

RESOLUTION NO. R-2000- 0899

RESOLUTION APPROVING ZONING PETITION PDD97-121
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF PALM AFC HOLDINGS
BY WILLIAM BOOSE, AGENT
(DIAMOND "C" RANCH 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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-121 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2000; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD97-121, the petition of Palm AFC Holdings by William Boose, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) and Residential Estate (RE) to Residential Planned Unit Development (PUD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Absent
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

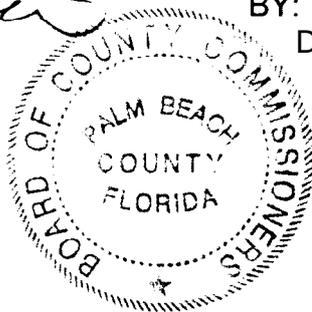


EXHIBIT A

LEGAL DESCRIPTION

ALL THAT PART OF TRACTS 39, 40, 41, AND 42, LYING SOUTH OF THE WEST PALM BEACH CANAL RIGHT-OF-WAY AND ALL OF TRACTS 43 THROUGH 46, INCLUSIVE, IN BLOCK 7; ALL THAT PART OF TRACT 19 LYING SOUTH OF WEST PALM BEACH CANAL RIGHT-OF-WAY AND ALL OF TRACT 24 IN BLOCK 8; ALL OF TRACTS 1, 2, 3, 10, 11, 12, THE WEST ONE-HALF OF TRACT 13, AND ALL OF TRACTS 14, 15, 16 AND THE WEST ONE-HALF OF TRACT 17 IN BLOCK 10; ALL OF TRACTS 4, 5, 6, 7, 8, 9, THE NORTH ONE-HALF OF TRACTS 2 AND 3, AND THE NORTH ONE-THIRD OF TRACT 1 IN BLOCK 11, ALL LYING AND BEING IN PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 154, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

EXCEPTING, HOWEVER, THE NORTH 208.71 FEET OF THE WEST 208.71 FEET OF TRACT 3, BLOCK 10, OF SAID PLAT; ALSO EXCEPTING THE EAST 40 FEET OF THE NORTH ONE-THIRD OF TRACT 1, BLOCK 11, OF SAID PLAT; ALSO EXCEPTING THE EASTERLY PORTION OF TRACT 1, BLOCK 11, LYING EASTERLY OF A LINE WHOSE SOUTHERLY TERMINUS LIES 100 FEET WEST OF, AS MEASURED ALONG THE SOUTH TRACT LINE, FROM THE SOUTHEAST CORNER OF TRACT 16, BLOCK 11, AND WHOSE NORTHERLY TERMINUS LIES 110.70 FEET WEST OF, AS MEASURED ALONG THE NORTH TRACT LINE, FROM THE NORTHEAST CORNER OF TRACT 48, BLOCK 7, OF SAID PLAT.

TOGETHER WITH THE FOLLOWING DESCRIBED PLATTED RIGHTS-OF-WAY LYING IN BLOCKS 7, 8, 10, AND 11, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA:

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE SOUTH AND WEST BLOCK LINE OF SAID BLOCK 7, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST LINE OF TRACT 46 OF SAID BLOCK 7.

BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-51 CANAL.

ALL THAT PART OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 45 AND 46, OF SAID BLOCK 7, AND LYING SOUTHERLY OF THE RIGHT OF WAY OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-51 CANAL.

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE SOUTH AND EAST BLOCK LINES OF SAID BLOCK 8 BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WEST LINE OF TRACT 24 OF SAID BLOCK 8.

BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-51 CANAL.

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE NORTH AND EAST BLOCK LINES OF SAID BLOCK 10, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF A LINE 15 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF TRACT 12 OF SAID BLOCK 10.

BOUNDED ON THE WEST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF THE WEST 208.71 FEET OF TRACT 3 OF SAID BLOCK 10.

ALL THAT PART OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING NORTH OF AND CONTIGUOUS TO, TRACTS 13, 14, AND 15, OF SAID BLOCK 10 EXCEPTING, HOWEVER ALL THAT PART LYING WITHIN 15 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST ONE-HALF OF SAID TRACT 13.

ALL THAT PART OF THE SOUTH ONE-HALF OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING NORTH OF AND CONTIGUOUS TO TRACT 16, OF SAID BLOCK 10.

ALL THAT PART OF THE EAST ONE-HALF OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LINE WEST OF, AND CONTIGUOUS TO TRACT 16, OF SAID BLOCK 10, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT 16.

BOUNDED ON THE NORTH BY THE WESTERLY PROLONGATION OF A LINE LYING 15 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID TRACT 16.

ALL THAT PART OF THAT CERTAIN 25 FOOT RIGHT-OF-WAY LYING CONTIGUOUS TO THE NORTH AND WEST BLOCK LINES OF SAID BLOCK 11, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF BENOIST FARMS ROAD.

BOUNDED ON THE SOUTH BY THE WESTERLY PROLONGATION OF A LINE 15.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF TRACT 9 OF SAID BLOCK 11.

ALL THAT PART OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 4 AND 5, OF SAID BLOCK 11.

ALL THAT PART OF THE NORTH ONE-HALF OF THAT CERTAIN 30 FOOT RIGHT-OF-WAY LYING SOUTH OF AND CONTIGUOUS TO TRACT 9, SAID BLOCK 11.

CONTAINING: 267.04 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 5, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:
 - a. No more than three (3) homes with the same elevation shall be placed next to each other; or,
 - b. No more than three (3) homes with the same exterior color scheme may be placed next to each other.

This obligation shall be included in the Homeowners Association's documentation. A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT: **BLDG/ZONING**)

2. Prior to DRC final certification of the site plan, the petitioner shall provide architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: ZONING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The location of the 8.27 acre eastern preserve is acceptable as shown on the plan prepared by Land Design South, dated May 5, 2000. The presently proposed 5 acre preserve located contiguous to the LWDD L-5 Canal may be relocated on-site, or may be subject of tree relocation and enhancement. Final plans for which to be approved by PBC ERM prior to final DRC Certification of the Preliminary Development Plan. (DRC: ERM)

D. LANDSCAPING - STANDARDS

1. Fifty percent (50%) 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 given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

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: LANDSCAPE - Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
4. All internal buffers between pods and perimeter TDR compatibility buffers shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)
5. The irrigation system for all perimeter buffers shall be designed and maintained with sprinkler head locations providing complete overlapping coverage and oriented towards the middle of the buffer areas. (ONGOING: LANDSCAPE - Zoning)

E. ENGINEERING

1. The Property owner shall construct the following turn lane improvements:
 - I. Lyons Road at SR 80;
 - a) Restriping on SR 80 to provide for a left turn lane east approach;
 - b) one right/through lane north approach;
 - c) Right turn lane south approach
 - d) Left turn lane south approach;
 - e) Through lane south approach
 - II. Lyons Road at the projects south entrance
 - a) Right turn lane north approach.
 - III. Pioneer Road at SR 7;
 - a) Left turn lane east approach
- A) 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.
- B) Permits required by Palm Beach County and the Florida Department of Transportation for the construction of E1 .III shall be submitted concurrent with the first residential dwelling unit plat. (PLAT:ENGINEERING)
- C) Permits required by Palm Beach County and the Florida Department of Transportation for the construction of E1 .I and E1 .II shall be submitted concurrent with Platting more than 250 total dwelling units. (PLAT: ENGINEERING)

- D) Construction identified on Condition E.I .III shall be completed prior to the issuance of the first Certificate of Occupancy for phase one of the project. (CO:MONITORING-Eng)
 - E) Construction identified in Condition E.I .I and E.I .II above shall be completed prior to the issuance of more than 431 Certificates of Occupancy. (CO:MONITORING-Eng)
2. Prior to December 22, 2000, the Property owner shall provide acceptable surety for:
 - a) construction plans and construction for Lyons Road as a 3 lane section from Southern Boulevard to the projects south property line plus any appropriate paved tapers.
 - b) construction of the four lane Lyons Road Bridge over the C 51 Canal.

All Surety shall be based in the amount of 118% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer shall be provided to the Land Development Division.

3. Prior to August 1, 2001 construction shall begin for the four lane Lyons Road Bridge over the C 51 Canal. (DATE: MONITORING-Eng)
4. Within 6 months of Palm Beach County's determination of the final alignment for Lyons Road adjacent to the site (as provided for in Condition E.8 below), construction shall begin for the Lyons Road construction as a 3 lane section from Southern Boulevard to the project's south property line plus any appropriate paved tapers. (ENGINEERING)
5. Prior to September 1, 2002 or prior to the issuance of the 250th building permit whichever shall first occur, all construction shall be completed (open to traffic) for the construction of Lyons Road from SR 80 to the projects south property line, and the Lyons Road Bridge over the C 51 Canal. Impact fee credit shall only be provided for construction plans and construction required for the turn lane identified in condition E.I .(c) above. (DATE/BLDG PERMIT: MONITORING-Eng)
6. The Property Owner shall fund the cost of signal upgrading as determined by the County Engineer at Lyons Road and Southern Boulevard. The cost of signalization shall also include any required utility relocation. Signalization shall be concurrent with the Lyons Road Construction as outlined above. (ONGOING: MONITORING-Eng).
7. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at Pioneer Road and SR 7. 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** 36 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)

8. Prior to the DRC approval for the final subdivision plan for POD F or POD G, the final alignment for Lyons Road construction shall be approved by the Board of County Commissioners. Palm Beach County Engineering Department shall use its best efforts to schedule an alignment hearing for Lyons Road for final approval by the Board of County Commissioners prior to January 1, 2001. Any adjustments to the Preliminary Development Plan shall then be accommodated. (DRC APPROVAL: ENG)

9. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents, 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 Lyons Road. Information which appears in written form shall appear in **bold print**. (PLAT: ENG)
 - 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 January 1, 2002, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)
 - 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. (BLDG PERMIT: MONITORING - Eng)

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

Note: The following is in conformance with a policy concerning "Southern Boulevard and Concurrency" stated in a letter from George Webb, P.E., County Engineer, dated January 25, 2000 and approved by the Board of County Commissioners:

- a) Prior to the issuance of the first building permit for the project or prior to December 31, 2002, whichever shall first occur, the property owner shall pay the Project's total Fair Share Contribution for Road Improvement Fees ("Road Impact Fees"), less any creditable costs which have been made by the Developer for Condition E1 I(c) above, as they exist at the time of the payment, or may exist at the time of the issuance of the building permits for the project as a result of the final development order issued on the property or amendments to the amount of the Road Impact Fees in the ULDC. Presently the project's total Road Impact Fees are estimated to be \$1,833,120. The amount of Road Impact Fees paid pursuant to this condition shall be creditable against the Project's Road Impact Fees due at the time of the building permit issuance, and does not vest the project against future Road Impact Fees increases. This amount may be increased as provided in the Road Impact Fees Ordinance. The Property Owner shall post Performance Security for purposes of Road Impact Fees, as addressed herein, in the form of a Letter of Credit or other form of surety acceptable to the County Attorney's Office in the amount of \$1,833,120, or such amount as adjusted based on the final development order. (BLDG PERMITS/DATE: MONITORING-Eng)

b) This surety shall be provided to the Office of the County Engineer prior to December 22, 2000 less any Road Impact Fees paid by the Developer. If the property owner fails to pay the Road Impact Fees as set forth above, said surety may be drawn against at the issuance of the first building permit or prior to December 31, 2002, whichever shall first occur. Upon payment of the Road Impact Fees, the surety shall be released and discharged. Upon payment of the Road Impact Fees or drawing of the Performance security by Palm Beach County, the project shall be deemed to have fully satisfied all requirements of Palm Beach County's Traffic Performance Standards and shall be fully vested as to Traffic Concurrency. (DATE: MONITORING-Eng)

11. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lyons Road 100 feet of right of way on an alignment to be approved by the Board of County Commissioners from SR 80 south to the projects south property line prior to the issuance of the first Building Permit or prior to June 1, 2001. Right of way conveyance shall be along the projects entire frontage and 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
12. The property owner shall provide paved access to the three not included parcels to the south via a Fifty (50) foot road right of way to be provided at the time of the platting the Pioneer Road Extension. This access shall be reflected on the approved preliminary development plan. (DRC: ENG)
13. Provide a bus pull off and bus shelter at the projects west property line concurrent with the paving improvements of the entrance road from Pioneer Road which is identified as Plat One. The bus pull off and shelter shall be completed prior to the issuance of the first certificate of occupancy. (CO:MONITORING - ENG)
14. Access for construction vehicles using the site shall be limited to Lyons Road after access to the project from Lyons Road is completed in accordance with Condition E.5 above.
15. At the time of the completion of the Lyons Road connection to SR 80 all completed dwelling units within the PUD shall have paved access to Lyons Road. (ENGINEERING)
16. Property owner shall construct one eight foot pedestrian pathway within the north right of way of Pioneer Road from SR 7 to the projects west property line concurrent with the construction of Pioneer Road with this site subject to the approval of the County Engineer. (ENGINEERING)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO C-51 CANAL)

1. Landscaping and buffering along the north property line adjacent to the C-51 Canal shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip with no reductions or easement encroachments be permitted except traversing utility or drainage easement crossings;

- b. a six (6) foot high vinyl coated chain link fence;
- c. one (1) canopy tree planted every thirty (30) feet on center alternating on both sides of the fence;
- d. one (1) additional palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of one hundred (100) feet between clusters;
- e. twenty four (24) inch high shrub or hedge material on both sides of the fence spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ADJACENT TO WESTWOOD PUD)

- 1. Landscaping and buffering along the west property line adjacent to Westwood PUD shall be upgraded to include:
 - a. a minimum thirty (35) foot wide landscape buffer strip with no reductions or easement encroachments be permitted except traversing utility or drainage easement crossings;
 - b. one (1) canopy tree planted every twenty (20) feet on center alternating on both sides of the fence;
 - c. one (1) additional palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of one hundred (100) feet between clusters;
 - d. twenty four (24) inch high shrub or hedge material on the exterior side of the fence spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches;
 - e. a perimeter six (6) foot high vinyl coated chain link fence along the entire western property line from Pioneer Road north to the project's proposed north fence parallel to the southern Boulevard/C-51Canal. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE FUTURE LYONS ROAD FRONTAGES

- 1. Landscaping and buffering along the future Lyons Road frontages shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer with a maximum five (5) foot easement encroachment;
 - b. a undulating berm with an average three (3) foot height measured from top of curb;
 - c. one (1) canopy tree planted every twenty (20) feet on center;
 - d. one (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of one hundred (100) feet between clusters; and
 - e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. MASS TRANSIT

1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance prior to the issuance of the first certificate of occupancy. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO:MONITORING - ENG)

J. PLANNED UNIT DEVELOPMENTS

1. Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be provided as follow:
 - a. Along one side of all internal PUD right-of-ways forty (40) feet in width or greater;
 - b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
 - c. At one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. **Prior to** DRC certification of the preliminary development plan, street tree planting details and cross sections shall be approved by the Zoning Division, Utilities departments, and the County Engineer. (DRC/CO: ZONING/UTILITIES/ENG/LANDSCAPE - Zoning)

3. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, 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: ENG - Co Att)

4. Flexible Regulations and/or Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following reduction in proposed front setbacks and increased lot coverage for both the zero lot line and single family homes:

PROPOSED ADMINISTRATIVE DEVIATION/FLEXIBLE REGULATIONS				
Property Development Regulations	Code	Admin. Deviation (10% Max.)	Flexible Regs (20% Max.)	Proposed Reduction/ Increase
Front Setback (ZLL and single family)	25'	22.5'	-	-2.5'
Lot Coverage (single family)	40%	44%		+0.04
Lot Coverage ZLL	50%	55%	-	+0.05

The petitioner has agreed to provide the following:

- a. Additional street trees to be provided at one per forty linear feet on one side of the street if streets are 40' wide minimum and on both sides of the street if streets are 50' wide minimum;
 - b. Varied building elevations and color schemes;
 - c. Focal points within a neighborhood recreation area or open space tract;
 - d. Focal points at the roundabout area and the adjacent open space and
 - e. Utilize perimeter canals and proposed water bodies, open space and perimeter buffers to minimize potential impacts on the adjacent residential uses.
5. Pavers or decorative pavement shall be provided for the driveways of all units (DRC: ZONING)
 6. 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 internal roadway, access tract, residential street (including T-intersections), roundabouts, open space or cul-de-sac consistent with the Preliminary Development Plan dated May 5, 2000. These focal points shall be public areas and shall be in the form of accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
 7. No side interior, rear or side street setback reductions shall be permitted except when abutting open space as allowed in Section 6.5.G.6 of the ULDC. (DRC: ZONING)
 8. 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 within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system within the project 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. (DRC/PLAT: ZONING)

9. Lots fronting on a T-intersection shall support units with a side-loaded garage with accent landscaping or provide twenty (20) foot landscape strip. (DRC: ZONING)
10. The petitioner has agreed to limit perimeter homes to a single story and not to exceed twenty-five (25) feet in height. This limitation would not apply to proposed homes as indicated on the Preliminary Development Plan dated May 5, 2000 located adjacent to the C-51 Canal, the 160' FPL easement, internal 80' right of ways, the future Lyons Road extension or proposed home sites separated by a perimeter lake tract. (ONGOING)
11. No reduction in width for any of the perimeter compatibility buffers shown on the June 23, 2000 Preliminary Development Plan shall be permitted. (ONGOING)
12. 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 South Florida Fairgrounds and Mars Music Amphitheater within the vicinity of the development. The developer/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 January 1, 2001 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.
 - a. The following language shall be included in the above documents for the South Florida Fairgrounds and Mars Music Amphitheater:

This development is located within two (2) miles of the South Florida Fairgrounds and Mars Music Amphitheater. The activities of this facility generates noise, among other things, such as, various sounds from concerts, carnivals, animals, horns, combustion engines and other such sounds, will be audible from time to time throughout the year. Each [Lot Owner] acknowledges and agrees that the uses of the South Florida Fairgrounds and Mars Music Amphitheater pre-dates the development of the [Project] and that in acquiring the respective Lot, the [Lot Owner] had an opportunity to inspection the conditions presented by the uses of the South Florida Fairgrounds and Mars Music Amphitheatre and knowingly and voluntarily acknowledges and accepts such conditions. (ONGOING: MONITORING)
13. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall provide reduced colored copies of all supportive graphics presented at the June 29, 2000 BCC public hearing. These graphics shall be made a part of the petition file. (DRC: ZONING)

K. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by May **25, 2003** for a 5.34 acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Developer 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. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. 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. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the PUD, as it would apply to the civic site.

- b. All ad **valorem** real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f) Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - g) Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by **November 25, 2002**. 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. 21 HH.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. (DATE: MONITORING - PREM)
3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by **November 25, 2002**. 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 civicsite 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. (DATE: MONITORING - PREM)
4. The County agrees to allow a 15' buffer on all four property lines of the civic site. However, it will be the responsibility of the adjacent Homeowners Association (H.O.A.) to install the landscaping, watering system and provide regular maintenance of this area all of which shall be at H.O.A. expense. (MONITORING - PREM)

L. SCHOOL BOARD

1. Since this is to be a gated community, the Bus Stop/Turnaround/Shelter must be place before the gates and clearly shown on the site Plan. The bus turnaround must comply with School District's standard of 1 10' diameter which is presently shown the preliminary plan. These bus stops shall be sufficient enough in size to accommodate a school bus. The size and location of all such school bus stops shall be coordinated with the Palm Beach County Zoning, Planning, and Engineering Departments, as well as the School District Planning department. (FINAL DRC APPROVAL: ZONING -SCHOOL BOARD)
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)

M. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)