

RESOLUTION NO. R-2004-0160

RESOLUTION APPROVING ZONING PETITION PDD2003-013
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF E. B. DEVELOPERS INC.
BY LAND DESIGN SOUTH, AGENT
(BELMONT AT HAVERHILL 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 PDD2003-013 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2004; and,

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2003-013, the petition of E. B. Developers Inc. by Land Design South, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 29, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 29, 2004.

Filed with the Clerk of the Board of County Commissioners on 15 day of March, 2004.

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

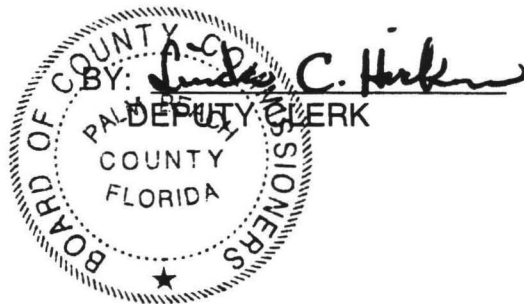


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1 (Weinstein Property)

Parcel ID 00424436090040010 / 00424436090040030

Tract 4, less the South 344.63 feet and less the North 60 feet, subdivision of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 3, Page 10, of the Public Records of Palm Beach County, Florida.

Also described as follows:

Being a part of Tract 4 in the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 3, Page 10, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the said Southwest 1/4 of Section 36; thence North 87°42'16" West along the North Line of SW 1/4 of said section, a distance of 1339.81 feet (bearing along the center line of Military Trail and the East line of the SW 1/4 being North 01°47'37" East and all other bearings relative thereto); thence South 01°58'38" West, a distance of 60.00 feet to the Point of Beginning; thence continue South 01°58'38" West, along the East line of said Tract 4 a distance of 972.79 feet; thence North 88°05'44" West, a distance of 335.87 feet; thence North 02°01'38" East along the West line of said Tract 4, a distance of 975.08 feet; thence South 87°42'16" East, a distance of 335.02 feet to the Point of Beginning.

Parcel 2 (Byrd Property)

Parcel ID 00424436090050010

The South 1/2 of the North 1/2 of Tract 5, of the Southwest Quarter of Section 36, Township 44 South, Range 42 East, Palm Beach County, Florida; subject to a 25 foot easement running North and South along the East line thereof.

Parcel 3 (Sed Property)

Parcel ID 00424436090050020 / 00424436090060031

The North 1/4 of Tract 5 of the Subdivision of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 3, Page 10, of the Public Records of Palm Beach County, Florida.

AND

The East 1/2 of the NE 1/4 of Tract 6 of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 3, Page 10, of the Public Records of Palm Beach County, Florida.

Parcel 4 (Vizoso Property)

Parcel ID 00424436090060010

The South 1/2 of Tract 6 of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 3, Page 10, of the Public Records of Palm Beach County, Florida; together with an easement for road purposes over the North 25 feet of the Southwest 1/4 of said Tract 6 and over the South 25 feet of the Northwest 1/4 of said Tract 6.

Parcel 5 (Souza Property)
Parcel ID 00424436090040020

The South 344.63 feet of Tract 4, of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 3, Page 10, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

Parcel 6:

WATER MANAGEMENT AREA #1 - PARCEL A HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORD BOOK 12064, PAGE 1863 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO BEING A PORTION OF THE WEST 1/2 (ONE-HALF) OF THE NORTHWEST 1/4 (ONE-QUARTER) OF TRACT 6 OF A SUBDIVISION OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. AS PER PLAT OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 3, AT PAGE 10, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A PALM BEACH COUNTY BRASS DISK IN CONCRETE MARKING THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH 02°08'51" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF SAID SECTION 36 AND THE EXISTING EAST RIGHT OF WAY LINE OF HAVERHILL ROAD, AS RECORDED IN DEED BOOK 768 AT PAGE 207 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, A DISTANCE OF 2427.04 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 (ONE-HALF) OF SAID TRACT 6; THENCE SOUTH 87°48'17" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 39.57 TO THE POINT OF BEGINNING; THENCE NORTH 02°08'57" EAST. A DISTANCE OF 286.65 FEET TO AN INTERSECTION WITH THE EXISTING SOUTH RIGHT OF WAY LINE FOR THE LAKE WORTH DRAINAGE DISTRICT CANAL L-15 AS RECORDED IN OFFICIAL RECORDS BOOK 4971 AT PAGE 740 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE SOUTH 87°42'17" EAST ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 127.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 (ONE-HALF) OF THE NORTHWEST 1/4 (ONE-QUARTER) OF SAID TRACT 6; THENCE SOUTH 02°07'32" WEST ALONG SAID EAST LINE, A DISTANCE OF 286.43 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 (ONE-HALF) OF SAID TRACT 6 AND CENTERLINE OF A 50.00 FEET WIDE "ROAD PURPOSES EASEMENT" AS RECORDED IN OFFICIAL RECORDS BOOK 1045 AT PAGE 385 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE NORTH 87°48'17" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 128.06 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

Parcel 7:

WATER MANAGEMENT AREA NUMBER 1 - PARCEL B HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORD BOOK 12064, PAGE 1851 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO BEING A PORTION OF THE EAST 1/2 (ONE-HALF) OF THE NORTHWEST 1/4 (ONE-QUARTER) OF TRACT 6 OF A SUBDIVISION OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. AS PER "PLAT OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST", AS RECORDED IN PLAT BOOK 3, AT PAGE 10 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A PALM BEACH COUNTY BRASS DISK IN CONCRETE MARKING THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH 02°08'51" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF SAID SECTION 36 AND THE EXISTING EAST RIGHT OF WAY LINE OF HAVERHILL ROAD, AS RECORDED IN DEED BOOK 768 AT PAGE 207 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, A DISTANCE OF 2427.04 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 (ONE-HALF) OF SAID TRACT 6; THENCE SOUTH 87°48'17" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 167.63 FEET TO THE POINT OF BEGINNING; THENCE NORTH 02°07'32" EAST, A DISTANCE OF 286.43 FEET TO AN INTERSECTION WITH THE EXISTING SOUTH RIGHT OF WAY LINE FOR THE LAKE WORTH DRAINAGE DISTRICT CANAL L-15 AS RECORDED IN OFFICIAL RECORDS BOOK 4971 AT PAGE 740 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE SOUTH 87°42'17" EAST ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 167.52 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE EAST 1/2 (ONE-HALF) OF THE NORTHWEST 1/4 (ONE-QUARTER) OF SAID TRACT 6; THENCE SOUTH 02°06'14" WEST ALONG SAID EAST LINE, A DISTANCE OF 286.14 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 (ONE-HALF) OF SAID TRACT 6 AND CENTERLINE OF A 50.00 FEET WIDE "ROAD PURPOSES EASEMENT" AS RECORDED IN OFFICIAL RECORDS BOOK 1045 PAGE 385 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE NORTH 87°48'17" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 167.63 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

Parcel 8:

WATER MANAGEMENT AREA NUMBER 1 - PARCEL C HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORD BOOK 12064, PAGE 1843 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO BEING A PORTION OF THE WEST 1/2 (ONE-HALF) OF THE NORTHEAST 1/4 (ONE-QUARTER) OF TRACT 6 OF A SUBDIVISION OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. AS PER "PLAT OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST", AS RECORDED IN PLAT BOOK 3, AT PAGE 10 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A PALM BEACH COUNTY BRASS DISK IN CONCRETE MARKING THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH 02°08'51" EAST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 (ONE-QUARTER) OF SAID SECTION 36 AND THE EXISTING EAST RIGHT OF WAY LINE OF HAVERHILL ROAD, AS RECORDED IN DEED BOOK 768 AT PAGE 207 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, A DISTANCE OF 2427.04 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 (ONE-HALF) OF SAID TRACT 6; THENCE SOUTH 87°48'17" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 335.25 FEET TO THE POINT OF BEGINNING; THENCE NORTH 02°06'14" EAST, A DISTANCE OF 286.14 FEET TO AN INTERSECTION WITH THE EXISTING SOUTH RIGHT OF WAY LINE FOR THE LAKE WORTH DRAINAGE DISTRICT CANAL L-15 AS RECORDED IN OFFICIAL RECORDS BOOK 4971 AT PAGE 740 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE SOUTH 87°42'17" EAST ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 167.52 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 (ONE-HALF) OF THE NORTHEAST 1/4 (ONE-QUARTER) OF SAID TRACT 6; THENCE SOUTH 02°04'55" WEST ALONG SAID EAST LINE, A DISTANCE OF 285.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 (ONE-HALF) OF SAID TRACT 6; THENCE NORTH 87°48'17" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 167.63 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THEREFROM:

Lands as described in Chancery Case 407, recorded in Official Record Book 6495, Page 761 of the public records of Palm Beach County, Florida.

All of the above described lands situated in Palm Beach County, Florida.

Containing 24.26 acres more or less.

EXHIBIT B
VICINITY SKETCH

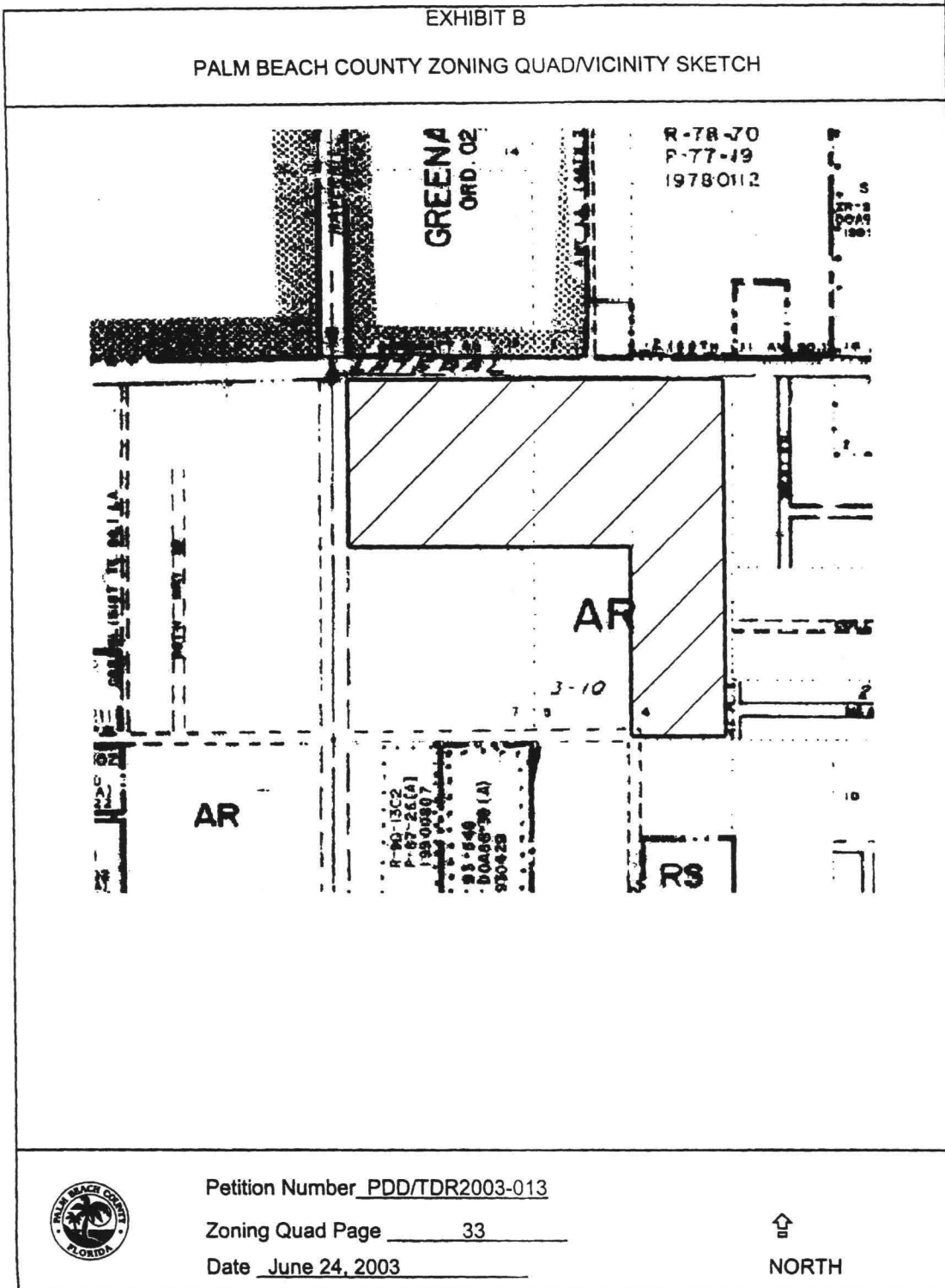


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved preliminary development plan is dated December 15, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Committee (DRC) approval, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval for the residential structures. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ARCH REVIEW – Zoning)
2. All residential structures shall be limited to a maximum of two (2) stories, and shall not exceed thirty (30) feet in height. Height shall be measured from the highest point to the finished grade. (DRC/BLDG. PERMIT: ARCH REVIEW-Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM)
2. A phase I audit shall be provided to ERM prior to Final DRC Site plan approval. (DRC:ERM-ERM)

D. LANDSCAPE-STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches: groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches: medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches: large shrub; and,
 - d. This condition does not apply where a single row of hedge is required on one or both sides of the wall; and
 - e. Seventy (70%) of the shrub materials shall be native species.
(CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern.
(CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. Prior to final approval of the PDP/site plans, an Alternative Landscape Plan shall be submitted for landscaping along any portion of the property where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)
7. Prior to final DRC approval, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to issuance of the first building permit the property owner shall post surety to provide for funding 50% of the cost of the construction of Corbett Rd. from Haverhill Rd. east to the prospects east property line. Construction shall be to local street standards 2-10 foot travel lanes. Construction shall include:
 - a) a median opening at Haverhill Rd.
 - b) right-of-way from the acquisition adjacent Palm Beach School Board to the north.

After this surety has been posted, Palm Beach County may draw on this surety at any time for the construction of Corbett Rd, if approved by the Board of County Commissioners. If Palm Beach County has not entered into a design contract for the construction of Corbett Road or the Board of County Commissioners has not adopted an alignment for the Corbett Road right of way prior to the issuance of the 172nd certificate of occupancy then this developer shall be relieved of this condition of approval.

2. 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 152 multi family dwelling units shall be issued until construction has begun for intersection improvements at Haverhill Road and Melaleuca Lane. Intersection improvements shall consist of adding a north approach right turn lane. (BLDG PERMIT: MONITORING-Eng)

- b) No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
 - c) Acceptable surety required for the offsite road improvements as outlined in Condition No. E2 (a) shall be posted with the Office of the Land Development Division on or before August 29, 2004. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng)
3. Landscape within the Median of Haverhill Road
- A) The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Haverhill Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D.
 - B) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - C) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
 - D) At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.
 - E) Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Haverhill Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

4. The Property owner shall accept the maintenance of the County owned retention pond on Haverhill Road adjacent to the site. The required landscape buffer adjacent to the Palm Beach County Retention pond may be incorporated into the required PUD landscape buffers. An agreement between Palm Beach County and the developer of this PUD identifying the maintenance, landscape and insurance provisions shall be in place prior to the issuance of the first Building Permit. (BLDG PERMIT:MONITORING-Eng)
5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRC-Eng)
6. Prior to approval of the Preliminary Development Plan by the Development Review Committee, the property owner shall complete the purchase of the County Owned retention ponds adjacent to Haverhill Road. If the purchase of these retention ponds are not able to be completed by this property owner, then the density for the site and the total number of allowable dwelling units shall be adjusted based on the deletion of the retention ponds.
7. Prior to the issuance of the first building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed sufficient right of way to construct a right turn lane south approach on Haverhill Road at Corbett Road. Right of way conveyance shall be a minimum of 280 feet in length and a taper length of 50 feet. This right of way shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. Right of way shall include a "Corner Clips." At the Corbett Road and Haverhill Road. (BLDG. PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (HAVERHILL ROAD FRONTAGE)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reductions or easement encroachments shall be permitted;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and

- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO:LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING SCHOOL/RESIDENTIAL)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip and a minimum of sixty-five (65) feet in the northeast portion of the site (approximately 500 feet in length). No width reduction or easement encroachment shall be permitted. The sixty-five (65) foot requirement may only be reduced to fifteen (15) feet if the plan is revised to show a minimum of eighty (80) foot LWDD canal easement along the entire north property line;
 - b. a continuous four (4) foot high berm measured from top of curb. Height of berm may be adjusted to two (2) feet in height along the fifteen (15) foot wide buffer. The four (4) foot high berm may only be reduced if the plan is revised to show a minimum of eighty (80) foot LWDD canal easement along the entire north property line;
 - c. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)
- 2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - b. one (1) medium shrub (Saw Palmetto) for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)
- 3. Along the interior side of the required wall, the petitioner shall install one (1) shrub for each two linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation and shall be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE SOUTH, SOUTHWEST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south, southwest and west property lines shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip along the south and west property lines, and a minimum of sixty-five (65) feet in the southwest portion of the site, and pursuant to the location indicated on the preliminary development plan dated December 15, 2003.
 - b. a continuous four (4) foot high berm measured from top of curb. Height of berm may be adjusted to two and one half (2.5) feet in height along the twenty (20) foot wide buffer;

- c. a six (6) foot high opaque concrete panel wall to be located on the plateau of the berm. The wall shall be setback a minimum of fifteen (15) feet from the southwest property line. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on both sides of the required wall along the sixty-five (65) foot wide buffer:
- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
 - c. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)
3. The following landscaping requirements shall be installed on both sides of the required wall along the twenty (20) foot wide buffer:
- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)
- I. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL, WENHART ESTATES AND PINE RIDGE ESTATES)
1. Landscaping and buffering along the east property line shall be upgraded to include:
- a. a minimum sixty-five (65) foot wide landscape buffer strip and a minimum of the fifty (50) feet in the southeast portion of the east property line, and pursuant to the location indicated on the preliminary development plan dated December 15, 2003. No width reduction or easement encroachment shall be permitted;
 - b. a continuous four (4) foot high berm measured from top of curb;
 - c. a six (6) foot high opaque concrete panel wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure.
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - e. one (1) pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on both sides of the required wall:

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- b. one (1) medium shrub (Saw Palmetto) for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation; and
- c. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

K. MASS TRANSIT

1. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN-Palm Tran)
2. Prior to the issuance of the building permit for the 60th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (BLDG PERMIT: MONITORING - Eng)

L. PLANNED UNIT DEVELOPMENT

1. Development of the site shall be limited to townhouse and/or detached units only. Multi-family units shall be prohibited. (DRC/BLDG: ZONING/BLDG PERMIT - Zoning)
2. Decorative street light fixtures shall be provided similar to those required under Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
3. Prior to final Development Review Committee (DRC) site plan approval, the Preliminary Development Plan/conceptual site plan shall be amended to show a focal point at the terminus of the roundabout located adjacent to the gatehouse. The focal point shall be in the form of a plaza, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRC: ZONING - Zoning)

4. Prior to final DRC site plan approval, the PDP/conceptual site plan shall be revised to indicate a minimum of two (2) gazebo or shade structure/trellis, and to be located along the walkway along the sixty-five (65) foot wide southwest buffer. These shade structures shall be a minimum of 120 square feet each and shall include bench(es) and trash receptacle(s). (DRC/BLDG PRMT: ZONING/BLDG - Zoning)
5. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC, and shall be located at the north side of Buildings 9 and 14. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC / PLAT: ZONING - Zoning)
6. Prior to the final DRC approval of the PDP/Conceptual site plans, the petitioner shall revise the plans to show decorative pavers along the following areas:
 - a. gate house (a minimum of 5,500 square feet);
 - b. focal feature adjacent to Buildings 9 and 14;
 - c. access driveway area adjacent to Buildings 3 and 19; and Buildings 17 and 18 (a minimum of 1,500 square feet);
 - d. all pedestrian crossings;
 - e. add a cul-de sac at the south end of the site and provide pavers/planting; and
 - f. the internal drive adjacent to Buildings 9 through 14 shall be revised to provide for a minimum of 20-foot centerline offset. The centerline geometrics necessary to provide for this offset shall meet the minimum requirements as approved by the County Engineer; or reduce the number of units. (DRC: ZONING/ENG - Zoning)
7. Prior to the final DRC approval of the PDP/Site plans, the petitioner shall revise the plans to show a fountain in the center of each lake. (DRC/BLDG PERMIT:ZONING -Zoning)
8. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
 - a. Formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
 - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY - Zoning)

M. PLANNING

1. Prior to the issuance of the certificate of occupancy for the primary recreation building on the .65 acre recreation site, the petitioner shall mulch or pave a pedestrian trail fronting the recreation area and along the 2.85 acre lake area, excluding mulching or paving in front of the two (2) buildings that front the lake on its eastern boundary. In addition, at least two (2) benches shall be placed along the lake pathway. (CO: MONITORING-Planning)

N. SCHOOL

1. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, waste container, and bicycle rack. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: MONITORING-Eng.)
2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

**"NOTICE TO HOME BUYERS/TENANTS AND PARENTS
OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-School Board)

3. Prior to final DRC approval of the preliminary development/site plans, the petitioner shall revise the plans to indicate a minimum five (5) foot wide sidewalk. This sidewalk shall be provided along the north side of the western lake, and shall cross Corbett Road (with pedestrian crossing), and shall continue through the school property to the nearest entrance of the elementary school. The property owner/developer shall be responsible for the cost and installation of this sidewalk. (DRC: SCHOOL BOARD/ZONING-Zoning)

O. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or

- approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING:MONITORING-Zoning)