

RESOLUTION NO. R-2008- 0117

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC2007-893
(CONTROL NUMBER 2004-471)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BOYNTON BEACH ASSOCIATES XVIII, LLLP
BY KILDAY & ASSOCIATES, INC., AGENT
(CANYON 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/EAC2007-893 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA/EAC2007-893, the application of Boynton Beach Associates XVIII, LLLP, by Kilday & Associates, Inc., agent, for a Development Order Amendment to modify a condition of approval 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 January 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 24, 2008.

Filed with the Clerk of the Board of County Commissioners on January 24, 2008


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 FLORIDA

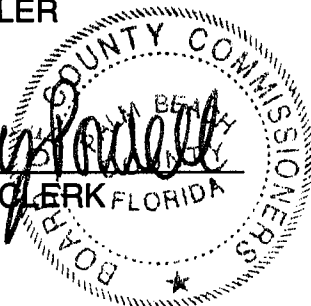


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 9 THROUGH 19, 24, 41, 46, 51, 56 AND ALL OF TRACTS 20 THROUGH 23, 42 THROUGH 45, AND 52 THROUGH 55, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30 FEET IN WIDTH, ABUTTING SAID TRACTS, ALL LYING WITHIN BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF SAID PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT 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 55.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 54, 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, THE PREVIOUS FIVE DESCRIBED COURSES BEING THE EASTERLY RIGHT-OF-WAY LINE OF LYONS ROAD AS RECORDED IN OFFICIAL RECORD BOOK 16522 PAGE 1248, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; 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 16, A DISTANCE OF 2594.76 FEET; THENCE SOUTH 01°02'47" WEST, A DISTANCE OF 868.50 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 50.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 9, 24, 41 AND 56, A DISTANCE OF 1802.55 FEET; THENCE SOUTH 89°36'22" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 51 THROUGH 56, A DISTANCE OF 1612.37 FEET; THENCE NORTH 00°08'58" WEST, A DISTANCE OF 1411.17 FEET; THENCE SOUTH 89°26'03" WEST, A DISTANCE OF 953.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 125.816 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

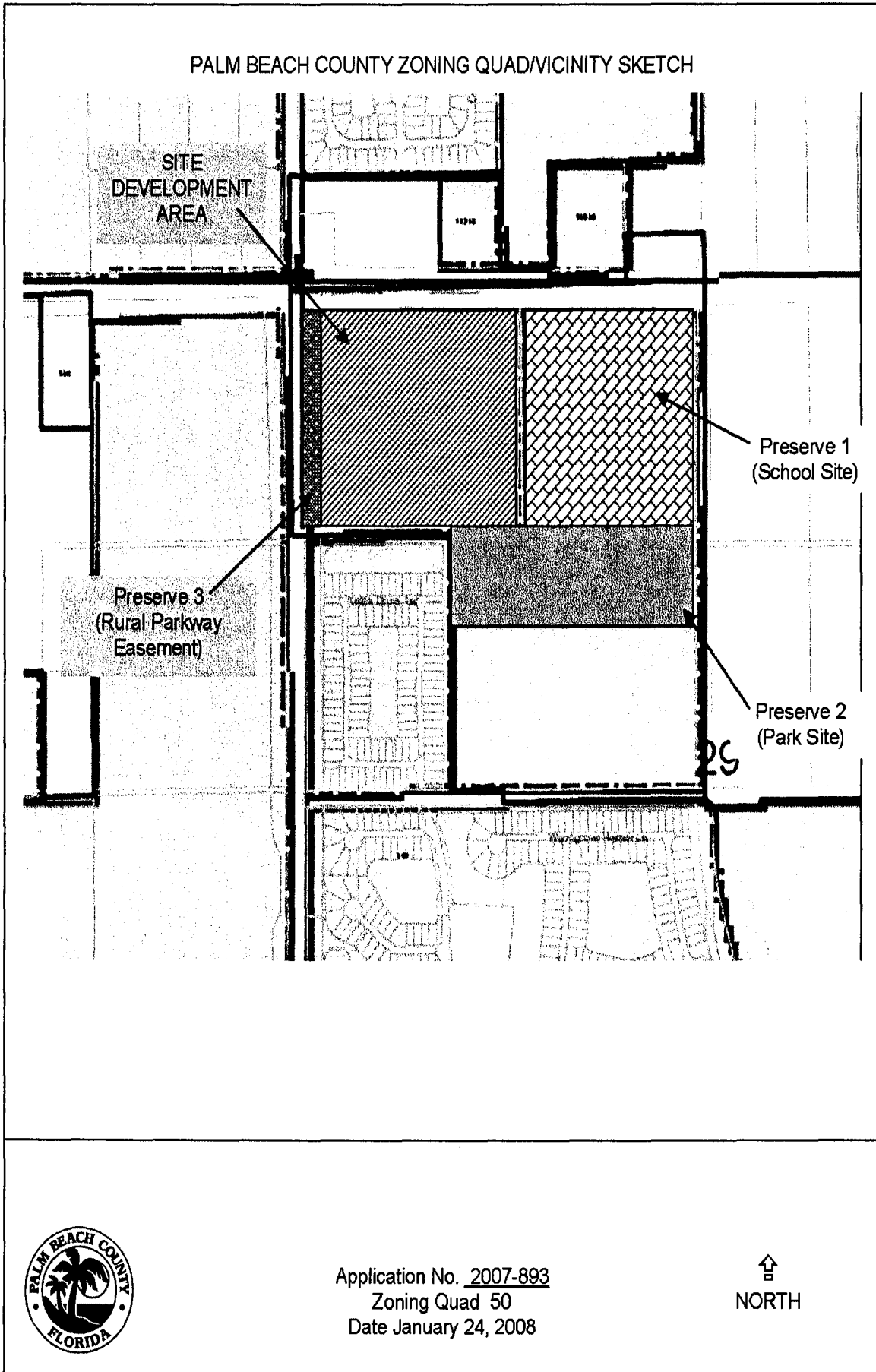


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-2007-0231, Control 2004-471 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-1624, Control 2004-471, 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: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-0231 (Control 2004-471), 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: MONITORING - Zoning)

2. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved Site Plan is dated January 12, 2007. 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) (Previous All Petitions Condition 2 of Resolution R-2007-0231, Control 2004-471)
3. At time of submittal for final approval by the Development Review Officer (DRO), the type and number of variances that were approved by the Board of Adjustment dated December 21, 2006 and the associated conditions of approval shall be added to the site plan. (DRO: ZONING-Zoning) (Previous All Petitions Condition 3 of Resolution R-2007-0231, Control 2004-471)

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 Scott Partnership dated December 22, 2006. 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: ARCH REVIEW-Arch Review) (Previous Architectural Review Condition 1 of Resolution R-2007-0231, Control 2004-471)
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: ARCH REVIEW-Arch Review) (Previous Architectural Review Condition 2 of Resolution R-2007-0231, Control 2004-471)
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:ARCH

BUILDING AND SITE DESIGN

1. To ensure consistency with the site plan presented to the Board of County Commissioners and dated January 12, 2007, 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) (Previous Building and Site Design Condition 1 of Resolution R-2007-0231, Control 2004-471)
2. The loading area at south facade of Building D-1 shall be designed to include the following. This condition shall apply to Pod A only:
 - 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 the loading 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 south side of this area, connected to the wall. This screening feature shall remain closed when this loading area is not in use;
 - c. Planting areas with a minimum width of six (6) feet, excluding curb, shall be located between the loading area and the adjacent parking access isle to the south for the entire length of the screening wall;
 - d. The final design and details including landscaping for this loading area shall be subject to review and approval by the Architectural Review and Landscape Section. (DRO: ZONING-Arch Review/Landscape) (Previous Building and Site Design Condition 2 of Resolution R-2007-0231, Control 2004-471)
3. All dumpsters and trash receptacles shall be screened with walls and decorative doors or other acceptable means of screening. 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;;
 - d. Be subject to review and approval by the Architectural Review Section; and,
 - e. This condition shall apply to Pod A only (DRO: ZONING-Arch Review) (Previous Building and Site Design Condition 3 of Resolution R-2007-0231, Control 2004-471)
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 for Pod A.

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) (Building and Site Design Condition 4 of Resolution R-2005-1624, Control No. 2004-471) (Previous Building and Site Design Condition 4 of Resolution R-2007-0231, Control 2004-471)

5. At the time a site plan is proposed for Pod B, the north/south Main Street shall be strongly encouraged to continue through the length of the site. (DRO:ZONING - Zoning) (Previous Building and Site Design Condition 5 of Resolution R-2007-0231, Control 2004-471)

ENGINEERING

1. Condition Engineering 1 of Zoning Resolution R-2007-0231, Control 2004-471 which currently states:

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 square feet 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)

Is hereby amended to read:

The property owner shall be restricted to the following phasing schedule:

- a. Building Permits for more than 671 PM peak hour trips which is equivalent to the following land uses and maximum floor areas:

- 163,056 gross leasable square feet of general commercial floor area,
- 36,590 gross leasable square feet of general office floor area,
- 12 multi family dwelling units,
- 52 acre County Park
- 14,500 square feet of library

shall not be issued until construction commences for intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road to provide for:

- an additional north and south approach through lane
(BLDG PERMIT: MONITORING-Eng)

b. Building Permits for more than 199 AM peak hour trips which is equivalent to the following land uses and maximum floor areas:

- 163,056 gross leasable square feet of general commercial floor area,
- 36,590 gross leasable square feet of general office floor area,
- 12 multi family dwelling units,
- 52 acre County Park
- 30,000 square feet of library

shall not be issued until construction commences for intersection improvements at Boynton Beach Boulevard and Lyons Road to provide for an additional west approach through lane and a separate north approach right lane. (BLDG PERMIT: MONITORING - Eng)

c. Building permits for no more than 30,000 sf of General Commercial area (the equivalent of 156 PM peak hour trips) shall be issued until construction commences for a traffic signal at the intersection of Boynton Beach Blvd and Acme Dairy Rd OR a warrant study at this intersection shows that signalization is not warranted. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation, and shall be constructed to accommodate the ultimate expanded intersection geometry, if applicable. (BLDG PERMIT: MONITORING Eng)

d. If the signal is not warranted at the threshold identified in part 1.c above, the Property Owner must conduct an annual warrant study at the intersection of Boynton Beach Blvd and Acme Dairy Rd during the peak season (January 1 through March 31 inclusive). The first warrant analysis must be submitted on or before April 15, 2009 and every year thereafter through April 15, 2012. (DATE: MONITORING - Eng)

e. If the warrant study required in part 1.d above shows that a traffic signal is warranted, no additional building permits for new construction shall be issued until construction commences for a traffic signal at the intersection of Boynton Beach Blvd and Acme Dairy Rd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation, and shall be constructed to accommodate the ultimate expanded intersection geometry. (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) (Previous condition Engineering 2 of Resolution R-2007-0231, Control 2004-471)

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) (Previous condition Engineering 3 of Resolution R-2007-0231, Control 2004-471)

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:ENG-Eng) (Previous condition Engineering 4 of Resolution R-2007-0231, Control 2004-471)

5. Condition Engineering 5 of Resolution R-2007-0231, Control 2004-471 which currently states:

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)

Is hereby amended to read:

Acceptable surety required for the offsite road and signal improvements as outlined in Condition No. 1.a, 1.b, and 1.c above shall be posted with the Office of the Land Development Division on or before June 30, 2008. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property Owner's Engineer. (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) (Previous condition Engineering 6 of Resolution R-2007-0231, Control 2004-471)
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) (Previous condition Engineering 7 of Resolution R-2007-0231, Control 2004-471)
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) (Previous condition Engineering 8 of Resolution R-2007-0231, Control 2004-471)
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 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) (Previous condition Engineering 9 of Resolution R-2007-0231, Control 2004-471)
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) (Previous condition Engineering 10 of Resolution R-2007-0231, Control 2004-471)

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: CODE ENF.-Health) (Previous condition Health.1 of Resolution R-2007-0231, Control 2004-471)
- 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-Health) (Previous condition Health 2 of Resolution R-2007-0231, Control 2004-471)
- 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 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) (Previous condition Health 3 of Resolution R-2007-0231, Control 2004-471)
- 4. Condition Health.4 of Resolution R-2007-0231, Control 2004-471 which currently reads:

The property owners and operators of facilities generating industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited 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: CODE ENF-Health)

is hereby DELETED [REASON--repeated condition].

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: LANDSCAPE-Zoning) (Previous Landscaping Standard Condition 1 of Resolution R-2007-0231, Control 2004-471).
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:LANDSCAPE-Zoning) (Previous Landscaping Standard Condition 2 of Resolution R-2007-0231, Control 2004-471)
 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: LANDSCAPE-Zoning) (Previous Landscaping Standard Condition 3 of Resolution R-2007-0231, Control 2004-471)
 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: LANDSCAPE-Zoning) (Previous Landscaping Standard Condition 4 of Resolution R-2007-0231, Control 2004-471)
 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 for review and approval. All associated details shall be:
 - a. generally consistent with those presented on the Regulating Plan dated January 12, 2007;
 - b. add trees along the front facade of buildings D-1 and D-3 and the north facade of building D-2;
 - c. Details including but not limited to plant species quantities shall be provided and subject to review and approval by the Landscape Sections. (DRO: LANDSCAPE-Zoning)
 - d. This condition shall also apply to Pod B at the time of submittal for Final approval by the Development Review Officer. (DRO: LANDSCAPE-Zoning) (Previous Landscaping Standard Condition 5 of Resolution R-2007-0231, Control 2004-471)

ZONING - LANDSCAPING—INTERIOR

6. 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 on both ingress and egress sides of the 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, pre-cast paver block, or other decorative paving surface. (DRO: ZONING - Zoning) (Previous Landscaping Interior Condition 6 of Resolution R-2007-0231, Control 2004-471)
7. Paving treatment shall be provided for all pedestrian crossings as indicated on plan dated January 12, 2007 and in the hardscape surfaces surrounding the interactive fountain for Plaza #1 of Pod A. 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; or
- d. or any other paving materials acceptable to the Zoning Division.
(DRO:LANDSCAPE-Zoning) (Previous Landscaping Interior Condition 7 of Resolution R-2007-0231, Control 2004-471)

ZONING - LANDSCAPING-- ALONG THE NORTH, SOUTH AND EAST PROPERTY LINES

8. 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) (Previous Zoning-Landscaping-Perimeter of Development Area Condition 8 of Resolution R-2007-0231, Control 2004-471)

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

9. 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. (BLDG PERMIT:ZONING-Landscape) (Previous Landscape Condition 9 of Resolution R-2007-0231, Control No. 2004-471)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. The twenty-five feet height restriction shall not apply to any lighting fixtures utilized to illuminate the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 5(3) (BLDG PERMIT: BLDG - Zoning) (Previous Lighting Condition 1 of Resolution R-2007-0231, Control 2004-471)
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) (Previous Lighting Condition 2 of Resolution R-2007-0231, Control 2004-471)
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) (Previous Lighting Condition 3 of Resolution R-2007-0231, Control 2004-471)

PALM TRAN

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. (DRO: PALM TRAN-Palm Tran)

2. Prior to Plat Recordation, 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 not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG-PalmTran or BLDG PERMIT: MONITORING-PalmTran)

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) (Previous Planning Condition 1 of Resolution R-2007-231, Control No. 2004-471).
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 PDD/DOA 2006-1186 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 schools, public parks, libraries 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) (Previous Planning Condition 2 of Resolution R-2007-231, Control No. 2004-471)
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) (Previous Planning Condition 3 of Resolution R-2007-231, Control No. 2004-471)
4. Should conservation easements not be recorded for the Preservation properties (with the exceptions of any Preservation parcels owned by Palm Beach County) in a form acceptable to the County Attorney prior to March 1st, 2010, 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/Cty Atty/ERM) (Previous Planning Condition 4 of Resolution R-2007-231, Control No. 2004-471)
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) (Previous Planning Condition 5 of Resolution R-2007-231, Control No. 2004-471)
6. Development of the TMD development parcel shall be limited to a maximum of 259,300 square feet of non-residential uses and 93 dwelling units. (DRO/ONGOING: PLANNING - Planning) (Previous Planning Condition 6 of Resolution R-2007-231, Control No. 2004-471)

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 School Board Condition1 of Resolution R-2007-0231, Control No. 2004-471).

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. 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-2007-0231 (Control Number 2004-471))

SIGNS

1. Freestanding sign for the subject property 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;
 - d. location each sign shall be located within fifty (50) feet of the access point measuring from the centerline of the access drive;
 - e. signs shall be limited to project identification of the non-residential portion of the development only; and, shall be designed generally consistent with the detail as shown on the Canyons Town Center Signage graphics A5-6.(BLDG

PERMIT: BLDG - Zoning) (Previous Signs Condition 1 of Resolution R-2007-0231, Control 2004-471)

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) (Previous Signs Condition 2 of Resolution R-2007-0231, Control No. 2004-471)

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: MONITORING Zoning/Cty Atty) (Previous Traditional Marketplace Development Condition 1 of Resolution R-2007-0231, Control 2004-471)
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) (Previous Traditional Marketplace Development Condition 2 of Resolution R-2007-0231, Control 2004-471)
3. Prior to the receipt of a building permit for Pod B the amphitheater shall be reviewed by the Architectural Review staff of the Zoning Division. (BLDG PERMIT:ARCH REVIEW-Arch Review). (Previous Traditional Marketplace Development Condition 3 of Resolution R-2007-0231, Control 2004-471)
4. Prior to submittal for the first building permit for a principle use, structure or building within Pod B, architectural elevations for all buildings and structures within Pod B (with the exception of the amphitheater and the baseball field or multi-purpose field) shall be submitted to the Architectural Review Section for final approval. All buildings (with the exception of the amphitheater and the baseball field or multi-purpose field) 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. (BLDG PERMIT: ZONING Zoning) (Previous Traditional Marketplace Development Condition 4 of Resolution R-2007-0231, Control 2004-471)

5. The property owner/developer of Pod A shall be obligated to construct, at its sole cost and expense;
 - a. an interactive water fountain on Plaza Area #1 within Pod A;
 - b. an amphitheater on Plaza Area #1 within Pod B. The design of the amphitheater shall be completed by the property owner/developer and acceptable to the Property and Real Estate Management Division of FD&O; and,
 - c. a fenced and irrigated youth athletic field (baseball or multi-purpose) as a temporary use within Pod B. The location and design shall be acceptable to the Palm Beach County Parks and Recreation Department and Property and Real Estate Management Division of FD&O. (DRO: PREM/PARKS/ZONING-Zoning) (Previous Traditional Marketplace Development Condition 5 of Resolution R-2007-0231, Control 2004-471)
6. The youth athletic field (baseball or multi-purpose) is a temporary use and may be removed by Palm Beach County, in its sole and absolute discretion, at any time without the obligation to amend the development order or any condition related thereto. (ONGOING: CODE ENF Prem/Parks) (Previous Traditional Marketplace Development Condition 6 of Resolution R-2007-0231, Control 2004-471)
7. The property owner/developer's construction of and obligations relative to the amphitheater and youth athletic field (baseball or multi-purpose) shall be completed prior to receipt of the final Certificate of Occupancy for more than 50% or 99,823 square feet of the approved non-residential square footage of Pod A. The property owner/developer's obligations relative to the interactive water fountain shall be completed concurrent with the other improvements within Plaza Area #1. (CO: MONITORING Zoning) (Previous Traditional Marketplace Development Condition 7 of Resolution R-2007-0231, Control 2004-471)
8. The future development of the Civic Parcel is subject to the AG TMD code requirements, unless the BCC directs staff to modify the ULDC. (ONGOING-ZONING/PREM Zoning) (Previous Traditional Marketplace Development Condition 8 of Resolution R-2007-0231, Control 2004-471)
9. The property owner/developer of Pod A and the property owner of Pod B shall enter into a Joint Use Agreement, including but not limited to, the location and construction of infrastructure, utilization of shared parking, utilities, restrooms, access, programming, maintenance, and security. The Joint Use Agreement shall be completed prior to receipt of the final Certificate of Occupancy for more than 50% or 99,823 square feet of the approved non-residential square footage of Pod A. (CO: MONITORING Parks and Recreation) (Previous Traditional Marketplace Development Condition 9 of Resolution R-2007-0231, Control 2004-471)

USE LIMITATIONS

1. Outdoor storage or placement of any material, refuse, equipment or debris shall not be permitted on the property, with the exception of materials and equipment associated with the utilization of the baseball field or multi-purpose field required pursuant to Traditional Marketplace Development condition 5 (3). (ONGOING: CODE ENF-Zoning) (Previous Use Limitations Condition 1 of Resolution R-2007-0231, Control 2004-471)
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) (Previous Use Limitations Condition 2 of Resolution R-2007-0231, Control 2004-471)
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) (Previous Use Limitations Condition 3 of Resolution R-2007-0231, Control 2004-471)

UTILITIES

1. If any relocation/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:WUD-WUD) (Previous Utilities Condition 1 of Resolution R-2005-1625, Control No. 2004-471)

COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Compliance Condition 1 of Resolution R-2005-1625, Control No. 2004-471)

2. Compliance Condition 2 of Resolution R-2005-1625, Control No. 2004-471, which currently states:

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. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

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