodies, open space and perimeter buffers to minimize potential impacts on the adjacent agricultural/equestrian uses.
 - g Eighty (80) percent or more of all lots shall be adjacent to the Equestrian Preservation water management tracts, canals, open space or perimeter landscape buffers. (DRC: ZONING - Zoning) (Previous Condition H.4 of Resolution R-2001-0961, Petition 2000-071)
- 5 Prior to final certification by the Development Review Committee (DRC), the master plan shall be revised to show:
- a Focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabouts, open space or cul-de-sac consistent with the Master Plan dated March 1, 2000. These focal points shall be public areas and shall be in the form of accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING - Zoning) (Previous Condition H.5 of Resolution R-2001-0961, Petition 2000-071)
- 6 All recreation areas used towards the Parks and Recreation Department's minimum recreation requirement shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC / PLAT: ZONING - Zoning) (Previous Condition H.6 of Resolution R-2001-0961, Petition 2000-071)
- 7 No reduction in width for any of the perimeter AGR or landscape buffers shall be permitted. (DRC: ZONING - Zoning) (Previous Condition H.7 of Resolution R-2001-0961, Petition 2000-071)
- 8 Condition H.8 of Resolution R-2001-0961, Petition 2000-071, which currently states:
- No Flexible Regulations or Administrative Deviations from the required property development regulations shall be allowed. (DRC: ZONING - Zoning)**
- Is hereby amended to read:
- No Flexible Regulations or Administrative Deviations from the required property development regulations shall be allowed, except for a ten percent (10%) building coverage increase on residential lots. (DRC: ZONING - Zoning)
- 9 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 and equestrian uses acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the potential for noise, odors and dust from nearby agricultural and equestrian uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit. (ONGOING / DRC: CODE ENF / ZONING - Co Atty) (Previous Condition H.9 of Resolution R-2001-0961, Petition 2000-071)

10. **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 and equestrian uses in the vicinity of and adjacent to the development. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2002 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) (Previous Condition H.10 of Resolution R-2001-0961, Petition 2000-071)**
11. **The accessory clubhouse/equestrian center building shall comply with Rural Design standards. (BLDG PERMIT: ZONING - Zoning) (Previous Condition H.11 of Resolution R-2001-0961, Petition 2000-071)**
12. Equestrian center parking shall be limited to designated spaces only, as shown on the site plan dated May 23, 2003. (DRC/ONGOING: ZONING/CODE ENF - Zoning/Planning)
13. All equestrian center parking, excluding handicapped stalls and spaces required for average daily traffic, shall be grassed or shell rock. (DRC/ONGOING: ZONING/CODE ENF - Zoning/Planning)
14. Manure removal from the equestrian center shall be limited to Lyons Road via 87th Place. At no time shall vehicles removing manure from the equestrian center utilize 87th Place to access State Road 7/U.S. 441. (ONGOING: CODE ENF - Zoning)
15. All construction traffic shall be prohibited from using 87th Place to the west of the equestrian center. (ONGOING: CODE ENF - Zoning)
16. Prior to final DRC approval, the master plan shall be revised to indicate a bicycle rack located adjacent to the school bus shelter. (DRC: ZONING - Zoning)

K PLANNING

1. **Prior to Technical Compliance approval, the Planning Division shall approve the lot layout and configuration of the plat and review all applicable documents as referenced in the Planning Conditions of Approval. (TC / PLAT: ENGINEERING – Planning) (Previous Condition I.1 of Resolution R-2001-0961, Petition 2000-071)**
2. **Prior to the recordation of the first plat, the Planning Division shall review and approve the plat, its final calculations, and related documents. In order to determine compliance, the petitioner shall also provide a signed and sealed document, tabulated in report form, from a registered surveyor that lists the acreages of each individual lot in each plat, as well as, the combined acreages for all lots in each plat which verifies that the combined total of all platted lots and the combined total of all platted preservation parcels does not exceed the 60/40 calculation. (PLAT: PLANNING - Planning) (Previous Condition I.2 of Resolution R-2001-0961, Petition 2000-071)**
3. Condition I.3 of Resolution R-2001-0961, Petition 2000-071, which currently states:

Prior to the recordation of the each plat, the petitioner shall record a conservation easement for that platted preservation area on the site indicating that the preserve area is for an equestrian preserve only. The conservation easement shall be in conformance with the plat and surveyor signed and sealed document described in Condition H.2. The

conservation easement shall also be in a form acceptable to the County Attorney. (PLAT: PLANNING / COUNTY ATTORNEY -Planning)

Is hereby amended to read:

Prior to the recordation of each plat, the petitioner shall record a conservation easement for that platted preservation area on the site indicating that the preserve area is for an equestrian preserve only. The conservation easement shall be in conformance with the plat and surveyor signed and sealed document described in Condition K.2. The conservation easement shall also be in a form acceptable to the County Attorney. (PLAT: PLANNING / COUNTY ATTORNEY -Planning)

- 4 **Prior to the recordation of the first plat, the petitioner shall record a maintenance agreement with Palm Beach County ensuring the continual maintenance of the preservation areas. The maintenance agreement shall be in a form acceptable to the County Attorney. (PLAT: PLANNING / COUNTY ATTORNEY / CODE ENFORCEMENT - Planning) (Previous Condition I.4 of Resolution R-2001-0961, Petition 2000-071)**

- 5 Condition I.5 of Resolution R-2001-0961, Petition 2000-071, which currently states:

Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall add a notation to the Master Plan/Regulating Plan to indicate the following:

The preservation area approved as part of Petition 2000-71 shall be restricted to preservation uses as follows:

PERMITTED ES

- a) **equestrian purposes or may be retained as fallow land;**
- b) **accessory structures such as the proposed equestrian center with barns, corrals, and pump structures;**
- c) **wetlands or other water preserve areas;**
- d) **gazebo(s) and equestrian trail(s) similar to those shown on the Preliminary Development Plan may be modified with approval from the Planning and Zoning Divisions;**
- e) **equestrian uses per the ULDC;**
- f) **Entry features, walls, lighting, and planting at or near the project entrance on Lyons Road and perimeter walls/fences in buffers;**
- g) **Other uses as may be permitted within the preservation area of an Agr-PDD consistent with the Comprehensive Plan and the Unified Land Development Code. (DRC: PLANNING - Planning)**

Is hereby amended to read

Prior to final DRC approval of the Preliminary Development Plan (PDP), the developer shall add a notation to the PDP to indicate the following:

The preservation area approved as part of Petition 2000-071 shall be restricted to preservation uses as follows:

PERMITTED USES

- a) equestrian purposes or may be retained as fallow land;
- b) accessory structures such as the proposed equestrian center with barns, corrals, and pump structures;
- c) wetlands or other water preserve areas, in accordance with ERM and/or SFWMD requirements as stated in the Comprehensive Plan;
- d) gazebo(s) and equestrian trail(s) similar to those shown on the Preliminary Development Plan may be modified with approval from the Planning and Zoning Divisions;
- e) equestrian uses per the ULDC;
- f) Entry features, walls, lighting, and planting at or near the project entrance on Lyons Road and perimeter walls/fences in buffers;
- g) Other uses as may be permitted within the preservation area of an Agr-PDD consistent with the Comprehensive Plan and the Unified Land Development Code. (DRC: PLANNING - Planning)

- 6 Condition 1.6 of Resolution R-2001-0961, Petition 2000-071, which currently states:

Prior to final site plan certification, in order to ensure agricultural preservation on the preservation parcel, the master plan/regulating plan shall be revised to indicate an accessory clubhouse building to the equestrian facilities proposed on the subject parcel. The maximum square footage for the clubhouse shall not exceed 3,000 square feet. In addition, grooms quarters may be allowed at a future date provided that the following occur: a Comprehensive Plan amendment is adopted which would allow for a density equivalency; and the applicant submits a request for a density equivalency to the Planning Division which would be consistent with the adopted requirements. (DRC: PLANNING - Planning)

Is hereby amended to read

Prior to final DRC approval of the Preliminary Development Plan (PDP), in order to ensure agricultural preservation on the preservation parcel, the PDP shall be revised to indicate an accessory clubhouse building to the equestrian facilities proposed on the subject parcel. The maximum square footage for the clubhouse shall not exceed 3,000 square feet. In addition, grooms quarters may be allowed at a future date provided that the following occur: a Comprehensive Plan amendment is adopted which would allow for a density equivalency; and the applicant submits a request for a density equivalency to the Planning Division which would be consistent with the adopted requirements. (DRC: PLANNING - Planning)

7. **In order to ensure agricultural preservation on the preservation parcels, no fences or other structures will be allowed within the preservation parcels unless they can be justified as being equestrian in purpose with no division of the preserve area with the exception of perimeter walls located within the perimeter landscape buffers and the entry wall features/lighting located at or near the project entrance on Lyons Road. Equestrian fencing and corrals are permitted within the Agricultural**

Preservation parcel. (DRC / ONGOING: PLANNING / BUILDING / CODE ENFORCEMENT - Planning) (Previous Condition I.7 of Resolution R-2001-0961, Petition 2000-071)

- 8 Condition I.8 of Resolution R-2001-0961, Petition 2000-071, which currently states:

Prior to final site plan certification, 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 - Planning)

Is hereby deleted. [REASON: Completed.]

- 9 Prior to final DRC approval of the Preliminary Development Plan (PDP), the cross access point between the equestrian center parcel and the developable area of the site shall be labeled as "future pedestrian, vehicular, and equestrian access" and shall function as such. (DRC: ONGOING / PLANNING - Planning)
- 10 To minimize 87th Place ROW's impact on the equestrian preservation parcel, the ROW for 87th Place shall be labeled as a shellrock road on the site plan and shall remain unpaved to its terminus onto Lyons Road. (DRC: ONGOING - Planning)
11. Prior to final DRC approval of the Preliminary Development Plan (PDP), the PDP shall be amended to include the existing or proposed future location of a sidewalk along Lyons Road since this site is within two (2) miles of a school. (DRC: PLANNING - Planning)

L PREM

- 1 **The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by July 1, 2002, for a 2.25 acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.**
- a) **Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.**
 - b) **All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.**
 - c) **Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.**

- d) **Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:**
 - 1) **The discharge of surface water from the proposed civic site into the Developer's water retention basins.**
 - 2) **As easement across Developer's property from the proposed civic site to the retention basins, if required.**
 - e) **By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.**
 - f) **Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.**
 - g) **Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM) (Previous Condition J.1 of Resolution R-2001-0961, Petition 2000-071)**
- 2 **The property owner shall provide the County with a certified survey of the proposed civic site by May 1, 2002. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:**
- a) **The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 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) (Previous Condition J.2 of Resolution R-2001-0961, Petition 2000-071)

- 3 **The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by May 1, 2002. The minimum assessment, which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.**

The assessment will include but not be limited to the following

- a) **Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.**
- b) **Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.**
The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM) (Previous Condition J.3 of Resolution R-2001-0961, Petition 2000-071)
- 4 The Petitioner may request to exchange the required on-site dedication of land 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 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 J.4 of Resolution R-2001-0961, Petition 2000-071)
- 5 If off site land is accepted by Palm Beach County, the petitioner may convert the civic parcel and area to residential, recreational or preservation land area. (DRC: PREM - PREM) (Previous Condition J.5 of Resolution R-2001-0961, Petition 2000-071)

M SCHOOL BOARD

1. Condition K.1 of Resolution R-2001-0961, Petition 2000-071, which currently states:

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 - School Board)

Is hereby amended to read

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)

N **SIGNS**

1. **Perimeter signs shall be limited to only Entrance Wall signs.** (ONGOING/DRC: CODE ENF/ZONING - Zoning) (Previous Condition L.1 of Resolution R-2001-0961, Petition 2000-071)

- 2 **No relocated billboards shall be permitted on the site.** (ONGOING/ DRC: CODE ENF/ZONING - Zoning) (Previous Condition L.2 of Resolution R-2001-0961, Petition 2000-071)

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) (Previous Condition M.1 of Resolution R-2001-0961, Petition 2000-071)

- 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-2001-0961, Petition 2000-071)