

RESOLUTION NO. R-98-740

RESOLUTION APPROVING ZONING PETITION PDD97-104(1)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF FOXHILL LTD. PARTNERSHIP
BY ROBERT BENTZ, AGENT
(RAINBOW PUD)

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

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

WHEREAS, Zoning Petition PDD97-104(1) 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 PDD97-104(1), the petition of Foxhill Ltd. Partnership by Robert Bentz, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) Rezoning from AR to PUD (60/40 AGR PUD). 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 Foster moved for the approval of the Resolution.

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

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

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

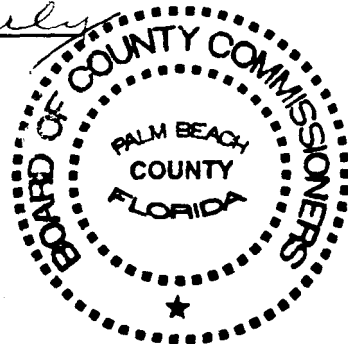


EXHIBIT A

RAINBOW PUD

LAND DESCRIPTION:

PARCEL 1

Tract 71, Block 70, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 2

The East 1/2 of Tract 72, Block 70, LESS the North 28 feet, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 3

The West 1/2 of Tract 72, Block 70, LESS the North 28 feet, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 4

Tract 89, Block 70, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 5

Tract 90, Block 70, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 6

Tract 103, Block 70, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 7

Tract 104, Block 70, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 8

Tract 122, Block 70, PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Page 45, said lands situate, lying and being in Palm Beach County, Florida.

PARCEL 9

30 foot roads per quit claim deed between West Peninsular Title Company and Fox Hill Nurseries, Inc., on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Official Records Book 9800, Page 1557 more particularly described as follows:

A 30 foot road lying between Tracts 104 & 105, Block 70, a 30 foot road lying between Tracts 89 & 90 and 103 & 104, Block 70 and a 30 foot road lying between Tracts 73 & 88 and 72 & 89, Block 70 all of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.

PARCEL 10:

A strip of land 30 feet in width lying between Tracts 81 through 87 and between Tracts 106 through 112, Block 70, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida.

PARCEL 11:

Tracts 73 through 88, 106 through 112, inclusive, Block 70, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida.

PARCEL 12:

Tract 121, Block 70, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 through 54, inclusive.

Said lands situate, lying and being in Palm Beach County, Florida, containing 7,103,368 square feet, 163.071 acres, more or less.

EXHIBIT A
LEGAL DESCRIPTION

YOUNG PROPERTY

LAND DESCRIPTION:

Tracts 6,7,8,9 and 21, Block 67, **PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

Less and except there from the North 30 feet and the West 65 feet of Tract 7 for that certain L.W.D.D. right of way recorded in Deed Book 148, Page 440, of the Public Records of Palm Beach County, Florida. And the West 65 feet of Tract 21 for that certain L.W.D.D. right of way recorded in Deed Book 129, Page 240 of the Public Records of Palm Beach County, Florida. And also less the North 30' of Tract 6 for that certain L.W.D.D. right-of-way recorded in D.B. 129, Pg. 259 of the Public Records of Palm Beach County, Florida.

Containing 2,997,400 Square Feet, 68.81 Acres more or less.

TOGETHER WITH:

Tract 20, **Block 67**, along with, the **South 15 ft.** of the 30 ft. roadway lying North and immediately adjacent to said Tract 20 of **PALM BEACH FARMS COMPANY PLAT NO. 3**, as recorded in Plat Book 2, Pages 45 to 54 inclusive, in the office of the Clerk of Palm Beach County, Florida.

Containing 444,029 Square Feet, 10.19 Acres more or less.

EXHIBIT A

LEGAL DESCRIPTION

SUNSHINE MEADOWS

LAND DESCRIPTION:

PARCEL I:

All of the Condominium Parcels in SUNSHINE MEADOWS, a Condominium, according to the Declaration of Condominium thereof recorded in Official Records Book 3974, Page 1161, as amended by Covenant and Release of Certain Rights recorded in Official Records Book 5106, Page 1628, and as further amended in Official Records Book 5254, Page 928 and Official Records Book 5254, Page 541, Public Records of Palm Beach County, Florida.

PARCEL II:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North **00°44'00"** West, along the West line of said Section 25, 3144.75 feet; thence North **89°51'43"** East, 2043.02 feet; thence South **00°44'00"** East, 3154.64 feet; thence South **89°51'43"** West, 812.34 feet to the POINT OF BEGINNING; thence continue South **89°51'43"** West, 150.00 feet; thence South **00°08'17"** East, 415.00 feet; thence North **89°51'43"** East, 150.00 feet; thence North **00°08'17"** West, **415.00** feet to the said POINT OF BEGINNING.

PARCEL III:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North **00°44'00"** West, along the West line of said Section 25, 3144.75 feet; thence North **89°51'43"** East, 2043.02 feet; thence South **00°44'00"** East, 3154.64 feet; thence South **89°51'43"** West, 362.34 feet to the POINT OF BEGINNING; thence continue South **89°51'43"** West, 300.00 feet; thence South **00°08'17"** East, 415.00 feet; thence South **89°51'43"** West 191.00 feet; thence South **00°08'17"** East, 260.00 feet to the South line of Tracts 9, 10, 11 and 12, Block 69, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, Palm Beach County Public Records; thence North **89°51'43"** East, along said South line, 421.50 feet; thence North **00°08'17"** West, **260.00** feet; thence North **89°51'43"** East, **45.50** feet; thence North **00°08'17"** West, 104.00 feet; thence North **89°51'43"** East, 24.00 feet; thence North **00°08'17"** West, 311.00 feet to the said POINT OF BEGINNING.

PARCEL IV:

That part of Sections 25 and 36, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North **00°44'00"** West, along the West line of said Section 25, 3144.75 feet; thence North **89°51'43"** East, 2043.02 feet; thence South **00°14'00"** East, 3154.64 feet to the POINT OF BEGINNING; thence South **89°51'43"** West, 362.31 feet; thence South **00°08'17"** East, **311.00** feet; thence South **89°51'43"** West, 24.00 feet; thence South **00°08'17"** East, 104.00 feet; thence South **89°51'43"** West, **45.50** feet; thence South **00°08'17"** East, **260.00** feet to the South line of Tracts 9, 10, 11 and 12, Block 69, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 through 54, Palm Beach County, Public Records; thence North **89°51'43"** East, along said South line, 438.86 feet; thence North **00°44'00"** West, **675.04** feet to the said POINT OF BEGINNING;

EXHIBIT A
LEGAL DESCRIPTION

TOGETHER WITH:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 3144.75 feet; thence North 89°51'43" East, 2043.02 feet; thence South 00°44'00" East, 3154.64 feet; thence South 89°51'43" West, 662.34 feet to the **POINT OF BEGINNING**; thence continue South 89°51'43" West, 150.00 feet; thence **South** 00°08'17" East 415.00 feet; thence North 89°51'43" East, 150.00 feet; thence North 00°08'17" West, 415.00 feet to the said **POINT OF BEGINNING**.

PARCEL V:

That part of Sections 25, Township 46 South, Range 41 East, Palm Beach County, Florida, described as follows:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 2071.52 feet; to the **POINT OF BEGINNING**; thence continue North 00°44'00" West, 200.00 feet; thence **North** 89°16'00" East, 280.00 feet; thence **South** 00°44'00" East 200.00 feet; thence South 89°16'00" West, 280.00 feet to the said **POINT OF BEGINNING**.

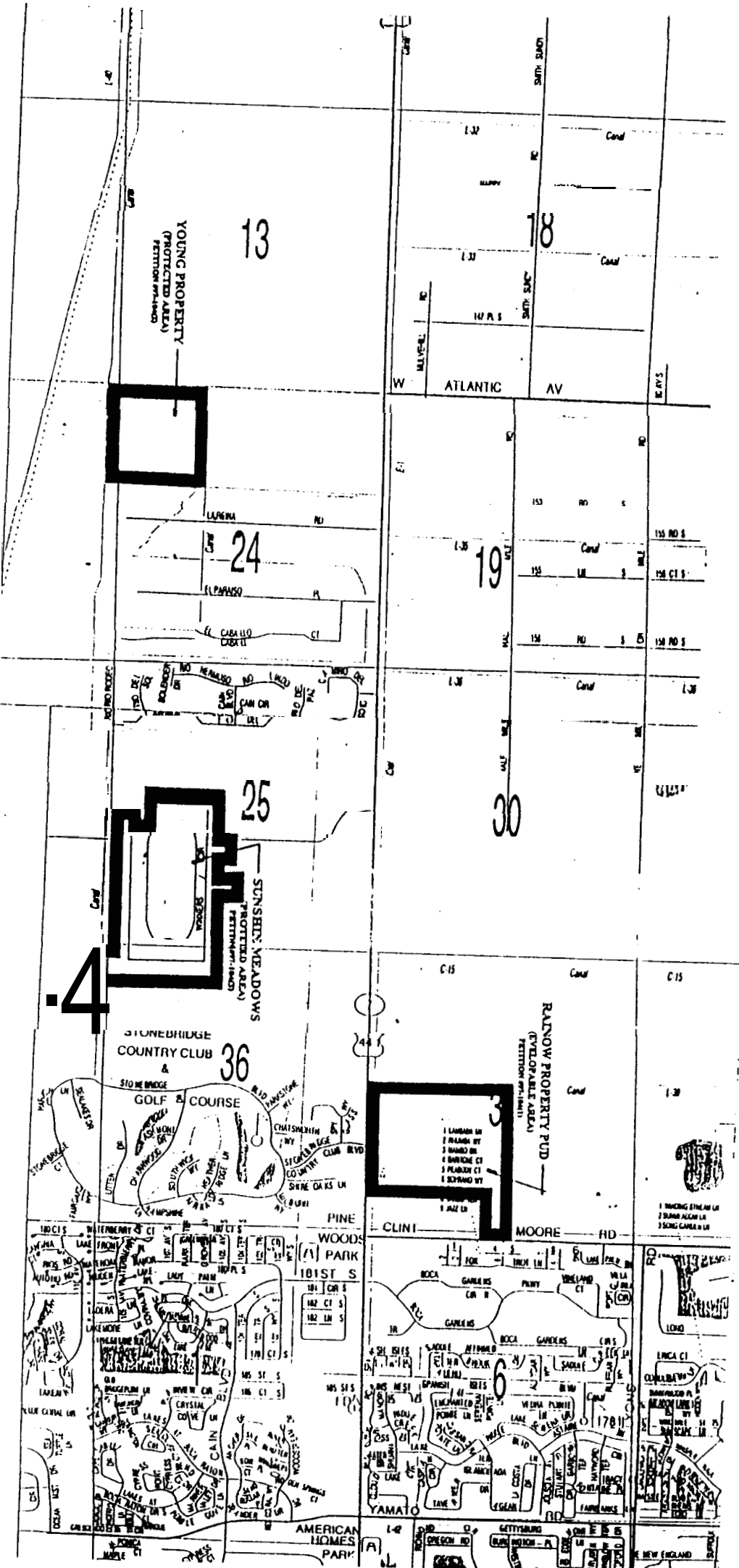
TOGETHER WITH:

COMMENCE at the Southwest corner of said Section 25; thence North 00°44'00" West, along the West line of said Section 25, 2071.52 feet; thence North 89°16'00" East, 280.00 feet; thence South 00°44'00" East 54.70 feet to the **POINT OF BEGINNING**; thence North 89°16'00" East, 415.00 feet; thence **South** 00°44'00" East 150.00 feet; thence **South** 89°16'00" West, 415.00 feet; thence North 00°44'00" West, 150.00 feet to the said **POINT OF BEGINNING**.

Said lands lying and situate in Palm Beach County, Florida, containing 7,360,725 square feet, **168.979** acres more or less.

EXHIBIT B

VICINITY SKETCH



SITE DATA

TOTAL ACRES: 1.30
 ELYBOW PROPERTY P1 DEVELOPABLE AREA PROPOSED USE
 YOUNG PROPERTY (PROTECTED AREA) PETITION 97-1140
 SUNSHINE MEADOWS (PROTECTED AREA) PETITION 97-1140
 RAINOW PROPERTY PUD (DEVELOPABLE AREA) PETITION 97-1140

ADDITIONAL LOTS MAY BE ADDED FOR AGENCIES RESTRICTING GOLF COURSE

NOTES

The proposed development is shown as part of the Rainow PUD and is subject to the approval of the Rainow PUD. The proposed development is shown as part of the Rainow PUD and is subject to the approval of the Rainow PUD. The proposed development is shown as part of the Rainow PUD and is subject to the approval of the Rainow PUD.



97-104(1)

APR 21 1998

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All conditions of approval contained in Resolution R-79-1759, Petition 79-255, R-92-1576, Petition 90-5, and R-90-1318, Petition 90-5, are hereby repealed. The approvals granted by Resolution R-79-1759, Petition 79-255, R-92-1576, Petition 90-5, and R-90-1318, Petition 90-5, however, shall remain in full force and effect. (MONITORING)
2. 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 February 26, 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. (ONGOING 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; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)
4. Buffers between incompatible land uses, pods, and adjacent to internal rights-of-way within the PUD shall be subject to review and approval by the Development Review Committee. (DRC: ZONING)

C. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
 - a. A minimum fifty (50) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;

- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters;
- d. A two (2) to four (4) foot undulating berm, with an average height of three (3) feet, measured from the top of the curb; and,
- e. Twenty four (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 thirty-six (36) inches. (CO: LANDSCAPE)

D. LWDD

- 1. Prior to the issuance of the first building permit or construction permit, the property owner shall convey to the District, either by easement or Quit Claim deed, the West 45 feet of Tracts 80, 81 & 112 for right-of-way for the E-1 Canal and the North 75 feet of Tracts 71 thru 80 inclusive, Block 70, less the lands currently owned by the District, for right-of-way for the L-39 Canal. (MONITORING: LWDD)

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 49 dwelling units shall not be issued until the contract has been let for the construction for State Road 7 as a 6 lane section from Yamato Road to Atlantic Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
- 2. The Property Owner shall fund a Pro Rata share of the cost of signal installation if warranted as determined by the County Engineer at State Road 7 and the project entrance. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING - Eng).
- 3. Prior to DRC approval of the Master Plan the property owner shall revise the Preliminary Development Plan to provide for adequate legal access to Tract 105. (DRC APPROVAL: ENG)

4. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of the 55th 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 Lake Worth 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 Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the 55th certificate of occupancy. (CO: MONITORING-Eng)

If the construction of SR 7 has not been completed at the time of the issuance of the 55th 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 within 90 days from receipt of notice by the County Engineer that the SR 7 construction has been completed. (ENG)

- D. 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 55th building permit. (BLDG PERMIT: MONITORING - Eng)

5. The property Owner shall construct a five (5) foot pedestrian pathway along the east side of SR 7 from the project's entrance south to Spanish Isles Boulevard. This pathway shall be constructed in accordance with the Florida Department of Transportation and the County Engineer Approval. (ONGOING: ENG)

F. 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 the County Engineer. (DIRC: ZONING)
- B. 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 Tran, and County Engineer prior to issuance of a building permit for the 37th unit. 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)

G. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the PUD 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. This Declaration shall be amended when additional units are added to the PUD. (BLDG PERMIT/PLAT: MONITORING/ENG - Co Atty)

2. 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 uses in the vicinity of the development and the existence of the animal clinic located on Tract 120. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 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)
3. Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the existence of agricultural and animal clinic uses acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the two (2) uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents for each residential unit sold in the developable areas. (ONGOING/DRC: CODE ENF/ZONING - Co Atty)

H. PLANNING

1. The conservation easements on the preservation areas shall be recorded prior to or concurrent with the first plat for the Rainbow PUD. Should conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to June 1, 1999, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. (DATE: MONITORING/DRC/PLANNING)
2. Prior to initial Master Plan Certification by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Rainbow PUD-97-104(1), (February 10, 1998), Young-97-104(2), (March 18, 1998), and Sunshine Meadows-97-104(3), (March 17, 1998), and Land Use

Justification correspondence from Land Design South dated March 18, 1998.
(DRC:/ZONING-PLANNING)

3. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall include a 50 foot wide landscape buffer along the south and east property lines. To maintain consistency with the Comprehensive Plan, Section B.7.b.2.b.2.b. (Land Use Element, page 61.0), this buffer shall not be granted any credits or reductions in width and shall include the minimum following design standards:
 - a) A continuous six (6) foot high berm measured from finished grade;
 - b) A double row of canopy trees planted twenty (20) feet on center within twenty (20) feet of the exterior side of the wall. All of the required trees shall be planted on the exterior side of the wall; and
 - c) Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be installed on the exterior side of the wall and maintained at a minimum height of thirty-six (36) inches; and,
 - d) A six (6) foot high wall located at the plateau of the berm. The location of the wall shall be consistent with the Wall Exhibit dated April 23, 1998. (DRC: PLANNING - Zoning)
4. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as a buildable area, and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)
5. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall amend the location map on the master plan so as to include the locations of the preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Development Code (ULDC). (DRC: PLANNING - Zoning)
6. The PUD shall be limited to a maximum of 149 single family units. Prior to final Master Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Master Plan indicating that the balance of unused units (256) shall not be utilized outside the boundary of the Rainbow PUD Site as identified in petition No. PDD 97-104(1). (DRC: PLANNING)
7. In the event that the use of the property is abutting future approved residential uses prior to the development of Pod C, the buffer width of Condition H.3 may be reduced pursuant to the ULDC, as amended. Any reduction in the planting materials, wall or berm as required in Condition H.3 shall be subject to the approval of the Board of County Commissioners. The intent of this is to ensure adequate width for the required landscaping, wall or berm of Condition H.3. A variance from the Board of Adjustment may be required in addition to BCC approval for any deviations from minimum ULDC requirements. (ONGOING: PLANNING)

8. Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall remove the "Preservation Area/Proposed Uses" notes depicted on the 60/40 PUD Location Map on page 2 of the Preliminary Development Plan and replace it with the following:

The preservation areas approved as part of Petition 97-104 (1,2,3) shall be restricted to the following:

PERMITTED USES

- a) crop production, pasture, or equestrian purposes or may be retained as fallow land;
- b) accessory structures such as barns and pump structures;
- c) wetland or bona fide agricultural uses per the ULDC;
- d) Other uses as permitted by the required conservation easements;
- e) 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;
- f) Existing use (equestrian training facility) on the Sunshine Meadows Preservation property shall reflect uses shown on the site plan dated February 26, 1998.

NOT PERMITTED

- g) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses be accommodated thereon. (DRC: PLANNING)
- h) The existing uses already approved under Resolutions R-80-1418 and R-81-878 for the existing Sunshine Meadows Petition shall remain outside of the 168 acre Preservation area. Any relocation, expansion, (ie: original uses as permitted under Resolutions R-80-1418 and R-81-878) or new uses to the 168 acre preserve area site will require Planning Division's and Traffic Division's approval and shall be subject to consistency with the Comprehensive Plan, consistency with Traffic Performance Standards (TPS), and the restrictions of the preservation easement.
- i) In order to ensure agricultural preservation on the preservation parcels, clubhouse(s) to support existing equestrian facilities shall not be permitted. (DRC: PLANNING)

I. PREM

- 1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **April 1, 1999** for a **3.33** acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.
 - b. **All** ad valorem real estate taxes and assessments for the **year** of closing shall **be pro-rated** at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following **issues**:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) **As** easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to **allow** the County to perform any on site inspections deemed **appropriate** to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by **April 1, 1999**. 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)
3. The property Owner **shall** provide PREM with an Environmental **Assessment** of the proposed civic site by **April 1, 1999**. 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. Prior to **April 1, 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)

J. 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)

2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales of lots and models. (ONGOING: SCHOOL BOARD)

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 noncompliance, 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 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. (MONITORING)



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ROBERT H. WILKIN, CLERK
OFFICE OF COUNTY COMMUNITY DEVELOPMENT
FINANCE

**Department of Planning,
Zoning & Building**

100 Australian Avenue

West Palm Beach, FL 33406

(561) 233-5000

http://www.co.palm-beach.fl.us



**Palm Beach County
Board of County
Commissioners**

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County Administrator

Robert Weisman, PE

**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: June 30, 1998
RE: Amended Conditions from the May 28, 1998 BCC

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on May 28, 1998.

The following petitions were amended:

- | | |
|--------------|------------------------------|
| PDD96-115(A) | L&G ACLF |
| PDD97-118 | ADDISON PLACE |
| DOA80-187(F) | TRINITY CHURCH |
| PDD97-116 | BRISTOL POINT PUD |
| PDD97-104(1) | RAINBOW PUD |
| PDD97-104(3) | RAINBOW PUD-SUNSHINE MEADOWS |
| DOA90-04(A) | HERNANDEZ TRUCK RENTAL |
| DOA97-72(A) | THOROUGHbred LAKES ESTATES |
| DOA91-47(A) | HAGEN RANCH COMMERCE CENTER |

Please contact me at 233-5234 if you have any questions.

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