

RESOLUTION NO. R-98-744

RESOLUTION APPROVING ZONING PETITION PDD97-72(A)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF THOROUGHBRED LAKES ESTATES
BY KILDAY & ASSOCIATES, INC., AGENT
(THOROUGHBRED LAKES ESTATES)

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 PDD97-72(A) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 1998; 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 made 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) 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) 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) 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) 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 PDD97-72(A), the petition of Thoroughbred Lakes Estates by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment Rezoning AR to PUD (17.66 acres) 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 May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Nay
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

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

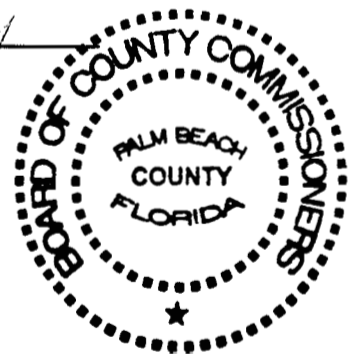


EXHIBIT A

LEGAL DESCRIPTION

PARCEL TWO:

TRACTS 23 AND 24, BLOCK 35, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 48, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS. LESS, HOWEVER, THE RIGHT OF WAY FOR STATE ROAD NO. 7, AS RECORDED IN ROAD PLAT BOOK 1, PAGE 40, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

TOGETHER WITH

A PORTION OF TRACT 26, BLOCK 35, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 48, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 26, THENCE SOUTH $00^{\circ}59'30''$ EAST (ASSUMED) ALONG THE WEST LINE OF SAID TRACT 26, A DISTANCE OF 242.99 FEET; THENCE NORTH $89^{\circ}03'39''$ EAST, A DISTANCE OF 602.87 FEET; THENCE NORTH $01^{\circ}35'26''$ EAST, A DISTANCE 243.22 FEET TO A POINT IN THE NORTH LINE OF SAID TRACT 26; THENCE SOUTH $89^{\circ}03'39''$ WEST, ALONG SAID NORTH LINE OF TRACT 26, A DISTANCE OF 613.56 FEET TO THE POINT OF BEGINNING AFOREDESCRIBED.

TOGETHER WITH:

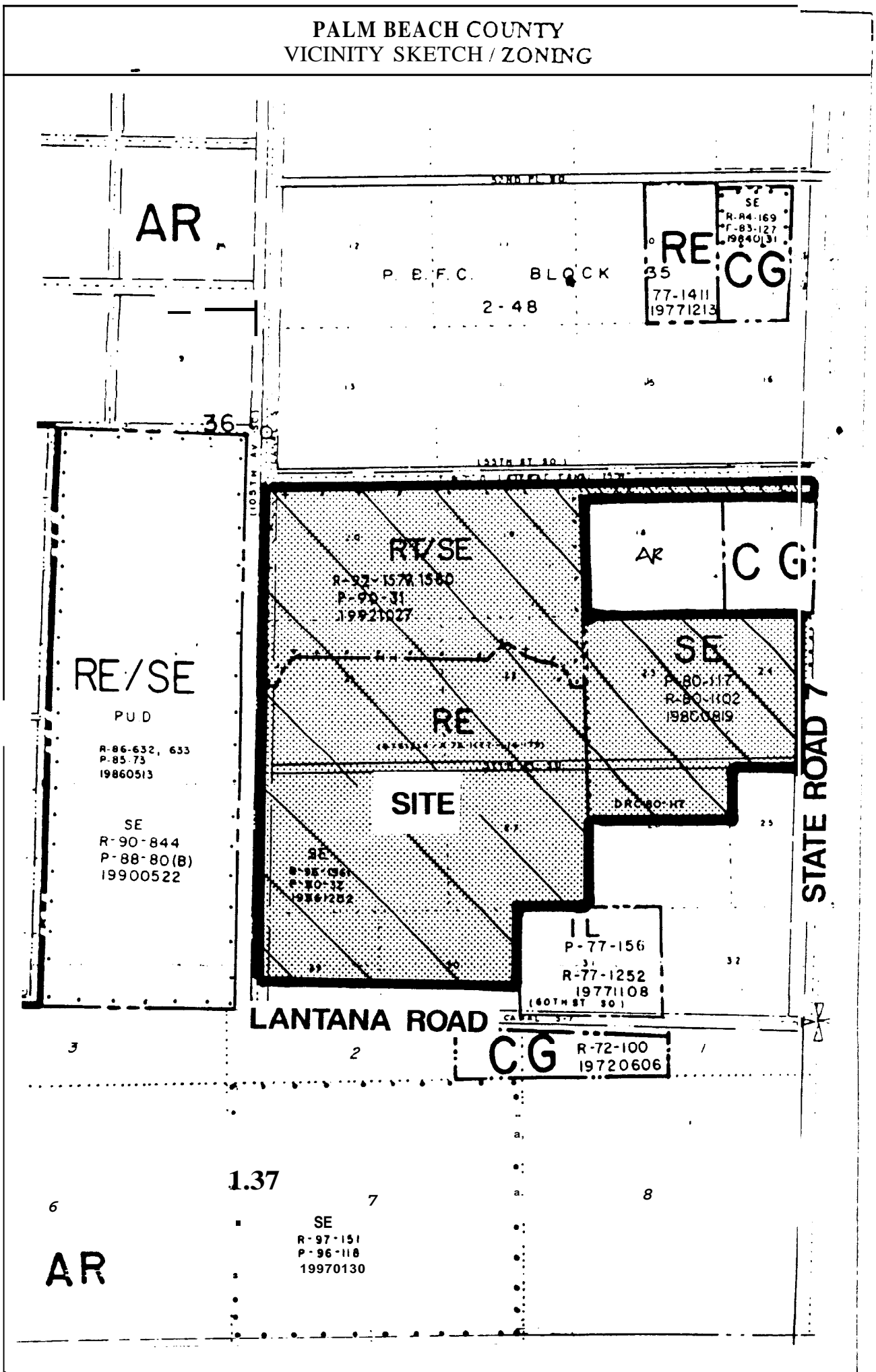
CERTAIN PORTIONS OF THAT ROAD RIGHT OF WAY ABANDONED BY RESOLUTION NO. R-78-759 AS RECORDED IN OFFICIAL RECORDS BOOK 2898, ON PAGES 203 THROUGH 206, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

BUT LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL FOR THE ULTIMATE RIGHT OF WAY OF STATE ROAD NO. 7:

THAT PORTION OF TRACT 24, TOGETHER WITH THE PORTION OF THE ROAD RIGHT OF WAY ABANDONED BY RESOLUTION NO. R-78-759 RECORDED IN OFFICIAL RECORDS BOOK 2898, PAGE 203, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH LIE WITHIN 240 FEET OF, AS MEASURED AT RIGHT ANGLES TO, THE GUARDRAIL ALONG THE EASTERLY SIDE OF STATE ROAD NO. 7, LESS THE RIGHT OF WAY OF STATE ROAD NO. 7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 40, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number PDD97-72
 Zoning Quad Page 63
 Date: February 18, 1998



EXHIBIT C I

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in **Resolutions R-92-1579, R-92-1580** (Petition **90-31**), **R-90-1461, R-96-392** and R-96-1961 (Petition 90-32) are hereby revoked. (Previous Condition **A.1** of R98-119 and R98-120, P97-72)
2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-119, R-98-120 (Petition 97-72) 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)
3. Condition A.2 of R98-119 and R98-120, P97-72 which currently state:::

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved masterkite plan is dated August 27, 1997 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. (DRC: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved masterkite plan is dated April 21, 1998 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. (DRC: ZONING)

B. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, **except** on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: **3.5** inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at **3** points measured from the trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition **B.1** of R98-119 and R98-120 of P97-72)

C. LANDSCAPING ALONG THE WEST 1447 FEET OF THE NORTH PROPERTY LINE

1. Landscaping and **buffering** along the above property line shall include:
 - a. **A** minimum twenty (20) foot wide Type B landscape buffer strip.

No reductions shall be permitted. (CO: LANDSCAPE) (Previous Condition C.1 of R98-119 and R98-120, P97-72)

D. LANDSCAPING ALONG THE 922 FEET NORTH PROPERTY LINE (ADJACENT TO POD F) ; THE SOUTH PROPERTY LINE (EXCLUDING 353 FEET ALONG POD F AND 420 FEET ALONG LAKE #7 AND LANTANA ROAD FRONTAGE); THE EAST PROPERTY LINE EXCLUDING 343 FEET ALONG THE CIVIC SITE AND THE 621 FEET ADJACENT TO STATE ROAD 7

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No reductions shall be permitted;
 - b. One (1) canopy tree planted every thirty (30) feet on center; and
 - c. **One** (1) palm or pine tree for each twenty (20) linear feet. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - d. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches; and
 - e. Credit may **be** given for existing **or** relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)

E. ENGINEERING

Condition No. E.1 which currently states:

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 **74** dwelling units shall **not** be issued until construction has begun for widening **of** SR7 as a **6** lane section from Lake Worth Road to Lantana Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.1.a of R98-119 and R98-120, P97-72)
 - b) No Building Permits for the site may be issued after December **31, 2000**. 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) (Previous Condition E. 1.b of R98-119 and R98-120, P97-72)

~~It~~ hereby amended to read:

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 9 dwelling units shall **not be issued** until construction **has begun for** State Road **7** as a **6 lane** section from Lake **Worth** Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

- b) Building Permits for more than 71 dwelling units shall not be issued until construction has begun for Lantana Road as a 4 lane section from Lacuna Drive to Hagen Ranch Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- c) Building Permits for more than 184 dwelling units shall not be issued until construction has begun for Lantana Road State Road 7 to Lacuna Blvd. plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

The mix of allowable residential dwelling units, as permitted by the Zoning Division, may be adjusted 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. (REVISED TRAFFIC STUDY: MONITORING-Eng)

- 2. The Property owner shall construct a pedestrian pathway within the existing right of way of Lantana Road from the projects entrance onto Lantana Road to SR 7 subject to the approval of the County Engineer.
 - 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.
 - 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.2 of R98-119 and R98-120, P97-72)

3. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of the 50th building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of SR 7 Road Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the

property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owners Association and/or Homeowners Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the 50th Certificate of occupancy. If the construction of SR 7 has not been completed at the time of the issuance of the 50th certificate of occupancy, then the property owner shall post surety in the amount of 110% of an approved certified cost estimate with the *Office* of the County Engineer for the required median plantings. All landscape material shall then be installed prior to 90 days notice by the County Engineer that the SR 7 construction has been completed. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of the 50th building permit. (BLDG.PERMIT:MONITORING - Eng)

F. Previous Condition D.3 of R98-119 and R98-120. P97-72 which currently states:

LANDSCAPING FOR BOTH SIDES OF THE S.R.7/US 441 ENTRY RIGHT-OF-WAY (942 FOOT PROPERTY LINE, NORTH AND SOUTH SIDES)

Is hereby amended to read:

- 1. Prior to DRC final certification, the petitioner shall obtain a variance from the Board of Adjustments to waive the Type B landscape buffer for the 942 foot north property line and the Type C landscape buffer 942 foot south property line and the Type D landscape buffer for the 50 foot east property line. (DRC: LANDSCAPE - Zoning)
- 2. Landscaping along the north side of the right-of-way shall include, subject to the County Engineer's approval:
 - a. **An** eight (8) foot paved bike path to be located on the north side of the 50 foot wide right-of-way or ~~two~~ four (4) foot wide sidewalk to be located on the both sides of the 50 foot wide right-of-way. (CO:LANDSCAPE/ENG- Zoning)
- 3. Landscaping along the south side of the right-of-way shall include, subject to the County Engineer's approval:
 - a. One (1) canopy tree for every fifty (50) feet on center or one (1) palm for every forty (40) feet on center. (CO:LANDSCAPE/ENG- Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (LANTANA ROAD FRONTAGE)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty **(20)** foot wide Type D landscape buffer strip. No reductions shall be permitted; and
 - b. A continuous **two** and one half **(2.5)** foot high berm measured from top of curb. (CO: LANDSCAPE) (Previous Condition F 1 of R98-119 and R98-120, P97-72)

Is hereby amended to read:

LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO LANTANA ROAD FRONTAGE ONLY)

Landscaping and buffering along the above property line shall include:

- a. A minimum twenty **(20)** foot wide landscape buffer strip. No reductions shall be permitted;
- b. A continuous two and one half **(2.5)** foot high berm measured from top of curb; and
- c. One (1) canopy tree planted every thirty (30) feet on center; and
- d. One (1) palm or pine tree for each twenty **(20)** linear feet. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches; and
- f. **Credit** may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)

H. Condition G.1 of R98-119 and R98-120, P97-72 which currently states:

LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip. No reductions shall be permitted; and
 - b. One **(1)** canopy tree planted every thirty **(30)** feet on center; and
 - c. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Twenty **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of forty-eight **(48)** inches; and
 - e. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)

Is hereby amended to read:

LANDSCAPING ALONG THE 621 FEET EAST PROPERTY LINE (ADJACENT TO STATE ROAD 7 FRONTAGE ONLY)

Landscaping and buffering along the above property line shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No reductions shall be permitted;
- b. A continuous two and one half (2.5) foot high berm measured from top of curb; and
- c. One (1) canopy tree planted every thirty (30) feet on center; and
- d. **One (1) palm or pine tree** for each twenty (20) linear feet. A group of three **or more** palm **or** pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches; and
- f. Credit may **be** given for existing **or** relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)

SUPERSEDED BY CONDITION D.1

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING INDUSTRIAL)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum fifteen (15) foot wide Type C landscape buffer strip. No reductions shall be permitted. (CO: LANDSCAPE) (Previous Condition H.1 of R98-119 and R98-120, P97-72)

Is hereby amended to read:

LANDSCAPING ALONG THE SOUTH 353 FEET AND EAST 343 FEET PROPERTY LINES (ABUTTING INDUSTRIAL)

Landscaping and buffering along the above property lines shall include:

- a. A minimum fifteen (15) foot wide Type C landscape buffer strip. No reductions shall be permitted. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE 420 FEET SOUTH PROPERTY LINE (ADJACENT TO LAKE #7)

1. Prior to DRC final certification, the petitioner shall obtain a variance from the Board of Adjustments to waive the twenty foot wide landscape buffer for the 420 foot south property line adjacent to lake #7. (DRC: LANDSCAPE)

K. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty (20) foot wide Type B landscape buffer strip. No reductions shall be permitted. (CO: LANDSCAPE) (Previous Condition I.1 of R98-119 and R98-120, P97-72)

N. MASS TRANSIT

1. **A** Prior to final certification **of** the preliminary development plan **or** site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one **or** more **of** the following:

mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tram. (DRC: ZONING) (Previous Condition J. 1 of R98-119 and R98-120, P97-72)

2. Condition J.2 of R98-119 and R98-120, P97-72 which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of a building permit for more than **25% (55) (71)** of the units, or the 100th unit, whichever is less. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING • Eng)

Is hereby amended to read:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of a building permit for more than **25%(70)** of the units, or the 100th unit, whichever is less. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

0. PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.
 - a. Minimum parcel size shall be seven thousand five hundred **(7,500)** square feet exclusive of easements.
 - b. Minimum parcel width shall average seventy five **(75)** feet with no dimension less than fifty **(50)** feet.
 - c. Minimum parcel depth shall average one hundred **(100)** feet with no dimension less than seventy five **(75)** feet.
 - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the

development. (DRC: **PARKS**) (Previous Condition **K.1** of R98-119 and R98-120, P97-72)

P. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (CO: **BLDG - Eng**) (Previous Condition L.1 of R98-119 and R98-120, P97-72)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (CO: **LANDSCAPE - Eng**) (Previous Condition L.2 of R98-119 and R98-120, P97-72)
3. All utilities shall be underground, pursuant to Section **6.8.A.23.d(4)** of the ULDC. (PLAT: **ENG - Zoning**) (Previous Condition L.3 of R98-119 and R98-120, P97-72)
4. 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 issuance of the first building permit, or recordation of the first plat for any portion of the **planned** development, whichever occurs first. (BLDG PERMIT / PLAT: **MONITORING/ ENG - Co Att**) (Previous Condition L.4 of R98-119 and R98-120, P97-72)

5. 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 towers in the vicinity of the development. The **developer/property** owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning January 29, 1999 and shall continue on an annual basis until all units within the development have been sold **or** the developer relinquishes control to the homeowners **association**. (ONGOING: **MONITORING**) (Previous Condition L.5 of R98-119 and R98-120, P97-72)

Q. PLANNING

1. Prior to final certification by the Development Review Committee (DRC), the final subdivision plan shall be amended to indicate potential future **vehicular/pedestrian access** to the 15.05 acre parcel (tracts 17 & 18) located to the northeast of the PUD. The area, to be used as **access**, shall be **reserved as open space**. Future connection/access to the site would not be required unless this 15.05 acre parcel is included within the boundaries of **this** PUD. (DRC: **ENG/PLANNING**)

R. PREM

1. Condition M.I of R98-119 and R98-120, P97-72 which currently state::

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by January **15,1999**, for a **1.54** acre civic site, in a location and **form** acceptable to **Facilities, Development & Operations Department (FDO)**, and the **County Attorney's office**. Developer to Plat and dedicate the Civic site to Falm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the **option**, at their discretion, to release all **or** part of the Declaration!; of Covenants and Conditions of the PUD, as it would apply to the civic site.
- b. **All** ad valorem real estate taxes and assessments for the **year of** closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
- c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
- d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic **site** by the County. Developer shall specifically address the **following** issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, **if require**d.
- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
- f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations **Department**.
- g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING • PREM)

~~Is~~ hereby amended to read:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by January 15, 1999, for a **1.89 acre**

civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County "or a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
 - b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) **As** easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. Condition M.2 of R98-119 and R98-120, P97-72 which currently states

The property owner shall provide the County with a certified survey of the proposed civic site by October 15, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) **The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.**
- b) **If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.**

- c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

Is hereby amended to read:

The property owner shall provide the County with a certified survey of the proposed civic site by December 15, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PFIEM)

- 3. Condition M.3 of R98-119 and R98-120, P97-72 which currently states:

The property owner shall provide PREM with an **Environmental Assessment** of the proposed civic site by October 15, 1998. 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 (HWDNIS).

- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
- d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
- e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

Is hereby amended to read:

The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by December 15, 1998. 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. Condition **M.4** of R98-119 and R98-120, P97-72 which currently states

Prior to October **15, 1998**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers **1, 2 & 3** above will also apply. **If** the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the **difference** in values. Valuation of the on-site and off-site land shall be subject to

the County appraisal process and be at the cost of the petitioner or if the petitioner **is a** contract purchaser the per acre value used **for** the entire PUD **may be** used to **determine** the civic site value. **If** off-site land **or** cash contribution **is** accepted by Palm Beach County, the **petiti mer** shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

Is hereby amended to read:

Prior to December 15, 1998, the Petitioner may request to **exchange** the required on-site dedication of land for cash **of** equal value or off-site land equal in acreage, however, this option shall **be** used only upon County approval. In addition, should ~~the~~ off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is **of** less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and ~~be~~ at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. **If** off-site land or cash contribution is accepted by Palm Beach **County**, ~~the~~ petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

S. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all **sales** offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to **the** most proximate public **school** because **of** overcrowding, racial balancing, **or** other School **Board** policies. (ONGOING: **SCHOOL BOARD**) (Previous Condition N.1 of F:98-119 and R98-120, P97-72)

T. SIGNS

1. Condition O.1 of R98-119 and R98-120, P97-72 ~~which~~ currently state!:

Freestanding signs fronting on Lantana Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight **(8)** feet;
- b. Maximum sign face area per side - sixty **(60)** square feet;
- c. Style - monument style only.
- d. Maximum number of sign - **1** pair. (**CO**:BLDG)

Is hereby amended to read:

Freestanding signs fronting on Lantana Road and SR7/US441 shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - sixty (60) square feet;
- c. Style - monument style only.
- d. Maximum number of sign - 1 pair per road frontage,

U. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a **unity of control/title** for the entire subject property. The unity shall be **recorded** in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed **or** amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previous Condition P.1 of P97-72, R98-120)

V. 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; 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 majority vote **of** the Code Enforcement Board 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 provision!; 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. (MONITORING) (Previous Condition Q.1 of R98-119 and R98-120, P97-72)