

RESOLUTION NO. R-2017- 0972

RESOLUTION APPROVING ZONING APPLICATION DOAW-2016-02025  
(CONTROL NO. 2005-00455)

a Development Order Amendment

APPLICATION OF Boca Raton Associates VII LLLP, Mcgrath Farms Inc, Pontano Family Farms LLC, Boynton Beach Associates XXIV LLLP, 87th Place South LLC, South Fla Water Mgmt Dist  
BY G.L. Homes, 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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOAW-2016-02025 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2017;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 DOAW-2016-02025, the Application of Boca Raton Associates VII LLLP, Mcgrath Farms Inc, Pontano Family Farms LLC, Boynton Beach Associates XXIV LLLP, 87th Place South LLC, South Fla Water Mgmt Dist, by G.L. Homes, Agent, for a Development Order Amendment to reconfigure the Master Plan; add and delete land area; delete units; amend the Conservation Easement; and, modify Conditions of Approval (Engineering and Planning), on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a

vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 27, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 27, 2017.


Filed with the Clerk of the Board of County Commissioners on August 2nd, 2017.

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 R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK





EXHIBIT A

LEGAL DESCRIPTION

HYDER PUD OVERALL  
LEGAL DESCRIPTION:

ALL OF TRACTS 17 THROUGH 24, INCLUSIVE, TRACTS 43 THROUGH 53, INCLUSIVE, TRACTS 65 THROUGH 128, INCLUSIVE AND THE SOUTHERLY 15.00 OF TRACTS 54 THROUGH 64, 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.

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.

THE EAST 55.00 FEET OF SAID TRACT 64, SAID SECTION 30.

THE SOUTH 15.00 FEET OF THE EAST 50.00 FEET OF THE WEST 145.00 FEET OF SAID TRACT 49, SAID SECTION 30.

THE NORTH 38.28 FEET OF THE EAST 50.00 FEET OF THE WEST 145.00 FEET OF SAID TRACT 80, SAID SECTION 30.

TOGETHER WITH:

A PORTION OF BLOCK 70, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LAND LYING IN SECTIONS 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



TRACTS 1 THRU 15, INCLUSIVE, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 38; LESS THE RIGHT-OF-WAY FOR LYONS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 12226, PAGE 1899, AND LESS THAT PORTION LYING EAST OF THE EAST RIGHT-OF-WAY FOR SAID LYONS ROAD; TRACTS 18 THRU 31, INCLUSIVE, TRACT 32, LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD AND LESS THAT PORTION OF TRACT 32 LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF SAID LYONS ROAD; TRACT 33, LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD; TRACTS 34 THRU 47, INCLUSIVE; TRACT 49, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT E-1 CANAL; TRACTS 50 THRU 64, LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD, ALL LYING IN BLOCK 70, OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THAT PORTION OF THE ROAD RIGHTS-OF-WAY AS DESCRIBED IN QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 9343, PAGE 73, AND AS SHOWN ON THE SAID PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3 AS CONTAINED WITHIN THE ABOVE DESCRIBED PARCEL, LESS THE RIGHTS-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT CANALS AS DESCRIBED HEREIN AND LESS THE RIGHT-OF-WAY FOR SAID LYONS ROAD. PARCEL 3: TRACTS 16, 17 AND 48, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT CANAL E-1, ALL BEING IN BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:  
PRESERVE PARCEL NO. 1  
HYDER NORTH

A PORTION OF THE SOUTH HALF (S 1/2) OF THE NORTH HALF (N 1/2) OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS IT NOW EXISTS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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



FEET; THENCE SOUTH 89°41'26" WEST, A DISTANCE OF 5,050.70 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:  
PRESERVE PARCEL NO. 2  
CHICO

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

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

TOGETHER WITH:  
HYDER PRESERVE NO. 3

BEING A PORTION OF SECTIONS 3, 4 AND 10, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE NORTH 00°27'42" WEST ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 1083.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°14'10" WEST, ALONG A LINE 1,083.12 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 2,081.46 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE 40 AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTHEAST RIGHT- OF-WAY LINE FOR THE FOLLOWING TWO COURSES, NORTH 32°37'57" WEST, A DISTANCE OF 1,696.74 FEET; THENCE NORTH 36°23'54" WEST, A DISTANCE OF 4,229.75 FEET; THENCE DEPARTING SAID NORTHEAST



RIGHT-OF-WAY LINE, NORTH 89°48'05" EAST, A DISTANCE OF 3,034.48 FEET TO A POINT ON THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN THAT LEASE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243; THENCE SOUTH 00°56'23" EAST, ALONG SAID WEST LINE, A DISTANCE OF 250.75 FEET TO A POINT ON THE SOUTH LINE OF SAID LEASE AGREEMENT PARCEL; THENCE NORTH 89°42'50" EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY PROLONGATION, A DISTANCE OF 2,300.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE SOUTH 00°56'23" EAST, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE SOUTH 19°29'49" EAST, A DISTANCE OF 396.71 FEET TO THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 00°27'42" EAST, ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 4,066.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:  
HYDER PRESERVE NO. 4

BEING A PORTION OF THE NORTH 4424.00 FEET OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE L-40 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF HIATUS TRACT 39, TOWNSHIP 44-1/2 SOUTH, RANGE 41 EAST; THENCE NORTH 88°32'09" WEST, ALONG THE NORTH LINE OF SAID HIATUS TRACT 39 (ALSO DESCRIBED AS THE NORTH LINE OF SECTION 3), A DISTANCE OF 4,063.31 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTH 01°27'51" WEST, A DISTANCE OF 3,978.93 FEET; THENCE SOUTH 88°32'09" EAST, ALONG A LINE 3,978.93 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 4,238.34 FEET; THENCE SOUTH 00°56'21" EAST, ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 445.46 FEET; THENCE NORTH 88°32'09" WEST, ALONG A LINE 4424.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTIONS 3 AND 4, A DISTANCE OF 7,421.15 FEET; THENCE NORTH 36°23'54" WEST, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT L-40 LEVEE AS SHOWN ON CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 RIGHT-OF-WAY MAP, SHEET 2 OF 3, DATED MAY 18, 1950 AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528, A DISTANCE OF 5,603.64 FEET; THENCE SOUTH 88°32'09" EAST, ALONG SAID NORTH LINE OF SAID SECTIONS 3 AND 4, A DISTANCE OF 6603.47 FEET TO THE POINT OF BEGINNING.

NOTE: FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, ALL REFERENCES TO SECTIONS 3 AND 4 WILL INCLUDE THAT PORTION OF THE HIATUS TRACTS 39 AND 40 KNOWN AS TOWNSHIP 44 1/2 SOUTH, WHICH MAY HAVE BEEN HISTORICALLY DESCRIBED AS SAID



SECTIONS 3 AND 4.

TOGETHER WITH:  
PRESERVE NO. 5  
87<sup>TH</sup> PLACE SOUTH

TRACT 99, BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK  
2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

TOGETHER WITH:  
PRESERVE NO. 6  
MCGRATH

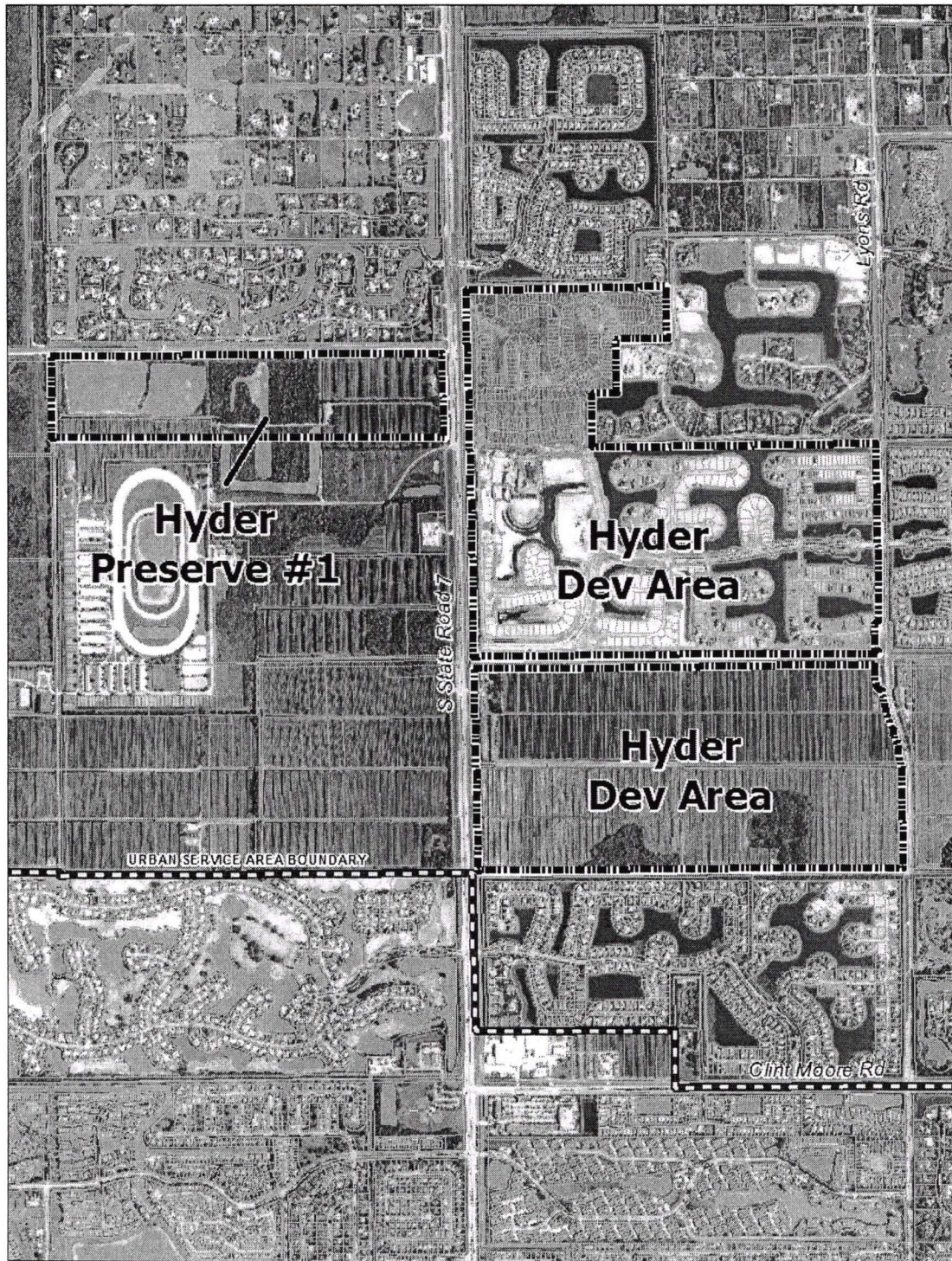
TRACT 66, LESS THE NORTH 45 FEET THEREOF, AND TRACT 89,  
BLOCK 45, OF THE PALM BEACH FARMS CO. PLAT NO. 3,  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK  
2, PAGES 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

CONTAINING 1836.796 ACRES MORE OR LESS.



EXHIBIT B  
VICINITY SKETCH

**PALM BEACH COUNTY PLANNING DIVISION  
SITE LOCATION**

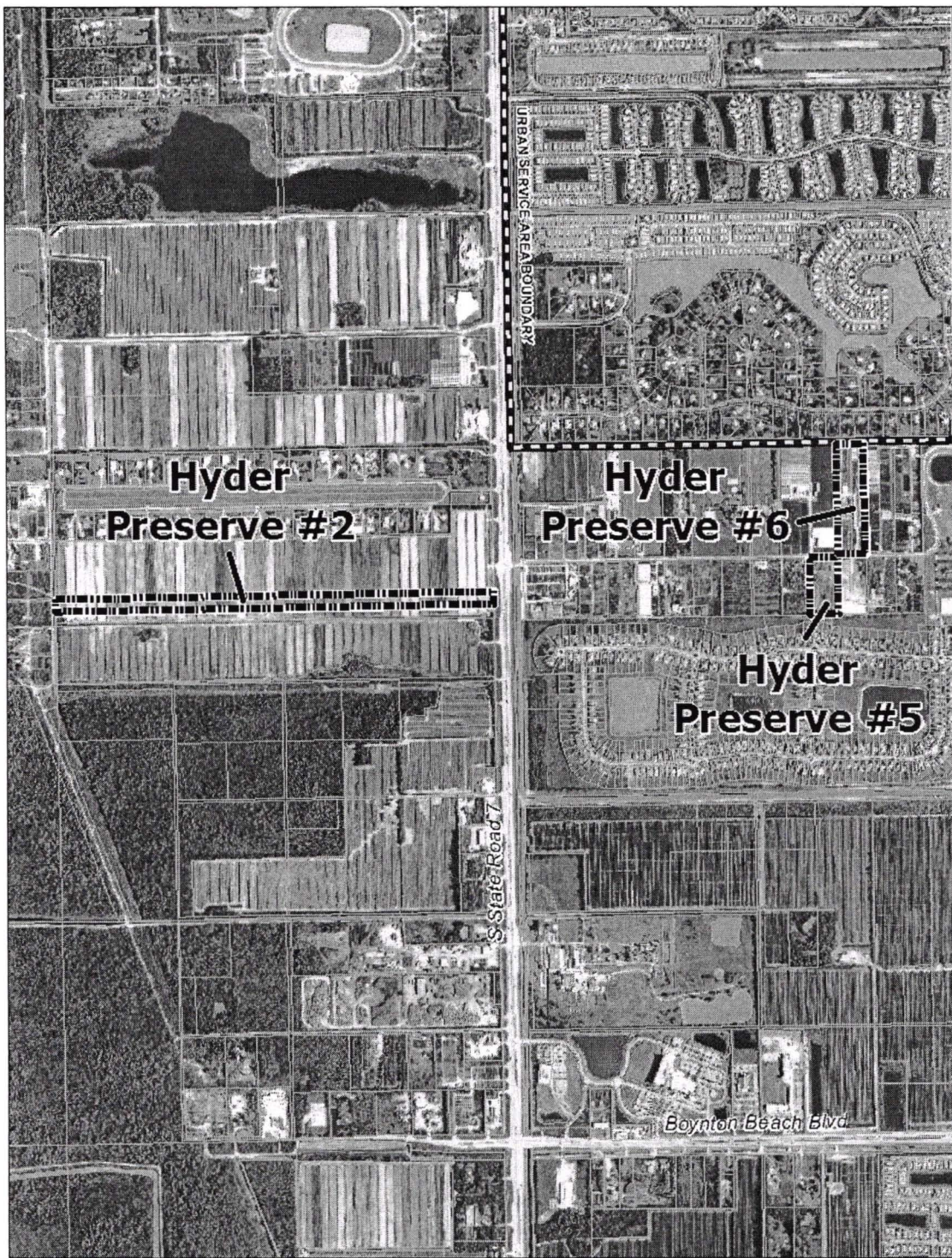


Application Name:	<u>Hyder - Dev Area &amp; P1</u>
Application Number:	<u>DOA/W-2016-2025</u>
Control Number:	<u>05-455</u>
Atlas Page Number:	<u>101, 102, &amp; 106</u>
Date:	<u>4/24/2017</u>





# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION

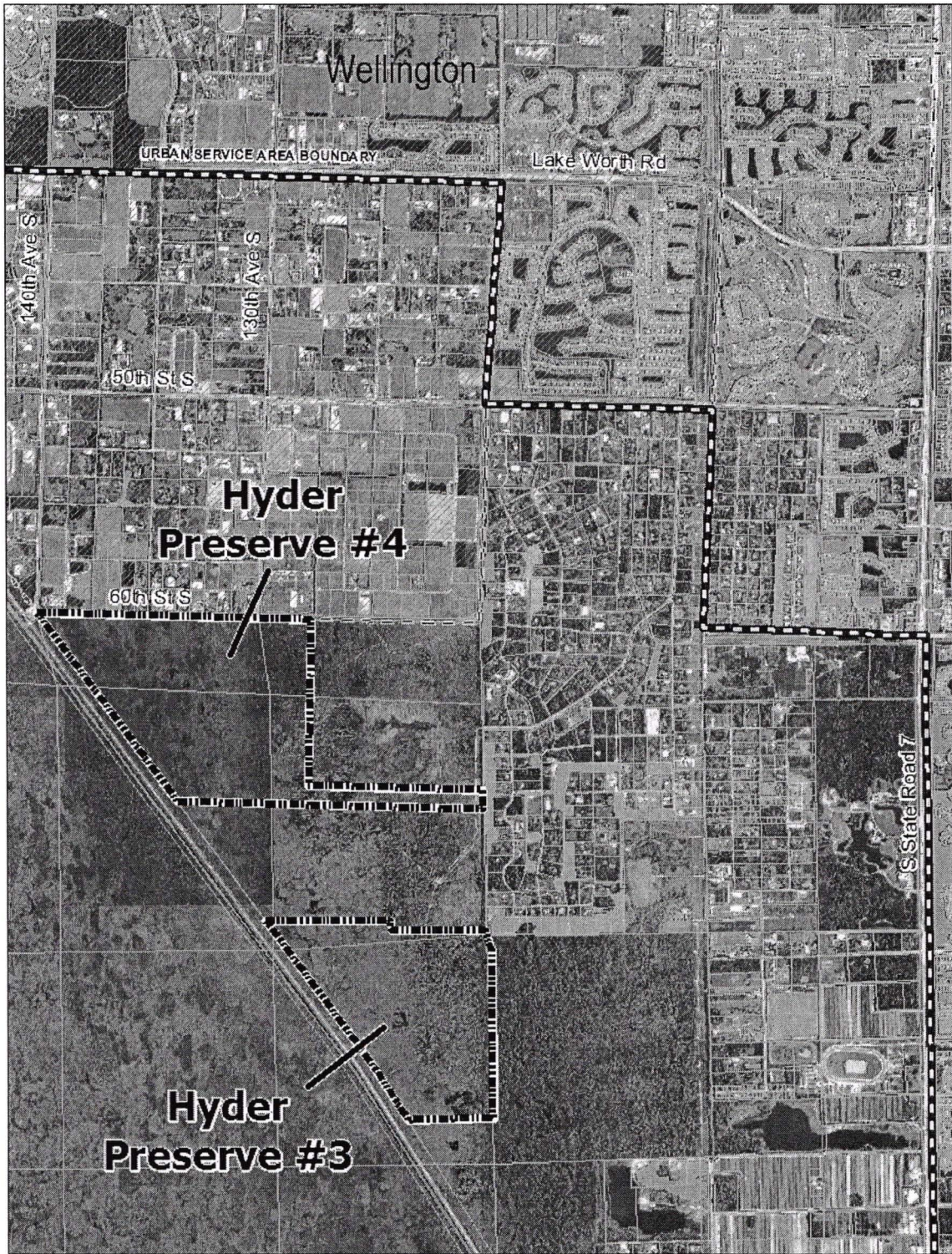


Application Name:	<u>Hyder - P2, P5, &amp; P6</u>
Application Number:	<u>DOA/W-2016-2024</u>
Control Number:	<u>05-455</u>
Atlas Page Number:	<u>84 &amp; 85</u>
Date:	<u>4/24/2017</u>





# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Hyder - P3 &amp; P4</u>
Application Number:	<u>DOA/W-2016-2024</u>
Control Number:	<u>05-455</u>
Atlas Page Number:	<u>79, 80 &amp; 84</u>
Date:	<u>4/24/2017</u>





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2014-730, Control No.2005-00455, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-0968, Control 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified.

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2014-0730, Control 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2014-730, Control No.2005-00455, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated March 13, 2014. 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.

##### Is hereby amended to read:

The approved Preliminary Master, Regulating, Master Sign and Street Layout Plans are dated April 13, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (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: ZONING - Zoning) (Previous ALL PETITIONS Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. Commencement of the Development Order shall start on May 22, 2017. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-2014-730, Control No.2005-00455)

##### ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING CONDITIONS In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. Building Permits for more than 40 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. [Note:



COMPLETED] (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for the site may be issued after December 31, 2019. 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. Note that this condition will not apply to development of a public civic pod if ownership of that pod has been transferred to a governmental agency for public use. (DATE: MONITORING - Engineering)

c. Building permits for more than 100 dwelling units shall not be issued until the left turn lane on the north approach on Lyons Road at Clint Moore Road is restriped to a length of 650 feet plus a 50 foot taper, or as otherwise approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

d. Building permits for more than 1248 dwelling units shall not be issued until a second left turn lane on the east approach of Atlantic Avenue and Lyons Road and appropriate receiving lanes on Lyons Road are constructed as approved by the Florida Department of Transportation and the County Engineer. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

e. Previous ENGINEERING condition 1.e of Resolution R-2013-968, Control No.2005-00455, which currently states: Building Permits for more than 317 dwelling units shall not be issued until either: i) the contract has been awarded for the construction of a third westbound through lane on Atlantic Avenue at the Turnpike east intersection, including an appropriate receiving lane and the appropriate paved tapers, OR ii) the property owner makes a proportionate share payment in the amount of 14.7% of the total cost to construct the above improvement.

Is hereby deleted [Reason: Superseded by another condition] (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. Previous ENGINEERING Condition 2 of Resolution R-2014-730, Control No.2005-00455, which currently states:

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. Threshold updated to 488 permits, per Joanne Keller (BLDGPMPT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 438th Certificate of Occupancy. (CO: MONITORING - Engineering)

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 - Engineering)

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 488th



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.

(BLDGPM: MONITORING - Engineering)

**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 488th building permit.

(BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the 488th Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

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: MONITORING - Engineering)

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 488th 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.

(BLDGPM: MONITORING - Engineering)

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 project's north entrance road

ii. right turn lane on Lyons Road at the project's south 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.

a. Prior to the issuance of the first Building Permit within Hyder North, right of way required in 3.i shall be conveyed. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to the issuance of the first Building Permit within Hyder South, right of way required in 3.ii shall be conveyed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2014-730, Control No.2005-00455)



4. The Property Owner shall construct:

- i. Right turn lane north approach on Lyons Road at the north project entrance road,
- ii. Left turn lane south approach on Lyons Road at the north project entrance road,
- iii. Exclusive left and right turn lanes west approach on the north project entrance road at Lyons Road,
- iv. Right turn lane north approach on Lyons Road at the south project entrance road,
- v. Left turn lane south approach on Lyons Road at the south project entrance road, and
- vi. Exclusive left and right turn lanes west approach on the south project entrance road at Lyons Road.

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. Prior to issuance of a building permit for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the Property Owner shall obtain permits required from Palm Beach County for construction of improvements in 4.i, 4.ii and 4.iii. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to issuance of a building permit for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the property owner shall obtain permits required from Palm Beach County for construction of improvements in 4.iv, 4.v and 4.vi. (BLDGPMT: MONITORING - Engineering)

c. Prior to issuance of a certificate of occupancy for Hyder North (that portion of the project lying between the LWDD L-36 and the L-38 canals), the property owner shall complete construction of improvements in 4.i, 4.ii and 4.iii. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

d. Prior to issuance of a certificate of occupancy for Hyder South (that portion of the project lying between the LWDD L-38 and L-39 canals), the property owner shall complete construction of improvements in 4.iv, 4.v and 4.vi. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2014-730, Control No.2005-00455)

5. On or before February 1, 2020 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2014-730, Control No.2005-00455)

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

- i. Lyons Road and the north project entrance road, 50% of the total cost,
- ii. Lyons Road and the south project entrance road, 50% of the total cost, and



iii. SR 7 and the project entrance road, 100% of the total cost.

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 for that portion of the PUD lying between the LWDD L-36 and L-38 canals (Hyder North) shall not be issued until the developer provides acceptable surety to the Traffic Division for the signals identified in 6.i. and 6.iii above for all required installations in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Building Permits for more than 200 dwelling units for that portion of the PUD lying between the LWDD L-38 and L-39 canals (Hyder South) shall not be issued until the developer provides acceptable surety to the Traffic Division for the signals identified in 6.ii and 6.iii above for all required installations in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

c. In order to request the release of surety for the signal identified in 6.i above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the portion of the development lying between the LWDD L-36 and L-38 canals (Hyder North) and requesting that a signal warrant study be conducted at 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: MONITORING - Engineering)

d. In order to request the release of surety for the signal identified in 6.ii above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the portion of the development lying between the LWDD L-38 and L-39 canals (Hyder South) and requesting that a signal warrant study be conducted at 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: MONITORING - Engineering)

e. In order to request the release of surety for the signal identified in 6.iii above, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for the project (both Hyder North and Hyder South) and requesting that a signal warrant study be conducted at 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: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2014-730, Control No.2005-00455)

7. Previously deleted under Resolution R-2013-0968. (Previous ENGINEERING Condition 7 of Resolution R-2014-730, Control No.2005-00455)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2014-730, Control No.2005-00455)

9. The Property owner shall construct:

i. A north approach left turn lane on SR 7 at the project entrance road. The turn lane shall be a minimum of 12 feet in width and 280 feet in length or as otherwise approved by FDOT.

ii. A south approach right turn lane on SR 7 at the project entrance road. The turn lane shall be a minimum of 12 feet in width and 280 feet in length or as otherwise approved by FDOT.

iii. Exclusive left and right turn lanes east approach on the project entrance road at SR 7.

iv. Close the existing median opening on SR 7 south of the proposed project entrance road



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. Prior to the issuance of the five hundred twenty ninth (529) building permit, permits required by FDOT for this construction shall be obtained. (BLDGPM: MONITORING - Engineering)

b. Prior to the issuance of the five hundred twenty ninth (529) Certificate of Occupancy Construction, these improvements shall be completed. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2014-730, Control No.2005-00455)

10. 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 SR 7, that these proposed dwelling units are in an area subject to noise generated by traffic as a result of its location SR 7 and there shall be a statement included in the sales contracts and homeowner documents concerning the noise levels residents may expect after any noise mitigation improvements have been constructed by the property owner. If the State of Florida guidelines do not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation was not required under the State of Florida guidelines at the time of approval and that any noise mitigation measures requested in the future will not be funded or constructed by Palm Beach County. The Property Owner shall submit documentation of compliance with the noise level requirement above on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before April 25, 2014 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2014-730, Control No.2005-00455)

11. Prior to the issuance of the first Building Permit, the Property Owner shall make a one time payment of \$5,392.00 to satisfy the requirements of proportionate share for widening of Atlantic Ave from the Florida Turnpike to Jog Road from 4 lanes divided to 6 lanes divided. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2014-730, Control No.2005-00455)

12. Pursuant to the terms of the Atlantic Avenue Agreement, road impact fees and an additional contribution were prepaid for zoning control number 2004-022 (Appolonia PUD). The prepaid total is creditable against road impact fees due for any development under this control number. The credit amount does not vest property owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the available road impact fee credit has been exhausted, property owner, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with the Unified Land Development Code, Article 13. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2014-730, Control No.2005-00455)

## **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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2014-730, Control No.2005-00455)

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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2014-730, Control No.2005-00455)



## **LANDSCAPE - GENERAL**

1. 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. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2014-730, Control No.2005-00455)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. 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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2014-730, Control No.2005-00455)

## **LANDSCAPE - GENERAL-ZONING - LANDSCAPING ALONG THE NORTH, AND NORTHEAST PROPERTY LINES (ABUTTING PODS A, E, J AND K)**

5. Landscaping along the north, and northeast property lines abutting Pods A, E, J and K 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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2014-730, Control No.2005-00455)

## **LAKE WORTH DRAINAGE DISTRICT**

1. Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2014-730, Control No.2005-00455, which currently states:

Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD 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 lying within Section 30/46/42, less lands owned by LWDD for the required right-of-way for the L-38 and E-1 Canals.

### **Is hereby amended to read:**

Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty or easement deed, 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 lying within Section 30/46/42, less lands owned by LWDD for the



required right-of-way for the L-38 and E-1 Canals. (PLAT: ENGINEERING - Lake Worth Drainage District)

### **PALM TRAN**

1. Prior to Plat Recordation, within the Hyder North portion of the project (lying between the LWDD L-36 and L-38 canals), the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area (Lyons Rd at Entrance) in a form with terms and conditions approved by Palm Tran. Prior to Plat Recordation within the Hyder South portion of the project (lying between the LWDD L-38 and L-39 canals), the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area (Lyons Road at Entrance) 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 shall be required. (PLAT: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2014-730, Control No.2005-00455)

### **PLANNED DEVELOPMENT-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. (ONGOING/PLAT: COUNTY ATTORNEY - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2014-730, Control No.2005-00455)

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/ONGOING: MONITORING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2014-730, Control No.2005-00455)

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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. One model row shall be permitted within the Hyder North portion of the project and one model row shall be permitted within the Hyder South portion of the project. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2014-730, Control No.2005-00455)

### **PLANNING**

1. Previous PLANNING Condition 1 of Resolution R-2014-730, Control No.2005-00455, which currently states:

The PUD shall be limited to a maximum of 1340 dwelling units and shall meet 60/40 AGR-PUD requirements.



**Is hereby amended to read:**

The PUD shall be limited to a maximum of 1297 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). [NOTE: Located on PMP-5] (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2014-730, Control No.2005-00455)

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) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. 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: ENGINEERING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2014-730, Control No.2005-00455)

5. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to March 1st, 2017, 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) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2014-730, Control No.2005-00455)

6. Prior to Final Master Plan approval by the Development Review Officer (DRO), the developer shall add a "Preservation Area/Proposed Uses" notes section on the Preliminary Master Plan to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;



b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;

c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1.B of the Unified Development Code (ULDC), any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;

d. A Water Preserve Area if designated by the South Florida Water Management District (SFWMD), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management (ERM) and managed for environmental resource values;

e. Wetland restoration and maintenance, or bona fide agriculture as defined by the ULDC; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B. of the ULDC and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses. Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (DRO/ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2014-730, Control No.2005-00455)

#### **PROPERTY & REAL ESTATE MANAGEMENT**

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 14.727 acre public civic site in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by March 2, 2015. 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.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 2, 2015. 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.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2014-730, Control No.2005-00455)

3. The property owner shall provide PREM with an Environmental Assessment certified to



Palm Beach County of the proposed civic site by February 2, 2015 . 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.

[This condition was not required - Civic Site cashed out under Civic Site Dedication Agreement (R2013-396)] (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2014-730, Control No.2005-00455)

4. The property owner has offered to provide the County with additional civic site property at the Atlantic Commons PUD, which may be utilized as a credit towards the civic site dedication requirements for this project. The civic property conveyance for this project shall be handled by either one of two separate agreements, known as the Atlantic Commons Civic Site Agreement (approved pursuant to R-2013-0396) 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 Atlantic Commons Civic Site 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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2014-730, Control No.2005-00455)

5. 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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 5 of Resolution R-2014-730, Control No.2005-00455)

### **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).

(ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2014-730, Control No.2005-00455)

2. Prior to the issuance of the first Certificate of Occupancy (CO), within the Hyder North portion of the project, the school bus shelters shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Prior to issuance of the first Certificate of Issuance (CO) within the Hyder South portion of the project, the school bus shelter shall be constructed by the property owner 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 shelters shall be the responsibility of the residential property owner. (CO: MONITORING - School Board) (Previous SCHOOL BOARD Condition 2 of Resolution R-2014-730, Control No.2005-00455)

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; and/or



- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.