

RESOLUTION NO. R-2005-1624

RESOLUTION APPROVING ZONING APPLICATION TDD2004-1024
(CONTROL NO. 2004-471)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF BOYNTON BEACH ASSOC X LLLP
BY KILDAY & ASSOCIATES, INC., AGENT
(CANYONS TOWN CENTER TMD)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application TDD2004-1024 was presented to the Board of County Commissioners at a public hearing conducted on August 25, 2005; 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; contingent upon the approval of Large Scale Development Amendment No. LGA2005-00004;
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 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; 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 2.K.3.b (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 Application TDD2004-1024, the application of Boynton Beach Associates X LLLP by Kilday & Associates, Inc., agent, for an Official Zoning Map Amendment from the Agricultural Reserve Zoning District to the Traditional Marketplace 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 August 25, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chairman thereupon declared that the resolution was duly passed and adopted on August 25, 2005.

Filed with the Clerk of the Board of County Commissioners on 25th day of August, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DEVELOPABLE AREA:

A PORTION OF TRACTS 12 THROUGH 16, AND TRACTS 17 THROUGH 21, INCLUSIVE, ALL LYING WITHIN BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT "BT3", CANYON LAKES-PLAT SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 103, PAGES 27 THROUGH 37, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°23'24" WEST, ALONG A LINE 155.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 54, A DISTANCE OF 140.04 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 15,155.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 425.56 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 248.87 FEET; THENCE NORTH 11°29'49" EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 373.29 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 12 THROUGH 16, A DISTANCE OF 1,319.95 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 117.04 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 12, A DISTANCE OF 436.47 FEET; THENCE SOUTH 01°18'14" EAST, A DISTANCE OF 812.54 FEET; THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 99.22 FEET; THENCE NORTH 00°23'24" WEST, A DISTANCE OF 2.18 FEET; THENCE SOUTH 89°26'03" WEST, ALONG THE NORTH LINE OF CANYON LAKES - PLAT SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 103, PAGES 27 THROUGH 37, SAID PUBLIC RECORDS AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 1220.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.550 ACRES, MORE OR LESS.

100' RURAL PARKWAY EASEMENT (PRESERVE PARCEL):

A PORTION OF TRACTS 16 AND TRACTS 17, BLOCK 54, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 17; THENCE NORTH 00°23'24" WEST, ALONG THE WEST LINE OF SAID TRACT 17, A DISTANCE OF 57.88 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°23'24" WEST, ALONG A LINE 30.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 16 AND 17, A DISTANCE OF 140.34 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 15,055.00 FEET ; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 422.75 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 260.70 FEET; THENCE NORTH 11°29'49" EAST, A DISTANCE OF 51.42 FEET;

THENCE NORTH 01°59'56" WEST, A DISTANCE OF 363.28 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 16, A DISTANCE OF 100.02 FEET; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 373.29 FEET; THENCE SOUTH 11°29'49" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 248.87 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 15,155.00 FEET ; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 425.56 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 140.04 FEET; ALONG A LINE 30.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 16 AND 17, THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.844 ACRES, MORE OR LESS.

20.224 ACRE SITE (PRESERVE PARCEL):

A PORTION OF TRACTS 19 THROUGH 24, 41 THROUGH 46 AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 24; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 24, A DISTANCE OF 63.55 FEET; THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°23'24" EAST, ALONG WEST RIGHT-OF-WAY LINE OF ACME DAIRY ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 16665, PAGE 1533, SAID PUBLIC RECORDS, A DISTANCE OF 551.75 FEET; THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 1,608.78 FEET; THENCE NORTH 00°08'58" WEST, ALONG THE EAST LINE OF CANYON LAKES-PLAT SIX, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 103, PAGES 27 THROUGH 37, SAID PUBLIC RECORDS, A DISTANCE OF 178.73 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 70.11 FEET; THENCE NORTH 00°12'45" WEST, A DISTANCE OF 97.39 FEET; THENCE SOUTH 89°51'02" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH 00°08'58" WEST, ALONG SAID EAST LINE OF CANYON LAKES-PLAT SIX, A DISTANCE OF 277.31 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 367.22 FEET, THENCE SOUTH 00°23'24" EAST, ALONG A LINE 30.78 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 21, A DISTANCE OF 2.18 FEET; THENCE NORTH 89°26'03" EAST, A DISTANCE OF 1,239.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.224 ACRES, MORE OR LESS.

SCHOOL SITE & RESIDUAL PARCEL (PRESERVE PARCEL):

A PORTION OF TRACTS 9 THROUGH 12 AND TRACTS 21 THROUGH 24, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 24; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 24, A DISTANCE OF 63.55 FEET, THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°26'03" WEST, A DISTANCE OF 1140.00 FEET; THENCE NORTH 01°18'14" WEST, A DISTANCE OF 812.54 FEET; THENCE NORTH 00°23'24" WEST, ALONG A LINE 117.04 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 12, A DISTANCE OF 436.47 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 9 THROUGH 12, A DISTANCE OF 1,174.79 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ACME DAIRY ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16665, PAGE 1533, SAID PUBLIC RECORDS; THENCE SOUTH 01°02'47" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES, A DISTANCE OF 868.50 FEET; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 388.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.257 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

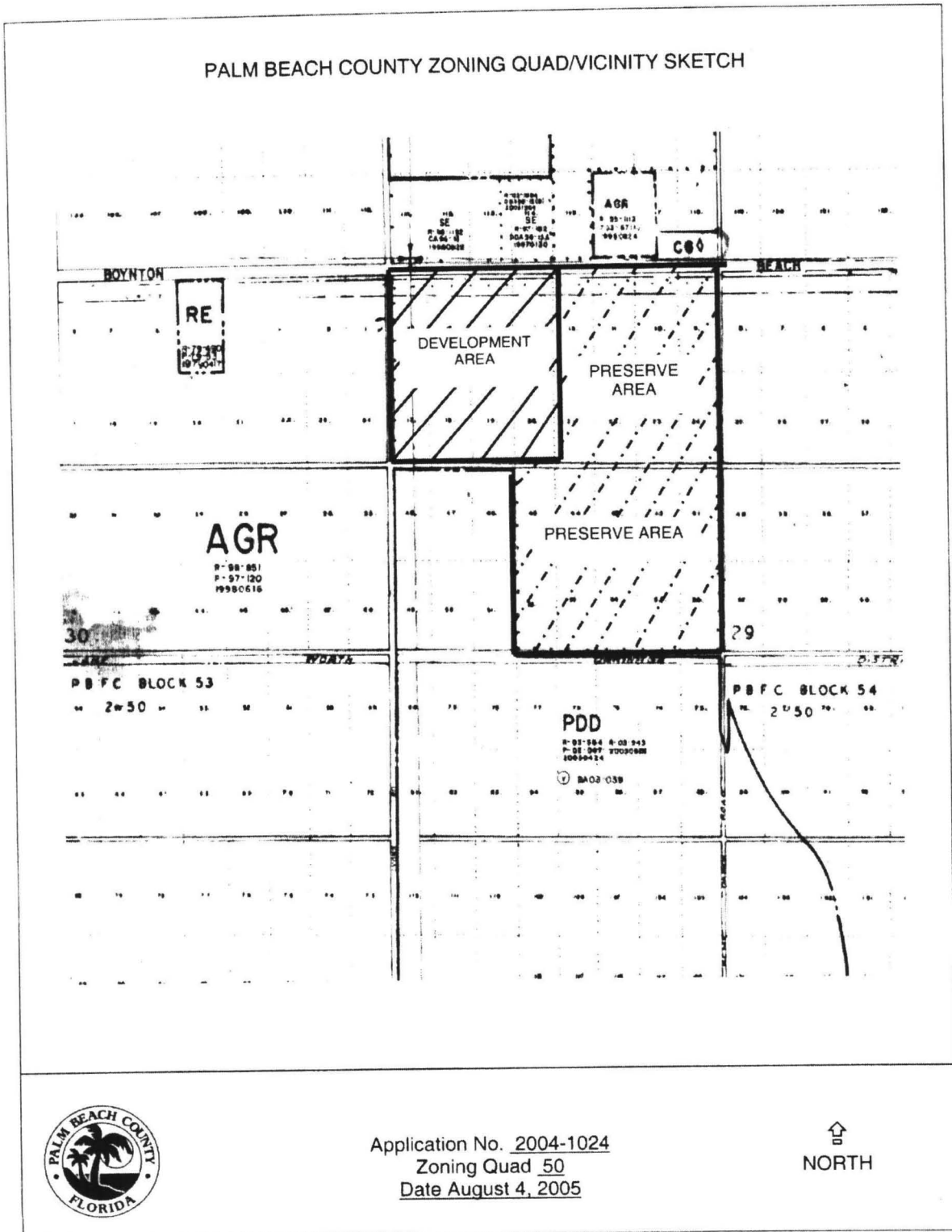


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved Site Plan is dated June 27, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval, are in accordance with the ULDC, or are authorized by a variance granted in accordance with Article 2.B.3. of the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), architectural elevations for all buildings and structures shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations shall be designed to be consistent with ULDC Articles 5.C, 3.F.4.D.3. and 3.F.4.D.9., and shall reflect a character that is generally consistent with the elevations prepared by BEAME Architectural Partnership dated May 23, 2005. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all conditions of approval, and all ULDC requirements. This condition shall apply to Pod A only. (DRO: ZONING-Arch Review)
2. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ZONING-Arch Review)
3. Each residential dwelling unit shall include a garage that exceeds the minimum residential parking dimensions or a separate storage closet for trash receptacles, as deemed acceptable to the Architectural Review Section. This condition shall not apply to the units that are vertically integrated into the commercial use. (DRO:ZONING-Arch Review)

BUILDING AND SITE DESIGN

1. To ensure consistency with the site plan presented to the Board of County Commissioners and dated June 27, 2005, no more than ten (10) percent of the total approved square footage for each building shall be relocated to portions of the site not previously covered. This condition shall apply to Pod A only. (DRO: ZONING - Zoning)
2. The service area at the west facade of Building 3 shall be designed to include the following:
 - a. a screening wall with a minimum height of eleven (11) feet measured from finished grade to highest point shall be provided for the entire length of this area. These walls shall be architecturally consistent with the building;
 - b. a decorative door, gate, or other acceptable means of screening shall be provided along the entire length of the southeast side of this area, connected to the wall. This screening feature shall remain closed when this service area is not in use;

- c. planting areas with a minimum width of eight (8) feet shall be provided along no less than sixty (60) percent of the length of the screening wall;
 - d. the final design and details including landscaping for this service area shall be subject to review and approval by the Architectural Review and Landscape Section. (DRO: ZONING-Arch Review/Landscape)
3. Decorative gates, doors or other acceptable means of screening shall be provided for the opening to the service areas of Buildings 4, 6, 7, 10 and 11. These screening walls/features shall:
- a. have a minimum height of eight (8) feet measured from finished grade to highest point;
 - b. be architecturally consistent with the building;
 - c. remain closed when the service areas are not in use; and,
 - d. be subject to review and approval by the Architectural Review Section. (DRO: ZONING-Arch Review)
4. Prior to final approval by the Development Review Officer (DRO), the design and detail for the following amenities shall be subject to review and approval by the Architectural Review Section and reflected on the Regulating Plan:
- a. plazas;
 - b. pedestrian gathering areas;
 - c. water features;
 - d. architectural focal points;
 - e. bus shelters;
 - f. trellis;
 - g. entry features;
 - h. signage;
 - i. street furniture; and,
 - j. freestanding light fixtures.

All amenities shall be designed to be compatible with the architectural character of the principle buildings and to establish a consistent theme for the project. (DRO: ZONING-Arch Review)

5. Prior to final approval by the Development Review Officer (DRO), the site/regulating plan shall include a tot lot, fitness station, rest station, or similar recreation amenity that is acceptable to the Zoning Division within the Plaza #3 located adjacent to the multifamily residential buildings. This amenity shall be directly accessible from a paved pedestrian pathway. (DRO: ZONING - Zoning)
6. Prior to submittal for the first building permit for Pod B, architectural elevations for all buildings and structures within Pod B shall be submitted to the Architectural Review Section for final approval. All buildings shall be designed to be consistent with ULDC Articles 5.C, 3.F.4.D.3. and 3.F.4.D.9., and shall be generally consistent with the architectural character of Pod A. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all conditions of approval, and all ULDC requirements. (DRO:ZONING-Arch Review)

ENGINEERING

1. The property owner shall be restricted to the following phasing schedule:
 - a. Building Permits for more than 156,535 square feet of general commercial leasable floor area, the equivalent of 402 pm peak hour trips, shall not be issued until the contract has been awarded for intersection improvements at West Atlantic Avenue and SR 7 providing for:
 - a) an additional north approach through lane
 - b) an additional south approach through lane
 - c) an additional east approach right turn lane

The length of the through lanes shall be sufficient to provide for a full lane capacity. Final determination of the length shall be subject to the approval of the Florida DOT and the County Engineer.

BLDG PERMIT: MONITORING-Eng)

- b. Building Permits for more than the following land uses and maximum floor areas:
156,535 gross general commercial leasable floor area, the equivalent of 772 pm peak hour trips,
4971 day care,
3115 square feet post office
39 multi family dwelling units,
7853 square feet Quality Restaurant,
2700 square feet office,
9725 square feet library

shall not be issued until contract has been awarded for the construction of a second south approach through lane and a second north approach through lane at Boynton Beach Boulevard and Hagen Ranch Road. The length of these through lanes shall be sufficient to provide for a full lane capacity. Final determination of the length shall be subject to the approval of the Florida DOT and the County Engineer.

(BLDG PERMIT: MONITORING - Eng)

2. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING-Eng)
3. No Building Permits for the site shall be issued after January 1, 2010. 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.E of the Unified Land Development Code. (DATE: MONITORING-Eng)
4. The mix of allowable uses and sizes as permitted by the Zoning Division, listed above 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. (ONGOING)
5. Acceptable surety required for the offsite road improvements as outlined in Condition No. 1.a and 1.b shall be posted with the Office of the Land

Development Division on or before February 25, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

6. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG Eng)
7. Prior to July 15, 2006, the property owner shall complete construction plans for all improvements identified in Condition No. 1.a and 1.b above. These construction plans shall be approved by the Florida Department of Transportation for 1a and the County Engineer work identified in 1b. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Any additional required right of way shall also be acquired for these intersection improvements. (DATE: MONITORING-Eng)
8. Prior to July 15, 2007, the property owner shall complete construction for all improvements identified in Condition No. 1a. and 1.b. above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING Eng)
9. The Property owner shall construct:
 - A. Left turn lane north approach on Lyons Road at the Project's south Entrance.
 - B. Right turn lane south approach on Lyons Road at the Project's north Entrance
 - C. Right turn lane west approach on Boynton Beach Boulevard at the Project's east Entrance.
 - D. Right turn lane west approach on Boynton Beach Boulevard at the Project's west Entrance
 - E. left turn lane east approach and associated restricted median opening to permit left-ins only on Boynton Beach Boulevard at the Project's east Entrance.

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 and acquisition of any additional required right-of-way.

- a) Permits required by Palm Beach County and the Florida Department of Transportation shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- b) Construction for these onsite improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

10. The location of back-out angled parking on the main streets in the TMD is subject to review and approval by the County Engineer, and may be required to be removed or relocated prior to final DRO approval. (DRO: ENGINEERING- Eng)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH/CODE ENF)
2. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: HEALTH-ERM/Health)
3. Prior to the issuance of the first building permit the property owner shall submit a detailed written plan acceptable to the Palm Beach County Health Department for the control of fugitive dust particulates on the site during all phases of site development. The property owner or the representative of the property owner shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING-HEALTH)

ZONING - LANDSCAPING-STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: Three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING-Landscape)
2. All palms required to be planted on the property 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. (BLDG PERMIT: ZONING-Landscape)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: ZONING-Landscape)

4. Field adjustment of wall, fence, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: ZONING-Landscape)
5. At time of submittal for final approval by the Development Review Officer (DRO), a landscape plan(s) for the Development Area shall be submitted simultaneously with the site plan for review and approval. All associated details shall be:
 - a. generally consistent with those presented on the Regulating Plan dated June 27, 2005;
 - b. depict any necessary modifications to required foundation plantings that may result from Engineering Condition 10; and
 - c. subject to review and approval by the Landscape and Architectural Review Sections. (DRO: ZONING -Arch Review/Landscape)

ZONING - LANDSCAPING-INTERIOR

1. A divider median shall be provided between each adjacent lane of any drive-thru as follows:
 - a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries of an overhead canopy;
 - b. the portion of this median that extends beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
 - c. the portion of this median lying beneath the overhead canopy shall be surfaced with brick, precast paver block, or other decorative paving surface. (DRO: ZONING - Zoning)
2. Paving treatment shall be provided for all Plazas main street and pedestrian crossings. The treatment shall be either one of the following options or combined options, details shall be subject to the review and approval by the Architectural Review Section at final approval by the Development Review Officer (DRO):
 - a. decorative concrete paver block ;
 - b. stamped concrete;
 - c. concrete with bands of decorative paver block at intervals; and,
 - d. or any other paving materials acceptable to the Zoning Division. (DRO:ZONING-Architectural Review)

ZONING - LANDSCAPING-PERIMETER OF DEVELOPMENT AREA

1. In addition to ULDC requirements, landscaping for the north, south and east property lines of the development area shall be upgraded to include:
 - a. a minimum of one (1) palm for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: ZONING-Landscape)

ZONING - LANDSCAPING-ZONING LANDSCAPING FOR THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA

1. Landscaping for the west property line of the development area that are required by the ULDC shall be allowed to transfer as additional planting to the other perimeter landscape buffers or interior landscaping:
 - a. subject to review and approval of an Alternative Landscape Plan by the Landscape Section; and,
 - b. a hedge with a minimum height of six (6) feet at installation shall be provided along the area where parking spaces for Buildings 8 and 9 abut the Rural Parkway. (BLDG PERMIT:ZONING-Landscape)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor, freestanding lighting fixtures shall be extinguished no later than one (1) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material or street lighting. (ONGOING: CODE ENF - Zoning)

PLANNING

1. Prior to final plan approval by the Development Review Officer (DRO), the applicant shall update the approved Rural Parkway Landscape Plan for the portion of the plan bordering Canyons Town Center TMD to indicate the location of plant material relocated from the TMD landscape buffer. All new material shall include a minimum of 60% native shrubs and a minimum of 90% native trees and palms. (DRO: PLANNING - Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a "Preservation Area/Proposed Uses" notes section on page 1 of the site plan and include the following:
 - a. The preservation areas approved as part of Application # 2004-1024 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture or equestrian purposes;
- 2) Civic purposes, such as public schools, public park, governmental services, libraries and/or fire stations;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the AgR-TMD if approved by the

- Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
 - 5) Other uses as permitted by the required conservation easements;
 - 6) Other uses as may be permitted within the protected area of an AgR-TMD consistent with the Comprehensive Plan and the Unified Land Development Code. (DRO/ONGOING: PLANNING-Planning)
3. Prior to plat recordation for the Canyons Town Center TMD development area, the conservation easements for all of the Preservation parcels (with the exception of any Preservation parcels owned by Palm Beach County) shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.
 - a. The conservation easements for all of these preserve parcels shall contain:
 - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - 2) a list of permitted uses, uses not permitted, and prohibited activities.
 - b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning)
 4. Should conservation easements not be recorded for the Preservation properties (with the exception of any Preservation parcels owned by Palm Beach County) in a form acceptable to the County Attorney prior to July 1st, 2008, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning)
 5. Prior to the issuance of a Certificate of Occupancy for any buildings on site, the property owner shall complete construction of the Rural Parkway according to the approved landscape plan. (CO: MONITORING - Planning)
 6. Development on the site shall be limited to a maximum of 259,300 square feet of non-residential uses and 93 dwelling units. (ONGOING:PLANNING-Planning)

SCHOOL BOARD

1. 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 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)

2. 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. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING SCHOOL BOARD/ENG- School Board.)

SIGNS

1. Entrance signs (development identification) shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. maximum sign face area per side seventy (70) square feet;
 - c. maximum number of signs one (1) at any one access point for a total of two (2) for the entire development;
 - e. location each sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive;
 - f. signs shall be limited to project identification of the non-residential portion of the development only; and,
 - g. shall be designed generally consistent with the detail as shown on the Canyons Town Center Signage graphics A-10.(BLDG PERMIT: BLDG - Zoning)
2. Wall signs shall be limited to any two (2) facades of each building and individual lettering size shall be limited to twenty-four (24) inches high, subject to compliance with all applicable ULDC requirements. Single tenant that exceeds 25,000 square feet may increase lettering size to thirty-six (36) inches. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

TRADITIONAL MARKETPLACE DEVELOPMENT

1. Prior to the recordation of the first plat, all property included in the legal description for the development area of this application 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 indoor recreation space shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover to the POA/HOA, the indoor recreation space 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 traditional development. This Declaration shall be amended when additional units or square footage is added to the TMD; and
 - d. This condition shall apply to Pod A only. (PLAT: CO ATTY - Zoning)
2. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, and site plans a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on August 25, 2006, and shall continue on an annual basis until all residential units within the development have been sold or the property owner relinquishes control to a homeowners association. (DATE: MONITORING - Zoning)

USE LIMITATIONS

- 1. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property. (ONGOING: CODE ENF-Zoning)
- 2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. This condition shall not apply to permissible commercial vehicles associated with a residential dwelling unit. (ONGOING: CODE ENF - Zoning)
- 3. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property excluding events authorized by Special Permit. (ONGOING: CODE ENF - Zoning)

UTILITIES

- 1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: UTIL-Util)

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

- b. approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- c. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- d. 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
- e. Referral to code enforcement; and/or
- f. 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. (ONGOING: MONITORING - Zoning)