

RESOLUTION NO. R-2000- 1568

RESOLUTION APPROVING ZONING PETITION DOA98-055(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF CASCADES LAKES, LTD. A FLORIDA PARTNERSHIP  
BY LAND DESIGN SOUTH, AGENT  
(LESTER PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA98-055(B) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code. ,
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 DOA98-055(B), the petition of Cascades Lakes, Ltd. a Florida Partnership, by Land Design South, agent, for a Development Order Amendment (DOA) to add land area and units on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 28, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Masilotti 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	-	Aye
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Absent
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 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

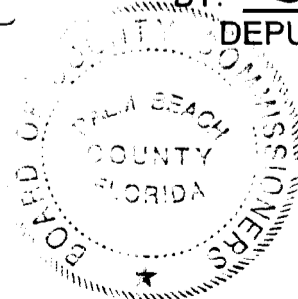


EXHIBIT A  
LEGAL DESCRIPTION

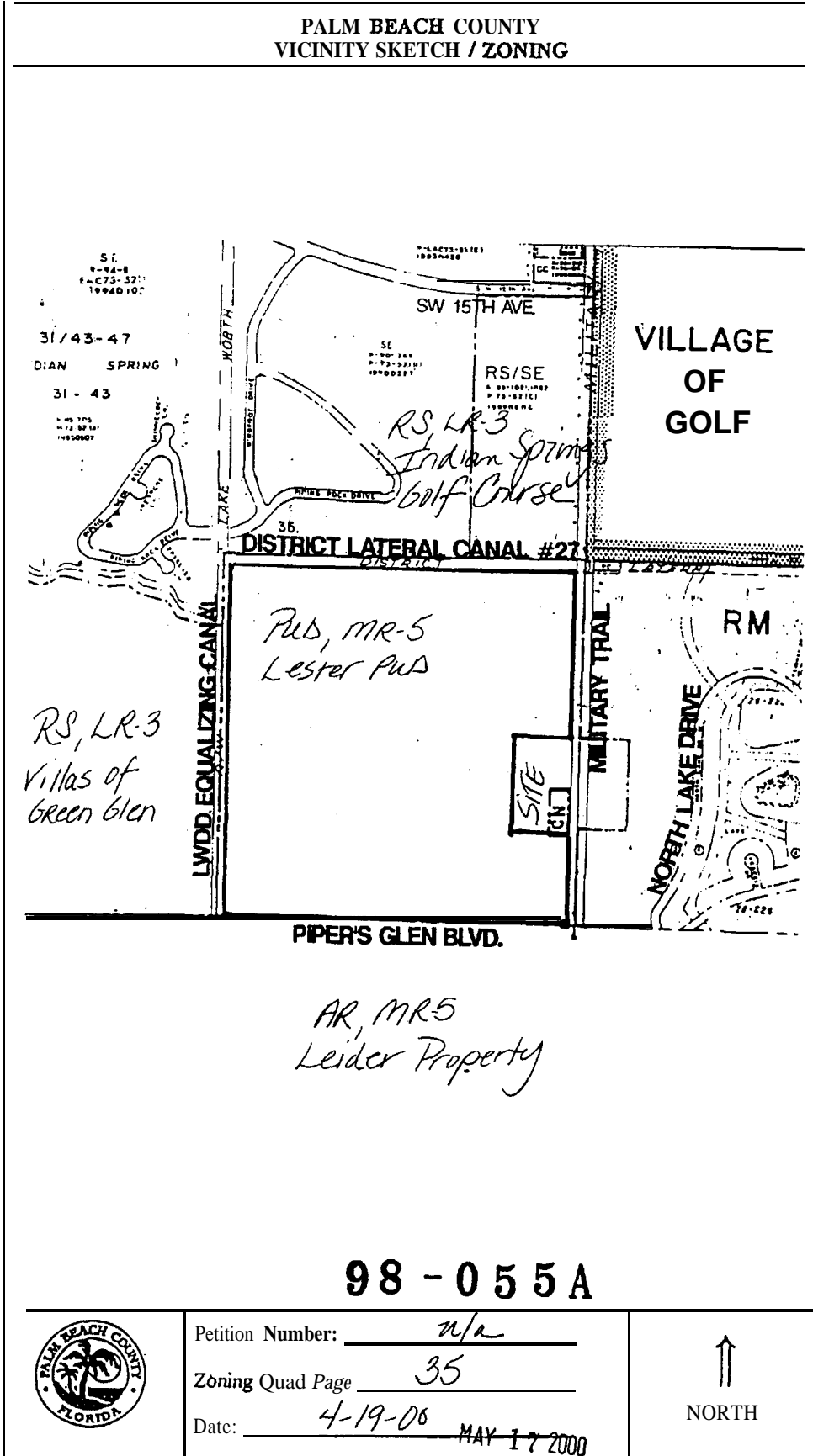
THE NORTHEAST QUARTER (NE  $\frac{1}{4}$ ) OF THE SOUTHEAST QUARTER (SE  $\frac{1}{4}$ ) OF THE SOUTHEAST QUARTER (SE  $\frac{1}{4}$ ) OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST.

LESS AND EXCEPT THE EAST 60.00 FEET THEREOF.

CONTAINING 9.117 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

EXHIBIT B



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EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-2045 (Petition PDD98-055), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 1 of Resolution R-98-2045, Petition PDD98-055 which currently states:

**Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated August 27, 1998. 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.**

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated July 26, 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. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. Condition B.I of Resolution R-98-2045, (Petition PDD98-055) which currently states:

**Landscaping and buffering along the east property line shall be upgraded to include:**

- a. **A minimum twenty (20) foot wide landscape buffer strip;**
- b. **A minimum six (6) foot masonry wall;**
- c. **One (1) canopy tree for each fifteen (15) linear feet of frontage with a maximum spacing of sixty (60) feet on center;**
- d. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of ninety (90) feet on center between clusters. A group of three (3) palms may be substituted for 25% of the perimeter canopy trees; and,**
- e. **Twenty four (24) inch high shrub or hedge material installed on the exterior of the wall. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches.**

- f. **Decorative foundation plantings shall also be installed in front of the required hedge. (CO: LANDSCAPE)**

Is hereby amended to read:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
  - b. A minimum six (6) foot masonry wall;
  - c. One (1) canopy tree for each fifteen (15) linear feet of frontage with a maximum spacing of sixty (60) feet on center alternating on both sides of the wall;
  - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of ninety (90) feet on center between clusters. A group of three (3) palms may be substituted for 25% of the perimeter canopy trees; and,
  - e. Twenty four (24) inch high shrub or hedge material installed on the exterior side of the wall. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches.
  - f. Decorative foundation plantings shall also be installed in front of the required hedge.
  - g. The buffer width may be reduced to twenty (20) feet adjacent to the civic/recreation parcel, to accommodate a right turn lane to the north entrance and a right turn lane to Piper's Glen Boulevard. (CO: LANDSCAPE)
2. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ADJACENT TO PIPERS GLEN BLVD)

1. **Landscaping and buffering along the south property line shall include:**
- a. **A minimum ten (10) foot wide landscape buffer strip;**
  - b. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
  - c. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for the perimeter canopy trees; and,**
  - d. **Twenty four (24) inch high shrub or hedge material installed no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE) (Previously Condition C.I of Resolution R-98-2045, Petition PDD98-055)**
2. **Landscaping and buffering along the north and west property line shall include (as referenced on the Land Design South "Buffer Details Ten (10') Foot Buffer North and West" Exhibit):**
- a. **A minimum ten (10) foot wide landscape buffer strip;**

- b. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center;**
- c. **One (1) palm for each twenty-five (25) linear feet of property line with no maximum spacing between clusters. A group of three (3) palms shall not be substituted for the perimeter canopy trees;**
- d. **One flowering tree for each forty-five (45) feet of property line with no maximum spacing between clusters; and,**
- e. **Twenty-four (24) inch high flowering and non-flowering shrub or hedge material installed no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previously Condition C.2 of Resolution R-98-2045, Petition PDD98-055)**

Condition D.I of Resolution R-98-2045, Petition PDD98-055 which currently states:

**D. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINE ADJACENT TO THE 9.12 ACRE OUTPARCEL**

- 1. **Landscaping and buffering along the north, south, and east property line adjacent to the 9.12 acre outparcel shall include:**
  - a. **A minimum twenty (20) foot wide landscape buffer strip;**
  - b. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
  - c. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may be substituted for 25% of the perimeter canopy trees; and**
  - d. **Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)**

Is hereby deleted: [REASON: Parcel is incorporated as part of the PUD.]

**E. ENGINEERING**

- 1. **Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Military Trail 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. (BLDG PERMIT: MONITORING-Eng) (Previously Condition E.I of Resolution R-98-2045, Petition PDD98-055) [COMPLETE]**

**2. The Property owner shall:**

- a. **Lengthen the existing left turn lane south approach on Military Trail at the projects entrance road. Length of this left turn lane shall be a minimum of 295 feet plus the appropriate paved taper.**
- b. **Construct a right turn lane north approach on Military Trail at the projects entrance road.**
- c. **Construct a left turn lane west approach on Pipers Glen Boulevard at this projects entrance road. This developer shall also be responsible for the replacement of any existing trees along Pipers Glen Boulevard to accommodate the construction of these turn lanes. Replacement of these replacement trees shall be concurrent with the construction of the turn lanes onto Pipers Glen Boulevard. Tree size and type shall be approved by the County Engineer. [COMPLETE]**
  - 1) **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. (Previously Condition E.2.c. 1) of Resolution R-98-2045, Petition PDD98-055)**
  - 2) **Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng) (Previously Condition E.2.c.2) of Resolution R-98-2045, Petition PDD98-055) [COMPLETE]**
  - 3) **Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previously Condition E.2.c.3) of Resolution R-98-2045, Petition PDD98-055)**

- 3. Prior to the issuance of the first Building Permit, 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 Military Trail along the property frontage; and a maximum 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 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. (BLDG. PERMIT- Eng.) (Previously Condition E.3. of Resolution R-98-2045, Petition PDD98-055) [COMPLETE]**

4. **Prior to October 1, 1999 the Property owner shall provide permittable construction plans for the construction of Lake Ida Road as a 4 lane median divided section (expandable to 6 lanes) from Military Trail to Congress Avenue plus the appropriate paved tapers. 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. 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- Eng) (Previously Condition E.4. of Resolution R-98-2045, Petition PDD98-055)**
5. **The property owner shall fund the acquisition the Lake Ida Road right of way and all associated costs as referenced in the Condition above and shall provide surety acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before October 1, 1999. Notification by the developer shall be given to the Land Development Division. (DATE/MONITORING - Eng) (Previously Condition E.5. of Resolution R-98-2045, Petition PDD98-055)**
6. **Condition E.6. of Resolution R-98-2045, Petition PDD98-055 which currently states:**

**On or before October 1, 1999, 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 Lake Ida 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-Eng)**

Is hereby deleted.

7. **The property owner shall fund the construction of Lake Ida Road as a 4 lane median divided from Military Trail to Congress Avenue in accordance the proposed Adequate Public Facility Agreement to be approved by the Board of County Commissioners. Funding of the construction shall be completed on or before September 30, 2000. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING-Eng) (Previously Condition E.7. of Resolution R-98-2045, Petition PDD98-055)**

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

**Developer Road Projects:**

- a. **Prior to Master Plan approval by the DRC, the applicant shall record a restrictive covenant in the public records which restricts occupancy of housing units within this project to a “senior citizen community”. (DRC: ENG/CO ATTY) (Previously Condition E.8.a of Resolution R-98-2045, Petition PDD98-055)**
- b. **Condition E.8.b. of Resolution R-98-2045, Petition PDD98-055 which currently states:**

**Building Permits for no more than 255 adult single-family housing units (2043 daily project trips) shall be issued until contract is let for the construction of Lake Ida Road from Military Trail to Congress Avenue to a 4-lane median divided cross-section. Applicant shall assure construction of this road improvement by entering into an Adequate Public Facilities Agreement with Palm Beach County before or at the Board of County Commission meeting at which the Development Order is approved for this project. (BLDG. PERMIT: MONITORING - Eng.)**

Is hereby amended to read:

Building Permits for more than 266 total dwelling units shall not be issued until construction has begun for Lake Ida Rd as a 4-lane section from Military Trail to Congress Ave. plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

- c. **Building Permits for no more than 267 adult single-family housing units (2143 daily project trips) shall be issued until the contract is let for the construction of Jog Road as a 6 lane median divided section from Boynton Beach Boulevard to Woolbright Road. (BLDG. PERMIT: MONITORING - Eng.) (Previously Condition E.8.c of Resolution R-98-2045, Petition PDD98-055) [COMPLETE]**
- d. **No Building Permits for the site may be issued after December 31, 2002. A time extension for this condition may be approved by the County Engineer only if 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 / - Eng.) (Previously Condition E.8.d of -98-2045, Petition PDD98-055)**

9. **Acceptable surety required for the offsite road improvements as outlined in item “b” above, shall be posted with the Office of the Land Development Division on or before June 3, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer’s Engineer and approved by the County Engineer. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng) (Previously Condition E.9 of Resolution R-98-2045, Petition PDD98-055)**

10. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADS**

- a. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Military Trail road rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the “High Cost Planting Concept” outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. [COMPLETE]**

**The property owner shall be responsible for maintenance of the existing landscape material along Pipers Glen Blvd along the project frontage. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. Any existing landscape material may be incorporated into the High Cost Planting Plan. (BLDG PERMIT: MONITORING - Eng.) (Previously Condition E. 10.a of Resolution R-98-2045, Petition PDD98-055) [COMPLETE]**

- b. **All required median landscaping, including an irrigation system shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner’s Association and/or Homeowners’s Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) (Previously Condition E.IO.b of Resolution R-98-2045, Petition PDD98-055)**
- c. **Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng.) (Previously Condition E.10.c of Resolution R-98-2045, Petition PDD98-055)**

11. "CUTOOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN

- a. Prior to the issuance of the 125th building permit for POD's C/D (Control #0742-009), the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the proposed concrete median of Military Trail Right-of-Way from Pipers Glen Boulevard to the PUD's existing project's north property line. As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and plantings are permitted, the Landscape Material within the concrete cutouts shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway.

All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, the cost of Cutting out the concrete median and the installation of the Landscape material shall be funded at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the 150th certificate of occupancy for POD's C/D. (CO: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the 1 25<sup>th</sup> building permit for POD's C/D. (BLDG PERMIT: MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A Phase II Environmental Audit shall be submitted to and approved by Environmental Resources Management prior to DRC site plan certification.** (DRC: ERM) (Previously Condition F. 1 of Resolution R-98-2045, Petition PDD98-055)

G. MASS TRANSIT

1. **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 of a building permit for more than the 100th unit. 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. (BLDG PERMIT: MONITORING - Eng) (Previously Condition G.I of Resolution R-98-2045, Petition PDD98-055)**

H. PLANNED UNIT DEVELOPMENT

1. Condition H.I of Resolution R-98-2045, Petition PDD98-055 which currently states:

**Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)**

Is hereby amend to read:

Decorativestreet lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

2. **Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Condition 1.2, subject to approval by the County Engineer. (Previously Condition H.2 of Resolution R-98-2045, Petition PDD98-055) (CO: LANDSCAPE - Eng-Planning)**

3. Condition H.3 of Resolution R-98-2045, Petition PDD98-055 which currently states:

**Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)**

Is hereby amended to read:

Street bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (CO: BLDG - Eng)

4. Condition H.4 of Resolution R-98-2045, Petition PDD98-055 which currently states:

**All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)**

Is hereby amended to read:

All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)

5. **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, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att) (Previously Condition H.5 of Resolution R-98-2045, Petition PDD98-055)**

6. **Twenty-four hour security shall be provided at the guardhouse located at the main PUD entrance adjacent to Military Trail following the issuance of a Certificate of Occupancy for the 100th unit. All ingress and egress for the entrance onto Pipers Glen Blvd shall be gated and posted as restricted to residents of the PUD only. (CO: MONITORING/ ONGOING: Bldg/Code Enf) (Previously Condition H.6 of Resolution R-98-2045, Petition PDD98-055)**

7. Condition H.7 of Resolution R-98-2045, Petition PDD98-055 which currently states:

**The 141.67 acre PUD shall be limited to 566 single family unit and zero lot line units or a maximum of four (4) units per acre whichever is less.**

Is hereby amended to state:

The 150.787 acre PUD shall be limited to 600 single family and zero lot line units for seniors/adults or a maximum of four (4) units per acre whichever is less. (DRC- Zoning/ BLDG Permit)

8. **All off premise signs and billboards shall be removed from the site prior to December 1, 1999. (DATE: MONITORING - Bldg/Code Enf) (Previously Condition H.8 of Resolution R-98-2045, Petition PDD98-055)**

I. PLANNING

1. Condition 1.1 of Resolution R-98-2045, Petition PDD98-055 which currently states:

**Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated August 27, 1998. In addition, the indication of cross access shall remain on the site plan. (DRC: PLANNING)**

Is hereby amended to read:

Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the West Boynton Area Community Plan incorporated onto the master plan dated July 26, 2000. (DRC: PLANNING)

2. Condition 1.2 of Resolution R-98-2045, Petition PDD98-055 which currently states:

**Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, 40, 47, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of fifty (50) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. For the eighty foot (80') collector road that runs through the project, the shade trees shall be spaced an average distance of thirty (30) feet or less along both sides of the street. (DRC: PLANNING / ENG.)**

Is hereby amended to read:

Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 36, 37, 40, and 53 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the residential development. The shade trees, excluding palm trees, shall be a minimum of twelve (12) feet in height with a minimum spread of five (5) feet and a minimum clear trunk of five (5) feet and shall be spaced an average distance of fifty (50) feet or less along the sidewalk of the adjacent road right-of-way adjacent to or within all platted road right-of-ways subject to approval of the County Engineer. For the eighty foot (80') collector road that runs through the project, the shade trees shall be spaced an average distance of thirty (30) feet or less along both sides of the street. (DRC: PLANNING)

3. Prior to final site plan approval, the site plan shall indicate street cross sections which depict landscaping for the existing pathway/sidewalk system along Military Trail outside of the utility easement in order to provide shade/canopy trees in accordance with FPL guidelines for the pedestrian walkway. (DRC: LANDSCAPE-Planning)

J. PREM - CIVIC SITE

1. **The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by October 1, 1999 for a 2.83 acre 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 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) (Previously Condition J.I of Resolution R-98-2045, Petition PDD98-055)**
2. **The property owner shall provide the County with a certified survey of the proposed civic site by August 1, 1999 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 FAC. 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) (Previously Condition J.2 of R-98-2045, Petition PDD98-055)**

3. **The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by August 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.**

**The assessment will include but not be limited to the following:**

- a. **Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.**
- b. **Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.**

**The assessment shall reflect whether the civic site or any bordering property is on the following lists:**

- 1) **EPA's National Priorities list (NPL)**
  - 2) **Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)**
  - 3) **Hazardous Waste Data Management System List (HWDMS).**
- c. **Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.**
  - d. **The results of an on-site survey to describe site conditions and to identify potential area of contamination.**
  - e. **Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM) (Previously Condition J.3 of R-98-2045, Petition PDD98-055)**
4. **Prior to August 1,1999, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash**

**contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM) (Previously Condition J.4 of Resolution R-98-2045, Petition PDD98-055)**

- 5. Prior to final site plan approval by the DRC the underlying land use for the 2.83 acre civic site shall be labeled as recreation area in addition to the 5.12 acre total recreation areas shown on the subdivision plan. (DRC: PREM: PARKS) (Previously Condition J.5 of Resolution R-98-2045, Petition PDD98-055)**

**K. SENIOR/ADULT ONLY COMMUNITY**

- 1. The development shall be limited to an adult only community. Copies of the recorded restrictive covenant shall be provided to the Development Review Committee (DRC) for review and approval by the County Attorney's office, Zoning Division, Engineering Department, and the School Board prior to recording which shall occur prior to final site plan certification. (DRC: ZONING/ CO ATT /ENG /SCHOOL BOARD) (Previously Condition K.I of Resolution R-98-2045, Petition PDD98-055)**
- 2. Starting on January 1, 2000, the petitioner shall submit an annual report to the Monitoring Section demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning/Eng/School Board) (Previously Condition K.2 of Resolution R-98-2045, Petition PDD98-055)**

**L. 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) (Previously Condition M.I of 98-2045, Petition PDD98-055)**
- 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) (Previously Condition M.2 of R-98-2045, Petition PDD98-055)**