

RESOLUTION NO. R-2006-2327

RESOLUTION APPROVING ZONING APPLICATION DOA2005-1698  
(CONTROL NUMBER 2004-250)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF BOCA RATON ASSOCIATES, VI, LLLP  
BY KILDAY & ASSOCIATES, INC., AGENT  
(DUBOIS AGR 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 Application DOA2005-1698 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2006; 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 Application DOA2005-1698, the petition of Boca Raton Associates, VI, LLLP, by Kilday & Associates, Inc., agent, for a Development Order Amendment to reconfigure the master plan to change housing type (single-family units to zero lot line units) and exceed the 30% maximum allowable transfer of density within the PUD 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 October 26, 2006, 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, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of October, 2006.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR JOHNSON PARCEL:

BEING TWO PARCELS OF LAND IN THE EAST HALF OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00°54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2810.27

FEET TO THE EAST QUARTER CORNER OF SECTION 1 AS MARKED BY A ROD AND

CAP IN CONCRETE SET BY ADAIR AND BRADY, INC., IN 1982; THENCE SOUTH 89°29'13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 84.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING OF SAID PARCEL 1; THENCE CONTINUE SOUTH 89°29'13" WEST ALONG SAID QUARTER SECTION LINE 2550.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE SOUTH 00°53'54" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 2571.20 FEET TO

THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION

1, THENCE NORTH 89°37'37" EAST ALONG THE SOUTH LINE OF SECTION 1, A DISTANCE OF 2562.59 FEET TO THE SAID WEST RIGHT-OF-WAY LINE OF SR 7, THE SOUTHEAST CORNER OF SECTION 1 BEING 72.40 FEET EAST HEREOF; THENCE NORTH 01°10'24" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 2577.57 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00°54'39" EAST (STATE PLANE GRID BEARING DATUM) ALONG THE EAST LINE OF SECTION 1, A DISTANCE OF 2810.27 FEET TO THE EAST QUARTER CORNER OF SECTION 1 AS MARKED BY A ROD AND CAP IN CONCRETE SET BY ADAIR & BRADY, INC., IN 1982 THENCE SOUTH 89°29'13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 84.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS RECORDED IN ROAD PLAT BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND TO THE POINT OF BEGINNING OF SAID PARCEL 2: THENCE SOUTH 89°29'13" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, A DISTANCE OF 2550.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1; THENCE NORTH

00°53'54" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4 OF SECTION 1, A DISTANCE OF 112.08 FEET TO A 4" SQUARE CONCRETE MONUMENT SET BY ADAIR & BRADY, INC., ON THE AGREEMENT LINE BETWEEN

SPANISH RIVER PRESBYTERIAN CHURCH, INC., AND OSCAR JOHNSON IN 1995; THENCE NORTH 89°28'27" EAST ALONG SAID AGREEMENT LINE, 2549.63 FEET TO A 4" SQUARE CONCRETE MONUMENT SET BY ADAIR & BRADY, INC., IN 1995 ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 7; THENCE SOUTH 01°10'24" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 112.66 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

PARCEL 1 (STJ PROPERTIES PARCEL RECORDED IN OR 8211 / 1074):  
A PARCEL OF LAND IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 00°39'00" WEST ALONG THE EAST LINE OF SAID SECTION 1 (THE EAST LINE OF SAID SECTION 1 IS ASSUMED TO BEAR NORTH 00°39'00" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 2232.20 FEET TO A POINT; THENCE SOUTH 89°53'00" WEST A DISTANCE OF 80.81 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP 93210-2101 AND THE POINT OF BEGINNING OF THE HEREAFTER DESCRIBED PARCEL; THENCE SOUTH 89°53'00" WEST A DISTANCE OF 1244.42 FEET TO A POINT; THENCE NORTH 00°51'57" WEST A DISTANCE OF 351.16 FEET TO A POINT; THENCE NORTH 89°59'02" EAST A DISTANCE OF 1244.45 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE SOUTH 00°51'57" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 348.98 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (SOUTHERN BELL PARCEL RECORDED IN OR 3983 / 1966):  
NORTH 50 FEET OF THE EAST 340 FEET OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 (STATE ROAD 199) U.S. 441.

PARCEL 3 (DOT PARCEL RECORDED IN DB 642 / 332):  
THAT CERTAIN PROPERTY CONVEYED TO THE STATE ROAD DEPARTMENT OF THE STATE OF FLORIDA BY QUIT-CLAIM DEED RECORDED IN DEED BOOK 642, PAGE 332, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4 (441 TAKING):  
A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST: THENCE NORTH 89°00'30" EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 0.787 METER (2.58 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210.2524; THENCE NORTH 01°05'04" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.170 METERS (0.56 FEET); THENCE NORTH 01°14'38" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 30.644 METERS (100.54 FEET); THENCE SOUTH 88°45'22" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 01°14'38" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 30.484 METERS (100.01 FEET) TO A POINT ON THE SOUTH LINE OF SAID SECTION 1; THENCE SOUTH 89°36'16" WEST ALONG THE SOUTH LINE OF SAID SECTION 1, A DISTANCE OF 48.771 METERS (160.01 FEET); THENCE NORTH 01°14'38" WEST ALONG A LINE



71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 30.484 METERS (100.01 FEET); THENCE NORTH 89°36'16" EAST, A DISTANCE OF 48.771 METERS (160.01 FEET) TO THE POINT OF BEGINNING.

PARCEL 5 (441 TAKING):

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND COUNTY BRASS DISC IN CONCRETE MARKING THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 89°00'30" EAST ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 0.787 METERS (2.58 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE NORTH 01°05'04" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.170 METERS (0.56 FEET); THENCE NORTH 01°14'38" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 30.644 METERS (100.54 FEET); THENCE SOUTH 88°45'22" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 7 (U.S. 441); THENCE NORTH 01°14'38" WEST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 15.242 METERS (50.01 FEET) TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'16" WEST, A DISTANCE OF 48.771 METERS (160.01 FEET); THENCE NORTH 01°14'38" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 633.251 METERS (2,077.59 FEET); THENCE NORTH 89°27'42" EAST, A DISTANCE OF 48.769 METERS (160.00 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 01°14'38" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 633.373 METERS (2,077.99 FEET) TO THE POINT OF BEGINNING.

PARCEL 6 (441 TAKING):

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT "B", "PLAT OF S.T.J. PROPERTIES, INC.", AS RECORDED IN PLAT BOOK 73, PAGE 178 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID CORNER BEING A FOUND CONCRETE MONUMENT WITH NAIL & TABS; THENCE SOUTH 89°33'21" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 1.621 METERS (5.32 FEET); THENCE NORTH 01°10'57" WEST ALONG A LINE 71.628 METERS (235.00 FEET) WEST OF AND PARALLEL WITH THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524, A DISTANCE OF 34.668 METERS (113.74 FEET); THENCE NORTH 89°28'26" EAST, A DISTANCE OF 48.769 METERS (160 FEET) TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7; THENCE SOUTH 01°10'57" EAST ALONG A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 34.738 METERS (113.97 FEET); THENCE SOUTH 89°33'21" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 47.149 METERS (154.69 FEET) TO THE NORTHEAST CORNER OF SAID TRACT "B" AND THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (CHICO NORTH)

THAT PROPERTY BEING A PORTION OF THE SOUTH HALF (S 1/2) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 13 AT THE SOUTHWEST CORNER OF WILLIS GLIDERPORT PLAT NO. 1 AS RECORDED IN PLAT BOOK 32, PAGES 146 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°59'15" EAST ALONG THE SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 4575.65 FEET TO THE SOUTHEAST CORNER OF LOT 11B, BLOCK 2; THENCE NORTH 00°48'33" WEST ALONG THE EAST LINE OF LOT 11B, 334.31 FEET TO THE SOUTHWEST CORNER OF LOT 12, BLOCK 2; THENCE NORTH 88°59'15" EAST ALONG THE SOUTH LINE OF LOT 12, A DISTANCE OF 480.42 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10558, PAGE 1320, SAID PUBLIC RECORDS; THENCE SOUTH 00°55'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,012.35 FEET; THENCE SOUTH 88°59'15" WEST ALONG A LINE 678.04 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.25 FEET; THENCE NORTH 00°57'37" WEST, A DISTANCE OF 678.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 82.397 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA HAVING AN ASSUMED BEARING OF S00°57'37"E.

LEGAL DESCRIPTION FOR PALM BEACH COUNTY/BUTTS PARCEL-SOUTH:

A TRACT OF LAND LYING WITHIN A PORTION OF THE NORTH THREE-QUARTERS (N 3/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 88°14'18" WEST ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 1985.53 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 00°54'07" EAST, A DISTANCE OF 662.52 FEET; THENCE NORTH 88°12'11" EAST, A DISTANCE OF 111.51 FEET; THENCE SOUTH 00°45'18" EAST, A DISTANCE OF 1,324.96 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH THREE-QUARTER (3/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 14; THENCE SOUTH 88°07'54" WEST ALONG SAID LINE, A DISTANCE OF 768.28 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID

SECTION 14; THENCE NORTH 00°57'03" WEST ALONG SAID ONE-QUARTER (1/4) SECTION LINE, A DISTANCE OF 1,988.75 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 14; THENCE NORTH 88°14'18" EAST ALONG SAID SECTION LINE, A DISTANCE OF 661.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.507 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD-168 ACRES PARCEL):

THAT PORTION OF LAND BEING THE SOUTH 1043.82 FEET OF THE NORTH 5467.82 OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE L-40.

FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, ALL REFERENCES TO SECTIONS 3 AND 4 WILL INCLUDE THAT PORTION OF THE HIATUS TRACTS 39 AND 40 KNOWN AS TOWNSHIP 44 1/2 SOUTH, WHICH MAY HAVE BEEN HISTORICALLY DESCRIBED AS SAID SECTIONS 3 AND 4.

CONTAINING 168.634 ACRES, MORE OR LESS

LAND DESCRIPTION FOR DUBOIS (DEVELOPABLE AREA):

ALL OF TRACTS 65 TO 128, INCLUSIVE, SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST, (LESS 30.59 ACRES SOLD TO FLORIDA STATE TURNPIKE AUTHORITY AND MORE PARTICULARLY DESCRIBED IN DEED BOOK 1104, PAGE 577), THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2. PAGES 26 TO 28.

LESS: (PARCEL 108 OF THE LYONS ROAD TAKING)

THE EAST 40 FEET OF THE WEST 55 FEET OF TRACTS 80.81, 112 AND 113, BLOCK 29 OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF PALM BEACH FARMS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26 - 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 2.45 ACRES.

LESS: (PARCEL 108A OF THE LYONS ROAD TAKING)

THAT PART OF TRACT 113, BLOCK 29, OF PALM BEACH FARMS COMPANY PLAT NO.1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 00°52'26" WEST, ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (LWDD) L-38 CANAL; THENCE NORTH 89°24'14" EAST, ALONG SAID CANAL FOR A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°24'14" EAST, FOR A DISTANCE OF 30.00 FEET; THENCE NORTH 00°52'26" WEST, ALONG A

LINE PARALLEL WITH AND 85.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 312.70 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE. THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET TO A POINT 55.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE SOUTH 00°52'26" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 342.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS

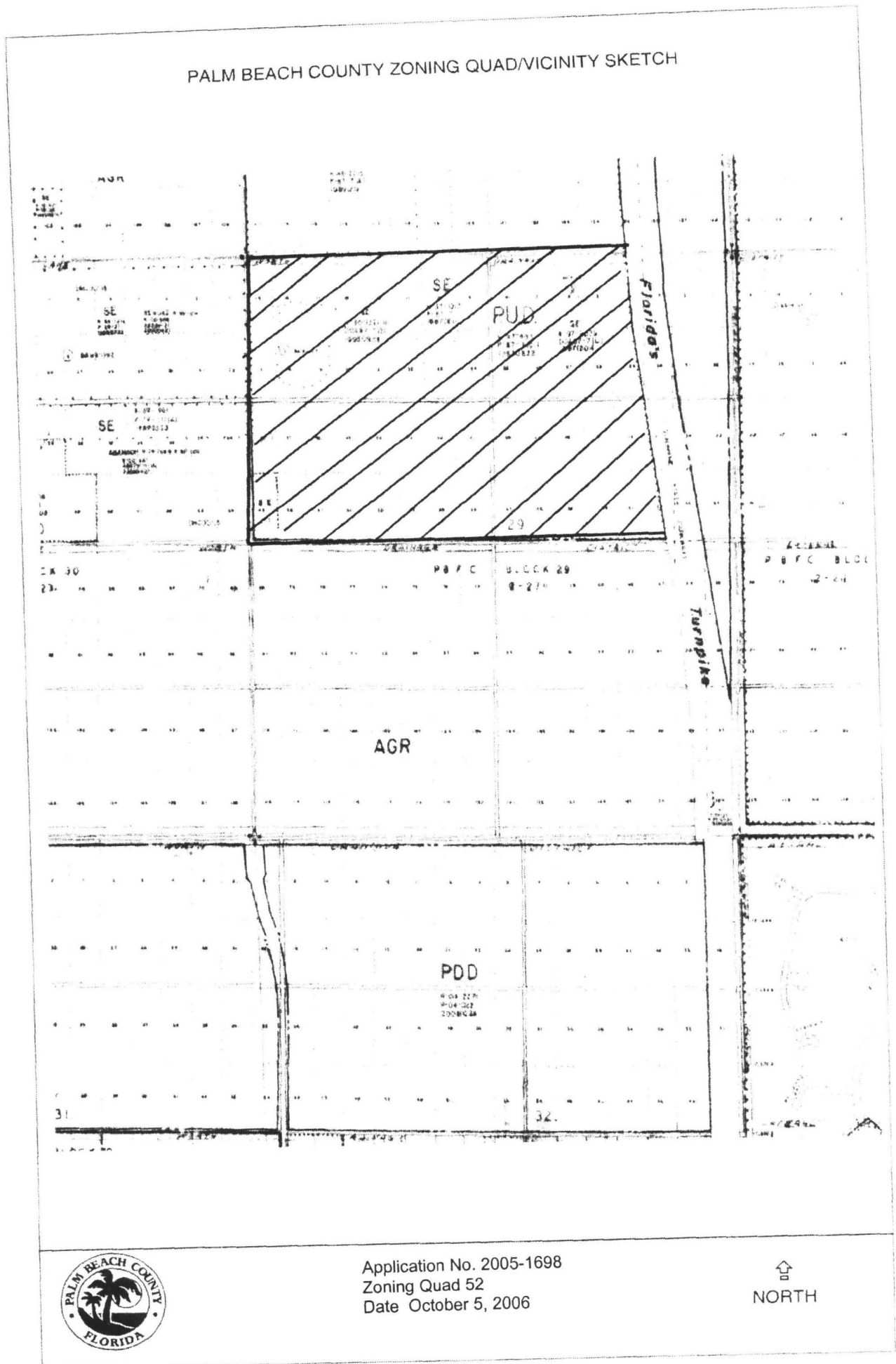
AND LESS: (PARCEL 108B OF THE LYONS ROAD TAKING) THAT PART OF TRACT 113, BLOCK 29, OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE NORTH 00°52'26" WEST, ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE NORTH 89°24'14" EAST, ALONG SAID CANAL FOR A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°24'14" EAST, FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 00°52'26" WEST, ALONG A LINE PARALLEL WITH AND 110.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 312.82 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 55.00 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 86.39 FEET TO A POINT 55.00 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE SOUTH 00°52'26" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET EAST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 25.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWESTERLY HAVING A RADIUS OF 30.00 FEET TO WHICH A RADIAL LINE BEARS SOUTH 00°52'26" EAST; THENCE SOUTHEASTERLY 47.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00' 00" TO A POINT OF TANGENCY; THENCE SOUTH 00°52'26" EAST ALONG A LINE PARALLEL WITH AND 85.00 FEET EAST OF THE EAST LINE OF SECTION 30 FOR A DISTANCE OF 312.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.22 ACRES, MORE OR LESS.

CONTAINING A TOTAL OF 299.182 ACRES, MORE OR LESS.



EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-1406, Control 2004-0250, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)
2. Condition A.1. of Resolution R-2005-1406, Control 2004-250 which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated May 13, 2005. 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. (DRO: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated June 19, 2006. 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. (DRO: ZONING - Zoning)

#### ENGINEERING

1. Traffic Performance Standards Phasing Condition

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits shall be issued until construction has commenced for intersection improvements at West Atlantic Avenue and Lyons Road providing for:
  - 1) east approach
    - 2 through lanes
    - left turn lane
  - 2) west approach
    - 2 through lanes
    - right turn lane
  - 3) south approach
    - left turn lane
    - right turn lane
- b. Building Permits for more than (40) forty single family residential dwelling units shall not be issued until the contract has been awarded by the FDOT for the construction of West Atlantic Avenue as a 4 lane facility from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Commencement of construction may also include someone other than the Florida Department of Transportation. (Previous condition ENG-1 of Resolution R-2005-1406 Control 2004-250) (BLDG PERMIT: MONITORING-Eng)

2. No Building Permits for the site may be issued after January 1, 2011. 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. (Previous condition ENG-2 of Resolution R-2005-1406 Control 2004-250) (DATE: MONITORING-Eng)

3. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the Project's Entrance and Lyons Road. 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 more than 200 dwelling units 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. (Previous condition Eng 3 of Resolution R-2005-1406 Control 2004-250) (BLDG PERMIT:MONITORING-Eng).

4. Required noise mitigation for this development as outlined in the approved noise analysis shall be provided for in the Preliminary Development Plan as approved by the DRO. (Previous condition Eng 4 of Resolution R-2005-1406 Control 2004-250) (DRO:ZONING /ENG-Eng)
5. Construction of the required sound walls and landscape buffers shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods C or D. The property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod C and D prior to receipt of the first building permit within Pods C or D. (Previous condition Eng 5 of Resolution R-2005-1406 Control 2004-250) (CO:MONITORING-Eng)
6. The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying that:
  - a. this site is adjacent to the Florida Turnpike,
  - b. the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike, and
  - c. the Developer has installed noise abatement improvements determined by the Florida Turnpike Enterprise to be effective in keeping noise levels from the Florida Turnpike below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County.

The property owner shall submit documentation of compliance with the noise level requirement above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before January 15, 2007 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (Previous condition Eng 6 of Resolution R-2005-1406 Control 2004-250) (DATE:MONITORING-Eng)

7. Acceptable surety required for the offsite road improvements as outlined in the Traffic Performance Standards Phasing Condition A and for B which relates to that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers shall be posted with the Office of the Land Development Division on or before January 28, 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)

(Previous condition Eng 7 of Resolution R-2005-1406 Control 2004-250) (DATE: MONITORING Eng)

8. The Property owner shall construct:

- a. Left turn lane north approach on Lyons Road at Project Entrance.
- b. Right turn lane south approach on Lyons Road at the Project 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.

- c. Permits required by Palm Beach County for the construction of these onsite turn lanes shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- d. Construction for the improvements of these onsite turn lanes shall be completed prior to the issuance of the first Certificate of Occupancy. (Previous condition Eng 8 of Resolution R-2005-1406 Control 2004-250) (CO: MONITORING-Eng)

9. LANDSCAPE WITHIN THE MEDIAN OF LYONS ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons 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 property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner 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. (Previous condition Eng 9 of Resolution R-2005-1406 Control 2004-250) (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 property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner 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 property owner. The property owner 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 Property owner. (Previous condition Eng 9 of Resolution R-2005-1406 Control 2004-250) (ONGOING-ENG-Eng)

d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner 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 project's front footage along Lyons 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. (Previous condition Eng 9 of Resolution R-2005-1406 Control 2004-250)(ONGONG-ENG-Eng)

10. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (Previous condition Eng 10 of Resolution R-2005-1406 Control 2004-250) (BLDG PERMIT: MONITORING- Eng)
11. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (Previous condition Eng 11 of Resolution R-2005-1406 Control 2004-250) (ONGOING: ENG – Eng)
12. Prior to September 15, 2006, the property owner shall complete the funding for the construction for the improvements and construction identified in the Traffic Performance Standards Phasing Condition A and in B for that portion of West Atlantic Avenue from Starkey Road to Lyons Road plus the appropriate paved tapers. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Funding shall include any required right of way acquisition costs, construction plans, and all construction costs. (Previous condition Eng 12 of Resolution R-2005-1406 Control 2004-250) (DATE: MONITORING- Eng)

#### ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Dubois AGR PUD, shall be reviewed and approved by ERM prior to final DRC site plan approval. (Previous condition ERM-1 of Resolution R-2005-1406 Control 2004-250) (DRO:ERM - ERM)
2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Dubois AGR PUD, shall be submitted to ERM for review and approval prior to recordation.(Previous condition ERM-2 of Resolution R-2005-1406 Control 2004-250) (DRO:ERM - ERM)

#### HEALTH

1. 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) (Previous Condition Health 1 of Resolution R-2005-1406, Control 2004-250)
2. Prior to the issuance of a building permit, the property owner must submit results of a Phase II Environmental Site Assessment that, at a minimum, includes soil testing, and groundwater testing when indicated, in the following areas of the site: vacant containment pad for the missing 1,000 gallon AST, the two 500-gallon AST, and the pump stations along the north, east and south boundaries of the site. (BLDG PERMIT: MONITORING - Health)

3. The property owner shall not develop any area of the site that is identified as contaminated or potentially contaminated as determined through environmental site assessment performed by a qualified professional, unless the property owner is in receipt of written comments from the Florida Department of Environmental Protection (FDEP) approving the assessment and any rehabilitation of the site for which the FDEP has jurisdiction. (ONGOING: CODE ENF- Health)
4. Prior to final approval by the Development Review Officer, the property owner must provide information on the number and location of septic tank systems and wells on the site; clearly and accurately depict their location, and identify the well(s) that will be abandoned, and those, if any, that will be retained onsite. (DRO: HEALTH - Health)

#### ZONING – LANDSCAPE STANDARDS

1. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall 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. (Previous Condition Landscape 1 of Resolution R-2005-1406, Control 2004-250)(BLDG PERMIT: LANDSCAPE - Zoning)
2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. palm heights: twelve (12) feet clear trunk;
  - b. clusters: staggered heights twelve (12) to eighteen (18) feet, and,
  - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previous Condition Landscape 2 of Resolution R-2005-1406, Control 2004-250)(BLDG PERMIT: LANDSCAPE - Zoning)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (Previous Condition Landscape 3 of Resolution R-2005-1406, Control 2004-250)(BLDG PERMIT: LANDSCAPE - Zoning)
4. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (Previous Condition Landscape 4 of Resolution R-2005-1406, Control 2004-250)(BLDG PERMIT: LANDSCAPE - Zoning)

#### LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING LWDD L-37 CANAL R-O-W)

1. In addition to the proposed landscaping and buffering program and code requirements, landscaping and buffer width along the north property line shall be upgraded to include:

- a. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (Previous Condition Landscaping Along The North Property Line (Abutting LWDD L-37 CANAL R-O-W) 1 of Resolution R-2005-1406, Control 2004-250)(BLDG PERMIT: LANDSCAPE - Zoning)

#### LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING LWDD L-38, E-2W CANAL AND LYONS ROAD R-O-Ws)

1. In addition to the proposed landscaping and buffering program and code requirements, landscaping and buffer width along the south, east and west property lines shall be upgraded to include:
  - a. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (Previous Condition Landscaping Along The South, East And West Property Lines (Abutting LWDD L-38, E-2W CANAL AND Lyons Road R-O-Ws) 1 of Resolution R-2005-1406, Control 2004-250)(BLDG PERMIT: LANDSCAPE - Zoning)

#### LAKE WORTH DRAINAGE DISTRICT

1. The owner shall convey to the District the South 5 feet of the North 70 feet of Tracts 67-80 Sec 29/46/42, for the ultimate right-of-way for the L-37 Canal. (Previous Condition Lake Worth Drainage District 1 of Resolution R-2005-1406, Control 2004-250) (DATE: LWDD-LWDD)

#### 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 Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (Previous Condition Mass Transit 1 of Resolution R-2005-1406, Control 2004-250) (DRO: PALM TRAN-Palm Tran)
2. Prior to issuance of the first Building Permit or recordation of the plat, whichever shall occur first, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (Previous Condition Mass Transit 2 of Resolution R-2005-1406, Control 2004-250) (PLAT/BLDG PERMIT: ENG-Monitoring)

#### PLANNING

1. The PUD shall be limited to a maximum of 554 dwelling units and shall meet 60/40 AGR-PUD requirements. The balance of 168 additional units shall not be utilized on this site or transferred elsewhere. (Previous Condition Planning 1 of Resolution R-2005-1406, Control No. 2004-250) (DRO/ONGOING: PLANNING - Planning)
2. Condition Planning 2. of Resolution R-2005-1406, Petition 2004-250, which currently states:

Prior to recordation of a plat for the Dubois Development Area Parcel, the property owner shall record boundary plats for all of the Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. As an alternative to satisfy the platting requirements pursuant to the ULDC, and provided the parcels

are owned by the SFWMD and a conservation easement is recorded, the property owner may request the following:

- a. a ULDC text amendment to waive platting requirements for SFWMD owned preserve parcel; or
- b. a variance from platting requirements subject to the approval of the Board of Adjustment;

The title insurance requirement for the conservation easement may as an alternative, be a title opinion issued by a member of the Florida Bar. Provided the Board of County Commissioners adopts an ordinance amendment to the ULDC, whereby this preserve area does not require platting or a variance is granted, then any such platting requirement for the preservation parcel set forth herein shall not apply to the preservation parcel. (PLAT: PLANNING/ENG - Planning)

Is hereby amended to read:

Prior to recordation of a plat for the Dubois Development Area Parcel, the property owner shall record boundary plats for all of the Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. As an alternative to satisfy the platting requirements pursuant to the ULDC, and provided the parcels are owned by the SFWMD and a conservation easement is recorded, the property owner may request the following:

- a. a ULDC text amendment to waive platting requirements for SFWMD owned preserve parcel; or
- b. a variance from platting requirements subject to the approval of the Board of Adjustment;

The title insurance requirement for the conservation easement may as an alternative, be a title opinion issued by a member of the Florida Bar, submitted in a form acceptable to, and subject to approval by the County Attorney. Provided the Board of County Commissioners adopts an ordinance amendment to the ULDC, whereby this preserve area does not require platting or a variance is granted, then any such platting requirement for the preservation parcel set forth herein shall not apply to the preservation parcel. (PLAT: PLANNING/ENG - Planning)

3. Prior to recordation of a plat for the development area of this PUD, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Dubois Development parcel would not result in the creation of an illegal lot of record. The property owner shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of the Dubois Development Parcel total a combined acreage of 299.18 acres, prior to dedications, and 280.91 acres with dedications. (Previous Condition Planning 3. of Resolution R-2005-1406, Petition 2004-250) (PLAT: ENG/CO ATT - Planning)
4. Prior to recordation of a plat for the development area of this PUD, the property owner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for all of the proposed Preservation parcels (except as noted in condition 2 above related to the SFWMD owned parcel) would not result in the creation of illegal lots of record. The property owner shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of these Preservation parcels would not result in the creation of illegal lots of record and would at a minimum total: Johnson Preserve = 138.917 acres, Chico Preserve = 82.397 acres, PBC/Butts = 33.507 acres, and South Florida Water Management District = 168.634 acres. (Previous



Condition Planning 4 of Resolution R-2005-1406, Control No. 2004-250) (PLAT: ENG/CO ATT - Planning)

5. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide an "AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (Previous Condition Planning 5 of Resolution R-2005-1406, Control No. 2004-250) (DRO: PLANNING - Planning)
6. Prior to final site plan approval by the Development Review Officer (DRO), a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement. The management plan shall contain a legal description and sketch of each parcel, an inventory of existing uses and environmental assets on each site, and a plan approved and enforced by the Department of Environmental Resources (ERM) for exotic removal and maintenance on each of the sites. (Previous Condition Planning 6 of Resolution R-2005-1406, Control No. 2004-250) (DRO: PLANNING/ERM - Planning)
7. Condition Planning 7. of Resolution R-2005-1406, Petition 2004-250, which currently states:

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 # 2004-301 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 or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 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 60/40 AgR-PDD 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-PDD consistent with the Comprehensive Plan and the Unified Land Development Code;

#### NOT PERMITTED

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD;
- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area.  
(DRO/ONGOING:PLANNING-Planning)

Is hereby amended to read:

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 # 2005-1698 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 or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 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 60/40 AgR-PDD 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-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,;

#### NOT PERMITTED

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD;
- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area.  
(DRO/ONGOING: PLANNING - Planning)

8. Condition Planning 8. of Resolution R-2005-1406, Petition 2004-250, which currently states:

Prior to or concurrent with recordation of the plat for the developable area as identified in Application No. 2004-301, for the Preserve parcels, the property owner shall either: 1) dedicate the land to Palm Beach County or another governmental entity such as the South Florida Water Management District; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel; or 3) subject the parcel to a conservation easement, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING/ENG - Planning)

Is hereby amended to read:

Prior to or concurrent with recordation of the plat for the developable area as identified in Application No. 2005-1698, for the Preserve parcels, the property owner shall either: 1) dedicate the land to Palm Beach County or another governmental entity such as the South Florida Water Management District; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel; or 3) subject the parcel to a conservation easement, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING/ENG - Planning)

9. Prior to plat recordation for the Dubois Development Area Parcel, the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office, 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 (except as noted in condition 2 above related to the SFWMD owned parcel) 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. (Previous Condition Planning 9. of Resolution R-2005-1406, Petition 2004-250) (PLAT: ENG/CO ATT/ERM - Planning)
10. Condition Planning 10. of Resolution R-2005-1406, Petition 2004-250, which currently states:

Should conservation easements not be recorded for the Preservation properties 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/ENGINEERING/CTY ATTY - Planning)

Is hereby amended to read:

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to November 1st, 2009, 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/ENGINEERING/CTY ATTY - Planning)

#### PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the 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 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. (Previous Condition PUD 1 of Resolution R-2005-1406, Control 2004-250) (PLAT: ENG/ COUNTY ATTY - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (Previous Condition PUD 2 of Resolution R-2005-1406, Control 2004-250)(DRO: ARCH REVIEW - Zoning)

3. Condition PUD 3 of Resolution R-2005-1406, Control 2004-250 which currently states:

Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within lake tracts #2, #5, and #10. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within lake tracts #2, #3, and #7. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

4. Condition PUD 4 of Resolution R-2005-1406, Control 2004-250 which currently states:

Prior to the issuance of a building permit for the one hundredth (100) unit, a Certificate of Occupancy (CO) shall be issued for a clubhouse or similar common building exceeding 2,500 total square feet on the 4.14-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:

- a. a minimum load capacity of .02 kw per building square foot;
- b. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- c. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- d. setback in accordance with the Property Development Regulations for a recreation pod in accordance with ULDC Table 3.E.2.D-16;
- e. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- f. subject to review and approval by the Building Division; and,
- g. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)

Is hereby deleted. [Reason: Code Requirement.]

## 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). (Previous Condition School Board 1 of Resolution R-2005-1406, Control 2004-250) (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. (Previous Condition School Board 2 of Resolution R-2005-1406, Control 2004-250) (CO: MONITORING SCHOOL BOARD/ENG School Board.)
3. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. 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.)

### 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. (Previous Condition Utilities 1 of Resolution R-2005-1406, Control 2004-250 (ONGOING: PBCWUD-PBCWUD)

### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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. (Previous Condition Compliance 1 of Resolution R-2005-1406, Control 2004-250) (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. (Previous Condition Compliance 2 of Resolution R-2005-1406, Control 2004-250) (ONGOING: MONITORING - Zoning)