

RESOLUTION NO. R-2009- 0506

RESOLUTION APPROVING ZONING APPLICATION DOA-2008-01367  
(CONTROL NUMBER 2005-00455)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF Boynton Beach Assoc XXIV LLLP, South Fla Water Mgmt Dist –  
South Florida Water Management Dist  
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-2008-01367 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; 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-2008-01367, the application of Boynton Beach Assoc XXIV LLLP, South Fla Water Mgmt Dist - South Florida Water Management Dist, by Kilday & Associates, Inc., agent, for a Development Order Amendment to to reconfigure the master plan, increase number of units, to amend a condition of approval (Engineering), create a model row, and restart the commencement clock 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 March 30, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Steven Abrams 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	¥	Aye
Commissioner Karen T. Marcus	¥	Naye
Commissioner Shelley Vana	¥	Aye
Commissioner Steven L. Abrams	¥	Aye
Commissioner Jess R. Santamaria	¥	Naye
Commissioner Addie L. Greene	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

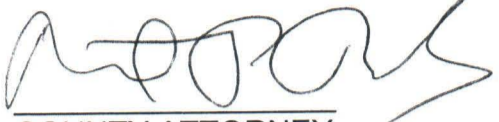
Filed with the Clerk of the Board of County Commissioners on May 6th, 2009.


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

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.

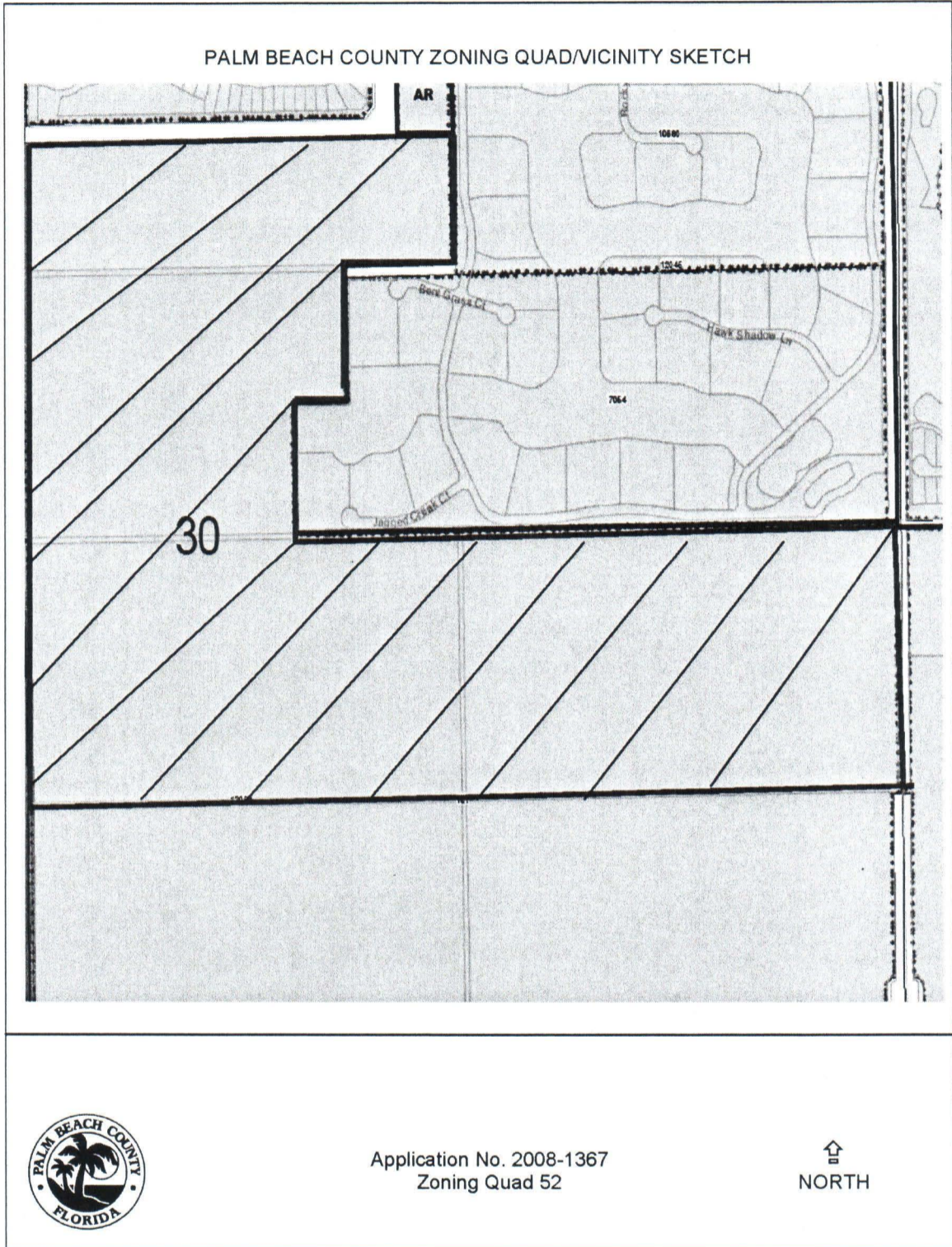
THOSE LANDS ACCORDING TO OFFICIAL RECORDS BOOK 6495, PG. 761.

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.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1.All Petitions Condition 1 of Resolution 2008-1698, Control No. 2005-455, which currently states:

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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution 2008-1698 (Control No. 2005-455) and the Civic, ERM, and Mass Transit conditions contained in Resolution 2006-278 (Control No. 2005-455) 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.All Petitions Condition 2 of Resolution 2008-1698, Control No. 2005-455, which currently states:

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)

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated January 16, 2009. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

3.Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING-Zoning)

#### CIVIC SITE DEDICATION

1.Previous Civic Site Dedication Condition 1 of Resolution 2006-0278, Control No. 2005-455, which currently states:

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 8.24 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by November 1, 2007. 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 property owner 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.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated 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) 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)

Is hereby amended to read:

The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 8.24 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by



November 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 property owner 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.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated 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) 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.Previous Civic Site Dedication Condition 2 of Resolution R-2006-0278, which currently states:

The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2007 . 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)

Is hereby amended to read:

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.Previous Civic Site Dedication Condition 3 of Resolution R-2006-0278, which currently states:

The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2007 . 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.
- a) If the Phase I audit indicates that a Phase II is necessary, then the Developer shall be required to provide that audit as well. (DATE:MONITORING-PREM)

Is hereby amended to read:

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.
- a) 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 may request to 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. 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 or if the property owner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. 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) (Previous Civic Site Dedication Condition 4 of Resolution R-2006-0278, Control No. 2005-455)

5. Previous Civic Site Dedication Condition 5 of Resolution R-2006-0278, which currently states:

In the event the Board of County Commissioners approves the civic Site dedication Agreement with the petitioner, the property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a gross 19.64 acre (net 17.50 acre) public civic site in accordance with the terms and conditions of the Civic Site Dedication Agreement and conditions (Civic Site Dedication) 1 through 4 above shall become null and void. (ONGOING:PREM-PREM)

Is hereby amended to read:

The property owner has offered to provide the County with additional civic site property from the Hyder PUD (in addition to the required 8.24 acres of this PUD) which may be utilized as a credit towards other civic site dedication requirements. The civic property conveyance shall be handled by either one of two separate agreements, known as the Hyder Agreement and the Exchange and Civic Site Dedication Agreement (approved pursuant to R-2004-0936), which agreements shall supersede all conditions set forth herein. However, (1) should the Hyder Agreement not be finalized by either the County or the property owner, or (2) in the event there is no remaining civic site credit available for use by the property owner pursuant to the Exchange and Civic Site Dedication Agreement, then all requirements of PREM conditions 1 through 4 contained herein shall remain in effect. (ONGOING:PREM-PREM)

#### ENGINEERING

1. Previous Condition E1 of Resolution R-2008-1698, Control No. 2005-455, which currently states:

**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)

is hereby amended to read:

**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 December 31, 2013. 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)

2. Previous Condition E2 of Resolution R-2008-1698, Control No. 2005-455 which currently states:

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. 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)

d. 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)

e. 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 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)

is hereby amended to read:

The Property Owner shall design, install and perpetually maintain median landscape 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 Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the 438th building permit. (BLDG PERMIT: MONITORING-Eng)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 438th certificate of occupancy. (CO: MONITORING -Eng)

c. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING-Eng)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the 438th Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and 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. (BLDG PERMIT: MONITORING -Eng)

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:

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

ii. 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 Resolution R-2008-1698, Control No. 2005-455)

4. Previous Condition E4 of Resolution R-2008-1698, Control No. 2005-455, which currently states:

The Property owner shall construct:

- i. right turn lane north approach on Lyons Road at the Project's east west collector roadway.
- ii. right turn lane north approach on Lyons Road at the Project's entrance road.
- iii. left turn lane south approach on Lyons Road at the east west collector roadway.
- iv. left turn lane south approach on Lyons Road at the Project's entrance road
- v. 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)

is hereby amended to read:

The Property owner shall construct:

- i. Right turn lane north approach on Lyons Road at the Project's entrance road,
- ii. Left turn lane south approach on Lyons Road at the Project's entrance road, and
- iii. Exclusive left and right turn lanes west approach on the Project's entrance road at Lyons Road.

This construction shall be concurrent with the paving and drainage improvements for pods A-F of 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 these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

5. Previous Condition E5 of Resolution R-2008-1698, Control No. 2005-455 which currently states:

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)

is hereby amended to read:

On or before June 1, 2010 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)

[Note: Documents are being held in escrow until project is platted.]

6.Previous Condition E6 of Resolution R-2008-1698, Control No. 2005-455 which currently states:

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

- i. Lyons Road and the east west collector road.
- ii. 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.

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).

is hereby amended to read:

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

- i. Lyons Road and the project entrance road.
- ii. SR-7 and the East/West Collector Road (proportionate share)

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.



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 the signal at Lyons Road and the Project's entrance road. (BLDG PERMIT:MONITORING-Eng).

b. Building Permits for more than 437 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 the signal at SR-7 and the East/West Collector. (BLDG PERMIT:MONITORING-Eng).

7. Previous Condition E7 of Resolution R-2008-1698, Control No. 2005-455, which currently states:

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 as well as a minimum of 12 feet additional right of way for the right turn lane at the project entrance for a minimum of 280 feet. 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)

is hereby amended to read:

At the time of platting, the property owner shall convey all necessary right of way to Palm Beach County Land Development Division for the proposed 80 foot east west collector roadway as well as a minimum of 12 feet additional right of way for the right turn lane at the project entrance for a minimum of 280 feet. If the project is to be platted in phases, right of way for the East/West Collector shall be platted with the adjoining tracts of land or as otherwise required by the County Engineer for continuity. 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.” (TC: MONITORING-Eng)

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 E8 of Resolution R-2008-1698, Control No. 2005-455)

[Note: Complete]

9. The Property owner shall construct an East/West Collector Road from SR 7 to Lyons Road. Construction shall be to collector street standards and include bike lanes, minimum 2-12 ft. travel lanes and the following intersection improvements:

- i. Right turn lane north approach and left turn lane south approach on Lyons Road at the E/W Collector Road,
- ii. Exclusive left and right turn lanes west approach on the E/W Collector Road at Lyons Road,
- iii. Left turn lane north approach (w/ associated median modifications) and right turn lane south approach on SR 7 at the E/W Collector Road,
- iv. Exclusive left and right turn lanes east approach on the E/W Collector Road at SR 7,
- v. Right turn lane east approach and left turn lane west approach on the E/W Collector Road at the project entrance, and
- vi. Exclusive left and right turn lanes north approach on the project's entrance road at the E/W Collector Road.

This construction shall be concurrent with the paving and drainage improvements for pods G-J of 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 costs associated with the construction of the east west collector road from immediately east of the Project entrance to Lyons Road (excluding the project-related turn lanes) and the turn lanes on Lyons Road at the E-W Collector Road intersection shall be credited towards impact fees.

a. Permits required by Palm Beach County and/or FDOT for this construction shall be obtained prior to the issuance of the first Building Permit in Pods G-J as shown on the approved subdivision plan for application DOA-2008-1367. (BLDG PERMIT: MONITORING-Eng)

b. Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy in Pods G-J as shown on the approved subdivision plan for application DOA-2008-1367. (CO: MONITORING-Eng)

#### ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Hyder PUD, shall be reviewed and approved by ERM prior to final DRO site plan approval. (DRO:ERM-ERM) (Previous ERM Condition 1 of Resolution No. R-2006-0278, Control No. 2005-455)

2. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Hyder PUD, shall be submitted to ERM for

review and approval prior to recordation. (DRO:ERM-ERM) Previous ERM Condition 2 of Resolution No. 2006-278, Control No. 2005-455)

#### 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-2008-1698, Control 2005-455)

2. Previous condition Health 2. of Resolution R-2008-1698 which reads:

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)

Is hereby DELETED-----Reason: code requirement

#### ZONING - LANDSCAPING

1. Landscape Condition 1 of Resolution 2008-1698, Control No. 2005-455, which currently states:

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 2008-1698, Control No. 2005-455)

Is hereby amended to read:

Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: 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. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 2 of Resolution 2008-1698, Control No. 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 2008-1698, Control No. 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 2008-1698, Control No. 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 2008-1698, Control No. 2005-455)

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

6. Landscape Condition 6 of Resolution 2008-1698, Control No. 2005-455, which currently states:

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)

Is hereby amended to read:

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 hedge, located on the plateau of the berm. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING

7. Landscape Condition 7 of Resolution 2008-1698, Control No. 2005-455, which currently states:

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)

Is hereby deleted. [REASON: plan is modified]

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, 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. (PLAT: ENG-LWDD) (Previous LWDD Condition 1 of Resolution 2008-1698, Control No. 2005-455)

PALM TRAN

1. Mass Transit Condition 1 of Resolution R-2006-278, Control No. 2005-455, 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 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)

Is hereby deleted. [REASON: Superseded by/included in most current ULDC]

2. Prior to Plat Recordation the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not 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) (Previous Mass Transit Condition 2 of Resolution R-2006-278, Control No. 2005-455)

#### PLANNING

1.1. Condition Planning 2. of Resolution R-2008-1698, Control No. 2005-455, which currently states:

The PUD shall be limited to a maximum of 554 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING - Planning)

Is hereby amended to read:

The PUD shall be limited to a maximum of 995 dwelling units and shall meet 60/40 AGR-PUD requirements. (ONGOING: PLANNING - Planning)

2. 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). (DRO: PLANNING - Planning) (Previous Condition Planning 3. of Resolution R-2008-1698, Control No. 2005-455)

3. 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) (Previous Condition Planning 4. of Resolution R-2008-1698, Control No. 2005-455)

4. 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. (DRO/ONGOING: PLANNING - Planning)(Previous Condition Planning 5. of Resolution R-2008-1698, Control No. 2005-455)

5. 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. (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning) (Previous Condition Planning 6. of Resolution R-2008-1698, Control No. 2005-455)

6. Condition Planning 6. of Resolution R-2008-1698, Control No. 2005-455)

6. Condition Planning 2. of Resolution R-2008-1698, Control No. 2005-455, which currently states:

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to March 1st, 2009, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning) (Previous Condition Planning 7. of Resolution R-2008-1698, Control No. 2005-455)

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 March 1st, 2012, 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)

#### 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 PUD Condition 1 of Resolution 2008-1698, Control No. 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 PUD Condition 2 of Resolution 2008-1698, Control No. 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 PUD Condition 3 of Resolution 2008-1698, Control No. 2005-455)

4. PUD Condition 4 of Resolution 2008-1698, Control No. 2005-455, which currently states:

Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within 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)

Is hereby deleted. [REASON: ULDC requires one fountain]

5. The model row approved in Pod B will serve Pods A, B, and D. These pods will not be permitted additional sales models above those in the BCC approved model row. (ONGOING: ZONING - Zoning)

#### SCHOOL BOARD

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (Previous Condition SCHOOL BOARD 1 of Resolution R-2008-1698 (DOA/EAC2008-00802)) (ONGOING: SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (Previous Condition SCHOOL BOARD 2 of Resolution R-2008-1698 (DOA/EAC2008-00802)) (CO: MONITORING School Board.)

#### UTILITIES

1.. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD- PBCWUD) (Previous Utilities Condition 1 of Resolution 2008-1698, Control No. 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)

1. 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

a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

b. 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

c. Referral to code enforcement; and/or

d. 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. (ONGOING: MONITORING - Zoning)