

RESOLUTION NO. R-2003- 1985

RESOLUTION APPROVING ZONING PETITION PDD2003-035
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF NORTHSTAR HOLDING AT B&A, LLA, AND
CENTERLINE HOLDING AT B&A, LLC
BY KILDAY & ASSOCIATES, INC, AGENT
(COUNTRY SIDE MEADOWS)

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

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

WHEREAS, Zoning Petition PDD2003-035 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 2003; and,

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2003-035, the petition of Northstar Holding at B&A, LLC, and Centerline Holding at B&A, LLC, by Kilday & Associates, Inc, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 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 Greene 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	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 2003.

Filed with the Clerk of the Board of County Commissioners on 6 day of January , 2004.

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

DEVELOPMENT AREA

Tracts 45 through 48, less the north 110 feet thereof; Tracts 49 through 52, 77 through 84, 107 through 110; the north 52 feet of Tracts 111 through 114; together with the 30 foot reservations between said tracts; all in block 50, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the southeast corner of Tract 114, Block 50, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, Public Records of palm Beach County, Florida; thence North 00°57'00" West (State Plane Grid Bearing Datum) along the east line of Tract 114, a distance of 607.92 feet to a point on a line that is 52.00 fee south of and parallel with the north line of Tract 114, being the POINT OF BEGINNING and southeast corner of the parcel described herein; thence continue North 00°57'00" West along the east line of Tracts 45, 52, 77, 84,107 and 114, a distance of 3330.67 feet to a point on a line that is 110 feet south of and parallel with the north line of Tracts 45 through 48; thence South 89°03'05" West along said parallel line, 1319.77 feet to the west line of Tract 48; thence South 00°57'00" East along the west line of Tracts 48, 49, 80, 81, 110 and 111, a distance of 3330.74 feet to a point on a line that is 52.00 feet south of and parallel with the north line of Tracts 111 through 114; thence North 89°02'55" East along said parallel line, 1319.77 feet to the POINT OF BEGINNING.

Above described parcel contains 100.004 acres, more or less.

PRESERVATION AREA A (YEE)

Legal Description - Conservation Easement

A parcel of land lying in Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida, said land being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 13;

THENCE with a bearing of N.00⁰30'04"W., along the West line of the Southwest one-quarter (SW ¼) of said Section 13 for a distance of 466.69 feet to the POINT OF BEGINNING;

THENCE continue with a bearing of N.00⁰30'04" W., along the West line of the Southwest one-quarter (SW ¼) of said section 13 for a distance of 204.77 feet to a point;

THENCE with a bearing of N.89⁰24'58" E., for a distance of 2436.31 feet to a point;

THENCE with a bearing of S.00⁰28'30" E., for a distance of 0.32 feet to a point;

THENCE with a bearing of N.89⁰25'02" E., for a distance of 1965.69 feet to a point;

THENCE with a bearing of S.00⁰28'32" E., for a point of 666.67 feet to a point lying on the South line of said Section 13;

THENCE with a bearing of N.89⁰21'30" W., along the South line of said Section 13 for a distance of 3935.02 feet to a point;

THENCE with a bearing of N.00⁰30'04" W., for a distance of 466.69 feet to a point;

THENCE with a bearing of S.89⁰21'30" W., for a distance of 466.69 feet, more or less to the POINT OF BEGINNING.

CONTAINING 62.614 acres, more or less, and subject to easements, reservations, restrictions, and rights-of-way of record

PRESERVE AREA B (KING SOUTH)

The North one-half (N 2) of the South one-half (S 2) of the North one-half (N 2) of the Southeast Quarter (SE 1/4) of Section 14, Township 45 South, Range 41 East, Palm Beach County, Florida.

Together with an easement for ingress and egress over the North 50 feet of the South Half (S 2) of the North Half (N 2) of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida.

PRESERVE AREA C (KING NORTH)

The South one-half (S 2) of the North one-half (N 2) of the North one-half (N 2) of the Southeast Quarter (SE 1/4) of Section 14, Township 45 South, Range 41 East, Palm Beach County, Florida, containing 20 acres, more or less.

Together with an easement for ingress and egress over the North 50 feet of the South Half (S 2) of the North Half (N 2) of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida.

PRESERVE AREA D (NIEBEL)

A parcel of land being a portion of the Southeast Quarter (SE 1/4) of Section 14, Township 45 South, Range 41 East, Palm Beach County, Florida, said land being more particularly described as follows:

Commencing at the East Quarter Corner of the aforesaid Section 14;

Thence with a bearing of S 00° 30' 17" E., along the East Line of Section 14, a distance of 332.10 feet to a point;

Thence with a bearing of S 88° 32' 32" W., a distance of 1327.00 feet to the POINT OF BEGINNING;

Thence continue with a bearing of S 88° 32' 32" W., a distance of 1311.91 feet to a point lying on the North-South Quarter Line of Section 14'

Thence with a bearing of N 00° 30' 11" W., along the North-South Quarter Line of Section 14, a distance of 332.23 feet to a point;

Thence with a bearing of N 88° 32' 41" E., along the East-West Quarter Line of Section 14, a distance of 1311.92 feet to a point;

Thence with a bearing of S 00° 30' 14" E., a distance of 332.17 feet, more or less, to the POINT OF BEGINNING.

Together with an easement for ingress and egress, 25 feet wide, lying in a portion of the Southeast Quarter of Section 14, Township 45 South, Range 41 East, Palm Beach County, Florida and the boundary of the said easement being more particularly described as follows:

Commencing at the East Quarter Corner of the aforesaid Section 14;

Thence with a bearing of S 00° 30' 17" E., along the East Section Line of said Section 14, a distance of 307.10 feet to the POINT OF BEGINNING;

Thence continue with a bearing of S 00° 30' 17" E., along the East Section Line of said Section 14, a distance of 25.00 feet to a point;

Thence with a bearing of S 88° 32' 32" W., a distance of 1327.00 feet to a point;

Thence with a bearing of S 00° 30' 14" W., a distance of 25.00 feet to a point;

Thence with a bearing of N 88° 32' 32" E., a distance of 1327.00 feet, more or less, to the POINT OF BEGINNING.

Containing 435,758 square feet (10.004 acres), more or less, and subject to Easements, Reservations, Restrictions and Rights-Of-Way of Record.

PRESERVE AREA E (TOWNSEND WEST)

The West 1/2 of the South 1/2 of the South 1/2 of the South 1/2 of the Northeast 1/4 of Section 14, Township 45 South, Range 41 East, Palm Beach County, Florida.

Together with a non-exclusive easement for ingress and egress over the North 50 feet of the South 1/2 of the North 1/2 of Section 13, Township 45 South, Range 41 East, Palm Beach County, Florida and a non-exclusive right of ingress and egress over the property on which Florida Power & Light Company presently holds an easement, subject however to the easement rights to Florida Power & Light Company.

PRESERVE AREA F (TOWNSEND EAST)

The East 1/2 of the South 1/2 of the South 1/2 of the South 1/2 of the Northeast 1/4 of Section 14, Township 45 South, Range 41 East, Palm Beach County, Florida.

Together with a non-exclusive easement for ingress and egress over the North 50 feet of the South 2 of the North 2 of Section 13, Township 45 South, Range 41 East, Palm Beach County, and non-exclusive right of ingress and egress over the property which Florida Power & Light Company presently holds an easement, subject however to the easement rights of Florida Power & Light Company.

PRESERVE AREA G (LIPTON)

Legal Description Conservation Easement

Commencing at the Northwest corner of Tract 28, Block 44, said Palm Beach Company Plat No. 3 as recorded in Plat Book 2, pages 45-54 of the public records of Palm Beach County, Florida,

Thence with a bearing of N 88° 06' 39" E., along the North Line of said Tract 28 for a distance of 55.01 feet to the POINT OF BEGINNING.

Thence continue with a bearing of N 88° 06' 39" E., along the North Line of Tracts 28 & 27, Block 44, said plat of Palm Beach Farms Plat No. 3 for a distance of 1131.15 feet to a point.

Thence with a bearing of S 01° 53' 22" E., for a distance of 660.00 feet to a point lying on the South Line of Tract 27, Block 44, said plat of Palm Beach Farms Plat No. 3.

Thence with a bearing of S 88° 06' 39" W., along the South Line of Tracts 27 & 28 Block 44, said plat of Palm Beach Farms Plat No. 3, for a distance of 1140.96 feet to a point.

Thence with a bearing of N 01° 02' 15" W., along a line 55.00 feet East of and parallel with the West Line of Tract 28, Block 44, said plat of Palm Beach Farms Plat No. 3, for a distance of 660.07 feet, more or less, to the POINT OF BEGINNING.

Said Conservation Easement containing 17.213 acres, more or less.

EXHIBIT B
VICINITY SKETCH

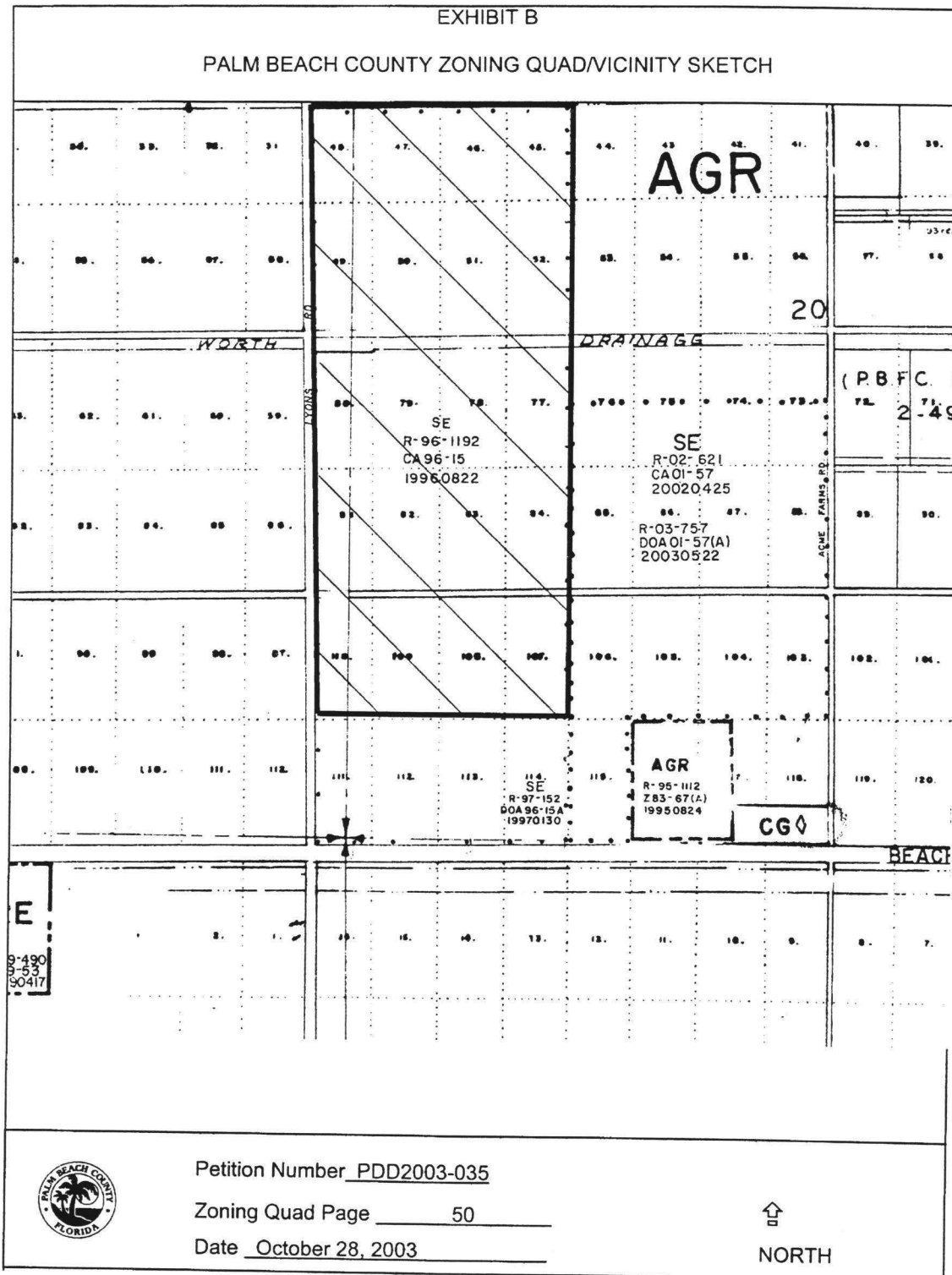
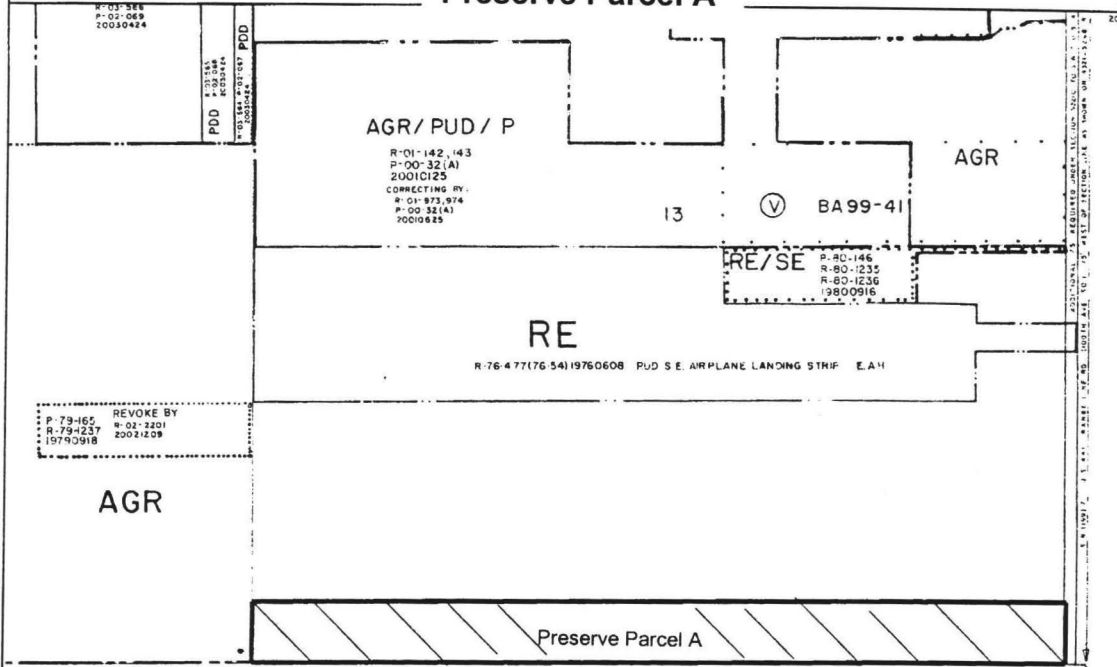


EXHIBIT B

PALM BEACH COUNTY ZONING ORDINANCE SKETCH

Preserve Parcel A



PDD 2003-035
R-01-142
20030424

PDD 2003-035
R-01-142
20030424

AGR / PUD / P

R-01-142, 143
P-00-32(A)
20010125
CORRECTING BY:
R-01-973, 974
P-00-32(A)
20010625

13

Ⓟ BA99-41

AGR

RE/SE

R-80-146
R-80-1235
R-80-1236
19800916

RE

R-76-477(176-54)19760608 PUD S.E. AIRPLANE LANDING STRIP E.A.H.

REVOKE BY
P-79-165 R-02-2201
R-79-237 20021208
19790918

AGR

Preserve Parcel A



Petition Number PDD2003-035

Zoning Quad Page 64

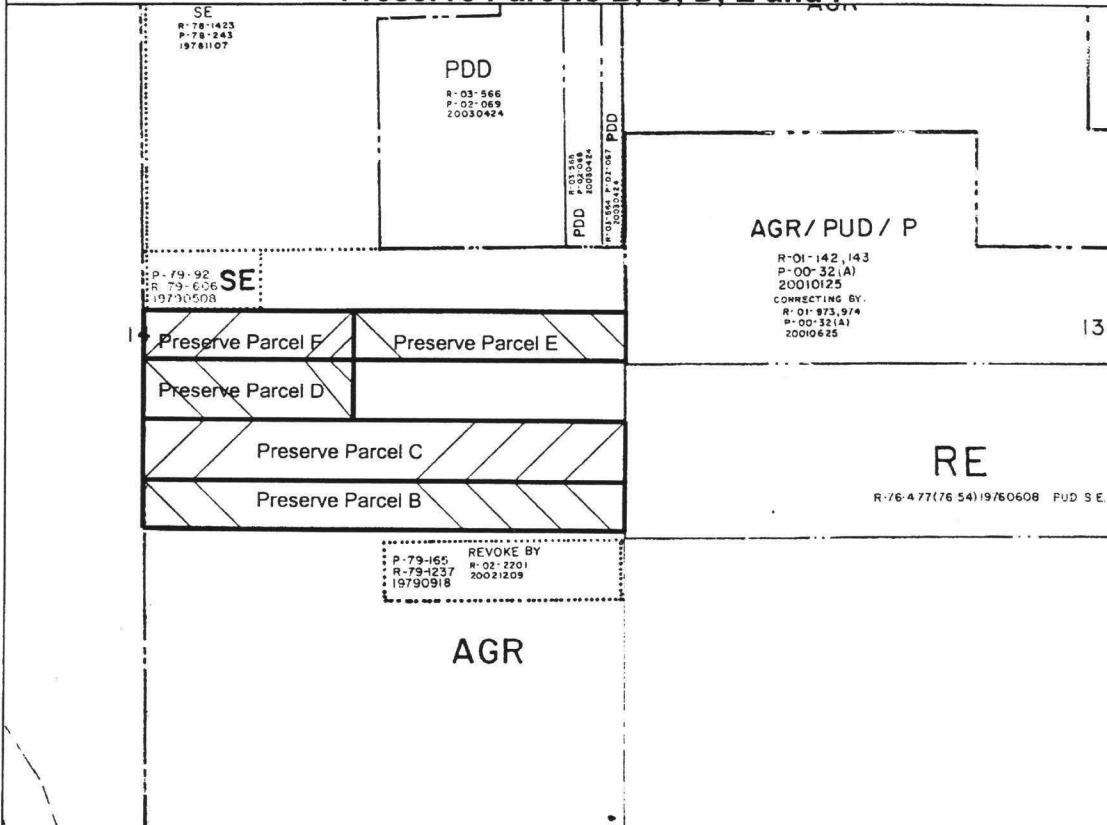
Date October 28, 2003



NORTH

EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH
Preserve Parcels B, C, D, E and F



Petition Number PDD2003-035

Zoning Quad Page 64

Date October 28, 2003

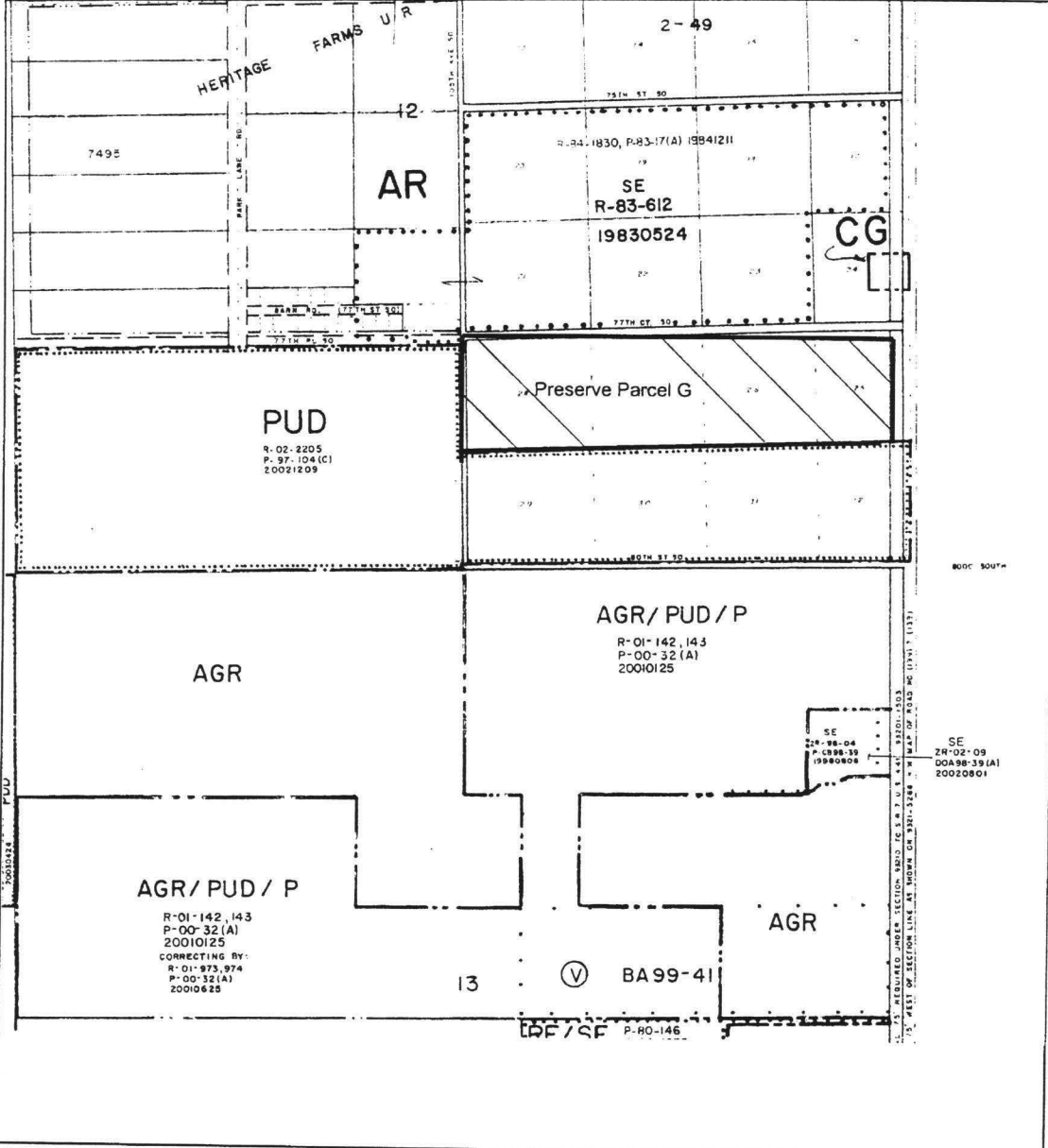


NORTH

EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH

Preserve Parcel G



Petition Number PDD2003-035

Zoning Quad Page 64

Date October 28, 2003



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 12, 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 (ERM)

1. An Exotic Removal Management Plan, covering the conservation parcels designated as A, B, C, D, E, F and G, associated with the Countryside Meadows PUD, shall be approved by ERM prior to final Development Review Committee site plan approval. (DRC: ERM – ERM)
2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels designated as A, B, C, D, E, F and G, associated with the Countryside Meadows, shall be submitted to ERM for review and approval prior to recordation. (DRC: ERM – ERM)

C. LANDSCAPING – STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
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)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and,

- d. This condition does not apply to a five (5) foot wide compatibility buffers or where a single row of hedge is required on one or both sides of a wall or fence. (CO: LANDSCAPE – Zoning)
- 4. All trees, palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
- 5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
- 6. All canopy trees to be planted within 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)
- 7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE – Zoning)

D. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING LYONS ROAD)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum fifty (50) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. A four (4) to six (6) foot high undulating berm, with an average height of five (5) feet, measured from top of curb;
 - 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 twenty (20) 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 eighteen (18) inches at installation;
 - f. One (1) medium 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,
 - g. One (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

- 1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 44 single family dwelling units shall not be issued until the contract has been awarded for the 6 lane widening of Boynton Beach Boulevard from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. (BLDG PRMT: MONITORING – Eng)
 - b. Building Permits for more than 117 single family dwelling units shall not be issued until the contract has been awarded for the construction of the 4 lane widening of Boynton Beach Boulevard from Lyons Road to SR 7 plus the appropriate paved tapers. (BLDG PRMT: MONITORING – Eng)

- c. Building Permits for more than 137 single family dwelling units shall not be issued until the contract has been awarded for the construction of the 4 lane widening of Lyons Road from Hypoluxo Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PRMT: MONITORING – Eng)
 - d. No Building Permits for the site may be issued after December 31, 2007. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)
2. Acceptable surety required for the offsite road improvements as outlined in Condition Ea, Eb, and Ec shall be posted with the Office of the Land Development Division on or before June 4, 2004. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. Surety shall include Right of way acquisition costs, Construction Plan Costs, and all Construction Costs. (TPS - Maximum 6 month time extension) (DATE: MONITORING – Eng)
3. LANDSCAPE WITHIN THE MEDIAN OF LYONS ROAD
- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to January 15, 2005. (DATE: MONITORING – Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to July 15, 2005. (DATE MONITORING – Eng)
 - d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
 - e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying

thoroughfares shall be based on the project's front footage along Lyons Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

4. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for:
 - a. Lyons Road, 55 feet from centerline;
 - b. Sufficient right of way along Lyons Road to provide for an expanded intersection at Boynton Beach Boulevard and Lyons Road.

Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments and shall be conveyed prior to February 1, 2004. 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. 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)

5. Prior to February 1, 2004, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in 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. 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. (DATE: MONITORING – Eng)
6. Prior to February 1, 2004, 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)

7. Prior to February 1, 2004, property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way at Lyons Road. Construction within this easement shall conform to Palm Beach County Standards. (DATE: MONITORING – Eng)
8. The Property owner shall fund the construction of the following improvements:
 - a. Right turn lane south approach on Lyons Road at the Project Entrance.
 - b. Left turn lane north approach on Lyons Road at the Project Entrance.
 - 1) Funding of the construction identified in a and b above shall be completed prior to June 1, 2004. Funding shall include all costs associated with this construction based upon a certified cost estimate provided to the property owner by the County Engineer. These costs shall include, but are not limited to, design costs and construction costs.
9. On or before February 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 Lyons Road along the property frontage; and up to a maximum of an additional 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)
10. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG – Eng)

F. MASS TRANSIT

1. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement 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. (BLDG PRMT: PALM TRAN – Palm Tran)

2. Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (BLDG PRMT: MONITORING – Palm Tran)

G. 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: LANDSCAPE/ENG – Zoning)
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. (DRC: ZONING/ENG – Zoning)
3. Street bike lanes shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE- Eng/Zoning)
4. Prior to final Development Review Committee (DRC) approval, the PDP shall be revised to provide one (1) satellite recreation area a minimum of 0.15 acres in size in both the north and south portions of the AGR-PUD development area. Such recreation uses shall have frontage on a lake tract, 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)
5. 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)
6. Lots fronting on a T-intersection shall be limited to units with a side-loaded garage or with a semi-circular driveway. (DRC: ZONING – Zoning)
7. Prior to the recordation of the first plat, 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 include the following:
 - a. 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;
- b. 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; and,
 - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY – Zoning)
8. 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)
 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 agricultural production related 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 November 1, 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. (DATE: MONITORING – Zoning)
 10. Prior to final Development Review Committee (DRC) approval, the PDP shall be revised to indicate decorative paver brick treatment at the project's entrance from Lyons Road to include the roundabout located in front of the recreation tract, and at all intersections. (DRC: ZONING – Zoning)
 11. Prior to final Development Review Committee (DRC) approval, the PDP shall be revised to indicate that a landscape focal point to include a decorative fountain, cluster of specimen palms, or other similar amenity. (DRC: ZONING/LANDSCAPING – Zoning)

H. PLANNING

1. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee (DRC), all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Countryside Meadows Developable area (8/18/03) and all other Preserve parcels (8/18/03), and Land Use Justification correspondence from Kilday and Associates dated (9/12/03). (DRC: PLANNING – Planning)
2. The PUD shall be limited to a maximum of 250 dwelling units provided 60/40 requirements are met. (CO/DRC: BLDG/PLANNING – Planning)
3. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee (DRC), the property owner shall provide an "AGR/PUD Preserve and Development Parcel Location Map". This Plan shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRC: PLANNING – Planning)

4. Prior to or concurrent with the plat for the Countryside Meadows AGR-PUD for the development area, the conservation easements for the Yee, King South, King North, Niebel, Townsend West, Townsend East, and Lipton Preserve parcels shall be recorded, as approved by the County Attorney's Office and the Department of Environmental Resources Management.
 - a. The conservation easements for all of these preserve parcels shall contain:
 - i. a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - ii. a list of permitted uses, uses not permitted, and prohibited activities.
 - b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.
 - c. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to January 1st, 2005, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (PLAT/DATE: MONITORING/PLANNING – Planning)
5. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee (DRC) for the developable area, a management plan for all of the preservation parcels shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. (DRC: PLANNING – Planning)
6. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee (DRC), the property owner shall add a "Preservation Area/Proposed Uses" notes section on page 2 and include the following:
 - a. The preservation areas approved as part of Petition 2003-035 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

Permitted Uses:

 - i. crop production, pasture, or equestrian purposes or may be retained as fallow land;
 - ii. accessory structures such as barns and pump structures are permitted;
 - iii regional water storage areas to serve as water management functions or to serve as a water management preserve area if designated by the South Florida Water Management District (SFWMD); to serve regional water management purposes as certified by either the Lake Worth Drainage District or SFWMD; or for water management purposes not directly related to the 60/40 AGR-PUD if approved by the Department of

- Environmental Resources Management and managed for environmental resource values;
- iv. wetland or bona fide agricultural uses per the ULDC;
- v. Other uses as permitted by the required conservation easements;
- vi. Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code;

Not Permitted:

- vii. Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon; and,
 - viii. No residential units or farm residences shall be allowed. (DRC/ONGOING: PLANNING – Planning)
7. Prior to recordation of a plat for the Countryside Meadows Development parcel, the property owner is responsible for the recordation of boundary plats for all of the Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. (PLAT: MONITORING – Planning)
 8. Prior to receipt of Technical Compliance of a plat, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Countryside Meadows Development parcel would not result in the creation of an illegal lot of record(s). The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 100.04 acres. (TC: ENG/PLANNING/CTY ATTY – Planning)
 9. Prior to receipt of Technical Compliance of a plat, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Yee Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 62.61 acres. (TC: ENG/PLANNING-CTY ATTY – Planning)
 10. Prior to receipt of Technical Compliance of a plat, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Lipton Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 17.213 acres. (TC: ENG/PLANNING/CTY ATTY – Planning)
 11. Prior to or concurrent with recordation of the plat for the developable area as identified in Petition No. 2003-035, for all of the Preserve parcels, the property owner shall either: 1) dedicate these lands to Palm Beach County; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for these subject parcels; or 3) subject these parcels to a conservation easement, limiting these sites to Agricultural Reserve preserve areas in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING – Planning)

12. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee (DRC), the notation on the certified Preliminary Development Plan at the southern boundary of the site which reads "vehicular and pedestrian access (gated)" shall amended to read "vehicular and pedestrian access to be paved to the property line (can be gated)." A note shall also be placed on the plan to indicate if controlled access is to be used at this location. (DRC: PLANNING – Planning)
13.
 - a. Prior to the issuance of the certificate of occupancy (CO), the property owner shall pave the vehicular and pedestrian cross access point to include shade trees to the edge of the southern property line at the location shown on the final certified site plan that shall read "vehicular and pedestrian access to be paved to the property line (can be gated)." (CO: MONITORING – Planning)
 - b. If controlled access is to be used at this location, it shall also be installed and operational prior to the issuance of the certificate of occupancy. (CO: MONITORING – Planning)
 - c. This access can be controlled by gates or other security devices that can 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)
14. Prior to the issuance of the certificate of occupancy for the primary recreation building on the 1.65 acre recreation site, the property owner shall mulch or pave the sidewalk shown fronting the recreation area as shown on the PDP dated 9/12/03. In addition, a minimum of two (2) benches shall be placed at this location. (CO: MONITORING – Planning)
15. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, for the Countryside Meadows Development area, the property owner shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks shown in this project. (DRC: PLANNING – Planning)
16. Prior to final Development Review Committee (DRC) approval of the Preliminary Development Plan (PDP)/Site Plans, the plans 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. In addition, the plans shall include cross section details depicted shade trees to shade the sidewalk along Lyons Road along the property's entire Lyons Road frontage. (DRC: PLANNING – Planning)

I. PROPERTY AND REAL ESTATE MANAGEMENT (PREM)

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by March 1, 2005, which shall be used as the day of closing on a net 2.0 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 and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County by January 14, 2005, 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 by the Developer. The Developer shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

- b. Developer to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation. The Developer shall request both PREM and the Traffic Division input as to the size of a structure which the civic site would support and the corresponding amount of trips.
 - c. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated to the day of closing or to a prior day of closing as mutually agreed upon by the County and Developer.
 - d. Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.
 - e. 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.
 - f. 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.
 - g. Developer to obtain a vegetation permit, perform a tree survey and prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with sod and watered or seeded, mulched and watered to the satisfaction of Facilities Development and Operations.
 - h. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING – PREM)
2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by January 14, 2005. 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 and all title exceptions are to be shown on the survey. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 14, 2005. The minimum assessment, which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

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

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING – PREM)
4. The Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

J. SCHOOLBOARD

1. 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 PARENTS OF SCHOOL AGE CHILDREN"

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)

2. Prior to the issuance of the first Certificate of Occupancy (CO) a bus shelter shall be provided at a location acceptable to the School District and Engineering Department. The subject bus shelter shall be designed and constructed in a manner or form acceptable to both the School District and Engineering Department. (CO: SCHOOL DISTRICT/ENG-School District)

K. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING – Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in

the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING – Zoning)