

RESOLUTION R-2009- 0012

RESOLUTION CORRECTING RESOLUTION R-2008-1961
RESOLUTION APPROVING ZONING APPLICATION OF BEACH BOYNTON
APPLICATION DOA/EAC-2008-00803
(CONTROL NO. 2006-00550)

WHEREAS, Beach Boynton, petitioned the Palm Beach County Board of County Commissioners on October 23, 2008 for a a Development Order Amendment to delete a condition of approval (Planning); and

WHEREAS, Resolution R-2008-1961, adopted on October 23, 2008 confirming the action of the Board of County Commissioners inadvertently contained errors in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-2008-1961 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-2008-1961 is hereby corrected.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Absent
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
District 4 Commissioner Mary McCarty	-	Absent
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairman thereupon declared the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on 4th day of February, 2009.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK

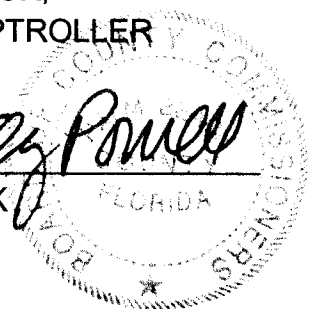


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated April 16, 2007. 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) (All Petitions Condition 1 of Resolution R-2007-1041, Petition 2006-550)

CIVIC SITE DEDICATION

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 4.04 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by June 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) (Previous PREM Condition 1 of Resolution R-2007-1041, Petition 2006-550)

2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by May 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) (Previous PREM Condition 2 of Resolution R-2007-1041, Petition 2006-550)

3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by May 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) (Previous PREM Condition 3 of Resolution R-2007-1041, Petition 2006-550)

4. The property owner has offered to provide the County with an offsite property which shall be used as a credit towards the required 4.04 onsite acres of this PUD. The offsite property conveyance shall be handled by either one of two separate agreements known as the proposed Acme East 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 4.04 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 Acme East 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.(ON-GOING:PREM-PREM) (Previous PREM Condition 4 of Resolution R-2007-1041, Petition 2006-550)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

b. Building Permits for more than 342 single family dwelling units shall not be issued until the contract has been awarded for the construction of intersection improvements at SR 7 and West Atlantic Avenue which will provide for an additional east approach right turn lane (BLDG PERMIT: MONITORING-Eng)

c. Building Permits for more than 499 single family dwelling units shall not be issued until the contract has been awarded for the construction of intersection improvements at Boynton Beach Boulevard and Lyons Road which will provide for:

- additional west approach through lane,
- separate north approach right turn lane (BLDG PERMIT: MONITORING-Eng)

d. Building Permits for more than 533 single family dwelling units shall not be issued until the contract has been awarded for the construction of intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road which will provide for:

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

e. Acceptable surety required for the offsite road improvements as in the condition above shall be posted with the Office of the Land Development Division on or before December 28, 2007. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng) (Previous Condition E.1 of Resolution R-2007-1041, Control No.2006-00550)

2. The property owner shall construct a left turn lane north approach on Acme Dairy Road at the Project's Entrance Road. 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. The length of this required turn lane on Acme Dairy Road shall be 390 feet plus the appropriate paved tapers.

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 the improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.2 of Resolution R-2007-1041, Control No.2006-00550)

3. Noise Mitigation

a. The required mitigation as outlined in the approved noise study such as sound walls and landscape buffers shall be shown on the master/site plans and Final Subdivision Plans for this site subject to the approval of the County Engineer and Zoning Division. (ONGOING: ENGINEERING-Eng)

b. Construction of the required sound walls and landscape buffers for a pod fronting the turnpike, shall be completed prior to the issuance of the first certificate of occupancy for any lot within the pod. This condition shall apply to Pods A, E and F only. The construction shall be as outlined in the Noise Analysis. The property owner shall provide Land Development a listing of the applicable PCN numbers for all affected lots within Pods A, E and F. (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 this site is adjacent to the Florida Turnpike,
- that the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike, and
- that the Developer has installed noise abatement improvements determined by the Florida Turnpike Enterprise to be effective in keeping noise levels from the Florida Turnpike below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County.

The property owner shall submit documentation of compliance with these disclosure criteria on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 2008 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)

4. The Property owner shall lengthen the existing right turn lane west approach on Boynton Beach Boulevard at Acme Dairy Road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the 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 for this improvement shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.4 of Resolution R-2007-1041, Control No.2006-00550)

5. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Boynton Beach Boulevard and Acme Dairy Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation.

a. No Building Permits shall 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)

b. In order to request release of the surety for the traffic signal at Boynton Beach Boulevard and Acme Dairy Road, 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 for this intersection. 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 Condition E.5 of Resolution R-2007-1041, Control No.2006-00550)

ZONING - LANDSCAPING-STANDARDS

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)

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. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 2 of Resolution R-2007-1041, Petition 2006-550)

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. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 3 of Resolution R-2007-1041, Petition 2006-550)

4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 4 of Resolution R-2007-1041, Petition 2006-550)

5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 5 of Resolution R-2007-1041, Petition 2006-550)

ZONING – LANDSCAPING - LANDSCAPING- ALONG THE EAST AND WEST PROPERTY LINES

6. In addition to the proposed landscaping and buffering program and code requirements, landscaping along the east and west property lines shall be upgraded to include:

- a) one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 6 of Resolution R-2007-1041, Petition 2006-550)

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 deed or easement deed; the North 60 feet of Tracts 66-72, and the South 10 feet of Tracts 123-127, all being in Block 54, PALM

5. Condition Planning 5. of Resolution R-2007-1041, Control No. 2006-550, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement 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)

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)

6. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the site plan and include the following:

a. The preservation areas approved as part of Application PDD/W-2008-803 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. (DRO/ONGOING: PLANNING - Planning)(Previous Condition Planning 6. of Resolution R-2007-1041, Control No. 2006-550)

7. Prior to recordation of the plat for the developable area as identified in Application PDD/W-2006-1908, for the Preserve parcels (exclusive of the

BEACH FARMS COMPANY PLAT NO. 3, PB2, PG45, for the L-25 and L-26 Canals. (Less lands owned by the District) (PLAT: ENG-LWDD)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Palm Tran Condition 1 of Resolution R-2007-1041, Petition 2006-550)

2. Prior to Plat Recordation or issuance of the first Building Permit, 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 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. (BLDG PERMIT/PLAT: MONITORING/ENG -Palm Tran)

PLANNING

1. The PUD shall be limited to a maximum of 579 dwelling units and shall meet 60/40 AGR-PUD requirements. Development rights associated with the preserve areas shall be retired at the time of approval of this application and all units shall be assigned to the development area. No approved, but unbuilt units may be transferred outside the development area. (DRO/ONGOING: PLANNING - Planning)(Previous Condition Planning 1. of Resolution R-2007-1041, Control No. 2006-550)

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

Prior to recordation of a plat for the Acme East Development Area Parcel, the property owner shall record boundary plats for all of the Preserve parcels, and include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. (PLAT: PLANNING/ENGINEERING - Planning)

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

3. Prior to recordation of a plat for the development area, should any lots be created to achieve the configuration of these Preservation parcels, the property owner shall provide documentation to the Planning Division and the County Attorney's Office that any lots created would not result in the creation of illegal lots of record and would at a minimum total: Chico, Preserve #1(18.14 acres); Jill, Preserve #2 (27.34 acres); Gaylor, Preserve #3 (65.45 acres); South Florida Water Management District, Preserve #4A (206.26 acres); South Florida Water Management District, Preserve #4B (55.25 acres); and Bolton, Preserve #5 (5.03 acres). (PLAT: ENG/CTY ATTY - Planning)(Previous Condition Planning 3. of Resolution R-2007-1041, Control No. 2006-550)

4. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide an "AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRO: PLANNING - Planning)(Previous Condition Planning 4. of Resolution R-2007-1041, Control No. 2006-550)

SFWMD preserve), the property owner shall either: 1) dedicate the land to Palm Beach County or another governmental entity such as the South Florida Water Management District; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel; or 3) subject the parcel to a conservation easement, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. 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 Preservation parcels shall be recorded, as approved by the County Attorney's Office, Department of Environmental Resources Management, and the Planning Division.

- a. The conservation easements for all of these preserve parcels shall contain:
 - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - 2) a list of permitted uses, uses not permitted, and prohibited activities.
- b. Title insurance for these easements 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: PLANNING/ENGINEERING - Planning) (Previous Condition Planning 7. of Resolution R-2007-1041, Control No. 2006-550)

8. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to June 28, 2010, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING-PLANNING/CTY ATTY - Planning)(Previous Condition Planning 8. of Resolution R-2007-1041, Control No. 2006-550)

PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following: a. formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. b. all recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. c. the property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: MONITORING-Cty Atty) (Previous Planned Unit Development Condition 1 of Resolution R-2007-1041, Petition 2006-550)

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

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;

- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
- e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning) (Previous Planned Unit Development Condition 2 of Resolution R-2007-1041, Petition 2006-550)

3. Planned Unit Development Condition 3 of Resolution R-2007-1041, Petition 2006-550

For a clubhouse or similar common building exceeding 2,500 total square feet on the 5.52-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. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (Previous School Board Condition 1 of Resolution R-2007-1041, Petition 2006-550)

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

(Previous School Board Condition 2 of Resolution R-2007-1041, Petition 2006-550)

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-2007-1041, Petition 2006-550)

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)