

RESOLUTION NO. R-2003-1770

RESOLUTION APPROVING ZONING PETITION DOA2002-065A
DEVELOPMENT ORDER AMENDMENT
PETITION OF GL HOMES OF FLORIDA II CORP.
BY LAND DESIGN SOUTH, AGENT
(HAGEN ASSEMBLAGE 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 DOA2002-065A was presented to the Board of County Commissioners at a public hearing conducted on October 23, 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 DOA2002-065A, the petition of GL Homes of Florida II Corp., by Land Design South, agent, for a Development Order Amendment to reconfigure the site plan, add land area, add units and modify/delete conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 23, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 2003.

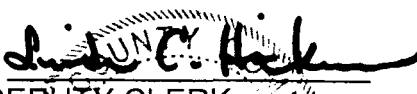
Filed with the Clerk of the Board of County Commissioners on 24 day of November, 2003.

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

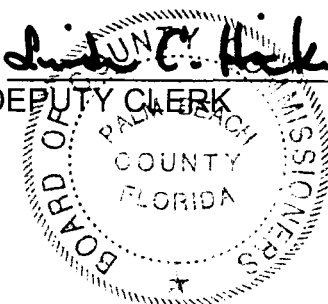


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 37 THROUGH 44 AND TRACTS 51 THROUGH 61, BLOCK 56 AND TRACTS 65 THROUGH 72, TRACTS 89 THROUGH 104 AND TRACTS 121 THROUGH 128, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF, PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE PLATTED ROAD, DITCH AND DIKE RESERVATION, 50.00 FEET IN WIDTH, LYING 25 FEET WEST OF AND ADJACENT TO THE EAST LINE OF SAID BLOCK 55 AND LYING 25 EAST OF AND ADJACENT TO THE WEST LINE OF SAID BLOCK 56, AND TOGETHER WITH A PORTION OF THE PLATTED ROAD, DITCH AND DIKE RESERVATION, 30.00 FEET IN WIDTH, LYING 30 FEET NORTH OF AND ADJACENT TO TRACTS 97 THROUGH 104, BLOCK 55 AND TRACTS 52 THROUGH 56, BLOCK 56, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 121, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE NORTH 89°37'43" EAST ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 25.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF HAGEN RANCH ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 00°23'06" WEST ALONG THE EAST RIGHT-OF-WAY OF SAID ROAD, BEING A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 121, 104, 89 AND 72, BLOCK 55, A DISTANCE OF 2,613.33 FEET; THENCE NORTH 89°34'49" EAST ALONG A LINE 55.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF TRACTS 71 AND 72, A DISTANCE OF 634.19 FEET; THENCE NORTH 00°23'16" WEST ALONG THE EAST LINE OF SAID TRACT 71, A DISTANCE OF 12.76 FEET; THENCE NORTH 89°34'49" EAST ALONG A LINE 42.24 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 65 THROUGH 70, A DISTANCE OF 2003.31 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 55 AND THE WEST LINE OF SAID BLOCK 56; THENCE NORTH 00°25'33" WEST ALONG THE WEST LINE OF SAID BLOCKS 55 AND 56, A DISTANCE OF 6.60 FEET; THENCE NORTH 89°37'22" EAST ALONG A LINE 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 37 THROUGH 40, BLOCK 56, A DISTANCE OF 1,010.85 FEET; THENCE NORTH 00°31'48" WEST ALONG THE EAST LINE OF SAID TRACT 38, A DISTANCE OF 35.64 FEET; THENCE NORTH 89°37'22" EAST ALONG THE NORTH LINE OF SAID TRACT 37, A DISTANCE OF 329.30 FEET; THENCE SOUTH 00°31'49" E ALONG THE EAST LINE OF SAID TRACTS 37 AND 44, BLOCK 56, A DISTANCE OF 1,321.92 FEET; THENCE SOUTH 00°44'07" EAST, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°30'17" EAST ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 51 AND 52, BLOCK 56, A DISTANCE OF 340.81 FEET; THENCE SOUTH 00°30'30" WEST, ALONG A LINE 10.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 52, BLOCK 56, A DISTANCE OF 390.00 FEET, THENCE NORTH 89°30'17" EAST, A DISTANCE OF 82.00 FEET; THENCE SOUTH 00°30'30" WEST, A DISTANCE OF 284.58 FEET, THENCE NORTH 89°31'26" EAST, A DISTANCE OF 17.85 FEET; THENCE SOUTH 00°33'53" EAST, A DISTANCE OF 431.88 FEET; THENCE NORTH 89°25'12" WEST, ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, A DISTANCE OF 378.74 FEET; THENCE SOUTH 00°10'07" EAST, A DISTANCE OF 88.30 FEET; THENCE SOUTH 89°18'25" WEST, A DISTANCE OF 60.72 FEET; THENCE NORTH 00°33'56" WEST, ALONG THE EAST LINE OF SAID TRACT 60, BLOCK 56, A DISTANCE OF 185.10 FEET; THENCE SOUTH 89°28'04" WEST ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (1/2) OF SAID TRACT 60, BLOCK 56, A DISTANCE OF 330.01 FEET; THENCE SOUTH 00°31'48" EAST ALONG THE WEST LINE OF SAID TRACT 60, A DISTANCE OF 330.13 FEET; THENCE SOUTH 89°37'43" WEST ALONG THE SOUTH LINE OF SAID TRACTS 57

THROUGH 59, BLOCK 56 AND TRACTS 126 THROUGH 128, BLOCK 55, A DISTANCE OF 2,028.94 FEET; THENCE NORTH 00°22'17" WEST ALONG THE WEST LINE OF SAID TRACT 126, A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°37'43" WEST ALONG A LINE 135.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 121 THROUGH 125, A DISTANCE OF 1,576.62 FEET; THENCE NORTH 45°26'10" WEST, A DISTANCE OF 56.50 FEET; THENCE SOUTH 89°29'57" WEST, A DISTANCE OF 4.50 FEET; THENCE SOUTH 00°23'06" EAST ALONG A LINE 5.00 EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY OF SAID HAGEN RANCH ROAD, A DISTANCE OF 174.90 FEET; THENCE SOUTH 89°37'43" WEST ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 243.143 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

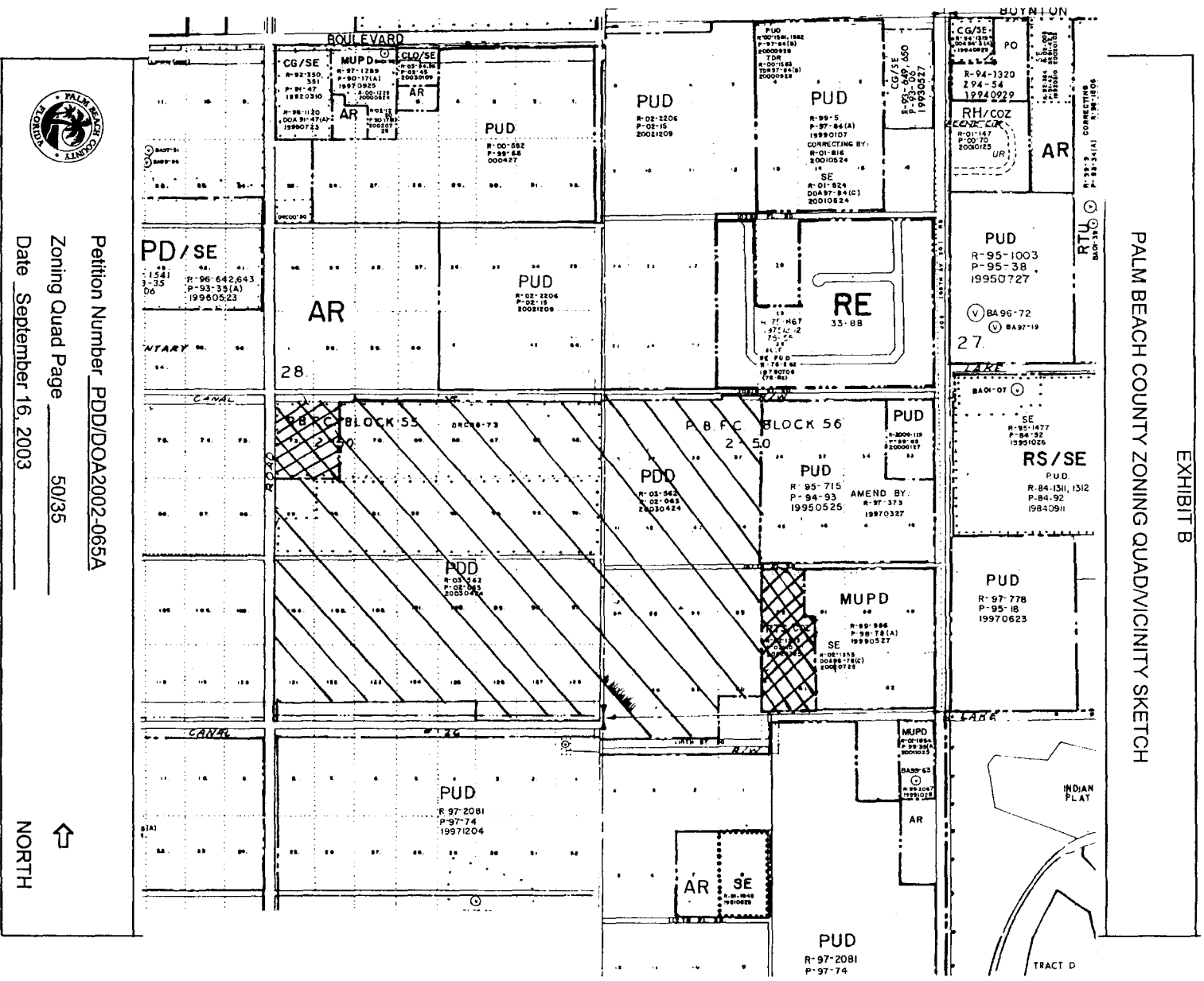


EXHIBIT B
PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Petition Number PDD/DOA2002-065A
Zoning Quad Page 50/35
Date September 16, 2003
NORTH ↑

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-2003-0562 (Petition PDD2002-065), 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-2003-0562, Petition PDD2002-065, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated April 15, 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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated August 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 - Zoning)

B. 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)

C. LANDSCAPING – STANDARD

1. **Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:**
 - a. **tree height: Fourteen (14) feet;**
 - b. **trunk diameter: 3.5 inches measured at 4.5 feet above grade;**
 - c. **canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,**
 - d. **credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition B.1 of Resolution R-2003-0562, Petition PDD2002-065)**

2. **All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:**
 - a. **palm heights: twelve (12) feet clear trunk;**
 - b. **clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
 - c. **credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition B.2 of Resolution R-2003-0562, Petition PDD2002-065)**

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 where a single row of hedge is required on one or both sides of a wall. (CO: LANDSCAPE - Zoning) (Previous Condition B.3 of Resolution R-2003-0562, Petition PDD2002-065)**

4. **All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Condition B.4 of Resolution R-2003-0562, Petition PDD2002-065)**

5. **A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy trees in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition B.5 of Resolution R-2003-0562, Petition PDD2002-065)**

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) (Previous Condition B.6 of Resolution R-2003-0562, Petition PDD2002-065)**

7. **All canopy trees to be planted within an overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)**

D. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGES OF WOOLBRIGHT ROAD AND HAGEN RANCH ROAD)

1. **Condition C.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:**

Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. **a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **a minimum two and one-half (2.5) to three and one-half (3.5) feet high undulating berm measured from top of curb. Field**

adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;

- c. **one (1) native canopy tree for each thirty (30) linear feet of the property line;**
- d. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,**
- 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)**

Is hereby amended to read:

Landscaping and buffering along the frontages of Woolbright Road and Hagen Ranch Road shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
- c. one (1) native canopy tree for each thirty (30) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- 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)

E. ENGINEERING

1. Condition E.1 of Resolution R-2003-0562, Petition PDD2002-065 which currently states:

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 Hagen Ranch Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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)

Is hereby amended to read:

The property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way to provide for a right turn lane on Hagen Ranch Road at the project's entrance road. This additional right of way shall be a minimum of 280 feet in length, 12 feet in width, and a taper length of 50 feet or as approved by the County Engineer. Right of way shall be conveyed prior to the issuance of building permit and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees, as well as the actual cost of the clean up. 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." (BLDG. PERMIT: MONITORING-Eng)

2. **Prior to issuance of a building permit the property owner shall convey a 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.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2 of Resolution R-2003-0562, Petition PDD2002-065)
3. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Woolbright 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) (Previous Condition E.3 of Resolution R-2003-0562, Petition PDD2002-065)
4. Condition E.4 of Resolution R-2003-0562, Petition PDD2002-065 which currently states:

Prior to December 1, 2003, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for:

A) Woolbright Road, 120 feet north of the ultimate right-of-way of the L.W.D.D. L-26 Canal;

B) Expanded intersection right-of-way at Hagen Ranch Road and Woolbright Road. Hagen Ranch Road, 49.5 feet from centerline and

Woolbright Road, 124 feet north of the ultimate right-of-way of the L.W.D.D. L-26 Canal.

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)

Is hereby amended to read:

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for:

- a. Woolbright Road, 120 feet north of the ultimate right of way of the LWDD L-26 Canal. Note: This shall also include right of way from the additional property added to the PUD under Zoning Petition DOA 2002-065(A).
- b. Expanded intersection right of way at Hagen Ranch Road and Woolbright Road, Hagen Ranch Road 49.5 feet from Centerline and Woolbright Road 124 feet north of the ultimate right of way of the LWDD L-26 Canal;

This additional right of way shall be conveyed prior to December 1, 2003 or prior to the first building permit, whichever shall first occur. Additional right of way shall be free of all encumbrances and encroachments. The 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees, as well as the actual cost of the clean up. 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/BLDG. PERMIT: MONITORING-Eng)

5. The Property owner shall construct:

- A) Right turn lane south approach on Hagen Ranch Road at the Project's entrance road;**
- B) 2 Lane Woolbright Road from Hagen Ranch Road east to the Project's entrance road. This roadway shall also include a left turn lane west approach on Woolbright Road at the project's entrance road and a left turn lane east approach on Woolbright Road at Hagen Ranch Road. Construction of these left turn lanes shall be compatible with the future 4 lane construction of Woolbright Road.**

- a) **This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.**
 - b) **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)**
 - c) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.5 of Resolution R-2003-0562, Petition PDD2002-065)**
6. **On or before December 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 Woolbright Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng) (Previous Condition E.6 of Resolution R-2003-0562, Petition PDD2002-065)**
7. **Condition E.7 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:**

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

- a) **Building permits for no more than 228 dwelling units (the equivalent of 1824 TPD) may be issued until construction commences on Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane section. (BLDG PERMIT: MONITORING - Eng)**

- b) **No Building Permits for the site may be issued after January 1, 2006. 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)**

Is hereby amended to read:

- a) Building Permits for more than 210 adult single family dwelling units shall not be issued until the construction commences for the 4 lane median divided construction of Boynton Beach Boulevard from Lyons Road to the Florida Turnpike (BLDG PERMIT: MONITORING - Eng)
- b) Building Permits for more than 615 dwelling units shall not be issued until the contract has been awarded for the construction of Boynton Beach Boulevard as a 4 lane section from State Road 7 to Lyons Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
- c) No Building Permits for the site may be issued after January 1, 2006. 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. (DATE: MONITORING - Eng)

- 8. Condition E. of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to October 24, 2003 the property owner shall provide surety for improvements identified in E.7.a. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. (TPS) (DATE: MONITORING - Eng)

Is hereby deleted. [REASON: Surety has been provided by another property owner.]

- 9. **The Property Owner shall fund a proportionate cost of signal installation if warranted as determined by the County Engineer at Woolbright Road and Hagen Ranch Road. The proportionate cost shall be determined by the County Engineer. 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 from this condition. (ONGOING: ENG - Eng) (Previous Condition E.9 of Resolution R-2003-0562, Petition PDD2002-065)**
- 10. **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 this signal. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.10 of Resolution R-2003-0562, Petition PDD2002-065)**
- 11. **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 Woolbright 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: ENGINEERING - 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 April 15, 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) (Previous Condition E.11 of Resolution R-2003-0562, Petition PDD2002-065)
12. **Prior to DRC approval of the Final Development Plan, the property owner shall record a restrictive covenant on the subject property limiting dwelling unit occupancy to Adult Only.** (DRC: ENGINEERING - Eng) (Previous Condition E.12 of Resolution R-2003-0562, Petition PDD2002-065)
13. Prior to December 15, 2003, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way to provide for a right turn lane on Woolbright Road at the project's entrance road. This additional right of way shall be a minimum of 280 feet in length, 12 feet in width, and a taper length of 50 feet or as approved by the County Engineer. Right of way shall be conveyed prior to the issuance of building permit and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees, as well as the actual cost of the clean up. 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)
14. The Property owner shall construct a right turn lane east approach on Woolbright Road at the Projects Entrance Road.
- a) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
15. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)
 16. Prior to October 1, 2004 the property owner shall convey to Palm Beach County Land Development Division a temporary roadway construction easement along Woolbright Road for the additional property added into the PUD. 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)

F. LANDSCAPING ALONG THE NORTHWEST PROPERTY LINES (ABUTTING UNDEVELOPED PROPERTY)

1. Condition D.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Landscaping and buffering along the northwest property lines shall be upgraded to include:

- a. **a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **a continuous berm with a minimum height of two (2) feet measured from finished grade;**
- c. **a six (6) foot high opaque concrete block wall or concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;**
- d. **one (1) canopy tree planted for each twenty (20) linear feet of the property line, and alternating on both sides of the required wall;**
- e. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and alternating on both sides of the required wall;**
- f. **one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and be planted on both sides of the required wall; and,**
- g. **one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and be planted on both sides of the required wall.**
(CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING TARA ESTATES PUD, TIVOLI LAKES PUD, AGRICULTURAL, RESIDENTIAL AND UNDEVELOPED PROPERTY)

1. Condition F.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Landscaping and buffering along the north property line abutting Tara Estates, Tivoli Lakes PUD and undeveloped property shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of two (2) feet measured from finished grade;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- f. one (1) large hedge for each four (4) linear feet of the property line. Hedge shall be a minimum height of forty-eight (48) inches at installation. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of two (2) feet measured from finished grade. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
- f. one (1) large hedge for each four (4) linear feet of the property line. Hedge shall be a minimum height of forty-eight (48) inches at installation, and be maintained at a height of seventy-two (72) inches at maturity. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING JOG ESTATES PUD)

- 1. Condition G.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Landscaping and buffering along the east property line abutting Jog Estates PUD shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of two (2) feet measured from finished grade;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;

- d. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;**
- e. **one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) 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 thirty-six (36) inches at installation; and,**
- g. **the buffer shall gradually expand to be the same width as the required landscape buffer to the south at the point of connection. Expansion shall begin not less than forty (40) linear feet north of the point at which the buffers adjoin. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

Landscaping and buffering along the east property line abutting Jog Estates PUD shall be upgraded to include:

- a. **a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **a continuous berm with a minimum height of two (2) feet measured from finished grade. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;**
- c. **one (1) canopy tree planted for each twenty (20) linear feet of the property line;**
- d. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;**
- e. **one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,**
- f. **one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)**

I. **LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING SHOPPES OF MADISON)**

- 1. **Condition H.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:**

Landscaping and buffering along the east property line abutting Madison Estates Subdivision shall be upgraded to include:

- a. **a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **a continuous berm with a minimum height of two (2) feet measured from finished grade;**
- c. **one (1) canopy tree planted for each twenty (20) linear feet of the property line;**
- d. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;**
- e. **one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,**

- f. **one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

Landscaping and buffering along the east property line abutting the Shoppes of Madison shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide strip including a minimum fifteen (15) foot wide landscape buffer with a maximum two (2) feet of easement encroachment;
- b. a continuous berm with a minimum height of two (2) feet measured from finished grade. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways and to accommodate existing vegetation;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE ABUTTING PIG FARM AND THE EAST 439 FEET OF THE SOUTH PROPERTY LINE

- 1. Condition I.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Landscaping and buffering along the southeast property lines adjacent to the pig farm shall be upgraded to include:

- a. **a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **a continuous berm with a minimum height of three (3) feet measured from finished grade;**
- c. **a six (6) foot high opaque concrete or concrete screen panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;**
- d. **one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,**
- e. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

Landscaping and buffering along the south property line abutting the pig farm and the east 439 feet of the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide strip including a minimum fifteen (15) foot wide landscape buffer with a maximum two (2) feet of easement encroachment;
- b. a continuous berm with a minimum height of two (2) feet measured from finished grade;

- c. a six (6) foot high opaque concrete or concrete screen panel wall shall be located on the plateau of the berm if the pig farm is in operation at the time of installation of this buffer. If a wall is required, the exterior side shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall if applicable;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall if applicable;
- f. one (1) small shrub for each two (2) linear feet of the property line to be planted on both sides of the wall if applicable. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) medium shrub for each four (4) linear feet of the property line to be planted on both sides of the wall if applicable. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

2. Condition I.2 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

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

- a. **one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,**
- b. **one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)**

Is hereby deleted. [REASON: Consolidated under Condition J.1.]

3. Condition I.3 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Along the exterior side of the required wall, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Consolidated under Condition J.1.]

K. MASS TRANSIT

1. Condition J.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement adjacent to the development area of this petition, recorded as a separate instrument, 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)

Is hereby amended to read:

The location of easements for Bus Stop, Boarding and Alighting Areas, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of these easements is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN - Palm Tran)

2. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County easements for Bus Stop, Boarding and Alighting Areas, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of these easements shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PERMIT: PALM TRAN - Palm Tran)

L. 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) (Previous Condition K.1 of Resolution R-2003-0562, Petition PDD2002-065)
2. **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.) (Previous Condition K.2 of Resolution R-2003-0562, Petition PDD2002-065)
3. Condition K.3 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

All focal points shown on the approved Preliminary Development Plan (PDP) dated April 15, 2003 shall be in the form of a plaza, fountain, arcade, benches with shaded structures, upgraded landscaping, or similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: ZONING - Zoning)

Is hereby amended to read:

All focal points shown on the approved Preliminary Development Plan (PDP) dated August 18, 2003 shall be in the form of a plaza, fountain, arcade, benches with shaded structures, upgraded landscaping, or similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: ZONING - Zoning)

4. **Landscaping in cul-de-sac islands shall be xeriscaped to include the following:**
 - a. **one (1) native canopy tree or cluster of three (3) palms or pines;**

- b. **one (1) twenty-four (24) inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface;**
 - c. **appropriate ground cover; and,**
 - d. **the landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO: LANDSCAPE/ENG - Zoning) (Previous Condition K.4 of Resolution R-2003-0562, Petition PDD2002-065)**
5. Condition K.5 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Recreation uses shall be located on a minimum of 0.1 acre and shall be located within each residential pod, excluding Pods B, C and F, only so long as those pods are developed exclusively with single-family units. 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 Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING - Zoning)

Is hereby amended to read:

Recreation uses shall be located on a minimum of 0.1 acre and shall be located within or directly adjacent to each residential pod, excluding Pods B, C, F and G as shown on the Preliminary Development Plan (PDP) dated August 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 Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING - Zoning)

- 6. **Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRC: ZONING - Zoning) (Previous Condition K.6 of Resolution R-2003-0562, Petition PDD2002-065)**
- 7. **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) (Previous Condition K.7 of Resolution R-2003-0562, Petition PDD2002-065)**
- 8. **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/COUNTY ATTY - Zoning) (Previous Condition K.8 of Resolution R-2003-0562, Petition PDD2002-065)**
- 9. **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 an active pig farm adjacent to the southeast property lines and other agricultural uses 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 24, 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) (Previous Condition K.9 of Resolution R-2003-0562, Petition PDD2002-065)

10. **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) (Previous Condition K.10 of Resolution R-2003-0562, Petition PDD2002-065)
11. **No side interior, rear, or street setback reductions shall be permitted, except when abutting open space as permitted by Section 6.5.G.6, Section 6.6.A.9.b.(2), and Section 6.6.A.10.b.(2) of the ULDC.** (DRC: ZONING - Zoning) (Previous Condition K.11 of Resolution R-2003-0562, Petition PDD2002-065)
12. **Prior to recordation of the first plat, the petitioner shall abandon the 12-foot FPL easement that bisects the north site boundary. Proof of abandonment shall be provided in a form acceptable to the County Engineer and the Zoning Division.** (PLAT: ENG/ZONING - Zoning) (Previous Condition K.12 of Resolution R-2003-0562, Petition PDD2002-065)
13. Condition K.13 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to final Development Review Committee (DRC) certification of the site plan, the 20-foot lake access easement in Pod F shall be relocated to align with the entryway to the Pod. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

14. Condition K.14 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to final Development Review Committee (DRC) certification of the site plan, the north/south 40-foot residential access streets within Pods D and E shall be revised to provide for a minimum of 20-foot centerline offset. The centerline geometrics necessary to provide for this offset shall meet the minimum requirements as approved by the County Engineer. (DRC: ZONING - Eng)

Is hereby amended to read:

Prior to final Development Review Committee (DRC) approval of the site plan, the 90-degree north/south 40-foot residential access streets in the central area of Pod E and the western area of Pod H, as shown on the Preliminary Development Plan dated August 18, 2003 shall be revised to provide for a minimum of 20-foot centerline offset. The centerline geometrics necessary to provide for this offset shall meet the minimum requirements as approved by the County Engineer. (DRC: ZONING - Eng)

15. Condition K.15 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to final Development Review Committee (DRC) certification of the site plan, Pod E shall be redesigned as follows only if developed with townhouse or other attached units:

- a. setbacks for townhouse and/or other attached units shall be staggered. The setback of adjacent townhouse/attached buildings shall vary by a minimum distance of eight (8) feet;
- b. a recreation area with lake frontage shall be provided. The size and location of the recreation area shall be subject to Condition K.5 above; and,
- c. the stub street in the southwest corner of the pod shall be replaced by a cul-de-sac with landscape island. All units located to the south of the cul-de-sac shall be oriented toward the landscape island. (DRC: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

M. PLANNING

1. Condition L.1 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee, the PDP shall be revised to include a notation at the northwest corner of the site where the stub streets are shown, which shall read “proposed vehicular and pedestrian cross access to be paved to the property line for future access to adjacent residual parcel.” This access can be controlled by gates or other security devices that will be controlled by the residents of the PUD. (DRC: PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

2. Condition L.2 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the northwest property lines at the location shown on the site plan that reads “proposed vehicular and pedestrian cross access.” (CO: MONITORING/PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable.]

3. Condition L.3 of Resolution R-2003-0562, Petition PDD2002-065, which currently states:

Prior to final Preliminary Development Plan (PDP) certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for the sidewalks along Hagen Ranch Road and Woolbright Road and for all internal sidewalks shown in this project. (DRC: PLANNING - Planning)

Is hereby amended to read:

Prior to final Development Review Committee (DRC) approval of the Preliminary Development Plan (PDP), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for the sidewalks along Hagen Ranch Road and Woolbright Road and for all internal sidewalks shown in this project, subject to approval by Palm Beach County Engineering and Water Utilities Departments. (DRC: PLANNING - Planning)

4.
 - a. Prior to final Development Review Committee (DRC) approval of the Preliminary Development Plan (PDP), the notation on the site plan on the eastern boundary of the site which currently reads “permanently gated access to Shoppes of Madison” shall be revised to read “proposed vehicular/pedestrian cross access to be paved to the property line”. This cross access point shall align with, and be connected to, the cross access point of the Shoppes of Madison shopping center (Petition 98-78). A note shall also be placed on the site plan to indicate if controlled access is to be used at this location. (DRC: PLANNING - Planning)
 - b. The property owner shall obtain from the Palm Beach County Building Department a control number for Pod E, and shall notify the Monitoring section of this number to ensure compliance with Condition M.4.a. (DRC: BLDG - Planning)
5.
 - a. Prior to the issuance of the first certificate of occupancy for Pod E, the property owner shall pave the vehicular and pedestrian cross access point to include shade trees to the edge of the eastern property line at the location shown on the final DRC approved site plan. (CO: LANDSCAPE - Planning)
 - b. This access may be controlled by gates or other security devices that may be controlled only by the developer/Homeowners Association of the PUD. However, the access cannot be rendered inoperable or non-functional by any means. (ONGOING: CODE ENF - Planning)
 - c. If controlled access for Pod E is to be used at this location, it shall also be installed and operational prior to the issuance of the first certificate of occupancy. (CO:MONITORING - Planning)
6. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall include cross section details of a landscaped pathway/sidewalk along the future extension of Woolbright Road, with the exception of the approximately easterly 800 feet from the western property line of the parcels identified as (00-42-43-27-05-056-0602 & 0601) to the eastern property line of the PUD, in order to provide shade/canopy for the pedestrian walkway along the future extension of Woolbright Road. (DRC: LANDSCAPE - Planning)

N. SCHOOL

1. **Prior to Final Site Plan certification, the applicant shall provide a “Declaration and Restrictive Covenant” which prohibits children under nineteen years of age from residing in the community, except for a period not to exceed a total of sixty (60) days per calendar year. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the County Attorney.** (DRC: SCHOOL BOARD - Co Atty) (Previous Condition M.1 of Resolution R-2003-0562, Petition PDD2002-065)

O. SENIOR/ADULT ONLY COMMUNITY

1. **Starting on April 24, 2004, the petitioner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant.** (DATE: MONITORING - Zoning/Eng/School Board) (Previous Condition N.1 of Resolution R-2003-0562, Petition PDD2002-065)

P. COMPLIANCE

1. **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 the 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 O.1 of Resolution R-2003-0562, Petition PDD2002-065)

- 2. 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