

RESOLUTION NO. R-2008-1698

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2008-00802  
(CONTROL NUMBER 2005-00455)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF Beach Boynton  
BY Kilday & Associates, Inc., AGENT  
(Hyder 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/EAC-2008-00802 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 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 DOADOA/EAC-2008-00802, the application of Beach Boynton, by Kilday & Associates, Inc., agent, for a Development Order Amendment to a Development Order Amendment to delete a condition of approval (Preserve Platting). 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 September 29, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 29, 2008.

This resolution is effective upon the effective date of the amendment to the Palm Beach County Comprehensive Plan Amendment Round 2008-01, related to platting of AGR Preserve Areas and the effective date of the Unified Land Development Code amendment contained in Exhibit C, Part 11 of Ordinance 2008-037.

Filed with the Clerk of the Board of County Commissioners on October 6, 2008.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

SHARON BOCK, CLERK &  
COMPTROLLER

BY:

  
DEPUTY CLERK

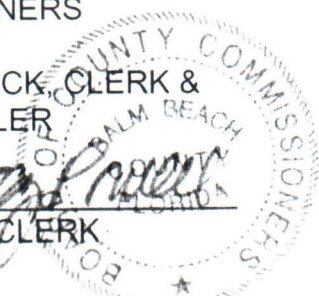


EXHIBIT A

LEGAL DESCRIPTION

HYDER-EAST PARCEL

ALL OF TRACTS 17 THROUGH 24, INCLUSIVE, TRACTS 43 THROUGH 53, INCLUSIVE, TRACTS 65 THROUGH 128, INCLUSIVE, ALL LYING WITHIN SECTION 30, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT 2, PAGES 26 THROUGH 28, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 11413, PAGE 1734, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL 107

THE WEST 40 FEET OF THE EAST 55 FEET OF TRACTS 65, 96, 97, AND 128, BLOCK 30 OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF PALM BEACH FARMS PLAT NO. 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL 107A

THAT PART OF TRACT 128, BLOCK 30 OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE N.00°52'26"W. ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE S.89°24'20" W. ALONG SAID CANAL FOR A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°24'20"W. FOR A DISTANCE OF 30.00 FEET; THENCE N.00 52'26"W. ALONG A LINE PARALLEL WITH AND 85.00 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 311.87 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 47.12 FEET TO A POINT 55.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE S.00° 52'26"E. ALONG A LINE PARALLEL WITH AND 55 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 342.02 FEET TO THE POINT OF BEGINNING.

PARCEL 107B

A 25 FOOT WIDE STRIP OF LAND LYING WEST AND NORTHWEST OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF TRACT 128, BLOCK 30 OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SECTION 30, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE N.00 52'26"W. ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-38 CANAL; THENCE S.89°24'20"W. FOR A DISTANCE OF 55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE

S.89°24'20"W. FOR A DISTANCE OF 30 FEET; THENCE N.00°52'26"W. ALONG A LINE PARALLEL WITH AND 85.00 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 311.87 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTH EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 00'00", A DISTANCE OF 47.12 FEET TO A POINT 55.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 30; THENCE S.00°52'26"E. ALONG A LINE PARALLEL WITH AND 55.00 FEET WEST OF THE EAST LINE OF SAID SECTION 30 FOR A DISTANCE OF 342.02 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS

THE E-1 LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 118, PAGE 518, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING THE WEST 95.00 FEET OF SAID TRACTS 17, 48, 49, 80, 81, 112 AND 113, SAID SECTION 30, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP 93210-2515.

THE NORTH 38.00 FEET OF SAID TRACTS 65 AND 66, SECTION 30, ACCORDING TO DEED BOOK 113, PAGE 425.

THE NORTH 38.00 FEET OF SAID TRACTS 67, 68, 71 AND 72, SAID SECTION 30,, ACCORDING TO DEED BOOK 113, PAGE 507.

THE NORTH 38.00 FEET OF SAID TRACTS 75 AND 76, SAID SECTION 30,, ACCORDING TO DEED BOOK 148, PAGE 518.

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

THE EAST 15.00 FEET OF SAID TRACTS 65, 96, 97 AND 128, SAID SECTION 30.

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

CONTAINING 412.133 ACRES, MORE OR LESS.

HYDER NORTH PRESERVE AREA NO. 1

A PORTION OF THE SOUTH HALF (S 1/2) OF THE NORTH HALF (N 1/2) 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 THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 00°54'18" WEST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2,877.53 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 00°54'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,063.01 FEET; THENCE NORTH 89°28'25" EAST, ALONG A LINE 125.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTH ONE- HALF OF SAID SECTION 25, A DISTANCE OF 5,040.45 FEET TO A POINT ON WEST LINE OF RIGHT-OF-WAY FOR STATE ROAD 7 (US 441); THENCE SOUTH 01°43'56" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH THE FOLLOWING DESCRIBED COURSED, A DISTANCE OF 570.04 FEET; THENCE SOUTH 01°06'47" EAST, A DISTANCE OF 512.24 FEET; THENCE SOUTH 89°41'26" WEST, A DISTANCE OF 5,050.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 124.268 ACRES, MORE OR LESS.

CHICO PARCEL – CENTRAL/PRESERVE AREA NO. 2

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

COMMENCE AT A POINT ON THE WEST LINE OF SAID SECTION 13 AT THE SOUTHWEST CORNER OF WILLIS GLIDERPORT PLAT NO. 1 AS RECORDED IN PLAT BOOK 32, PAGES 148 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°57'37" EAST, ALONG SAID WEST LINE OF SECTION 13, A DISTANCE OF 678.04 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 88°59'15" EAST ALONG A LINE 678.04 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.25 FEET TO A POINT ON THE WEST RIGHT- OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10558, PAGE 1320, SAID PUBLIC RECORDS; THENCE SOUTH 00°55'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 151.62 FEET; THENCE SOUTH 88°59'15" WEST, ALONG A LINE 829.65 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.15 FEET TO A POINT ON SAID WEST LINE OF SECTION 13; THENCE NORTH 00°57'37" WEST, A DISTANCE OF 151.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.599 ACRES, MORE OR LESS.

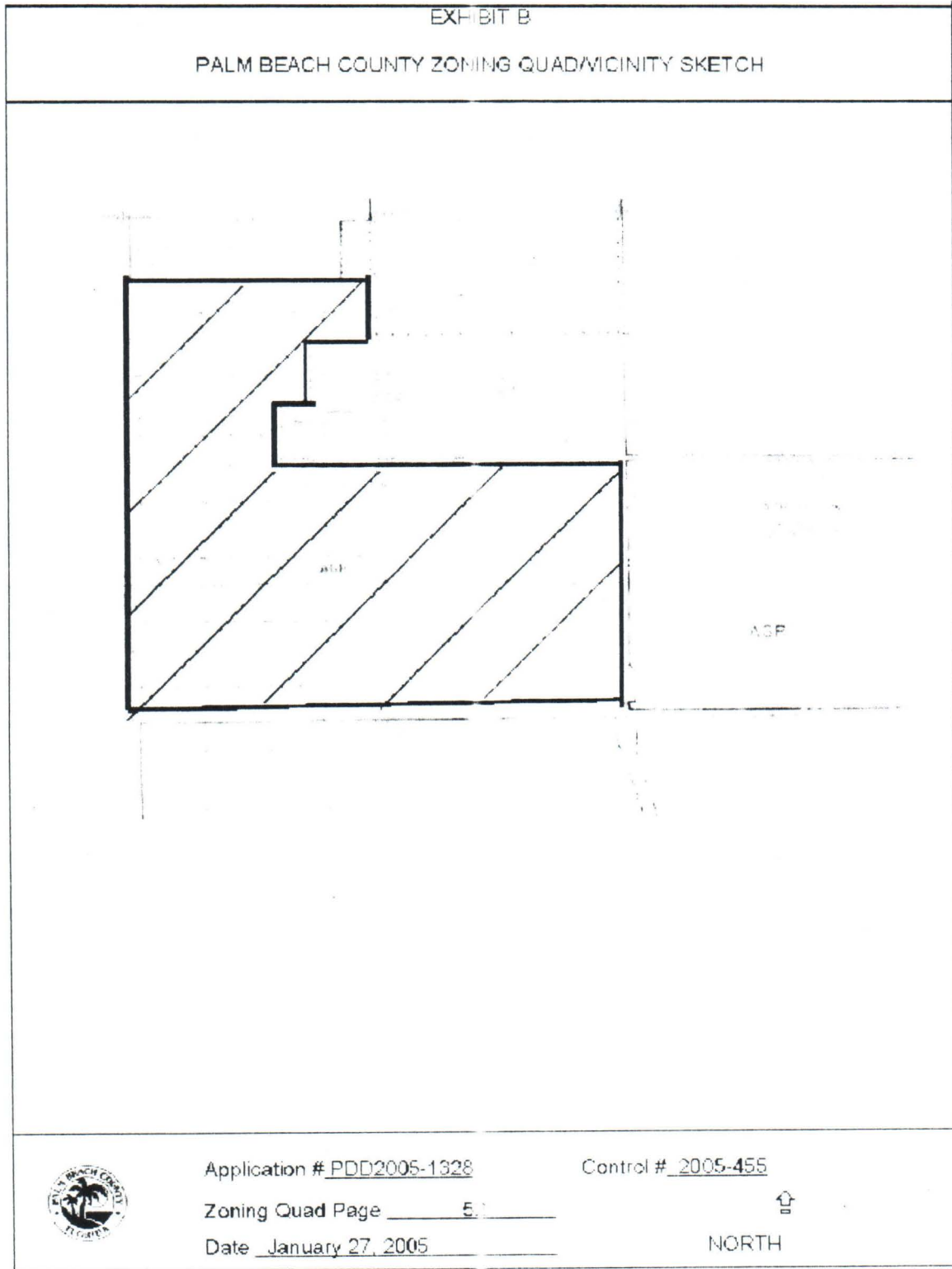
BEARINGS ARE BASED ON THE WEST LINE OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA HAVING AN ASSUMED BEARING OF S00°57'37"E.

SFWMD PARCEL /PRESERVE AREA NO. 3

BEING A PORTION OF SECTIONS 3, 4 AND 10, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 88°14'10" WEST, ALONG THE SOUTH LINE OF SECTION 10, A DISTANCE OF 1,409.41 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE 40 AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTHEAST RIGHT- OF-WAY LINE FOR THE FOLLOWING TWO COURSES, NORTH 32°37'57" WEST, A DISTANCE OF 2,958.60 FEET; THENCE NORTH 36°23'54" WEST, A DISTANCE OF 4,229.75 FEET; THENCE DEPARTING SAID NORTHEAST RIGHT-OF-WAY LINE, NORTH 89°48'05" EAST, A DISTANCE OF 3,034.48 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN THAT LEASE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243; THENCE SOUTH 00°56'23" EAST, ALONG SAID WEST LINE. A DISTANCE OF 250.75 FEET TO A POINT ON THE SOUTH LINE OF SAID LEASE AGREEMENT PARCEL; THENCE NORTH 89°42'50" EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY PROLONGATION, A DISTANCE OF 2,300.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE SOUTH 00°56'23" EAST, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 19°29'49" EAST, A DISTANCE OF 396.71 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 00°27'42" EAST, ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 5,150.26 FEET TO THE POINT OF COMMENCEMENT.

CONTAINING 441.666 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-2006-278, Petition 2005-455, has been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan and site plan are dated December 19, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning) (Previous All Petitions Condition 1 of Resolution R-2006-278, Petition 2005-455)

#### ENGINEERING

##### 1. TRAFFIC PERFORMANCE STANDARDS PHASING CONDITIONS

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

a) Building Permits for more than 40 single family dwelling units (equivalent of 47 pm peak hour trips) shall not be issued until construction commences for the 4 laning of West Atlantic Avenue from Lyons Road to Starkey Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

b) No Building Permits for the site may be issued after January 1, 2012. 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 Condition E1 of Zoning Resolution R-2006-0278,  
Control Number 2005-455

##### 2. LANDSCAPE WITHIN THE MEDIAN OF SR 7

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 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 building permit. (BLDG PERMIT: MONITORING-Eng)

b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

c) At 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 beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 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 Condition E2 of Zoning Resolution R-2006-0278,  
Control Number 2005-455

3. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of:

a) right turn lane on Lyons Road at the east west collector road.

b) right turn lane on Lyons Road at the projects entrance road

Right turn lane rights of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer.

This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: MONITORING-Eng)

Previous Condition E3 of Zoning Resolution R-2006-0278,  
Control Number 2005-455

4. The Property owner shall construct:

a) right turn lane north approach on Lyons Road at the Project's east west collector roadway.

b) right turn lane north approach on Lyons Road at the Project's entrance road.

c) left turn lane south approach on Lyons Road at the east west collector roadway.

d) left turn lane south approach on Lyons Road at the Project's entrance road

e) East west collector roadway from Lyons Road to SR 7. Construction shall be to collector street standards, minimum 2-12 travel lanes. Also included shall be intersection improvements at both Lyons Road and SR 7.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Previous Condition E4 of Zoning Resolution R-2006-0278,  
Control Number 2005-455



5. On or before June 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 Condition E5 of Zoning Resolution R-2006-0278,  
Control Number 2005-455

6. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- Lyons Road and the east west collector road.
- Lyons Road and the project entrance road.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING)

a) Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT:MONITORING-Eng).

Previous Condition E6 of Zoning Resolution R-2006-0278,  
Control Number 2005-455

7. The property owner shall convey all necessary right of way to Palm Beach County Land Development Division by warranty deed for the proposed 80 foot east west collector roadway. Right of way shall be dedicated prior to issuance of a Building Permit on an alignment approved by the County Engineer. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements.

In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including

Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and Corner Clips." (BLDG. PERMIT: MONITORING-Eng)  
Previous Condition E7 of Zoning Resolution R-2006-0278,  
Control Number 2005-455

8. Acceptable surety required for the West Atlantic Avenue improvements identified in the Traffic Performance Standards Phasing Condition above shall be posted with the Office of the Land Development Division on or before August 23, 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)

Previous Condition E1 of Zoning Resolution R-2006-0278,  
Control Number 2005-455  
Note: Complete

#### HEALTH

1. Prior to final approval by the Development Review Officer (DRO), the property owner must submit the results of a pre-demolition asbestos containing materials (ACM) survey of the structures on the site to the Palm Beach County Health Department. (DRO:HEALTH-Health) (Previous condition Health 1. of Resolution R-2006-278, Control 2005-455)

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-2006-278, Control 2005-455)

#### ZONING - LANDSCAPING-ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of the first certificate of occupancy, the property owner shall submit a Landscape Plan for the entire project to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein. (CO: LANDSCAPE- Zoning) (Previous Landscape Condition 1 of Resolution R-2006-278, Petition 2005-455)

#### ZONING - LANDSCAPING

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 2 of Resolution R-2006-278, Petition 2005-455)

3. 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 3 of Resolution R-2006-278, Petition 2005-455)

4. 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 4 of Resolution R-2006-278, Petition 2005-455)

5. Field adjustment of 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 5 of Resolution R-2006-278, Petition 2005-455)

#### ZONING - LANDSCAPING-LANDSCAPING-ALONG THE NORTH, NORTHEAST, AND THE EAST 2000 FEET OF THE SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL DEVELOPMENTS)

6. Landscaping along the north, northeast, and the east 2000 feet of the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a continuous berm with a minimum height of two (2) feet; and,
- c. a six (6) foot high chain link fence, located on the plateau of the berm, with a six (6) foot high hedge planted on both sides of the fence. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 1 (ABUTTING RESIDENTIAL DEVELOPMENTS) of Resolution R-2006-278, Petition 2005-455)

#### ZONING - LANDSCAPING-LANDSCAPING-ALONG ENTRANCE ROADS

7. Special planting treatment shall be provided at each project entry from the public road right of way to the rear face of each guardhouse (or a minimum of 500 feet if there is no guardhouse) as follows:

- a. a minimum of ten (10) Royal Palms, Canary Palms, Phoenix Palms, Medjool Palms, or any other specimen palms that are acceptable to the Landscape Section along each side of the access point(s); and,
- b. a minimum of fifteen (15) flowering trees; and,
- c. appropriate shrub or hedge materials. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 1 (ALONG ENTRANCE ROADS) of Resolution R-2006-278, Petition 2005-455)

#### LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from the District for Technical Compliance, or the issuance of any Lake Worth Drainage District permits, the owner shall convey to the District either by warranty or easement deed, the North 65 feet of Tracts 65-80, the South 85 feet of Tracts 113-128 and east 50 feet east of the west 130 feet of Tracts 17, 48-49, 80-81 and 112-113 all of Sec 30/46/42, less lands owned by the District for the required right-of-way for the L-37, L-38 and E-1 Canals.

#### PLANNING

1. The PUD shall be limited to a maximum of 554 dwelling units and shall meet 60/40 AGR-PUD requirements. (Previous Condition Planning 1. of Resolution R-2006-278, Control No. 2005-455) (ONGOING: PLANNING - Planning)

2. Condition Planning 2. of Resolution R-2006-278, Control No. 2005-455, which currently states:

Prior to recordation of a plat for the Hyder 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 deleted. [REASON: No longer applicable.]

3. Prior to final approval by the DRO, the property owner shall provide an AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (Previous Condition Planning 3. of Resolution R-2006-278, Control No. 2005-455) (DRO: PLANNING - Planning)

4. Condition Planning 4. of Resolution R-2006-278, Control No. 2005-455, which currently states:

Prior to final approval by the 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 Management (ERM) for exotic removal and maintenance on each of the sites. (DRO: PLANNING/ERM - Planning)

Is hereby amended to read:

Prior to final approval by the Development Review Officer, submit a signed copy of the AGR Preserve Management Plans approved by ERM for each Agricultural Preserve parcel. (DRO-PLANNING-Planning)

5. Prior to final approval by the 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 # 2005-1328 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. (Previous Condition Planning 5. of Resolution R-2006-278, Control No. 2005-455) (DRO/ONGOING: PLANNING - Planning)

6. Prior to plat recordation for the Hyder AGR-PUD 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. (Previous Condition Planning 6. of Resolution R-2006-278, Control No. 2005-455) (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning)

7. Should conservation easements not be recorded for the Preservation properties 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. (Previous Condition Planning 7. of Resolution R-2006-278, Control No. 2005-455) (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning)

PLANNED UNIT DEVELOPMENT

1. Prior to 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: MONITORING-Cty Atty) (Previous Planned Unit Development Condition 1 of Resolution R-2006-278, Petition 2005-455)

2. 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 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 2, 2007 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) (Previous Planned Unit Development Condition 2 of Resolution R-2006-278, Petition 2005-455)

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

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW-Zoning) (Previous Planned Unit Development Condition 3 of Resolution R-2006-278, Petition 2005-455)

4. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within 3 of the 10 lake tracts as depicted on the approved Master Plan. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING-Zoning) (Previous Planned Unit Development Condition 4 of Resolution R-2006-278, Petition 2005-455)

5. Planned Unit Development Condition 5 of Resolution R-2006-278, Petition 2005-445

Prior to the issuance of a Certificate of Occupancy (CO) for a clubhouse or similar common building exceeding 2,500 total square feet on the 6.87-acre recreation parcel, the 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;
- f. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations; and,
- g. in the event future ULDC regulations/Board of County Commission direction does not require the provision of a generator for the clubhouse or similar common building for Planned Unit Developments, condition 3.a. through 3.f. above shall be null and void and shall no longer be applicable to this project. (BLDG PERMIT: MONITORING - Zoning)

is hereby deleted. [REASON: No longer applicable.]

#### SCHOOL BOARD

1. 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 1 of Resolution R-2006-0278 (PDD2005-1328))(CO: MONITORING School Board.)

2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (Previous Condition Signs 1 of Resolution R-2006-0278 (PDD2005-1328)) (ONGOING: SCHOOL BOARD)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD- PBCWUD) (Previous Utilities Condition 1 of Resolution R-2006-278, Petition 2005-455)

COMPLIANCE

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

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or 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)