

RESOLUTION NO. R-2004- 2429

RESOLUTION APPROVING ZONING PETITION DOA1983-018B
(CONTROL NO. 1983018)
DEVELOPMENT ORDER AMENDMENT
PETITION OF LENNAR HOMES
BY LAND DESIGN SOUTH, AGENT
(BAYHILL ESTATES (AKA STONEWALL 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1983-018B was presented to the Board of County Commissioners at a public hearing conducted on November 18, 2004; and

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

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b 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 DOA1983-018B, the petition of Lennar Homes, by Land Design South, agent, for a Development Order Amendment to reconfigure master plan for a 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 shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 18, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner MARCUS 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:

Tony Masilotti, Chairman	-AYE
Addie L. Greene, Vice Chairperson	-AYE
Karen T. Marcus	-AYE
Jeff Koons	-AYE
Warren H. Newell	-ABSENT
Mary McCarty	-AYE
Burt Aaronson	-AYE

The Chair thereupon declared that the resolution was duly passed and adopted on November 18, 2004.

Filed with the Clerk of the Board of County Commissioners on 10th day of JANUARY, 2005

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: _____
DEPUTY CLERK

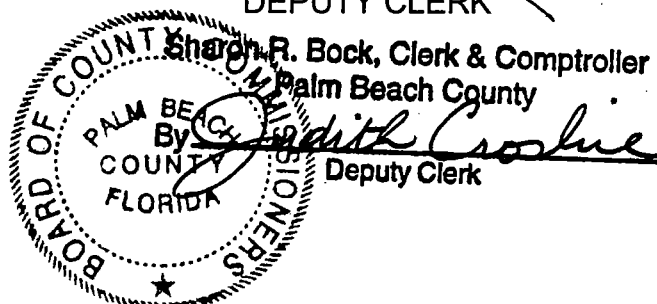


EXHIBIT A

LEGAL DESCRIPTION

ALL OF SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 60 FEET AND THE SOUTH 60 FEET OF THE WEST 1290 FEET OF THE EAST 1350 FEET; AND LESS THE LANDS LOCATED IN PLAT NO. 1 OF STONEWAL ESTATES P.U.D., AS RECORDED IN PLAT BOOK 47, PAGES 12 TO 17, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

AND LESS THE FOLLOWING DESCRIBED THREE (3) PARCELS:

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PLAT NO. 1 STONEWAL ESTATES P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGES 12 THROUGH 17, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 04°00'00" EAST, ALONG THE EAST BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET FOR A **POINT OF BEGINNING**;

THENCE, NORTH 41°00'00" WEST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 35.36 FEET; THENCE, NORTH 04°00'00" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 190.00 FEET; THENCE, NORTH 06°18'17" WEST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 111.80 FEET THENCE, NORTH 04°00'00" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 620.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 800.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, ALONG SAID EAST BOUNDARY, THROUGH A CENTRAL ANGLE OF 02°51'58", A DISTANCE OF 40.02 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 86°00'00" EAST, DEPARTING SAID BOUNDARY, A DISTANCE OF 391.00 FEET; THENCE, NORTH 04°00'00" EAST, A DISTANCE OF 791.56 FEET; THENCE, NORTH 89°48'51" EAST, ALONG A LINE 160 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 391.04 FEET; THENCE, SOUTH 04°00'00" WEST, A DISTANCE OF 550.00 FEET; THENCE, SOUTH 19°38'58" WEST, A DISTANCE OF 1046.76 FEET; THENCE, NORTH 86°00'00" WEST, A DISTANCE OF 220.00 FEET; THENCE SOUTH 12°39'31" WEST, A DISTANCE OF 250.00 FEET; THENCE, NORTH 86°00'00" WEST, A DISTANCE OF 195.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL 2

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PLAT NO. 1 STONEWAL ESTATES P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGES 12 THROUGH 17, INCLUSIVE, PUBLIC RECORDS PALM BEACH COUNTY, FLORIDA; THENCE, SOUTH 85°18'52" EAST, ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 200.00 FEET TO A POINT ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 50.00 FEET, AND WHOSE RADIUS POINT BEARS SOUTH 85°18'52" EAST, THENCE, SOUTHERLY AND EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 138°11'23", A DISTANCE OF 120.59 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 25.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 48°11'23", A DISTANCE OF 21.03 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 85°18'52" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 101.03 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1000.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 16°18'52", A DISTANCE OF 284.74 FEET TO THE END OF SAID CURVE; THENCE, SOUTH 24°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 35.36 FEET; THENCE, SOUTH 69°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET; THENCE, NORTH 21°00'00", EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 219.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, CONTINUING LONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 16°00'00, A DISTANCE OF 195.48 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 37°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 476.24 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 750.00 FEET; THENCE, NORTHERLY AND EASTERLY, ALONG SAID CURVE, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, THROUGH A CENTRAL ANGLE OF 57°00'00", A DISTANCE OF 746.13 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 86°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 930.00 FEET; THENCE, NORTH 04°00'00" EAST, CONTINUING ALONG THE BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET; THENCE, SOUTH 86°00'00" EAST, A DISTANCE OF 239.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET; THENCE, EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°11'23", A DISTANCE OF 21.03 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET; THENCE, EASTERLY AND SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 138°11'23", A DISTANCE OF 120.59 FEET TO THE END OF SAID CURVE, THENCE, SOUTH 04°00'00" WEST, A DISTANCE OF 459.64 FEET; THENCE, SOUTH 22°36'08" WEST, A DISTANCE OF 842.70 FEET; THENCE, SOUTH 75°08'05" WEST, A DISTANCE OF 1407.81 FEET; THENCE, SOUTH 64°42'05" WEST, A DISTANCE OF 285.59 FEET; THENCE, SOUTH 49°00'00" WEST, A DISTANCE OF 112.08 FEET; THENCE, NORTH 67°40'01" WEST, A DISTANCE OF 101.51 FEET; THENCE, SOUTH 57°27'16" WEST, A DISTANCE OF 305.24 FEET ; THENCE, SOUTH 14°32'22" EAST, A DISTANCE OF 89.64 FEET; THENCE, SOUTH 79°00'00" WEST, A DISTANCE OF 294.44 FEET; THENCE, NORTH 85°18'52" WEST, A DISTANCE OF 504.09 FEET; THENCE, NORTH 04°41'08" EAST, A DISTANCE OF 1207.72 FEET TO THE **POINT OF BEGINNING**.

PARCEL 3

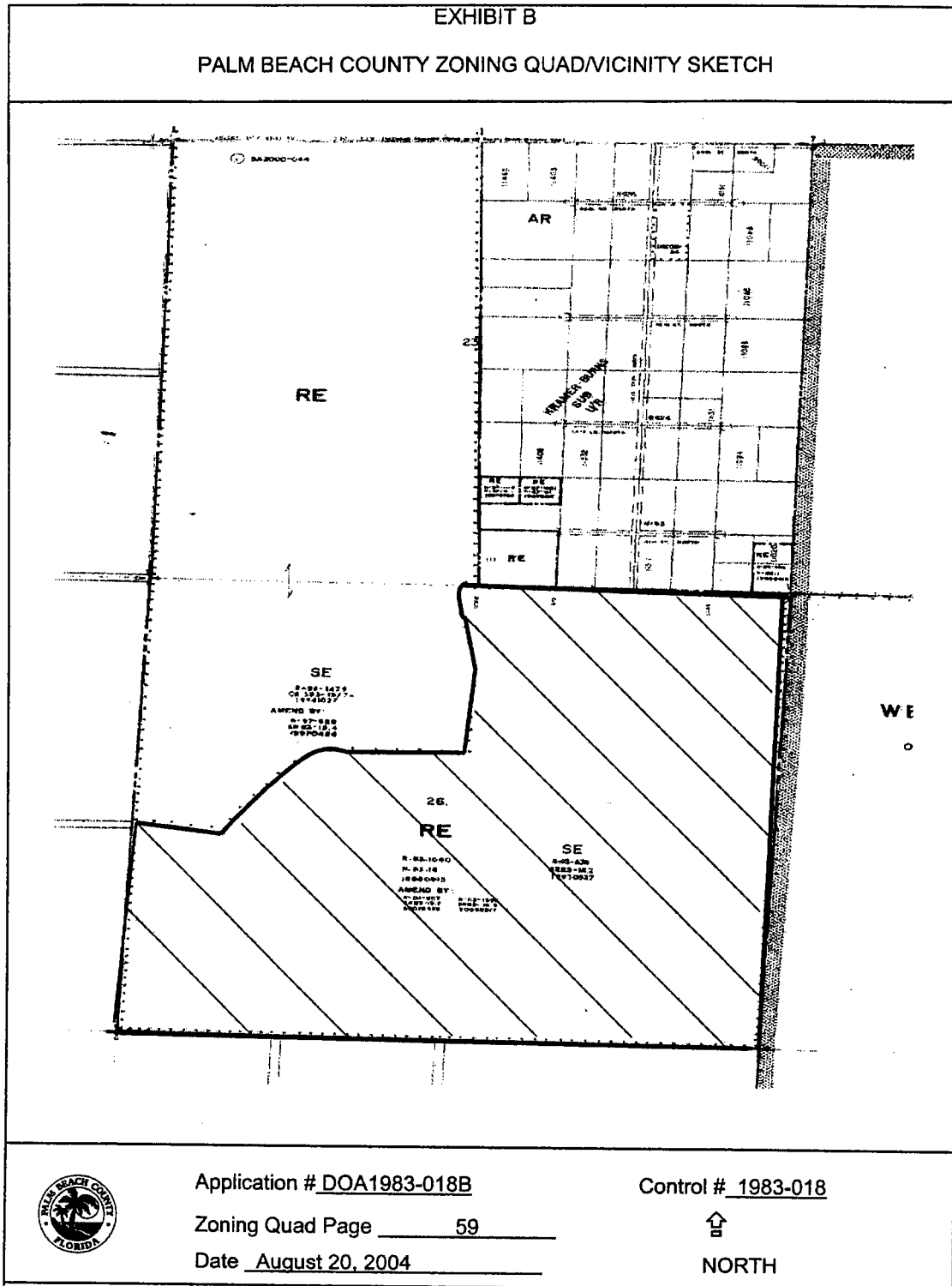
A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PLAT NO. 1 STONEWAL ESTATES P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 12 THROUGH 17, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH

COUNTY, FLORIDA; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST BOUNDARY OF SAID PLAT, A DISTANCE OF 50.00 FEET; THENCE NORTH 41 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE EAST BOUNDARY A DISTANCE OF 35.36 FEET; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 190.00 FEET; THENCE NORTH 06 DEGREES 18 MINUTES 17 SECONDS WEST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 111.80 FEET; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 620.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 800.00 FEET; THENCE NORTHERLY, ALONG SAID CURVE, ALONG SAID EAST BOUNDARY, THROUGH A CENTRAL ANGLE OF 02 DEGREES 51 MINUTES 50 SECONDS, A DISTANCE OF 40.02 FEET TO THE END OF SAID CURVE AND THE **POINT OF BEGINNING**; THENCE SOUTH 86 DEGREES 00 MINUTES 00 SECONDS EAST, DEPARTING SAID BOUNDARY, A DISTANCE OF 391.0 FEET; THENCE NORTH 04 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 160.00 FEET; THENCE NORTH 86 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 415.40 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF STONEWAL DRIVE, AS SHOWN ON SAID PLAT; THENCE SOUTHERLY ALONG THE SAID EAST RIGHT OF WAY LINE A DISTANCE OF 162.13 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

CONTAINING: 363.72 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Application # DOA1983-018B

Control # 1983-018

Zoning Quad Page 59



Date August 20, 2004

NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition 1 of Resolution R-2003-1396, Petition 1983-018, which currently states:

The petitioner shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-83-1041 (Petition 1983-018), R-93-638 (Petition 1983-018), R-94-1479 (Petition 1983-018), R-97-528 (Petition 1983-018), R-2001-607 (Petition 1983-018), and R-2003-1396 (Petition 1983-018) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

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 July 19, 2004. 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)
3. Condition 2 of Resolution R-2003-1396, Petition 1983-018, which currently states:

Prior to site plan approval for any portion of Phase 2 by the Development Review Committee, the master plan shall be amended and updated to current Unified Land Development Code requirements by the Board of County Commissioners. (DRO: ZONING – Zoning)

Is hereby deleted. Reason: [Code Requirement].

B. 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 25% upland set-aside equal to or greater than 3.00 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM - Erm)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (DRC: ERM - Erm)

4. **The property owner the area commonly referred to as Phase 2 of the approved Master Plan for Stonewall PUD shall work with Palm Beach County and the South Florida Water Management District to consider providing off-site mitigation, which shall be in accordance with the terms of the Settlement Agreement between the Phase 2 property owners and South Florida Water Management District, as amended. In addition, Phase 2 shall preserve an additional three (3) acres of upland preserve area. (PLAT: ENG – Erm) (Previous condition 1 of Resolution R-2001-0607, Petition 1983-018)**
5. **The developer shall preserve existing stands of significant native vegetation and shall not disturb these areas except for the installation of required drainage, roadway, building pad, golf course, and driveway improvements. (PLAT: ERM – Erm) (Previous condition 9 of Resolution R-1983-1041, Petition 1983-018)**

C. HEALTH

1. **The development shall be subject to any general policies adopted by the Board regarding septic tanks. (ONGOING: HEALTH – Health) (Previous condition 14 of Resolution R-1983-1041, Petition 1983-018)**
2. **The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ONGOING: HEALTH – Health) (Previous condition 11 of Resolution R-1983-1041, Petition 1983-018)**
3. **The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters. (ONGOING: HEALTH – Health) (Previous condition 12 of Resolution R-1983-1041, Petition 1983-018)**

D. PLANNING

1. **Prior to the issuance of a Certificate of Occupancy (CO), the property owner shall pave the property to the edge of the southern property line at the location shown on the site plan which reads "ROW to be paved to the property line for future access to Orange Boulevard". (CO: MONITORING - Planning)**
2. **Prior to final master plan approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the adjacent property at the southern portion of the site in a form acceptable to the County Attorney. (DRO: COUNTY ATTY-Planning)**

E. ENGINEERING

1. **The property owner shall convey to Palm Beach County, within ninety (90) days of approval, 60 feet from centerline for the ultimate right-of-way for Northlake Boulevard, approximately an additional 10 feet of right-of-way. (DATE: ENGINEERING - Eng) (Previous condition 1 of Resolution R-1983-1041, Petition 1983-018) [COMPLETE]**
2. **The developer shall construct, concurrent with the filing of the first plat:**
 - a) **Northlake Boulevard from the existing western paved terminus west to the project's west property line. (PLAT: ENGINEERING - Eng) [COMPLETE]**

- b) **On Northlake Boulevard at the project's entrance road, a left turn lane, east approach. (PLAT: ENGINEERING - Eng)**
- c) **At the intersection of Northlake Boulevard and S.R. 710 (and/or to be included in the plan preparation as outlined in Condition No. 5 below): (PLAT: ENGINEERING - Eng) (Previous condition 2 of Resolution R-1983-1041, Petition 1983-018)**
 - 1. **Left turn lane, north approach**
 - 2. **Right turn lane, north approach**
 - 3. **Left turn lane, south approach**
 - 4. **Right turn lane, south approach**
 - 5. **Left turn lane, east approach**
 - 6. **Right turn lane, east approach**
 - 7. **Left turn lane, west approach**
 - 8. **Right turn lane, west approach**
- 3. **The developer shall install signalization at the intersection of S.R. 710 and Northlake Boulevard, when warranted as determined by the County Engineer, but shall be no later than five (5) years after the issuance of the final certification of occupancy. (CO: MONITORING -Eng) (Previous condition 3 of Resolution R-1983-1041, Petition 1983-018)**
- 4. **The first plat shall not be filed until the property has been incorporated in the Indian Trail Water District and either:**
 - a) **The district has formally agreed to assume service responsibility for any drainage pumps to be temporarily used for drainage; or**
 - b) **Legal positive outfall has been obtained from the District and approved by the County Engineer. (PLAT: ENGINEERING - Eng) (Previous condition 4 of Resolution R-1983-1041, Petition 1983-018)**
- 5. **The developer shall prepare the construction plans for Northlake Boulevard as a 4-lane median divided section from a point 200 feet west of the west right-of-way of Beeline Highway through the intersection of Ryder Cup Boulevard including appropriate tapers per the County Engineer's approval. These plans to be compatible with the Department of Transportation's plans for Beeline Highway. These plans shall be completed and approved within 12 months of Special Exception approval. Aerial photographs shall be provided by the County Engineer's office on a reimbursable basis from the developer at the County's cost. (ENGINEERING) (Previous condition 5 of Resolution R-1983-1041, Petition 1983-018) [COMPLETE]**
- 6. **The developer shall contribute a total sum of \$375,000.00 toward the improvement of Northlake Boulevard, as follows:**
 - a) **The developer shall provide Palm Beach County with \$75,000.00 in work product in the form of construction plans (condition fulfilled).**
 - b) **The developer shall provide Palm Beach County with a total of \$300,000.00 on October 1, 1994, to be used toward the construction of Northlake Boulevard. The amount of payment made on October 1, 1994 shall be \$300,000.00, reduced by the traffic impact fees which have been paid previous to this date by development within the Stonewall Estates PUD. An account shall be established to accumulate traffic impact fees paid prior to October 1, 1994. It is the intent that the total of the impact fees and the cash paid on October 1, 1994 shall be \$300,000.00. (DATE: MONITORING - Eng) [COMPLETE]**

The existing surety for condition number 6 of Resolution R-83-1041 shall be replaced prior to October 1, 1992, with an irrevocable surety in a form acceptable to the County Engineer and in the amount of \$300,000.00, less the amount of impact fees already paid by building permits pulled within Stonewall Estates PUD. This irrevocable surety may be drawn on October 1, 1994 if cash payment is not made on that date. The cash payment made on October 1, 1994, shall be used as credit toward future traffic impact fees, paid by development within the Stonewall Estates PUD. (DATE: MONITORING - Eng) (Previous condition 6 of Resolution R-1983-1041, Petition 1983-018) [COMPLETE]

7. **The developer shall provide surety per the County Engineer's approval to guarantee the above said work contribution, as outlined in Condition No. 6 above. Surety shall be phased as follows:**
 - a. **Phase I – 253 lots time \$764/lot less the cost of said plans to be paid at the time of the filing of the first plat. (PLAT: ENGINEERING - Eng)**
 - b. **Phase II – Surety for the balance shall be posted commensurate with the filing of the Phase II plat. (PLAT: ENGINEERING - Eng)**

All work as outlined in Conditions No. 6 and 7, shall be accomplished within four (4) years of Special Exception approval. (ENGINEERING) (Previous condition 7 of Resolution R-1983-1041, Petition 1983-018)

8. **If 4a above is utilized and the first plat filed, legal outfall must be obtained prior to platting of more than 253 lots referenced in 4b. (PLAT: ENGINEERING - Eng) (Previous condition 8 f Resolution R-1983-1041, Petition 1983-018) [COMPLETE]**
9. **The developer shall maintain at his own expense the shellrock portion of Northlake Boulevard between the project's entrance; and the existing pavement in a condition acceptable to the County Engineer, during the period of construction of this development. (ONGOING: ENG – Eng) (Previous condition 15 of Resolution R-1983-1041, Petition 1983-018)**
10. **The property owner of Phase 2 shall cooperate with Palm Beach County in aligning an extension of Royal Palm Beach Boulevard to Northlake Boulevard. (ONGOING: ENG – Eng) (Previous condition 2 of Resolution R-2001-0607, Petition 1983-018)**
11. **Upon resolution of the foregoing, Phase 2 property owners shall amend the Preliminary Development Plan to conform to these agreements. In the event the alignment is not established prior to November 11, 2001, the phase 2 property owners shall be relieved of any obligation relative to the extension of Royal Palm Beach Boulevard. Any areas to be mitigated on-site shall be dedicated to the Property owners Association and a conservation easement granted to South Florida Water Management District. (ONGOING: ENG – Eng) (Previous condition 3 of Resolution R-2001-0607, Petition 1983-018)**
12. **In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:**

No Building Permits for Phase 2 may be issued after September 23, 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 Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng)

13. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the PUD Entrance and Northlake Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. Building Permits for Phase 2 (Petition 1983-018B) shall not be issued until the developer provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMITS PHASE 2 :MONITORING - Eng).
14. CONVEYANCE OF RIGHT OF RIGHT OF WAY – Orange Boulevard
The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Orange Boulevard, 40 feet from centerline plus additional right of way to provide for a guardrail pad. All right of way shall be conveyed prior to January 1, 2006. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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 also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes 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 witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING -Eng)
15. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Orange Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)
16. On or before January 1, 2006, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Orange Boulevard along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed

drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

17. LANDSCAPE WITHIN THE MEDIAN OF NORTHLAKE BOULEVARD

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a) 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)
- b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- c) At petitioners 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. (ONGOING: ENGINEERING - Eng)
- d) Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Northlake Boulevard. 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. (ONGONG: ENGINEERING - Eng)

18. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)

19. The Property owner shall construct Orange Boulevard from Royal Palm Beach Boulevard to the projects entrance road. Construction of Orange Boulevard shall be to local street standards, minimum 2-10 foot travel lanes, including a pedestrian pathway on both the north and south side. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid

by the property owner. These costs shall include, but are not limited to, utility relocations, required drainage and any additional required right-of-way.

- a. Permits required by Indian Trail Water Control District for this construction shall be obtained prior to the issuance of the first Building Permit for phase 2 of the site. (BLDG PERMIT: MONITORING-Eng)
- b. Construction for Orange Boulevard shall be completed prior to the issuance of the first Certificate of Occupancy for phase 2 of the site. (CO: MONITORING-Eng)

20. **LANDSCAPE WITHIN THE RIGHT OF WAY OF ORANGE BOULEVARD**

The petitioner shall design, install and perpetually maintain landscaping and irrigation within the Right of Way of Orange Boulevard from Royal Palm Beach Boulevard to the projects entrance road. Landscaping within this right of way shall be consistent with the proposed perimeter buffers for phase 2 of the development. Landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit for phase 2 of the site. (BLDG PERMIT: MONITORING-Eng)
- b) All installation of this right of way landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy for phase 2 of the site. (CO: MONITORING -Eng)

F. **PREM**

1. **The developer or his successor shall reserve the civic site for a period of ten (10) years, for dedication without cost to any governmental agency which may require said property subject the consent of the Board of County Commissioners. After said ten (10) year period, the developer or his successor may develop the property for any civic, institutional, educational, or recreational purpose subject to site plan approval. (ONGOING: PREM – Prem) (Previous condition 10 of Resolution R-1983-1041, Petition 1983-018)**

G. **PLANNED UNIT DEVELOPMENT**

1. Prior to final master/site plans approval by the Development Review Officer (DRO), in order to comply with Recommendation #4 (page 52) from the Western Northlake Corridor Land Use Study and Rural Tier policies of the Comprehensive Plan, the property owner shall provide street cross-section details depicting shaded sidewalks planted for pedestrian and bicycle circulation along all internal roadways in Phase II. Street shade trees shall be required within all street tracts and/or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets less than fifty (50) feet in width;
 - b. along both sides of all internal PUD streets fifty (50) feet in width or greater; and,
 - c. The trees shall be native, and shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and shall be spaced a maximum distance of thirty (30) feet. (DRO: PLANNING/ZONING/ENG - Zoning)

2. Prior to final master/site plan approval by the Development Review Officer (DRO), the master/Site plans shall be amended to indicate a minimum of two (2) fountains within the northernmost lake tract. The Master Plan/Site Plan shall also indicate a minimum of one (1) fountain in the southernmost lake tract. (DRO: ZONING – Zoning)
3. Prior to final master/site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate decorative paving (pre-cast concrete paver blocks or stamped concrete) within all cul-de-sacs and/or eyebrows and all T-intersections. This paving shall:
 - a. consist of the same paving material and treatment throughout the site;
 - b. cover the entire area of the applicable drive aisle surface; and
 - c. dimensions are subject to review and approval by the Development Review Officer (DRO).
(DRO: DRO/ZONING – Zoning)
4. Prior to final approval of the master/site plans by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a landscaped focal point within all eyebrow/cul-de-sac islands. Each landscaped focal point shall be subject to review and approval by the Landscape Section. (DRO: DRO/LANDSCAPE – Zoning)
5. Recreation uses provided in accordance with Section 3.E.2.B.2.e of the ULDC shall be located on a minimum of 0.1 acres and a minimum width of 50 feet, and shall be located within designated Home Owners Association recreation tracts (neighborhood parks) in the PUD as shown on the site plan dated July 19, 2004. A minimum of three (3) neighborhood parks shall be provided in the PUD. The neighborhood parks 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 Development Review Officer (DRO). The neighborhood parks 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. (DRO: ZONING – Zoning)
6. Condition 4 of Resolution R-2001-0607, Petition 1983-018, which currently states:

Phase 2 property owners shall adhere to all ULDC development standards. (DRO: Zoning – Zoning)

Is hereby deleted: Reason: [Code requirement].

H. WATER UTILITIES

1. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall enter into a Standard Development Agreement with Palm Beach County Water Utilities Department (PBCWUD). (DRO:PBCWUD-PBCWUD)

I. 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 Article 2.E 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. (ONGOIGN: MONITORING - Zoning)