

RESOLUTION NO. R-2008- 0701

RESOLUTION APPROVING ZONING APPLICATION DOA-2007-884
(CONTROL NUMBER 2005-003)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BOYNTON BEACH ASSOC XIX LLLP
BY KILDAY & ASSOCIATES, INC., AGENT
(LYONS WEST 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, 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-2007-884 was presented to the Board of County Commissioners at a public hearing conducted on April 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-2007-884, the application of Boynton Beach Assoc XIX LLLP, by Kilday & Associates, Inc., agent, for a Development Order Amendment to add land area, reconfigure the master plan, add units, and to allow a model row 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 April 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner ^{Robert} Robert Kanjian moved for the approval of the Resolution.

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

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

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

Filed with the Clerk of the Board of County Commissioners on 24th day of April, 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



EXHIBIT A

LEGAL DESCRIPTION

Legal Description for Development Area

DESCRIPTION:
(PARCEL 1)

BEING A PORTION OF TRACTS 1, 2, 3, 4, 21 THROUGH 28 AND 45 THROUGH 48, BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54. TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN SAID TRACTS 21 THROUGH 24 AND TRACTS 25 THROUGH 28, AS CONVEYED IN DEED RECORDED IN OFFICIAL RECORD BOOK 9045, PAGE 1341, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 45; THENCE NORTH 00°23'24" WEST ALONG THE WEST LINE OF SAID TRACTS 4, 21, 28 AND 45, A DISTANCE OF 2630.43 FEET; THENCE NORTH 89°02'44" EAST ALONG A LINE 77.88 FEET SOUTH OF PARALLEL WITH THE NORTH LINE OF SAID TRACTS 1, 2, 3 AND 4, A DISTANCE OF 1264.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 16522, PAGE 1317 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 676.21 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 14,945.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 419.66 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°23'24" EAST, A DISTANCE OF 1547.32 FEET, THE LAST THREE DESCRIBED COURSES RUNNING ALONG SAID WEST RIGHT-OF-WAY LINE OF LYONS ROAD; THENCE SOUTH 89°36'33" WEST ALONG THE SOUTH LINE OF SAID TRACTS 45, 46, 47 AND 48, A DISTANCE OF 1289.68 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH (PARCEL 2)

BEING A PORTION OF TRACTS 49 THROUGH 60, ALL OF TRACTS 61 THROUGH 96, ALL WITHIN BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54. TOGETHER WITH THOSE STRIPS OF LAND LYING BETWEEN OR ADJACENT TO THE ABOVE SAID TRACTS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 85; THENCE NORTH 01°06'47" WEST, ALONG THE WEST LINE OF SAID TRACTS 85, 84, 61 AND 60, A DISTANCE OF 2147.01 FEET; THENCE NORTH 88°53'13" EAST, A DISTANCE OF 910.67 FEET; THENCE NORTH 85°42'25" EAST, A DISTANCE OF 90.14 FEET; THENCE NORTH 88°53'13" EAST, A DISTANCE OF 74.33 FEET; THENCE NORTH 01°06'47" WEST, A DISTANCE OF 66.12 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 415.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°44'00", A DISTANCE OF 512.33 FEET TO A POINT OF INTERSECTION WITH A NON- TANGENT LINE; THENCE NORTH 00°23'27" WEST, A DISTANCE OF 6.72 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 38.28 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 57 THROUGH 59, A DISTANCE OF 1,287.66 FEET TO A POINT IN THE CENTER OF A PLATTED ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54; THENCE NORTH 00°23'27" WEST, ALONG

THE CENTERLINE OF SAID ROAD, DYKE AND DITCH RESERVATION, A DISTANCE OF 2.64 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 56 AND ITS WESTERLY EXTENSION, A DISTANCE OF 344.92 FEET; THENCE SOUTH 00°23'27" EAST, ALONG THE EAST LINE OF SAID TRACT 56, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 36.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 50 THROUGH 55, A DISTANCE OF 1,979.56 FEET; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 50, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 49, A DISTANCE OF 299.92 FEET; THENCE SOUTH 00°23'24" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 16522, PAGE 1317, OF SAID RECORDS, A DISTANCE OF 2,636.17 FEET; THENCE SOUTH 89°36'36" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 85 THROUGH 96 AND ITS EASTERLY EXTENSION, A DISTANCE OF 5232.08 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 382.711 ACRES, MORE OR LESS.

PRESERVE PARCEL 1

LEGAL DESCRIPTION:

BEING ALL OF TRACTS 1 THROUGH 8, INCLUSIVE, 13 THROUGH 48, INCLUSIVE, AND THE EAST 546.76 FEET OF TRACT 9, BLOCK 69, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS.

TOGETHER WITH:

THAT PORTION OF THOSE ROAD, DYKE AND DITCH RESERVATIONS, 30.00 FEET IN WIDTH, BLOCK 69, ACCORDING TO SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, LYING BETWEEN TRACTS 13 THROUGH 24, AND TRACTS 25 THROUGH 36 AND LYING BETWEEN SAID TRACTS 8, 17, 32 AND 41 AND TRACTS 9, 16, 33 AND 40 TOGETHER WITH THE INTERSECTING AREA OF THESE TWO SAID ROAD, DYKE AND DITCH RESERVATIONS. LESS AND EXCEPT THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE SOUTH THREE-QUARTERS (S. 3/4) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 89°25'29" EAST, ALONG THE SOUTH LINE OF SAID SECTION 25 ESTABLISHED BY PALM BEACH COUNTY PRIOR TO 1994; A DISTANCE OF 2,042.94 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 1,282.21 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 293.56 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 450.00 FEET;

THENCE NORTH 00°54'18" WEST, A DISTANCE OF 260.61 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 163.36 FEET; THENCE SOUTH 89°21'36" WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'17" WEST, A DISTANCE OF 557.34 FEET; THENCE SOUTH 89°39'27" WEST, A DISTANCE OF 1,356.34 FEET; THENCE SOUTH 00°56'16" EAST, A DISTANCE OF 529.84 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 406.94 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 254.70 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 280.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 593.88 FEET; THENCE NORTH 89°41'26" EAST, A DISTANCE OF 5,050.70 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'44" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 956.95 FEET; THENCE SOUTH 88°55'00" WEST, A DISTANCE OF 366.34 FEET; THENCE SOUTH 01°06'44" EAST, A DISTANCE OF 537.00 FEET; THENCE SOUTH 88°54'59" WEST, A DISTANCE OF 448.86 FEET; THENCE NORTH 89°23'04" EAST, A DISTANCE OF 815.23 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°06'44" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,353.55 FEET; THENCE SOUTH 89°25'29" WEST, ALONG SAID SOUTH LINE OF SECTION 25, A DISTANCE OF 3,017.90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

THE NORTH 40.00 FEET OF SAID TRACT 4, BLOCK 69, ACCORDING TO DEED BOOK 148, PAGE 437.

THE NORTH 40.00 FEET OF SAID TRACT 7, BLOCK 69, ACCORDING TO DEED BOOK 129, PAGE 156.

THOSE LANDS ACCORDING TO OFFICIAL RECORDS BOOK 6495, PG. 761.

ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING 547.042 ACRES, MORE OR LESS.

PARCEL 2A

LAND DESCRIPTION:

THAT PORTION OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PALM BEACH COUNTY ALSO BEING THE SOUTHWEST CORNER OF THE PLAT OF HOMELAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGES 111 THROUGH 117, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°56'23" WEST, ALONG THE WEST LINE OF SAID SECTION 2, ALSO BEING THE WEST LINE OF SAID PLAT OF HOMELAND, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 89°42'50" WEST, ALONG THE SOUTH LINE OF THAT CERTAIN LEASE AGREEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243, SAID PUBLIC RECORDS, A DISTANCE OF 2,300.00 FEET; THENCE NORTH 00°56'23" WEST, ALONG THE WEST LINE OF SAID LEASE AGREEMENT, A DISTANCE OF 1,306.65 FEET; THENCE NORTH 89°42'50" EAST, A DISTANCE OF 854.70 FEET; THENCE SOUTH 45°45'56" EAST, A DISTANCE OF 182.05 FEET; THENCE SOUTH 15°42'17" EAST, A DISTANCE OF 205.42 FEET; THENCE SOUTH 14°21'22" WEST, A DISTANCE OF 983.77 FEET; THENCE SOUTH 75°38'38" EAST, A DISTANCE OF 60.00 FEET; THENCE NORTH 14°21'22" EAST, A DISTANCE OF 1,018.49 FEET; THENCE NORTH 74°17'43" EAST, A DISTANCE OF 106.98 FEET; THENCE NORTH 15°42'17" WEST, A DISTANCE OF 72.24 FEET;

THENCE NORTH 74°37'32" EAST, A DISTANCE OF 803.52 FEET; THENCE NORTH 89°42'50" EAST, A DISTANCE OF 234.31 FEET; THENCE NORTH 00°56'23" WEST, ALONG THE EAST LINE OF SAID LEASE AGREEMENT, A DISTANCE OF 577.92 FEET; THENCE SOUTH 88°32'09" EAST, A DISTANCE OF 100.08 FEET; THENCE SOUTH 00°56'24" EAST, ALONG SAID WEST LINE OF SECTION 2, A DISTANCE OF 1,881.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 65.523 ACRES, MORE OR LESS.

PARCEL 2B

LAND DESCRIPTION:

THE WEST ONE-HALF OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION LYING SOUTH AND WEST OF THE EASTERLY RIGHT OF WAY OF LEVEE L-40 AS DESCRIBED IN THAT CERTAIN COUNTY DEED RECORDED IN DEED BOOK 936, PAGE 528, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE NORTH 3425.33 FEET OF THE WEST ONE-HALF OF SAID SECTION 14, PALM BEACH COUNTY, FLORIDA.

CONTAINING 59.885 ACRES, MORE OR LESS.

PARCEL 2C

LAND DESCRIPTION:

THE SOUTH 3/4 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 41 EAST LESS THE 145 FEET OF RIGHT-OF-WAY FOR FLORIDA POWER & LIGHT COMPANY AS SHOWN IN OFFICIAL RECORDS BOOK 1744, PAGE 627, LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 53.724 ACRES, MORE OR LESS.

PARCEL 2D

LAND DESCRIPTION:

TRACT 7, BLOCK 52, LESS THE WEST 20 FEET THEREOF OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY.

CONTAINING 8.485 ACRES, MORE OR LESS.

PARCEL 2E

LEGAL DESCRIPTION:

TRACTS 29, 31 AND 32, BLOCK 52, PALM BEACH FARMS COMPANY PLAT NO.3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING

WITHIN SECTION 25, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PALM BEACH COUNTY.

LESS AND EXCEPT: THE EAST 15.00 FEET OF SAID TRACT 29 AND THE WEST 165 FEET OF SAID TRACT 31.

LESS AND EXCEPT: THE NORTH 68.00 FEET OF SAID TRACT 29 PER DEED BOOK 811, PAGE 196.

CONTAINING 25.054 ACRES, MORE OR LESS.

LEGAL DESCRIPTION:
RURAL PARKWAY EASEMENT

THAT PORTION OF TRACTS 49, 72, 73 AND 96, AND ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 53, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 96; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 96, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89°36'36" WEST, ALONG A LINE 10.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 96, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°36'36" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°23'24" WEST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 49, 72, 73 AND 96, A DISTANCE OF 2,601.81 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE 60.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 49, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 30.00 FEET WEST OF SAID EAST LINE OF TRACTS 49, 72, 73 AND 96, A DISTANCE OF 2,601.81 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THAT PORTION OF TRACTS 1, 24, 25, 48, AND ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 53, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 48; THENCE NORTH 00°23'24" WEST, ALONG THE EAST LINE OF SAID TRACT 48, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°36'36" WEST, ALONG A LINE 20.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°36'36" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°23'24" WEST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24, 25 AND 48, A DISTANCE OF 1,527.48 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 14,845.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 416.85 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°59'56" WEST, A DISTANCE OF 678.03 FEET; THENCE NORTH 89°02'44" EAST, ALONG A LINE 77.88 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 100.02 FEET; THENCE SOUTH 01°59'56" EAST, A DISTANCE OF 676.21 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE

WESTERLY, HAVING A RADIUS OF 14,945.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°36'32", A DISTANCE OF 419.66 FEET; THENCE SOUTH 00°23'24" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24, 25 AND 48, A DISTANCE OF 1,527.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.994 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

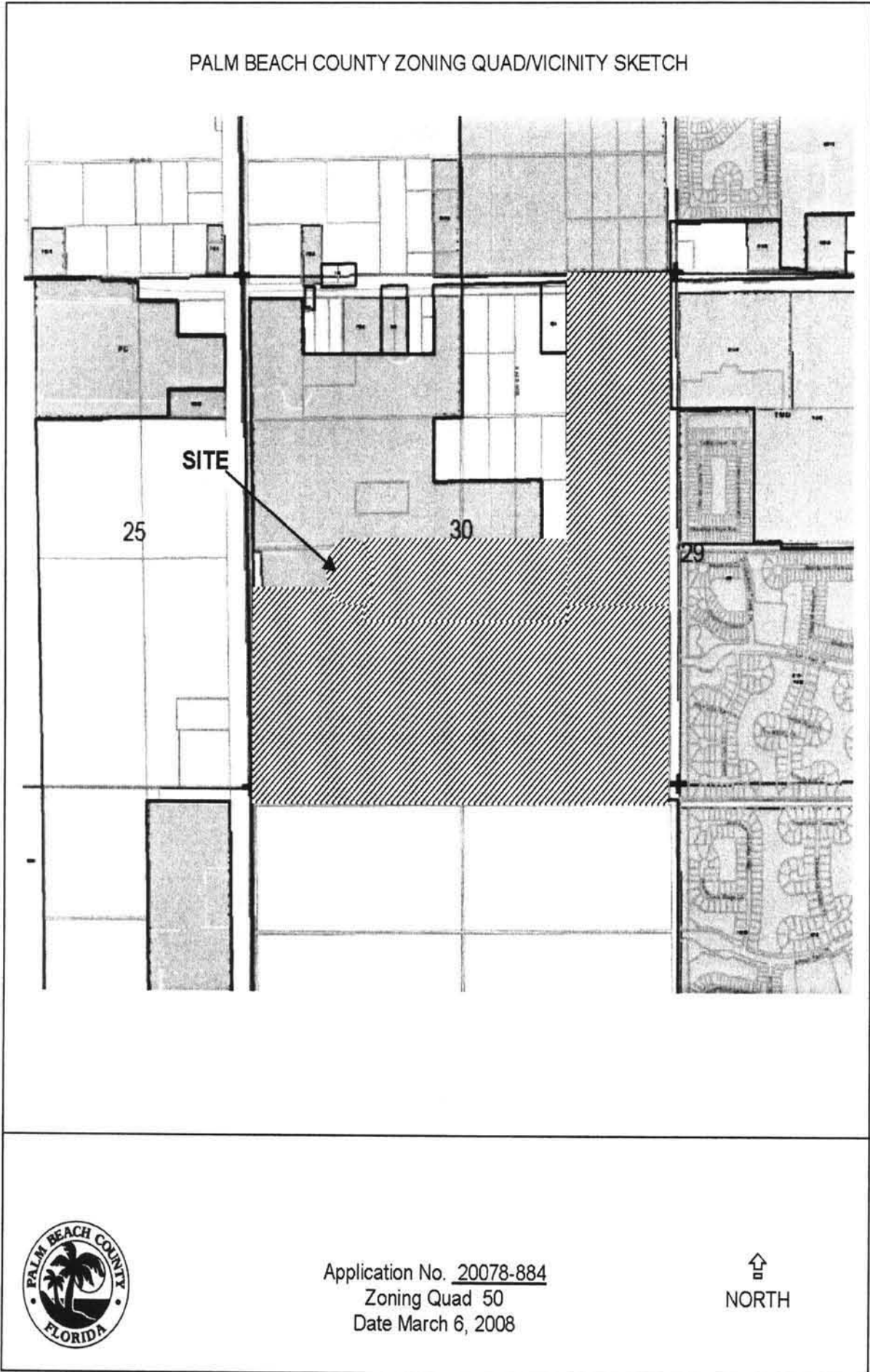


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-1791, (Control No. 2005-003), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. All Petitions Condition 1 of Resolution R-2005-1791, Control No. 2005-003 which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved master plan and regulating plan are dated May 12, 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. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved master plan and regulating plan are dated January 14, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

BUILDING AND SITE DESIGN

1. All landscape focal points shall be:
 - a. subject to review and approval by the Landscape Section; and,
 - b. reflected on the regulating plan prior to final approval by the Development Review Officer (DRO). (DRO: LANDSCAPE - Zoning) (Previous Building and Site Design Condition 1 of Resolution R-2005-1791, Control No. 2005-003)
2. Building and Site Design Condition 2 of Resolution R-2005-1791, Control No. 2005-003 which currently states:

Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate a landscape focal point:

- a. within a central island of all cul-de-sacs;
- b. in the vicinity of the road frontage of all T-intersection open spaces; and,
- c. at the terminus of all dead-end streets. (DRO: ZONING - Zoning)

Is hereby deleted [REASON: Code Requirement]

3. Building and Site Design Condition 3 of Resolution R-2005-1791, Control No. 2005-003 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) fountain as a focal feature within lake tract 1, 2, 10, 11 and 14. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

Is hereby deleted [REASON: Code requires one fountain]

4. Building and Site Design Condition 4 of Resolution R-2005-1791, Control No. 2005-003 which currently states:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a minimum eight (8) foot wide band of continuous decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) as follows:

- a. surrounding a central island within all cul-de-sacs;
- b. along the perimeter of all semi cul-de-sacs/eyebrows, between the adjacent residential lots only; and,
- c. this paving shall consist of the same paving material and treatment that is provided at the intersections throughout the site. (DRO: ZONING - Zoning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) for the entrance roads, a minimum of 12,000 square feet from Lyons Road to the west, and a minimum of 12,000 square feet from SR7/US 441/US441 to the east. (DRO: ZONING - Zoning)

5. Building and Site Design Condition 5 of Resolution R-2005-1791, Control No. 2005-003 which currently states:

Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a dedicated bike path to and through the 8.4-acre recreation pod. This path:

- a. shall establish a continuous paved connection between the bike path provided within the 80-foot wide right-of-ways located north and south of the recreation pod;
- b. shall follow an alignment that is acceptable to the Zoning Division, Planning Division, Parks and Recreation Department, Engineering Department and Health Department for the entire duration of this path;
- c. may be provided in conjunction with a required sidewalk;
- d. shall be subject to all applicable design and dimensional requirements of ULDC Article 11; and,
- e. shall be reflected as a typical detail on the Regulating Plan prior to final approval by the DRO. (DRO: ZONING - Zoning)

Is hereby deleted [REASON: master plan has been reconfigured]

6. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to depict upgraded recreation amenities within each of neighborhood park. 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. This pathway shall have a direct connection to the the primary sidewalk system on the property;
- 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. be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning) (Previous Building and Site Design Condition 6 of Resolution R-2005-1791, Control No. 2005-003)

7. Building and Site Design Condition 7 of Resolution R-2005-1791, Control No. 2005-003, which currently states:

Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate an architectural focal point on the 1.02-acre open space tract located to the northeast of Pod E. This architectural focal point shall:

- a. consist of a loggia with decorative columns, berceaux, or fountain;
- b. be situated upon a minimum 800 square foot surface area composed of paver blocks, stamped concrete, or an alternative surface;
- c. incorporate a minimum of two (2) pedestrian benches;
- d. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface. This pathway shall have a direct connection to the primary sidewalk system on the property;
- e. be reflected on the Regulating Plan; and,
- f. be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: the open space no longer exists]

8. Building and Site Design Condition 8 of Resolution R-2005-1791, Control No. 2005-003 which currently states

Prior to final approval of a site plan for the 8.4-acre recreation pod, the Development Review Officer (DRO) shall apply and the property owner shall accept the following condition of approval:

Prior to the issuance of a Certificate of Occupancy (CO) or Certificate of Completion (CC) for the clubhouse, whichever shall first occur, the clubhouse facility shall be equipped with a generator that complies with the following requirements:

- a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- b. 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;
- c. setback in accordance with the Property Development Regulations for a Recreation Pod in accordance with ULDC Table 3.E.2.D-16;
- d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- e. subject to review and approval by the Building Division; and,
- f. deviation from these requirements shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)

Is hereby deleted [REASON: Code Requirement based on clubhouse size]

CIVIC SITE DEDICATION

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 7.41-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by October 1, 2010.

Property owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Title
Property owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site

as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the property owner. The property owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

- b. **Concurrency**
Property owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Developer shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, property owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.
 - c. **Taxes**
All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.
 - d. **Site condition**
Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.
 - e. **Retention and Drainage**
Property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property owner shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins.
 - 2) As easement across property owner's property from the proposed civic site to the retention basins, if required.
 - f. **On-Site Inspections**
By acceptance of these conditions property owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.
 - g. **Vegetation Permit**
Property owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.
 - h. **Buildable Grade**
Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.
 - i. **Right of Way Buffer Easement; Landscape/Buffer Easements; Gaps**
Property Owner shall dedicate by plat and deed to County, any tract of land which may lie between the civic site and the roadway by which the County will be provided legal access to the civic site(s).
 - j. **Water & Sewer**
Property owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE:MONITORING-PREM)
2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2010 . Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE:MONITORING-PREM)

- 3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2010 . The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
- d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
- e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.
- f) If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE:MONITORING-PREM)

- 4. The property owner has offered to provide the County with an offsite property which shall be used as a credit towards the required 7.41 onsite acres of this PUD. The offsite property conveyance shall be handled by either one of two separate agreements known as the proposed Hyder Agreement and the Exchange and Civic Site Dedication Agreement (approved under R-2004-0936), which agreements shall supersede all conditions set forth herein. However, should: (1) the Hyder Agreement not be finalized by either the County or the property owner, or (2) the property owner is not eligible to take the 7.41 acres credit pursuant to the Exchange and Civic Site Dedication Agreement if there is no remaining credit available at the time such credit is requested, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect.

The property owner may exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply, unless the off-site

dedication is handled pursuant to the Hyder Agreement, in which case the obligations for the conveyance shall be those as specified in the agreement. If the land off-site is of less cash value than the on-site dedication the property owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC. (Ongoing:PREM-PREM)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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

- a. Building Permits for no more than 184 Single Family Dwelling Units shall be issued until the construction commences on Lyons Rd from Lantans Road to Hypoluxo Road as a 4-lane divided section. (BLDG PERMIT: MONITORING-Eng)
- b. No Building Permits for the site may 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 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) Previous Engineering Condition E1 of Zoning Resolution 2005-1791, Control No. 2005-003

2. SIGNALIZATION REQUIRMENTS

- A) The Property Owner shall fund the cost of signal installation if warranted as determined by:
 - a) the County Engineer at the Project's Entrance and Lyons Road
 - b) the County Engineer and the Florida Department of Transportation at the Project's Entrance and SR 7Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation.
Building Permits for more than 220 dwelling units shall not be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT:MONITORING-Eng).
(Previous Engineering Condition No. 2 of Resolution 2005-1791, Control No. 2005-003)

3. B) In order to request release of the surety for the traffic signal at these intersections the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at both intersections. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng)(Previous Engineering Condition No. 3 of Resolution 2005-1791, Control No. 2005-003)

4. ROADWAY CONSTRUCTION EASEMENT

Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road and

Lyons Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way for Lyons Road. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT:MONITORING-Eng) (Previous Engineering Condition No. 4 of Resolution 2005-1791, Control No. 2005-003)

5. INTERSECTION IMPROVEMENTS

The Property owner shall construct:

- a. right turn lane south approach on State Road 7 at the Project entrance;
- b. left turn lane south approach on Lyons Road at the Project Entrance;
- c. right turn lane north 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.
- d. Prior to the issuance of the first Building Permit, permits shall be obtained from Palm Beach County for the construction identified in B and C, and from the Florida Department of Transportation for construction in A above. (BLDG PERMIT: MONITORING-Eng)
- e. Construction for the improvements in A-C shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Engineering Condition No. 5 of Resolution 2005-1791, Control No. 2005-003)

6. FUTURE SR 7 MEDIAN IMPROVEMENTS

If the Florida Department of Transportation issues revised permits for median improvements on State Road 7 at the project entrance, then a revised DRO Final site plan will be required. During the DRO review intersection improvements will be reviewed and appropriate conditions of approval shall be added/modified to correspond to the revised Department of Transportation Permit. (ONGOING: ENG-Eng) (Previous Engineering Condition No. 6 of Resolution 2005-1791 Control No. 2005-003).

7. ROAD DRAINAGE EASEMENT

On or before March 1, 2006 the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage

system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE:MONITORING-Eng) Previous Engineering Condition No. 7 of Resolution 2005-179, Control No. 2005-003.

8. LANDSCAPE WITHIN THE MEDIAN OF LYONS ROAD AND STATE ROAD 7/US 441

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lyons Road and State Road 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first 100 building permits. (BLDG PERMIT: MONITORING-Eng)
- b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first 150 certificates of occupancy. (CO: MONITORING - Eng)
- c) At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENG- Eng)
- d) Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lyons Road and State Road 7. 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. (ONGOING: ENG- Eng) (Previous Engineering Condition No. 8 of Resolution 2005-1791, Control No. 2005-003)

9. SR 7/US441 NOISE MITIGATION

- a) The Preliminary Development Plan for this site shall be amended to reflect noise mitigation requirements for dwelling units adjacent to SR 7/US441 as outlined in the applicants approved Noise Analysis. Requirements such as a sound wall and or landscape buffers shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ZONING /ENGINEERING)
- b) Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy for any lot within Pods A or B. The property owner shall provide Land Development a listing of the applicable PCN numbers for all lots within Pod A and B prior to receipt of the first building permit within

- Pods A or B. (CO:MONITORING-Eng) . (CO:MONITORING-Eng)
- c) 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:
 - (i) this site is adjacent to SR7/US 441,
 - (ii) the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to SR7/US 441, and
 - (iii) the Developer has installed noise abatement improvements determined by the Florida Department of Transportation to be effective in keeping noise levels from SR7/US 441 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. (ONGOING: ENG - Eng)
 - d) The property owner shall submit documentation of compliance with c" 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 December 15, 2006 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. (DATE: MONITORING-Eng) (Previous Engineering Condition No. 9 of Resolution 2005-1791, Control No. 2005-003)
10. Prior to Final Master Plan approval by the Development Review Officer, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community as approved by the County Attorney and County Engineer. (DRO:ENGINEERING)
 11. Prior to Master Plan approval by the Development Review Officer, the property owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community as approved by the County Attorney and County Engineer. (DRO:ENGINEERING)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering all of the conservation parcels, shall be approved by ERM prior to final DRC site plan approval. (DRC:ERM) (Previous ERM Condition No. 1 of Resolution 2005-1791, Control No. 2005-003)
2. All Restricted Covenant Agreements and Conservation Easements for all of the Conservation Parcels, shall be submitted to ERM for review and approval prior to recordation.(DRC:ERM)(Previous ERM Condition No. 2 of Resolution 2005-1791, Control No. 2005-003)

HEALTH

1. Health number 1 of Resolution R-2005-1791 which states:

The property owner shall utilize Best Management Practices (BMP) approved by the Palm Beach County Mosquito Control Division to minimize breeding of mosquitoes in the surface water management system. The BMP shall be incorporated into the governing documents of the Homeowners Association, and shall include mosquito control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on natural areas. (ONGOING: HEALTH-ERM/Health)

Is hereby deleted [Reason--code requirement]

2. Heath number 2 of Resolution R-2005-1791 which states:

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 shall be available to meet with staff of the Air Pollution Control Section of the Palm Beach County Health Department on request to clarify and discuss the scope and potential effectiveness of the proposed dust control measures. (BLDG PERMIT: MONITORING- Health)

Is hereby deleted ----[Reason—Completed]

LANDSCAPING-PERIMETER OF DEVELOPMENT AREA

6. In addition to code requirements, all perimeter landscape buffers shall be upgraded to include:
- a. a minimum of one (1) native palm for each twenty (20) linear feet of the applicable property line with a maximum spacing of sixty (60) feet between clusters. Palms shall be planted alternating on both sides of a wall or fence;
 - b. a minimum of one (1) pine tree for each thirty (30) linear feet of the applicable property line. Pines shall be planted in clusters of a minimum of five (5), with a maximum spacing of one hundred and fifty (150) feet between clusters. Pines clusters shall be planted alternating on both sides of a wall or fence; and,
 - c. relocation of the above plant materials only shall be permitted only for the landscape buffer abutting the Rural Parkway, subject to review and approval by the Landscape Section. (BLDG PERMIT: LANDSCAPE - Zoning)(Previous Landscape Condition A-1 of Resolution 2005-1791, Control No. 2005-003)

LANDSCAPING-STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 1 of Resolution 2005-1791, Control No. 2005-003)
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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 2 of Resolution 2005-1791, Control No. 2005-003)

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 Landscape Condition 1 of Resolution 2005-1791, Control No. 2005-003)
4. Field adjustment of wall, fence, berm, 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 Landscape Condition 4 of Resolution 2005-1791, Control No. 2005-003)
5. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: BLDG - Zoning) (Previous Landscape Condition 5 of Resolution 2005-1791, Control No. 2005-003)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting and approval for Technical Compliance from the District, the owner shall convey to the District either by warranty deed or easement deed, the South 5 feet of Tracts 45 - 48 and The West 40 feet of Tracts 60-61 and 84-85 and the South 5 feet of Tracts 85-96 all of Block 53, less lands owned by the District for the right-of-way for the L-25, E-1 and L-26 Canals. (PLAT: ENG - LWDD)

PALM TRAN

1. Mass Transit Condition 1 of Resolution 2005-1791, Control No.2005-003, which currently states:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Preliminary Development Plan and/or final plan prior to final approval of the 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)

Is hereby amended to read:

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. Mass Transit Condition 1 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Prior to issuance of the first Building Permit or recordation of the plat, whichever shall first occur, 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. (BLDG PERMIT/PLAT: MONITORING-Eng)

Is hereby amended to read:

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)

PLANNING

1. Condition Planning 1 of Resolution 2005-1791, Control No. 2005-003, which currently states:

The PUD shall be limited to a maximum of 943 dwelling units and shall meet 60/40 AGR-PUD requirements. (DRO: PLANNING-Planning)

Is hereby amended to read:

The PUD shall be limited to a maximum of 1080 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, but unbuilt units may be transferred outside the development area. (DRO/ONGOING: PLANNING - Planning)

2. Condition Planning 2 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Prior to recordation of a plat for the Lyons West Development Area, the property owner is responsible for the recordation of boundary plats for all of the preserve parcels and shall 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. (PLAT: PLANNING/ENG - Planning)

Is hereby amended to read:

Prior to recordation of a plat for the development parcel, the property owner shall prepare boundary plats for all the preserve parcels. As an alternative to satisfy the platting requirements pursuant to the ULDC, and a conservation easement is recorded, the property owner may request the following:

- a. a ULDC text amendment to waive platting requirements for the preserve parcels; or
- b. a variance from the platting requirements subject to approval of the Zoning Commission;

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 these preserve parcels do not require platting or a variance is granted, then any such platting requirement for these preservation parcels set forth herein shall not apply to the preservation parcel. (PLAT: PLANNING/ENG - Planning)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide an as built Rural Parkway Landscape Plan for the entire Lyons West AGR-PUD Rural Parkway Preserve easement. (DRO: PLANNING - Planning)
(Previous Condition Planning 3 of Resolution R-2005-1791, Control No. 2005-003)

4. Prior to final Master 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). (DRO: PLANNING - Planning) (Previous Condition Planning 4 of Resolution R-2005-1791, Control No. 2005-003)
5. Prior to final Master 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, or in the event of a change in use, that the new use of the property is consistent with the permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code (ULDC). 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. (DRO: PLANNING/ERM - Planning) (Previous Condition Planning 5 of Resolution R-2005-1791, Control No. 2005-003)
6. Condition Planning 6 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Prior to final 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 Master Plan and include the following:

- a. The preservation areas approved as part of Application # 2005-021 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; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.
- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area.

Is hereby amended to read:

Prior to final 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 Master Plan and include the following:

- a. The preservation areas approved as part of this application 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, farm worker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.
- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning)

7. Condition Planning 7 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Prior to plat recordation for the Lyons West AGR-PUD development area, the conservation easements for all of the Preservation parcels 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.

Is hereby amended to read:

Prior to recordation of the plat for the developable area as identified in this application, for the Preserve parcels (exclusive of the SFWMD preserve), the property owner shall:

- 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. Conservation easements shall be required for the SFWMD preserve areas, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan.

The conservation easements for all of the Preservation parcels, 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)
8. Planning Condition 8 of Resolution R-2005-1791, Control No. 2005-003 which currently states:

Prior to plat recordation for the Lyons West Development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall contain:

- a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:
 - 1) Flowering trees;
 - 2) Undulating berms, no taller than five feet and landscaped with native vegetation; and,
 - 3) Benches/pedestrian gathering areas with a water fountain. At least two (2) pedestrian gathering areas shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
- b. The Rural Parkway easement shall not include:
 - 1) Walls;
 - 2) structures with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.
- c. The Rural Parkway easement may include:
 - 1) A bus easement,
 - 2) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
 - 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.
- d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.
- e. Title insurance for this easement 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.

- f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to September 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. (PLAT/DATE: PLANNING/MONITORING - Planning)

Is hereby amended to read:

Prior to plat recordation for the Lyons West Development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall contain:

- a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:
- 1) Flowering trees;
 - 2) Undulating berms, no taller than five feet and landscaped with native vegetation; and,
 - 3) Benches/pedestrian gathering areas with a water fountain. At least two (2) pedestrian gathering areas shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
- b. The Rural Parkway easement shall not include:
- 1) Walls;
 - 2) structures with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.
- c. The Rural Parkway easement may include:
- 1) A bus easement,
 - 2) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
 - 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.
- d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.
- e. Title insurance for this easement 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.
- f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to April 1st, 2011, 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. (PLAT/DATE: PLANNING/MONITORING - Planning)
9. Condition Planning 9 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to September 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.

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 April 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning)

10. Prior to the issuance of the 200th Certificate of Occupancy, the property owner shall complete construction of the Rural Parkway according to the approved landscape plan. (CO: MONITORING - Planning) (Previous Condition Planning 10 of Resolution R-2005-1791, Control No. 2005-003)

11. Condition Planning 11 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Prior to final approval by the Development Review Officer (DRO), the site plan shall indicate a pedestrian pathway along the lake fronting the recreation tract. This pedestrian pathway shall provide continuous circulation between the sidewalks within the north and south ROW. In addition, a minimum of two (2) benches shall be placed at this location.

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall indicate a pedestrian pathway along the lake fronting the recreation tract. In addition, a minimum of two (2) benches shall be placed at this location. (DRO: PLANNING - Planning)

12. Condition Planning 12 of Resolution 2005-1791, Control No. 2005-003, which currently states:

Prior to the issuance of a certificate of occupancy (CO), the property owner shall pave pedestrian connections from the development area to the Rural Parkway Easement at the two locations shown on the certified master plan that read "pedestrian gathering area" with a break in any walls, landscaping, or buffering. (CO: MONITORING - Planning)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate pedestrian connections from the development area to the Rural Parkway Easement at the two locations shown on the certified master plan that read "pedestrian gathering area". (DRO: PLANNING - Planning)

13. The two pedestrian connections to the Rural Parkway at the locations shown on the certified master plan that read "pedestrian gathering area" may be controlled by gates or other security devices that may be controlled only by the property owner/developer/Homeowners Association of the PUD. However, in no case, shall a gate or security device at these locations not provide access to the Rural Parkway by being rendered inoperable or non-functional. (ONGOING: CODE ENF - Planning) (Previous Condition Planning 13 of Resolution R-2005-1791, Control No. 2005-003)

PLANNED UNIT DEVELOPMENT

1. Prior to the recordation of the first plat, all property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
 - a. formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.
 - b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: CO ATTY - Zoning) (Previous PUD Condition 1 of Resolution 2005-1791, Control No. 2005-003)

2. PUD Condition 2 of Resolution 2005-1791, Control No. 2005-003 which currently states:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, master plans and related 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 December 15, 2006, and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

Is hereby amended to read:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, master plans and related 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 February 28, 2009, and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association.

3. Prior to final approval by the Development Review Officer (DRO), the plans shall be revised to indicate, in addition to the focal points shown, four (4) additional landscaped cul-de-sac focal points with a minimum of three (3) trees each shall be provided, two (2) in Pod J and two (2) in Pod K. The location of each focal point shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

SCHOOL BOARD

1. Previous Condition School Board 1 of Resolution R-2005-1791 (PDD2005-021) which currently states:

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 HOMEBUYERS/TENANTS AND
PARENTS OF SCHOOL AGE CHILDREN"**

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

Is hereby deleted: [Reason: no longer applicable]

2. Previous Condition School Board 2 of Resolution R-2005-1791 (PDD 2005-021) which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING SCHOOL BOARD/ENG School Board.)

Is hereby deleted. [Reason: no longer applicable]

3. Prior to Final Site Plan approval by the Development Review Officer (DRO), the applicant shall provide a Declaration and Restrictive Covenant" which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney.

UTILITIES

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

COMPLIANCE

1. Compliance Condition 1 of Resolution R-2005-1791, Control No. 2005-003, which currently states:

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)

Is hereby amended to read:

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Compliance Condition 2 of Resolution R-2005-1791, Control No. 2005-003, 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 state:

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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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 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 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