

RESOLUTION NO. R-99- 330.1

RESOLUTION APPROVING ZONING PETITION PDD98-56
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF DAB OF PALM BEACHES, INC. AND ANDREW LOGAN
BY ROBERT BENTZ, AGENT
(NYE 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 PDD98-56 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1999; 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) 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 PDD98-56, the petition of DAB of Palm Beaches, Inc. and Andrew Logan by Robert Bentz, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) Rezoning from Agricultural Residential to Residential Planned Unit Development 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 February 25, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 25, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

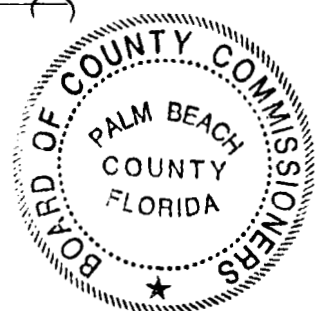


EXHIBIT A

LEGAL DESCRIPTION

THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), AND THE WEST QUARTER (W 1/4) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AND, THAT PART OF THE NORTH THREE-QUARTERS (N 3/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LYING EAST OF LAKE WORTH DRAINAGE DISTRICT EQUALIZING CANAL NO. 3

LESS AND EXCEPT THEREFROM THE FOLLOWING:

A 65 FOOT WIDE PARCEL ALONG THE WESTERLY SIDE OF THE PROPERTY HEREIN DESCRIBED AND ALSO LESS THE NORTHERLY 135 FEET OF THE PROPERTY HEREIN, DESCRIBED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

"A 65 FOOT WIDE PARCEL OF LAND IN THE SOUTH HALF (S 1/2) OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LYING EAST OF AND ADJACENT TO A STRAIGHT LINE, SAID STRAIGHT LINE BEGINNING AT THE SOUTH QUARTER (S 1/4) CORNER OF SAID SECTION 2 AND ENDING AT A POINT ON THE NORTH LINE OF SAID SECTION 2, LOCATED 480 FEET WEST OF THE NORTH QUARTER (N 1/4) CORNER. THE 65 FOOT WIDE PARCEL OF LAND BEGINS AT THE SOUTH LINE OF SECTION 2 AND ENDS AT THE EAST-WEST QUARTER LINE OF SECTION 2, AND THE NORTH 135 FEET OF THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4); THE NORTH 135 FEET OF THE WEST QUARTER (W 1/4) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4); AND THE NORTH 135 FEET OF THAT PART OF THE NORTH THREE-QUARTERS (N 3/4) OF THE SOUTHWEST QUARTER (SW 1/4) LYING EAST OF THE LAKE WORTH DRAINAGE DISTRICT EQUALIZING CANAL NO. 3, ALL IN SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST."

ALSO LESS AND EXCEPT THEREFROM THE FOLLOWING:

THE SOUTH HALF (S 1/2) OF THE WEST QUARTER (W 1/4) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION 2; TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 1664.02 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE WEST QUARTER (W 1/4) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), AS THE POINT OF BEGINNING, THENCE NORTHERLY ALONG THE EAST LINE OF SAID WEST QUARTER (W 1/4) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 1337.94 FEET, MORE OR LESS, THENCE WESTERLY A DISTANCE OF 333.05 FEET, MORE OR LESS, TO A POINT; THENCE SOUTHERLY A DISTANCE OF 1336.67 FEET, MORE OR LESS, TO THE SOUTH LINE OF SECTION 2, THENCE EASTERLY ALONG THE SOUTH LINE OF SECTION 2, A DISTANCE OF 332.85 FEET MORE OR LESS TO THE POINT OF BEGINNING, LESS THE RIGHT-OF-WAY OF HYPOLUXO ROAD.

ALSO LESS AND EXCEPT THEREFROM THE FOLLOWING:

BEGINNING AT A POINT 65 FEET EAST OF THE QUARTER CORNER ON THE SOUTH LINE OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, FOR POINT OF BEGINNING; THENCE RUN EASTERLY ON THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 476.17 FEET, MORE OR LESS, TO A POINT; THENCE NORTHERLY, A DISTANCE OF 1157.98 FEET, MORE OR LESS, TO A POINT, THENCE WESTERLY TO A POINT IN THE EAST LINE OF THE 65 FOOT STRIP DEEDED TO THE LAKE WORTH DRAINAGE DISTRICT IN OFFICIAL RECORDS BOOK 1737, PAGE 918, PALM BEACH COUNTY RECORDS, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID 65 FOOT STRIP, A DISTANCE OF 1160 FEET, MORE OR LESS, TO THE POINT ON THE SOUTH LINE OF SECTION 2, 65 FEET EAST OF THE SOUTH QUARTER CORNER AND THE POINT OF BEGINNING; LESS THE RIGHT-OF-WAY OF HYPOLUXO ROAD.

THE ABOVE DESCRIBED PARCEL OF LAND IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL OF LAND BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SAID SECTION 2, BEAR SOUTH 89°09'54" EAST ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 65.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°09'54" EAST ALONG SAID SOUTH LINE OF SECTION 2, A DISTANCE OF 476.17 FEET; THENCE NORTH 00°48'29" EAST, A DISTANCE OF 1157.98 FEET; THENCE NORTH 89°42'58" WEST, A DISTANCE OF 610.77 FEET PLUS OR MINUS TO THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-3 (ACCORDING TO OFFICIAL RECORDS BOOK 1737, PAGE 918, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE SOUTH 05°51'15" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1160 FEET; PLUS OR MINUS TO THE POINT OF BEGINNING.

LESS, HOWEVER, THE RIGHT-OF-WAY FOR HYPOLUXO ROAD.

ALSO LESS AND EXCEPT THEREFROM:

THAT PART LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS DESCRIBED IN RIGHT-OF-WAY DEED TO COUNTY OF PALM BEACH AND RECORDED IN DEED BOOK 1038, PAGE 673, PALM BEACH COUNTY RECORDS.

ALSO LESS AND EXCEPT THEREFROM:

THE SOUTH 110.00 FEET OF THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST IN PALM BEACH COMTY, FLORIDA, AS SHOWN ON THE RIGHT-OF-WAY MAP OF HYPOLUXO ROAD DATED NOVEMBER 1987.

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EAST LINE OF THE LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2553, PAGE 1800, RECORDS OF SAID PALM BEACH COUNTY.

ALSO EXCEPT THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 1038, PAGE 673, RECORDS OF SAID PALM BEACH COUNTY.

EXHIBIT B
VICINITY SKETCH

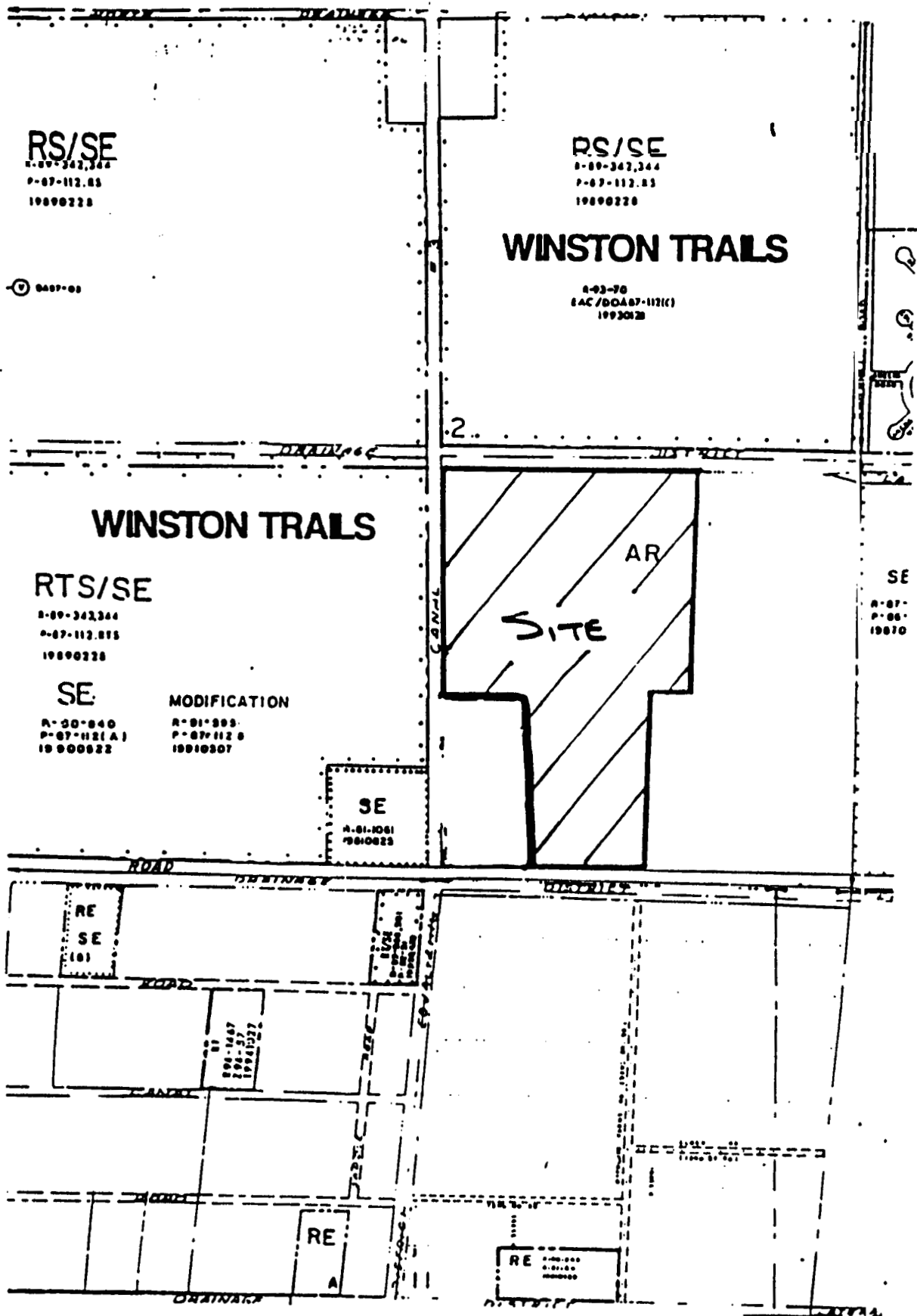


EXHIBIT C

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 **January 25, 1999**. 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)
2. Prior to **DRC** site plan application, the petitioner shall revise the concurrency application to reflect the reduction of dwelling units from 440 to **421**. (DRC: CONCURRENCY)

B. ARCHITECTURAL CONTROL

1. Prior to DRC approval of the Preliminary Development Plan, exterior elevations shall **be** submitted. The project architect shall certify to Palm Beach County that the elevations comply with the design criteria listed below. The exterior elevations of all residential buildings shall provide variety and visual interest, by incorporating all of the following items:
 - a. Varied roof lines within the same building. **All** roof lines shall not run in continuous place for more than **150'** without offsetting or jogging the roof plane. The **jog** shall **be a** minimum of five (5) feet in depth;
 - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
 - c. Contrasting shapes and forms within the building **mass** including offsetting of vertical or horizontal planes;
 - d. Focal points or points of interest (i.e. cupolas, loggias, **entrances**, vertical elements, chimneys, etc.);
 - e. Varied architectural details (i.e. columns, pilasters, vents, decorative trims and moldings, stucco or horizontal banding, decorative railings, decorative accent tiles, etc.);
 - f. All ground or roof mounted air condition and mechanical equipment **st**: all **be** screened from view. The roof mounted equipment shall be screened **ed** **by** the parapet or a full pitched roof. The ground mounted **equipment** shall be screened by similar architectural treatment as the buildings or equivalent landscaping. (DRC: ZONING - Bldg)

C. BUILDING AND SITE DESIGN

1. The maximum height including all air conditioning and mechanical equipment, measured from finished grade to highest point, for all structures on site shall not exceed **twenty five (25) feet** provided all setback requirements are met. (BLDG PERMIT: BLDG - Zoning)
2. The residential building of the **PUD** shall not exceed **two (2) stories**. (BLDG PERMIT: BLDG - Zoning)

D. 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: twelve **(12)** 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 canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the recordation of the first plat the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Hypoluxo Road at the project's entrance road. This right-of-way shall be a minimum of **280** feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (PLAT:ENGINEERING-Eng)
2. Prior to January 1, 2003 or prior to recordation of first plat, whichever shall first occur, 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 Hypoluxo Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limit 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. Portion 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 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**. (PLAT:MONITORING-Eng)

3. In order to comply with the mandatory Traffic Performance Standard, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 118 single family dwelling units shall not be issued until construction has begun for Hypoluxo Road as a **6 lane** section from Military Trail to Lawrence Road plus the appropriate **paved** tapers. (BLDG PERMIT: MONITORING-Eng)
 - b) Building Permits for more than **163** single family dwelling units shall not be issued until construction has begun for Hypoluxo Road as a **6 lane** section from Lawrence Road to Congress Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - c) Building Permits for more than **196** single family dwelling units shall not **be** issued until construction has begun for the following **intersection** improvements at the intersection of Hypoluxo Road and Military Trail:
 1. Three thru lanes on Hypoluxo Road east and west approaches
 2. Dual left turn lanes east and west approaches plus the appropriate tapers (BLDG PERMIT:MONITORING-Eng)
 - d) Building Permits for more than **222** single family dwelling units until construction has begun for Jog Road as a **6 lane** section from Hypoluxo Road to Lantana Road plus the appropriate tapers. (BLDG PERMIT:MONITORING-Eng)
 - e) Building Permits for more than **243** single family dwelling permits shall not be issued until construction has begun for Lawrence Road as a **4 lane** section from Gateway Boulevard to Hypoluxo Road **plus** the appropriate tapers. (BLDG PERMIT:MONITORING-Eng)

The mix of allowable residential uses, as permitted by the Zoning Division, listed above may be adjusted 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. (REVISED:MONITORING-Eng)

The date shown which indicates when the final building permit will be issued 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)

4. The Property owner shall construct a separate right turn lane, east approach on Hypoluxo Road at the project's entrance road. This construction shall be concurrent with the paving and drainage improvements with the first plat. Any and all costs associated with the construction shall be paid by the **property** owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - A) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit.

- B) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO-Eng)

5. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD**

- A. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (TC: ENGINEERING)

- 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 property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed concurrent with the improvements with the first plat. (ENGINEERING)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to recordation of the first plat to reflect this obligation. (PLAT: ENGINEERING)

6. Property owner shall install signalization if and when warranted as determined by the County Engineer at the project's entrance and Hypoluxo Road. If a traffic signal is not warranted within 3 years of the final C.O., then the developer shall be relieved of this obligation.

F. LANDSCAPING ALONG THE ENTIRE PERIMETER OF THE PUD (EXCLUDING] THE SOUTH 1035 OF THE WEST PROPERTY LINE. THE EAST PROPERTY LINE OF POB B AND HYPOLUXO ROAD FRONTAGE)

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

- b. A minimum ~~two~~ to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. One (1) native canopy tree planted every twenty **(20)** feet on center;
- d. 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
- e. Thirty (30) inch high shrub or hedge material shall be placed at the plateau of the berm and shall be spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of seventy ~~two~~ **(72)** inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE SOUTH 1035 FEET OF THE WEST PROPERTY LINE

- 1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous two ~~(2)~~ foot high berm measured from top of curb;
 - c. One **(1)** native canopy tree planted every twenty (20) feet on center;
 - d. 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
 - e. Thirty ~~(30)~~ inch high shrub or hedge material shall be placed at the plateau of the berm and shall be spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING HYPOLUXO ROAD)

- 1. Landscaping and buffering along the above property line shall include:
 - a. A minimum fifty (50) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of ~~two~~ and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One **(1)** palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - e. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six ~~(36)~~ inches; and
 - f. The fifty (50) foot wide shall consist of a minimum of twenty five (25) foot wide landscape strip and a minimum of twenty five (25) foot wide drainage swale to be located on the road side (Hypoluxo Road) of the buffer. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE OF POD B

- 1. Landscaping and buffering along the above property line shall include:
 - a. A minimum forty **(40)** foot wide landscape buffer strip;
 - b. A continuous three (3) foot high berm measured from top of curb;
 - c. A six ~~(6)~~ foot high black vinyl coated chain link fence to be placed at the plateau of the berm:

- d. One (1) native canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
- e. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and
- f. Thirty (30) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)

J. 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)
- 2. 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) 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)

K. 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)

L. 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)

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)
3. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
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)

M. PLANNING

1. Prior to final certification by the Development Review Committee (DRC), the Master Plan shall be amended to indicate potential future vehicular/pedestrian access to the 11.2 acre residual parcel (parcel 503) located to the west, outside of the PUD boundary. The area within the PUD, to be used as access, shall be reserved as open space. This open space is in addition to the required amount of open space for this PUD. Future connection/access to the site would not be required unless and until this 11.2 acre parcel is included within the boundaries of this PUD. (DRC: ENG/PLANNING)

N. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **March 1, 2000** for a 1.51 acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (**PREM**) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained 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) An 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 November 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 **February 1, 2000**. 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. (CATE: MONITORING - PREM)
4. Prior to **February 1, 2000**, 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 PUC 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)
5. Use of the 1.51 acre civic site shall only be used for the expansion of the **POD B** (townhome units) and this parcel shall be cashed out prior to DRC approval of the Master Plan. (DRC: PREM)

O. SIGNS

1. Freestanding signs fronting on Hypoluxo 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)

P. SCHOOL BOARD

1. A notice of annual boundary school assignments for students from this development, provided by the School District on an **11" X 17"** sign, shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding, racial balance 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)."

The School District will continue to actively pursue a policy of providing adequate school facilities for all children of Palm Beach County.
(ONGOING: SCHOOL BOARD)

Q. 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 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)