

RESOLUTION NO. R-2018- 1078

RESOLUTION APPROVING ZONING APPLICATION EAC-2018-00599
(CONTROL NO. 2002-00067)
an Expedited Application Consideration
APPLICATION OF Canyon Lakes Homeowners Association Inc
BY Canyon Lakes Homeowners Association Inc, AGENT
(Canyon Lakes 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application EAC-2018-00599 was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2018;

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 (Application Processes and 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 Processes) for an Expedited Application Consideration;

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.B.6.C (Board Action) 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 EAC-2018-00599, the Application of Canyon Lakes Homeowners Association Inc, by Canyon Lakes Homeowners Association Inc, for an Expedited Application Consideration to delete Planned Development Condition of Approval (Street Trees), 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 26, 2018, 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 Burdick and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on July 26, 2018.

Filed with the Clerk of the Board of County Commissioners on August 1st, 2018.

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

LEGAL DESCRIPTION:

A PORTION OF TRACTS 17 THROUGH 19, 46 THROUGH 51, BLOCK 54, AND THAT STRIP OF LAND, 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 17 THROUGH 19 AND SAID TRACTS 46 THROUGH 48, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 80, BLOCK 54 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE NORTH $40^{\circ}11'50''$ WEST, A DISTANCE OF 39.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}23'24''$ WEST, A DISTANCE OF 1408.12 FEET; THENCE NORTH $89^{\circ}26'03''$ EAST, A DISTANCE OF 1008.56 FEET; THENCE SOUTH $00^{\circ}08'58''$ EAST, A DISTANCE OF 1411.17 FEET TO THE SOUTH LINE OF TRACT 51; THENCE NORTH $89^{\circ}36'22''$ EAST ALONG THE SOUTH LINE OF SAID TRACTS 49 THROUGH 51, A DISTANCE OF 1002.63 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACTS 72 THROUGH 90, 102 THROUGH 123, BLOCK 54, AND THAT STRIP OF LAND, 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 81 THROUGH 90 AND SAID TRACTS 103 THROUGH 112 AND THAT PORTION OF A STRIP OF LAND, 45 FEET IN WIDTH, LYING EAST AND PARALLEL WITH SAID TRACTS 73, 88, 105, AND 120, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 80, BLOCK 54; THENCE SOUTH $26^{\circ}10'27''$ WEST, A DISTANCE OF 55.90 FEET TO THE POINT OF BEGINNING; THENCE NORTH $89^{\circ}36'22''$ EAST, ALONG A LINE BEING 50.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACTS 77 THROUGH 80, A DISTANCE OF 1,345.00 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 76; THENCE NORTH $00^{\circ}23'24''$ WEST, ALONG THE WEST LINE OF SAID TRACT 76, A DISTANCE OF 14.00 FEET TO A POINT ON A LINE BEING 36.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF TRACTS 75 AND 76; THENCE NORTH $89^{\circ}36'22''$ EAST, ALONG SAID LINE, A DISTANCE OF 660.00 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 74; THENCE NORTH $00^{\circ}23'24''$ WEST, ALONG THE WEST LINE OF SAID TRACT 74, A DISTANCE OF 0.36 FEET TO A POINT ON A LINE BEING 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 73 AND 74; THENCE NORTH $89^{\circ}36'22''$ EAST, ALONG SAID LINE, A DISTANCE OF 660.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 73; THENCE SOUTH $00^{\circ}23'24''$ EAST, ALONG THE EAST LINE OF SAID TRACT 73, A DISTANCE OF 528.28 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2,564.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH $78^{\circ}16'33''$ EAST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $04^{\circ}18'42''$, A DISTANCE OF 192.95 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH $00^{\circ}23'24''$ WEST, A DISTANCE OF 418.87 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2,484.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH $83^{\circ}18'33''$ EAST; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $33^{\circ}06'12''$, A DISTANCE OF 1,435.16 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE WESTERLY, HAVING A

RADIUS OF 1,653.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°52'24", A DISTANCE OF 1,121.51 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE, SAID POINT BEING THE SOUTH LINE OF SAID TRACTS 113 THROUGH 123; THENCE SOUTH 89°36'36" WEST, ALONG THE SOUTH LINE OF SAID TRACTS, A DISTANCE OF 3,635.32 FEET; THENCE NORTH 00°23'24" WEST, A DISTANCE OF 2,620.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 220.467 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

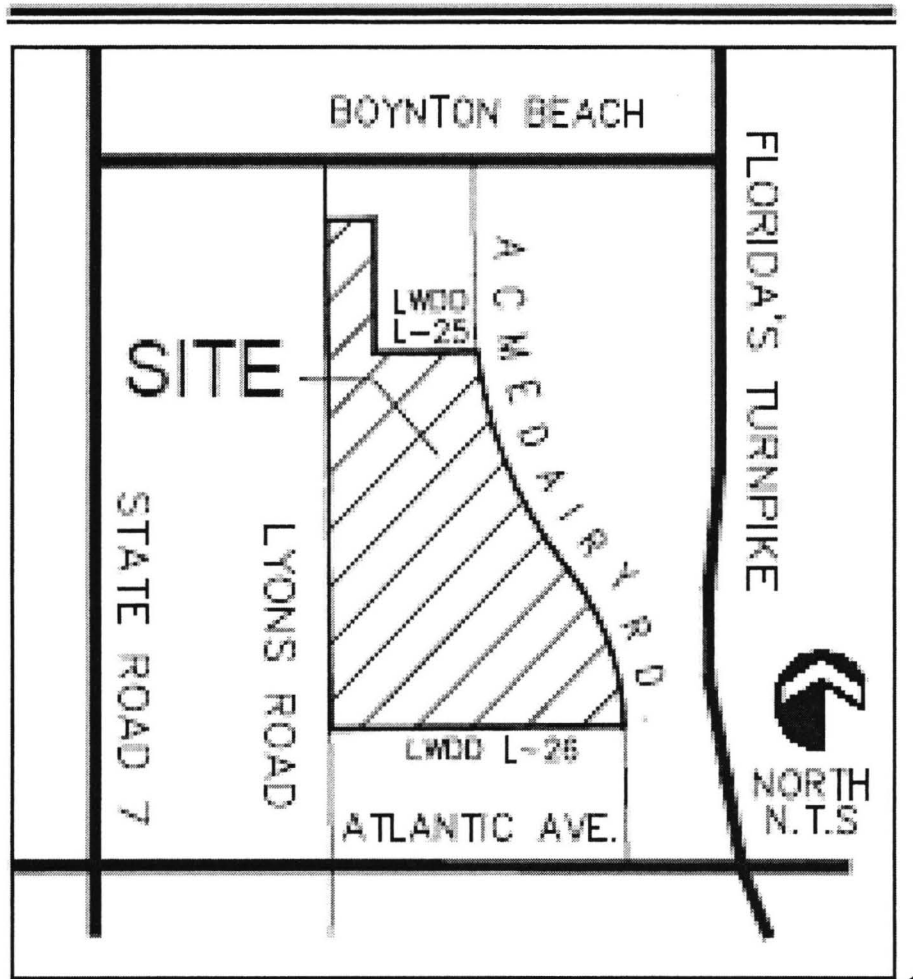


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. The approved Preliminary Master Plan is dated April 12, 2012. 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) (Previous ALL PETITIONS Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. Prior to submittal of the Final DRC certification of the preliminary development plan, the plan shall be revised to meet code requirements for the north, south and west buffers or seek variance relief for width reduction of the buffers from the Board of Adjustment. [NOTE: COMPLETED pursuant to BA2003-039] (DRO: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2012-1059, Control No.2002-00067)

3. Prior to June 30, 2003, the Property Owner shall process a Civic Land Dedication Agreement ("Agreement") for consideration by the Palm Beach County Board of County Commissioners. The Agreement shall provide for, among other things, the offsite dedication of a 47 acre park/civic site and 10.8 acre civic site to Palm Beach County, subject to the terms and conditions of the Agreement. In the event the Agreement is (1) not approved by the Board of County Commissioners or (2) approved by the Board of County Commissioners and any of the parties terminates the Agreement under the terms and conditions of the Agreement, the Property Owner shall be required to amend the Fogg North PUD development order through the Development Order Amendment process so as to provide a 40 acre park/civic site contiguous to the County owned property subject to this petition. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2012-1059, Control No.2002-00067)

4. Previous ALL PETITIONS Condition 4 of Resolution R-2012-1059, Control No.2002-00067, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2003-564 (Control 2002-067) and Resolution R-2011-1845 (Control 2002-067), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-1058 (Control 2002-067) and Resolution R-2012-1059 (Control 2002-067), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Lyons Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s) on Lyons Road and Acme Dairy Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2012-1059, Control No.2002-00067)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Acme Dairy Road and Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2012-1059, Control No.2002-00067)

4. Prior to June 1, 2004, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for:

i) Lyons Road right of way adjacent to the PUD development area:

110 feet on an alignment approved by the County Engineer.

ii) Lyons Road right of way adjacent to the PUD preservation area:

55 feet on an alignment approved by the County Engineer. This condition does not apply to the Talmo parcel fronting on Lyons Road as this parcel is not part of this petition.

iii) Acme Dairy Road right of way adjacent to or within the PUD development area and preservation area (if applicable): 80 feet on an alignment approved by the County Engineer.

iv) Flavor Pict Road right of way adjacent to or within the PUD preservation area (if applicable): 120 feet on an alignment approved by the County Engineer.

v) Sufficient right of way to provide for an expanded intersection at Flavor Pict Road and Lyons Road (if applicable).

vi) Sufficient right of way to provide the turnpike crossing on Flavor Pict Road at the Florida Turnpike (if applicable).

All right of way conveyance shall be free of all encumbrances and encroachments. 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. 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." (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2012-1059, Control No.2002-00067)

5. The Property owner shall construct:

i) a left turn lane north approach on Lyons Road at the Project's Entrance Road;

ii) a right turn lane south approach on Lyons Road at the Project's Entrance Road;

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

a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of

Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2012-1059, Control No.2002-00067)

6. On or before January 1, 2004, 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:

- i) Acme Dairy Road and
- ii) Lyons Road
- iii) Flavor Pict Road (if applicable)

Required drainage limits shall be 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.

Where portions of Acme Dairy Road, Lyons Road, and/or Flavor Pict Road are adjacent to or within the property proposed for preservation area, the property owner shall dedicate sufficient land area or easement area from the preservation area in the amount and location as required by and approved by the County Engineer to accommodate the drainage necessary for the ultimate section of these. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2012-1059, Control No.2002-00067)

7. Prior to December 1, 2003, the Property owner shall commence the construction plans for Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings (culverts) within the project limits shall be constructed from right-of-way line to right-of-way line. All bridges shall be constructed to their ultimate paved configuration. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2012-1059, Control No.2002-00067)

8. a. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Lyons Road as a 110 foot right of way within the limits referenced in the Condition above.

. . (DATE: MONITORING - Engineering)

b. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easement/embankment easements and drainage easements for the construction of Lyons Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-

2012-1059, Control No.2002-00067)

9. On or before, December 1, 2003, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2012-1059, Control No.2002-00067)

10. Prior to December 1, 2004, the property owner shall commence the construction of Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements:

i) dual left turn lanes north approach, dual left turn lane south approach, right turn lane south approach on Lyons Road at Boynton Beach Boulevard .

ii) dual left turn lanes east approach, dual left turn lanes west approach on Boynton Beach Boulevard at Lyons Road and receiving lanes including appropriate tapers on Lyons Road on North and South departure sides of intersection. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2012-1059, Control No.2002-00067)

11. Prior to June 1, 2004, the Property owner shall complete the construction plans for Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus the appropriate tapers. Included in these construction plans shall be a 280 foot left turn lane north approach plus the appropriate paved tapers on Acme Dairy Road at Boynton Beach Boulevard (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner) and a round-about at Acme Dairy Road and the projects entrance road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2012-1059, Control No.2002-00067)

12. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Acme Dairy Road as an 80 foot right of way within the limits as referenced in the Condition above with the exception of the left turn lane north approach on Acme Dairy Road. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Acme Dairy Road. The property owner shall not be responsible for funding the acquisition of necessary right of way, temporary construction easements/embankment easements and drainage area/easements for the construction of the left turn lane north approach on Acme Dairy Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2012-1059, Control No.2002-00067)

13. On or before September 1, 2004, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition and, parceled right-of-way maps required for the construction of Acme Dairy Road as referenced above subject to the approval of the County Engineer. Notification shall be given to Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous

ENGINEERING Condition 13 of Resolution R-2012-1059, Control No.2002-00067)

14. Prior to the issuance of the 201st certificate of occupancy the property owner shall complete the construction of Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus a round-about at the project's entrance road and the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements at the intersection of Acme Dairy Road and Boynton Beach Boulevard:

- i) left and right turn lane south approach; left turn lane east approach;
- ii) left turn lane north approach (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner. Failure of the County to obtain the necessary right of way, inclusive of temporary construction easements, embankment easements, drainage easements, drainage areas, etc.) prior to the letting of the contract for the construction of Acme Dairy Road or September 1, 2005, which shall last occur shall relieve the property owner of having to comply with this condition. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2012-1059, Control No.2002-00067)

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

- i) Boynton Beach Boulevard and Acme Dairy Road
 - ii) Lyons Road and the Project's Entrance Road
- a. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved of this condition of approval.
- b. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of these signals. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2012-1059, Control No.2002-00067)

16. The property owner shall fund a proportionate share of the cost of signal modifications as determined by the County Engineer at the intersection Boynton Beach Boulevard and Lyons Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications shall also include relocation of mast arms as part of the signal modifications. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2012-1059, Control No.2002-00067)

17. 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 81 dwelling units shall not be issued until the until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Building Permits for more than 285 dwelling units shall not be issued until construction commences for the widening of Lyons Road as a 4 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- c. Building Permits for more than 286 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from SR 7 to the Lyons Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM:

MONITORING - Engineering) [Note: COMPLETED]

d. Building Permits for more than 397 dwelling units shall not be issued until construction commences for the construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

e. Building Permits for more than 423 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 6 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

f. No Building Permits for the site may be issued after December 31, 2006. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2012-1059, Control No.2002-00067)

18. Prior to October 24, 2003, the property owner shall provide surety for improvements identified in E17b, E17c, E17d, and E17e and E19. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event that such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work.(TPS) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2012-1059, Control No.2002-00067)

19. Prior to January 1, 2007, the Property owner shall complete the funding of the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. Funding shall include but not be limited to all right of way acquisition, drainage areas, temporary construction easements, and embankment costs, Construction Engineering, Inspection Costs all construction costs and a golf cart crossing for the Sherbrooke PUD. This golf cart crossing shall be subject to the requirement and approval of the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Funding amount shall be based on a cost estimate by the Developers Engineer and approved by the County Engineer. This construction shall be eligible for Traffic Impact Fee Credit. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 19 of Resolution R-2012-1059, Control No.2002-00067)

20. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print.

a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 1, 2004, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE/ONGOING: MONITORING - Engineering)

b. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 20 of Resolution R-2012-1059, Control No.2002-00067)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the GL/Brusci, Tree Warehouse, Wolf, Starkey and Glenview/Brethurem conservation parcels associated with the Fogg North PUD, shall be approved by ERM prior to final DRC site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. All Restricted Covenant Agreements and Conservation Easements for the GL/Brusci, Tree Warehouse, Wolf, Starkey and Glenview/Brethurem conservation parcels associated with the Fogg North 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-2012-1059, Control No.2002-00067)

LANDSCAPE - GENERAL

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet
- b. trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. credit may be give1 for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. All palms required to be planted on site 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. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2012-1059, Control No.2002-00067)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2012-1059, Control No.2002-00067)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2012-1059, Control No.2002-00067)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2012-1059, Control No.2002-00067)

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE -

LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SCENIC CORRIDOR/FRONTAGE OF LYONS ROAD)

7. Landscaping and buffering along the west property line shall be upgraded to include:

- a. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line, with a maximum spacing of sixty (60) feet on center between clusters;
- c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2012-1059, Control No.2002-00067)

LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING AGR AND FRONTAGE OF ACME DAIRY ROAD)

8. Landscaping and buffering along the north and east property lines shall be upgraded to include:

- a. a minimum four (4) to six (6) foot undulating berm, with an average minimum height of five (5) feet, measured from the top of the curb on the east property lines. A minimum two (2) to three (3) foot undulating berm, with an average minimum height of two and one half (2.5) feet, measured from the top of the curb on the north property line; and,
- b. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2012-1059, Control No.2002-00067)

9. Within one hundred and twenty (120) days of approval by the Board of County Commissioners (BCC) the installation of the required landscaping at the northwest corner of Pod A-2 shall commence. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2012-1059, Control No.2002-00067)

LAKE WORTH DRAINAGE DISTRICT

1. Fogg Property North - Prior to platting, the owner shall convey an easement for the North 60 feet of Tracts 73-80 Block 54 less lands owned by the District for the ultimate right-of-way for the L-25 Canal (based on cross sections) along with the south 10 feet of Tracts 113-120, Block 54 and the South 10 feet of Tracts 121-123, Block 54 for the required right-of-way for the L-26 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. GlenView North Preserve - Prior to platting, the owner shall convey an easement for 10 feet west and adjacent to the east property line of the referenced petition for the ultimate right-of-way for the E-2W Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2012-1059, Control No.2002-00067)

3. Bruschi North Preserve - Prior to platting, the owner shall convey an easement for the South 10 feet of Tracts 21-23 Block 52 for the ultimate right-of-way for the L-23W Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous

LAKE WORTH DRAINAGE DISTRICT Condition 3 of Resolution R-2012-1059, Control No.2002-00067)

4. Starkey Preserve - Prior to platting, the owner shall convey an easement for the North 60 feet of Tracts 9-14 Sec 17/46/42 less lands owned by the District for the required right-of-way for the L-32 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 4 of Resolution R-2012-1059, Control No.2002-00067)

5. PBC/Butts Parcel - Prior to platting, the owner shall convey an easement for the East 30 feet of the North 1360 feet of Section 14/45/42 for the right-of-way for the S-9 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 5 of Resolution R-2012-1059, Control No.2002-00067)

PALM TRAN

1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement, recorded as a separate instrument, adjacent to the development area of this petition along Lyons Road, for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. . [NOTE: COMPLETE] (BLDGPM: MONITORING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

PLANNED DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2012-1059, Control No.2002-00067, which currently states:

Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. To the extent permitted by Palm Beach County Water Utilities and County Engineering, street trees shall be placed on the side of the street adjacent to the sidewalk. (DRO: ZONING - Engineering)

Is hereby deleted. [REASON: Street Trees are now regulated under Engineering, ULDC Article 11.]

3. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way as shown on the Conceptual Site Plan dated February 18, 2003. The focal point shall be in the form of a plaza, benches, special landscape treatment, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2012-1059, Control No.2002-00067)

4. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located as shown on the

Conceptual Site Plan dated February 18, 2003. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2012-1059, Control No.2002-00067)

5. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2012-1059, Control No.2002-00067)

6. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2012-1059, Control No.2002-00067)

7. All property included in the legal description of the development area of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: 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. The property shall not be subjected 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: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2012-1059, Control No.2002-00067)

8. The petitioner 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 use in the vicinity of the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2012-1059, Control No.2002-00067)

9. 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. (ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2012-1059, Control No.2002-00067)

10. No side interior, rear or street setback reductions (structure, pool/spa and or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6., Section 6.6.A.9.b.(2) and 6.6.A.1 O.b.(2) of the ULDC. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 10 of Resolution R-2012-1059, Control No.2002-00067)

11. The petitioner 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 potential homeowners of the County's plan to build a District Park with ballfields/lights and other associated park amenities adjacent to the Fogg Development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the

development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 11 of Resolution R-2012-1059, Control No.2002-00067)

PLANNING

1. Prior to initial certification of the Preliminary Development Plan (PDP) by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Fogg North PUD Developable area (1 2/4/02), Lyons Road Rural Parkway (211 8/03), all other Preserve parcels (2/6/03), and Land Use Justification correspondence from Kilday and Associates dated (2/18/03). (DRO: ZONING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

2. The Planning Division shall not certify the Preliminary Development Plan or any subdivision plan submitted for this project which utilizes the County owned property (designated as "open space/preservation per Ordinance 00-58" on the Preliminary Development Plan) for any use inconsistent with its adopted land use plan designation. In the event the County initiated Preserve Note Removal (2003-0026 LGA) Comprehensive Plan amendment is: (1) adopted by the Board of County Commissioners such that the preserve designation is removed; (2) is issued a "Notice of Intent to Find in Compliance" by the Florida Department of Community Affairs (DCA); and (3) either no appeals were filed during the 21 day appeal period or there is a successful resolution to an appeal, if filed, such that the plan amendment becomes effective, the developer shall be entitled to remove the "open space/preservation per Ordinance 00-58" notation on the Preliminary Development Plan and utilize the property consistent with the underlying use shown on the Preliminary Development Plan. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2012-1059, Control No.2002-00067)

3. The PUD shall be limited to a maximum of 500 dwelling units provided 60/40 requirements are met. Prior to final Preliminary Development Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Preliminary Development Plan indicating that the balance of unused units (16) units shall not be utilized outside the boundary of the Fogg North PUD site as identified in Petition No. 2002-067. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2012-1059, Control No.2002-00067)

4. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the Palm Beach County Planning Division shall include notations on the future land use atlas identifying the respective parcels as either a buildable developable area or preserve area and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2012-1059, Control No.2002-00067)

5. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall amend the location map on the PDP so as to include the locations of the Preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). [NOTE: COMPLETE; see PMP sheet 2 of 2] (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2012-1059, Control No.2002-00067)

6. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall provide a 100 foot Lyons Road Rural Parkway Sketch for the eastern portion with cross section details, to include cross section details for the Lake Worth Drainage District (LWDD) L-24, L-25, and L-26 canal crossing sections, to the width specified below for the canals. A cross section detail from the Fogg North-Tree Warehouse Preserve parcel north over the L-28 canal to the Fogg

South Development parcel shall also be provided. The cross section for the bridge crossings over the Lake Worth Drainage District canals stated above must show a minimum of 40 feet of easement width. All of these items shall be subject to approval by the Planning Division and Engineering Department. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2012-1059, Control No.2002-00067)

7. Previous PLANNING Condition 7 of Resolution R-2012-1059, Control No.2002-00067, which currently states:

Prior to or concurrent with the plat for the Fogg North PUD, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100 foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Conceptual Landscape Plan that conforms with the preliminary Rural Parkway Conceptual Landscape Plan received by the Planning Division on March 18, 2003, previously presented to Planning Staff, to include but not be limited to the following items:

i. Flowering trees;

ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and

iii. Benches/pedestrian gathering area with a water fountain as previously depicted. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

iv. The amount of landscape material in the Tree Warehouse Preserve parcel portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area will still be required in the Tree Warehouse Preserve parcel portion of the Lyons Road Rural Parkway.

b. The Rural Parkway easement shall not include:

i. Walls;

ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, benches/pedestrian gathering area, and a water fountain.

c. The Rural Parkway easement may include:

i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;

ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD.

iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance.

e. Title insurance for 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.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1, 2004, 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.

Is hereby deleted. (PLAT: PLANNING - Planning)

Is hereby deleted. [REASON: Superseded by condition No. 24]

8. Prior to the 200th building permits, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan for the L-24, L-25, and L-26 Canals and north across the L-28 Canal (from the Tree Warehouse Preserve parcel north to the Fogg South PUD) to include 40 foot bridge canal crossings, subject to Lake Worth Drainage District approval. (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 8 of Resolution R-2012-1059, Control No.2002-00067)

9. The agricultural conservation easement, with associated title commitments, for each added or amended preserve parcel shall be recorded prior to March 1, 2014, as approved by the County Attorney, Planning Division and the Department of Environmental Resources Management. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1, 2014, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners. (DATE: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2012-1059, Control No.2002-00067)

10. Prior to approval by the Development Review Officer of the Final Master Plan for the developable area, a management plan for each added or amended preserve parcel, with the exception of the 100 foot wide Lyons Road Rural Parkway Easement preserve parcel, shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance.

(DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 10 of Resolution R-2012-1059, Control No.2002-00067)

11. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Fogg North Developable parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this developable parcel total a combined acreage of 211.263 acres with right-of-ways and 199.71 acres without right-of-ways. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 13 of Resolution R-2012-1059, Control No.2002-00067)

12. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the 100 foot Lyons Road Rural Parkway Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 9.204 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 14 of Resolution R-2012-1059, Control No.2002-00067)

13. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the GL Bruschi Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 84.338 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 15 of Resolution R-2012-1059, Control No.2002-00067)

14. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Palm Beach County/Butts Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this

preservation parcel total a combined acreage of 6.152 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 16 of Resolution R-2012-1059, Control No.2002-00067)

15. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Tree Warehouse Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieves the configuration of this preservation parcel total a combined acreage of 129.484 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 17 of Resolution R-2012-1059, Control No.2002-00067)

16. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Starkey Road Assoc./Wolf/Diawatch-Brethurem (Glenview) Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 76.541 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 18 of Resolution R-2012-1059, Control No.2002-00067)

17. Prior to or concurrent with recordation of the plat for the developable area as identified in Petition No. 2002-067, for all of the Preserve parcels, the applicant shall either: 1) dedicate these lands to Palm Beach County; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for these subject parcels; or 3) subject these parcels to a conservation easement, limiting these sites to Agricultural Reserve preserve areas in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 19 of Resolution R-2012-1059, Control No.2002-00067)

18. Prior to Preliminary Development Plan final certification by the Development Review Committee (DRC), the Preliminary Development Plan shall be amended to include a notation from at least one cul-de-sac or dead end street location on the western edges of the Fogg North development area site, in addition to the entrance road location, that will allow pedestrian access from the Developable area to the Lyons Road Rural Parkway. The notation shall read "pedestrian cross access to be mulched or paved to the western line, which may be gated with carded or keyed access for only residents of the Fogg North PUD." (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 20 of Resolution R-2012-1059, Control No.2002-00067)

19. Prior to the issuance of a certificate of occupancy for any unit within the pod where the pedestrian cross access point(s) is located, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Fogg North PUD." (CO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 21 of Resolution R-2012-1059, Control No.2002-00067)

20. The proposed pedestrian cross access, on the northeast portion of the northern pod (POD A-2) of the development, may be installed should the adjacent parcel be constructed as a park or other public or civic use. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 22 of Resolution R-2012-1059, Control No.2002-00067)

21. Prior to the issuance of the certificate of occupancy for the primary-recreation building on the 4.0+ acre recreation site, the petitioner shall mulch or pave the pedestrian trail shown fronting the recreation area on the certified PDP dated February 18,2003. In addition, at least one (1) bench shall be placed at this location. (CO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 23 of Resolution R-2012-1059, Control No.2002-00067)

22. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, for the Fogg North Development area, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks (to the extent permitted by the County Engineer and the Palm Beach County Water Utilities Department) shown in this project and for the entire length of the sidewalk fronting Acme Dairy Road. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 24 of Resolution R-2012-1059, Control No.2002-00067)

23. 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 Master Plan and ensure the same language is contained within in the Conservation Easement 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-10 of the Code, 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 Code; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B of the Code 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 25 of Resolution R-2012-1059, Control No.2002-00067)

24. Prior to or concurrent with the plat for the Fogg North PUD, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100 foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Conceptual Landscape Plan that conforms with the preliminary Rural Parkway Conceptual Landscape Plan received by the Planning Division on March 18, 2003, previously presented to Planning Staff, to include but not be limited to the following items:

i. Flowering trees;
ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
iii. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

i. Walls;

ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter and benches/pedestrian gathering area.

c. The Rural Parkway easement may include:

i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;

ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD.

iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance.

e. Title insurance for 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.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, 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.

(ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 26 of Resolution R-2012-1058, Control No.2002-00067)

SCHOOL BOARD

1. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to label the school bus stop, turnaround and bus shelter and shall be approved by the School Board. (DRO: SCHOOL BOARD - School Board) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 1 of Resolution R-2012-1059, Control No.2002-00067)

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

"Notice to Home Buyers/Tenants"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding 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) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 2 of Resolution R-2012-1059, Control No.2002-00067)

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.