

RESOLUTION NO. R-2001- 0961

RESOLUTION APPROVING ZONING PETITION PDD2000-071
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF RICHARD SIEMENS
BY LAND DESIGN SOUTH, AGENT
(BOYWIC 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 PDD2000-071 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2001; 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 PDD2000-071, the petition of Richard Siemens by Land Design South, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR/PUD) on a parcel of land legally described in EXHIBITA, 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 **May 24, 2001**, 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 McCarty and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Absent
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 24, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY


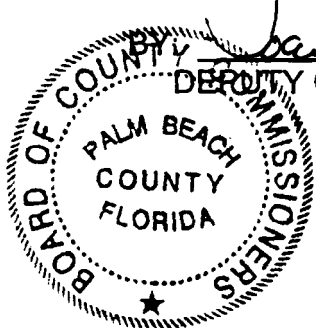

DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

A portion of Blocks 45 and 51, TOGETHER WITH portions of the road, dyke and ditch reservations, (hereinafter referred to as right-of-way) lying in and bordering Blocks 45 and 51, PALM BEACH FARMS PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida, described as follows:

Tracts 62, 63, 92, 93, 94, 95 and 110 through 125, inclusive, of said Block 45; TOGETHER WITH Tracts 1 through 30, inclusive, of said Block 51;

TOGETHER WITH the following rights-of-way;

The South Half (S-1/2) of the 30 foot Platted Right-of-Way as shown on THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 to 54 inclusive, Public Records of Palm Beach County, Florida, lying north of and adjacent to Tracts 62 and 63, Block 45 according to the said **plat** of THE PALM BEACH FARMS COMPANY **PLAT** NO. 3, bounded on the east by the West Right-of-Way line of LYONS ROAD, as now laid out and in use:

And ALSO

ALL of the 50 foot platted Right-of-Way lying north of Tracts 1 to 15 inclusive, Block 51, according to the said **plat** of THE PALM BEACH FARMS COMPANY PLAT NO. 3;

And ALSO

The North Half (N-1/2) of the 30foot platted Right-of-Way lying south of **Tracts** 16 to 30, Block 51, according to the said **plat** of THE PALM BEACH FARMS COMPANY PLAT NO. 3, bounded on the West by the West line of the East Half (E-112) of the 25 ft. platted Right-of-Way lying west of and adjacent to Tract 16 of said Block 51 and bounded on the East by the West right-of-way line of LYONS ROAD, as now laid out and in use.

And ALSO

The East Half (E-1/2) of the 25 ft. Right-of-Way lying west of and adjacent to the West line of Tract 110, Block 45, according to the said **plat** of THE PALM BEACH FARMS COMPANY **PLAT** NO. 3, and The East Half (E-1/2) of the 25 ft. Right-of-Way lying west of and adjacent to the West line of Tracts 15 and 16, Block 51, according to the said **plat** of THE PALM BEACH FARMS COMPANY PLAT NO. 3, and its northerly and southerly extension over the 50 foot Right-of-Way lying north of Tract 15, of said Block 51.

And ALSO

ALL of that certain 30 ft. Right-of-Way lying between Tracts 92, 93, 94 and 95, Block 45, according to the said **plat** of THE PALM BEACH FARMS COMPANY **PLAT** NO. 3;

And ALSO

ALL of that certain 30 ft. Road Right-of-Way lying between Tracts 117 and 118, Block 45, according to the said **plat** of THE PALM BEACH FARMS COMPANY PLAT NO. 3;

And ALSO

EXHIBIT A

LEGAL DESCRIPTION

ALL of that certain 30 ft. Road Right-of-Way lying between Tracts 8, 9, 22 and 23, Block 51, according to the said plat of THE PALM BEACH FARMS COMPANY PLAT NO. 3;

And ALSO

ALL of that certain Road Right-of-Way lying between the Southeast corner of Tract 117, the Southwest corner of Tract 118, Block 45 and the Northwest corner of Tract 8, and the Northeast corner of Tract 9, Block 51, according to the said plat of THE PALM BEACH FARMS COMPANY PLAT NO. 3;

And ALSO

The North 15 ft. of that certain 30 ft. Road Right-of-Way lying between the Southerly extension of the East line of Tract 22, and the Southerly extension of the West line of Tract 23, Block 51, according to the said plat of THE PALM BEACH FARMS COMPANY PLAT NO. 3;

Also LESS AND EXCEPT THEREFROM

That certain right-of-way for Lyons Road as described in Official Records Book 6685, Pages 795 through 797, inclusive, of the Public Records of Palm Beach County, Florida, and extended North to the North boundary of the South ½ (one-half) of the 30foot right-of-way lying North of Tracts 62 and 63, of said Block 45, said Lyons Road right-of-way also extended South to the South boundary of the North ½ (one-half) of the 30 foot right-of-way lying South of Tracts 16 through 30, inclusive, of said Block 51; said Lyons Road as shown on Road Plat Book 6, Pages 121 and 122.

ALSO LESS AND EXCEPT THEREFROM the following parcels for additional right-of-way for Lyons Road

A parcel of land lying in a portion of Section 19, Township 45 South, Range 42 East, Palm Beach County, Florida, said land being a portion of Tract 1, Block 51 of the PALM BEACH FARMS COMPANY PLAT NO. 3 as recorded in Plat Book 2, Pages 45 - 54, of the Public Records of Palm Beach County, Florida, said land being more particularly described as follows:

COMMENCING at the intersection of the centerline of Boynton Beach Boulevard and the baseline of survey of Lyons Road as recorded in Road Book 6, Pages 121 and 122 of the Public Records of Palm Beach County, Florida;

THENCE with a bearing of N. 00° 39' 00" W., along the baseline of survey of said Lyons Road, a distance of 4,930.06 feet to a point;

THENCE with a bearing of S. 89° 21' 00" W., a distance of 46.98 feet to the POINT OF BEGINNING;

THENCE with a curve concave to the West, having an initial tangent bearing of N. 05° 45' 00" E., a radius of 3527.00 feet, a central angle of 06° 24' 00", an arc length of 393.97 feet to a point;

THENCE with a bearing of S. 00° 39' 00" E., along the existing West right-of-way line of said Lyons Road, a distance of 40.04 feet to a point of curvature;

EXHIBIT A

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THENCE with a curve to the right, having a radius of 2810.79 feet, a central angle of 06° 24' 00", along the existing West right-of-way line of said Lyons Road, an arc length of 313.97 feet to a point of tangency;

THENCE with a bearing of S. 05° 45' 00" W., along the existing West right-of-way line of Lyons Road, a distance of 40.04 feet, more or less, to the POINT OF BEGINNING.

AND

A parcel of land lying in a portion of Section 18, Township 45 South, Range 42 East, Palm Beach County, Florida, said land being a portion of Tracts 62 and 93, Block 45 of the PALM BEACH FARMS COMPANY PLAT NO. 3 as recorded in Plat Book 2, Pages 45 - 54, of the Public Records of Palm Beach County, Florida, said land being more particularly described as follows:

COMMENCING at the intersection of the centerline of Boynton Beach Boulevard and the baseline of survey of Lyons Road as recorded in Road Book 6, Pages 121 and 122 of the Public Records of Palm Beach County, Florida;

THENCE with a bearing of N. 00° 39' 00" W., along the baseline of survey of said Lyons Road, a distance of 7,348.52 feet to a point;

THENCE with a bearing of S. 89° 21' 00" W., a distance of 25.00 feet to the POINT OF BEGINNING;

THENCE with a curve concave to the West, having an initial tangent bearing of N. 00° 39' 00" W., a radius of 5531 .00 feet, a central angle of 04° 06' 13", an arc length of 396.14 feet to a point;

THENCE with a bearing of S. 04° 45' 13" E., along the existing West right-of-way line of said Lyons Road, a distance of 97.46 feet to a point of curvature;

THENCE with a curve to the right, having a radius of 2810.79 feet, a central angle of 04° 06' 13", along the existing West right-of-way line of said Lyons Road, an arc length of 201.31 feet to a point of tangency;

THENCE with a bearing of S. 00° 39' 00" E., along the existing West right-of-way line of said Lyons Road, a distance of 97.46 feet, more or less, to the POINT OF BEGINNING.

TOGETHER WITH the following abandoned parcels of Lyons Road right-of-way:

A parcel of land lying in a portion of Section 19, Township 45 South, Range 42 East, Palm Beach County, Florida, said land being a portion of Lyons Road, as recorded in Road Book 6, Pages 121 and 122, of the Public Records of Palm Beach County, Florida, said land being more particularly described as follows:

COMMENCING at the intersection of the centerline of Boynton Beach Boulevard and the baseline of survey of said Lyons Road:

THENCE with a bearing of N. 00° 39' 00" W., along the baseline of survey of said Lyons Road, a distance of 4,405.70 feet to a point;

EXHIBIT A

LEGAL DESCRIPTION

THENCE with a bearing of S. $89^{\circ} 21' 00''$ W., a distance of 83.00 feet to the POINT OF BEGINNING;

THENCE with a bearing of N. $00^{\circ} 39' 00''$ W., along the existing West right-of-way line of said Lyons Road, a distance of 40.04 feet to a point of curvature;

THENCE with a curve to the right, having a radius of 2918.79 feet, a central angle of $06^{\circ} 24' 00''$, along the existing West right-of-way line of said Lyons Road, an arc length of 326.03 feet to a point of tangency;

THENCE with a bearing of N. $05^{\circ} 45' 00''$ E., along the existing West right-of-way line of said Lyons Road, a distance of 40.04 feet to a point;

THENCE with a curve concave to the East, having an initial tangent bearing of S. $05^{\circ} 45' 00''$ W., a radius of **3635.00 feet**, a central angle of $06^{\circ} 24' 00''$, an arc length of 406.03 feet, more or less, to the POINT OF BEGINNING.

AND

A parcel of land lying in a portion of Section 18, Township 45 South, Range 42 East, Palm Beach County, Florida, said land being a portion of Lyons Road, as recorded in Road Book 6, Pages 121 and 122, of the Public Records of Palm Beach County, Florida, said land being more particularly described as follows:

COMMENCING at the intersection of the centerline of Boynton Beach Boulevard and the baseline of survey of said Lyons Road;

THENCE with a bearing of N. $00^{\circ} 39' 00''$ W., along the baseline of survey of said Lyons Road, a distance of **7,755.76 feet** to a point;

THENCE with a bearing of S. $89^{\circ} 21' 00''$ W., a distance of 40.00 feet to the POINT OF BEGINNING;

THENCE with a bearing of N. $04^{\circ} 45' 13''$ W., along the existing West right-of-way line of said Lyons Road, a distance of 96.44 feet to a point of curvature;

THENCE with a curve to the right, having a radius of 2918.79 feet, a central angle of $03^{\circ} 55' 53''$, along the existing West right-of-way line of said Lyons Road, an arc length of 200.27 feet to a point;

THENCE with a bearing of N. $89^{\circ} 23' 25''$ E., a distance of **1 .01 feet** to a point;

THENCE with a curve concave to the East, having an initial tangent bearing of S. $01^{\circ} 42' 37''$ E., a radius of 5584.63 feet, a central angle of $03^{\circ} 02' 36''$, an arc length of 296.63 feet, more or less, to the POINT OF BEGINNING.

Said lands situate, lying and being in the County of Palm Beach, Florida and being subject to easements and rights-of-way of record.

EXHIBIT B
VICINITY SKETCH

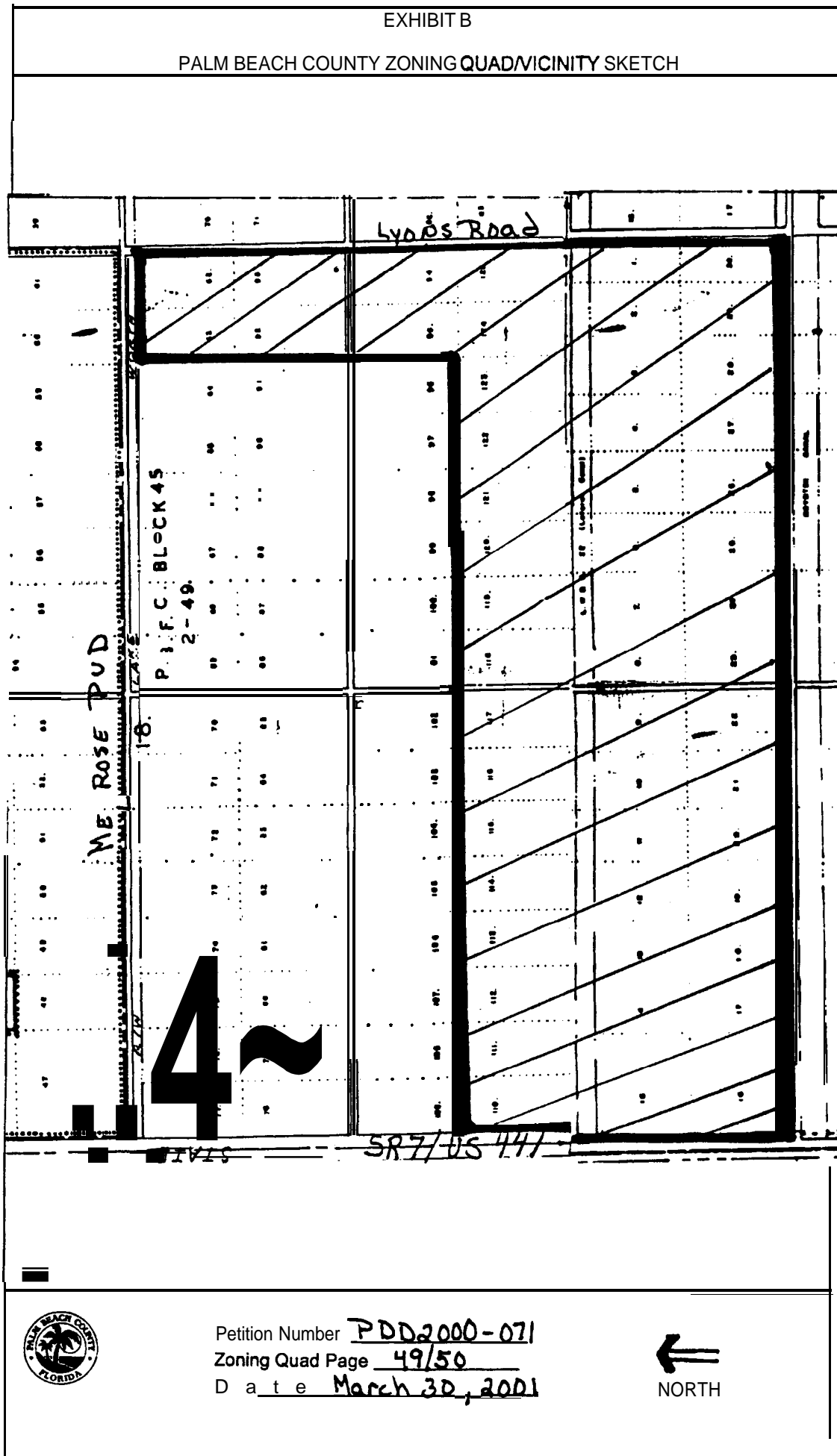


EXHIBIT C

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 March 1, 2001. 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. AGR/PUD PRESERVATION AREA

1. Minimum fifty (50) feet setback for fences, corrals, stables, pole barns, etc., from perimeter property lines.
2. Minimum one hundred (100) feet wide Preservation Area located on three (3) sides of Development Area.
3. Minimum four fifty (50) feet wide equestrian connections to allow the residents access from the central Preservation Area pasture and lake areas to the perimeter pasture.
4. Equestrian connections to be located approximately every 1/4 mile (1320 feet) in order to transverse the proposed Development Area of the **AGR/PUD**.

C. HEALTH

1. Prior to final DRC certification, the petitioner shall submit an on-site horse manure Best Management Plan or off-site disposal plan subject to approval by the Palm Beach County Health Department. (DRC: HEALTH)

D. LANDSCAPING - STANDARDS

1. Fifty (50) percent of all canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: Six (6) 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 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 a perimeter canopy tree. (CO: LANDSCAPE - Zoning)
4. All internal buffers between Development and Preservation Areas shall be approved by the Development Review Committee (DRC) in accordance with the ULDC. (DRC: ZONING)
5. Modification to spacing of plant material in the landscape buffer strips may be permitted to accommodate transversing utility or drainage easement crossings.

E. ENGINEERING

1. Prior to the recordation of the first plat the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). 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. (~~BLDG PERMIT~~PLAT:MONITORING-Eng)
2. Prior to July 1, ~~2004~~ 2002 the property owner shall convey a temporary roadway construction easement along 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. (DATE: MONITORING-Eng)
3. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Lyons Rd., 110 feet of right of way on an alignment approved by the County Engineer. This right of way shall be conveyed prior to July 1, ~~2004~~ 2002. (DATE: MONITORING-Eng)
 - ~~b) An eighty foot east/west public collector road within the limits of the projects from SR 7 to Lyons Road on an alignment approved by the County Engineer. This right of way shall be conveyed prior to the issuance of the first Building Permit. The Preliminary Development Plan shall then be amended to identify this east west collector roadway subject to the approval of the County Engineer.~~
 - ~~c) 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 north and south approach on Lyons Road at the east west public collector 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. (BLDG PERMIT: MONITORING-Eng)~~

~~All 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.~~

4. LANDSCAPE WITHIN MEDIAN OF STATE ROAD 7

- 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 SR 7 Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing 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. 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, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 June 1, 2002. (DATE: MONITORING-Eng)
- c) If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first building permit. (BLDG PERMIT:MONITORING-Eng)

5. The Property owner shall construct the following improvements:

- ~~I. EastWest Public Collector Road and SR 7;~~
 - ~~a) Left turn lane north approach;~~
 - ~~b) left turn lane east approach~~
- ~~II. EastWest Public Collector Road and Lyons Road;~~
 - ~~a) left turn lane south approach;~~
 - ~~b) left turn lane west approach;~~
 - ~~c) right turn lane north approach;~~

- ~~II. Collector Road within the project from SR 7 to Lyons Road;~~
 - ~~a) left turn lane south approach;~~
 - ~~b) left turn lane west approach;~~
 - ~~c) right turn lane north approach;~~

- ~~III. I.~~ Project's residential entrance road and Lyons Road;
 - a) left turn lane south approach;
 - b) left turn lane west approach;
 - c) right turn lane north approach;

- a) This construction shall be concurrent with the construction of the P&Tic ~~East West Collector Road~~ project's entrance road onto ~~either Lyons Road or SR 7~~. 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 this construction shall be submitted prior to Technical Compliance for the plat containing the project's entrance road onto ~~either SR 7 or Lyons Road~~. (PLAT: ENG)

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

- ~~(a) No building permits shall be issued until contracts are let for the construction of Lyons Road from the present terminus south of Lantana Road to the current paved terminus at Melrose PUD.~~

- ~~(b)(a) Prior to the commencement of construction of Lyons Road from the present terminus south of Lantana Road to the current terminus at Melrose PUD, building permits for no more than 145-77 single-family dwelling units shall not be issued until construction commences on Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane divided section. This construction shall be assured by the developer.~~

- ~~(a) If construction of Lvons Road from the existina oaved terminus south of Lantana Road to the existina paved terminus north of Venetian Isles Boulevard has not commenced, then buildina oermits for more than 77 sinale-familv dwellina units shall not be issued until construction has commenced for Bovnton Beach Boulevard from Lvons Road to the Florida Turnpike as a 4-lane median divided section. (BLDG PERMIT:MONITORING-Eng)~~

- ~~(b) After commencement of construction of Lyons Road from the present terminus south of Lantana Road to the current terminus at Melrose PUD, building permits for no more than 145 single-family units shall be issued until construction commences on Boynton Beach Boulevard from Lyons Road to the Turnpike as a 4-lane divided section. (BLDG PERMIT:ENG)~~

- ~~(b) After construction of Lvons Road from the existina paved terminus south of Lantana Road to the existing Daved terminus north of Venetian Isles Boulevard has commenced, then buildina oermits for more than 145 sinle-familv dwellina units shall not be issued until construction has commenced for Bovnton Beach Boulevard from Lvons Road to the Florida Turnpike as a 4-lane median divided section. (BLDG PERMIT:MONITORING-Eng)~~

7. ~~Acceptable surety required for the Lyons Road and Boynton Beach improvements including design, right of way acquisition, construction, and CEI; for the limits outlined above shall be posted with the Office of the Land Development Division on or before October 26, 2001. November 24, 2001. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS) (DATE: MONITORING-Eng)~~
7. Acceptable surety required for the construction of:
 - Lyons Road from the existina paved terminus south of Lantana Road to the existina paved terminus north of Venetian Isles Boulevard.
 - Bovnton Beach improvements Boulevard widening from Lvons Road to the Florida Turnpike as a 4-lane median divided section.
shall be posted with the Office of the Land Development Division on or before November 24, 2001. This suretvshall include design costs, riight of way acquisition, all construction costs, and CEI. This suretvshall be in the amount of in the amount of 110% of a Certified Cost Estimate Provided by the Developer's Enaineer and approved by the County Enaineer. (TPS) (DATE: MONITORING-Eng)
8. The property owner shall provide for the acquisition of Lyons Road right of way, 110 feet of right of way from the present terminus south of Lantana Road to the present terminus at **Melrose** PUD. All funding for the cost of the right-of-way and associated costs as referenced in the Condition above shall be provided with acceptable surety 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 26, 2001~~. November 24, 2001. Notification by the developer shall be given to the **Land Development Division**. (DATE: MONITORING - Eng)
9. On or before ~~October 26, 2001~~ November 24, 2001 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-Eng)
10. Prior to ~~October 26, 2001~~ November 24, 2001, the Property Owner shall fund the construction **plans** for Lyons Road as a 3 lane section plus the appropriate paved tapers from the present terminus south of Lantana Road to the present terminus at **Melrose** PUD. 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-Eng)
11. The property owner shall fund the construction of Lyons Road as a 3 lane section in accordance with the condition above. Funding for this construction shall be completed on or before February 1, 2002. (DATE: MONITORING-Eng)
12. 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:

- ~~-EastWest Collector Road and Lyons Road~~
- Project Entrance and Lyons Road
- ~~-EastWest Collector 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** 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)

13. 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, **2003**, 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)

14. The Property Owner shall fund a proportionate share of the cost of signal installation if warranted as determined by the County Engineer at the intersection of Boynton Beach Boulevard and Lyons Road. This funding shall be shared with any and all other developers with this same condition based on the total project traffic impacting this intersection. 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 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng).

15. Prior to Master Plan approval by the DRC the Property owner shall modify the master plan for the site to align the projects residential entrance with the entrance to the proposed Magna Horse Training Facility. (DRC: ENG)

16. The site plan and oreliminarv development plan shall be modified to show an extension of 87th Place as shown on the site plan dated Mav 23. 2001 and labeled Exhibit A. The construction of this riaht-of-wav will be based on the followins criteria:
 - a. 87th Place riaht of way shall be dedicated to the public concurrent with the first olatforthe Bovwic Residential PUD. Road aeometrics shall be approved by the Countv Enoineer. (ENG)
 - b. Upon the exoiration of the current lease of Bovwic PUD, 87th Place shall be permitted to be extended to Lvons Road in its currentconfiguration through the Bovwic PUD bvthis property owner. This roadwayshall then continue to be left open until the new riaht-of-way has been dedicated and constructed. (ONGOING]
 - c. The developer of Bovwic PUD shall be responsible for the construction of a shellrock road from its current terminus to Lvons Road within the

proposed right-of-way concurrent with the paving and drainage improvements for Plat One of Bovwic PUD. Maintenance of this roadway shall then be the responsibility of the adjacent property owners of 87th Place from SR 7 to Bovwic PUD in accordance with the June 20, 2001 letter from Alan J. Ciklin reorienting the affected property owners of 87th Place. (DRC: ONGOING-Eng)

F. LANDSCAPING FOR DEVELOPMENT AREA ADJACENT TO PERIMETER PROPERTY LINE

1. Landscaping and buffering along the Development Area adjacent to perimeter property line shall be upgraded to include:
 - a. A minimum **thirty (30)** foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) native canopy tree for each (20) linear feet of property line with a maximum spacing of thirty (30) feet on center;
 - c. A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of curb;
 - d. One (1) additional palm or pine tree every twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet between palm or pine clusters;
 - e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
 - f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

G. LANDSCAPING OF DEVELOPMENT AREA ALONG US 441/SR 7 AND LYONS ROAD

1. Landscaping and buffering of Development Area along US 441/SR 7 and Lyons Road frontage shall consist of the following:
 - a. A minimum thirty (30) foot wide landscape buffer strip, with a maximum five (5) foot easement encroachment;
 - b. One (1) native canopy tree for each (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center;
 - c. A minimum three (3) to four (4) foot high undulating berm with an average height of three and one half (3.5) feet, measured from top of curb;
 - d. One (1) additional palm or pine tree every twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between palm or pine clusters;
 - e. A group of three (3) or more native palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required native canopy trees in the buffer and,
 - f. Twenty four (24) inch high shrub or hedge material with minimum fifty (50) percent installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (DRC/CO: ZONING/LANDSCAPE)

H. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng)
2. Street trees shall be provided along both sides of all internal streets at the equivalent of one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters. (DRC/CO: LANDSCAPE)

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. The petitioner shall provide the following exemplary design elements:
 - a. Additional neighborhood amenities;
 - b. Varied building elevations and color schemes;
 - c. Pavers or decorative pavement shall be provided for the driveways of all units;
 - d. Focal points within a neighborhood recreation area or open space tract;
 - e. Focal points at the roundabout area and the adjacent open space and
 - f. Utilize perimeter canals and proposed water bodies, open space and perimeter buffers to minimize potential impacts on the adjacent agricultural/equestrian uses.
 - g. Eighty (80) percent or more of all lots shall be adjacent to the Equestrian Preservation water management tracts, canals, open space or perimeter landscape buffers. (DRC: ZONING)
5. Prior to final certification by the Development Review Committee (DRC), the master plan shall be revised 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 Master Plan dated March 1, 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)
 - ~~b. Indicate minimum five (5) acre parcel in the southeast corner of the property for the proposed FP&L substation. The petitioner may be relieved of This condition should the FP&L substation be located on the~~

~~Magna Entertainment/Palm Beach Thoroughbred Training Farms property on the east side of Lyons Road. (DRC: ZONING)~~

6. All recreation areas used towards the Parks and Recreation Departments minimum recreation requirement shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT:ZONING)
7. No reduction in width for any of the perimeter AGR or landscape buffers shall be permitted. (DRC: ZONING)
8. No Flexible Regulations or Administrative Deviations from the required property development regulations shall be allowed. (DRC: ZONING)
9. Prior to final site plan approval of the Preliminary Development Plan by the Development Review Committee, a document giving notice of the existence of agricultural and equestrian uses acceptable to the County Attorney shall be submitted to the Zoning Division. The document shall describe the potential for noise, odors and dust from nearby agricultural and equestrian uses in separate paragraphs, shall include a place for the purchaser's signature acknowledging the notice, and shall be made a part of the closing documents and purchase contracts for each residential unit. (ONGOING/DRC:CODE ENF/ZONING-Cty Att)
10. 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 and equestrian uses in the vicinity of and adjacent to 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, 2002 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)
11. The accessory clubhouse/equestrian center building shall comply with Rural Design standards.

I. PLANNING

1. Prior to Technical Compliance approval, the Planning Division shall approve the lot layout and configuration of the plat and review all applicable documents as referenced in the Planning Conditions of Approval. (TC/PLAT:ENGINEERING-PLANNING)
2. Prior to the recordation of the first plat, the Planning Division shall review and approve the plat, its final calculations, and related documents. In order to determine compliance, the petitioner shall also provide a signed and sealed document, tabulated in report form, from a registered surveyor that lists the acreages of each individual lot in each plat, as well as, the combined acreages for all lots in each plat which verifies that the combined total of all platted lots and the combined total of all platted preservation parcels does not exceed the 60/40 calculation. (PLAT:PLANNING)
3. Prior to the recordation of the each plat, the petitioner shall record a conservation easement for that platted preservation area on the site indicating that the preserve area is for an equestrian preserve only. The conservation easement shall be in conformance with the plat and surveyor signed and sealed

document described in Condition H.2. The conservation easement shall also be in a form acceptable to the County Attorney. (PLAT:PIANNING-COUNTY ATTORNEY)

4. Prior to the recordation of the first plat, the petitioner shall record a maintenance agreement with Palm Beach County ensuring the continual maintenance of the preservation areas. The maintenance agreement shall be in a form acceptable to the County Attorney. (PLAT:PLANNING-COUNTY ATTORNEY/CODE ENFORCEMENT)
5. Prior to final Master Plan certification by the Development Review Committee (DRC), the developer shall add a notation to the Master Plan/Regulating Plan to indicate the following:

The preservation area approved as part of Petition 2000-71 shall be restricted to preservation uses as follows:

PERMITTED USES

- a) equestrian purposes or may be retained as fallow land;
 - b) accessory structures such as the proposed equestrian center with barns, corrals, and pump structures-**permitted**;
 - c) wetlands or other water **preserve** areas;
 - d) gazebo(s) and equestrian trail(s) similar to those shown on the Preliminary Development Plan may be modified with approval from the Planning and Zoning Divisions;
 - e) equestrian uses per the ULDC;
 - f) Entry features, walls, lighting, and planting at or **near the** project entrance on Lyons Road and perimeter walls/fences in buffers;
 - g) Other uses as may be permitted within the preservation area of an Agr-PDD consistent with the Comprehensive Plan and the Unified Land Development Code;
6. Prior to final site plan certification, in order to ensure agricultural preservation on the preservation parcel, the master plan/regulating plan shall be revised to ~~remove the clubhouse. A clubhouse(s) to support the proposed equestrian center~~ ~~preservation parcel will not be allowed. indicate an accessory clubhouse building to the equestrian facilities proposed on the subject parcel.~~ The maximum saquarefootaae for the clubhouse shall not exceed 3.000 square feet. In addition, grooms quarters may be allowed at a future date provided that the following occur: a Comprehensive Plan amendment is adopted which would allow for a density equivalency; and the applicant submits a request for a density equivalency to the Planning Division which would be consistent with the adopted requirements. (DRC: PLANNING)
 7. In order to ensure agricultural preservation on the preservation parcels, no fences or other structures will be allowed within the preservation parcels unless they can be justified as being equestrian in purpose with no division of the preserve area, with the exception of perimeter walls located within the perimeter landscape buffers and the entry wall features/lighting located at or

near the project entrance on Lyons Road. Equestrian fencing and corrals are permitted within the Agricultural Preservation parcel. (DRC/ONGOING: PLANNING-BUILDING-CODE ENFORCEMENT)

8. Prior to final site plan certification, the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to include notations on the future land use atlas identifying the respective parcel as a buildable area, and coordinate with the **PZ&B** Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRC: PLANNING)

J. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by July 1, 2002, for a 2.25 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 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 P.U.D., 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 **May 1, 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. 21HH.6.
 - b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by **May 1, 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 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)
4. The Petitioner may request to exchange the required on-site dedication of land ~~for a parcel of equal value~~ 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 ~~on 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)

5. If off site land is accepted by Palm Beach County, the petitioner may convert the civic parcel and area to residential, recreational or preservation land area. (DRC: PREM)

K. SCHOOL BOARD

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

"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)

L. SIGNS

1. Perimeter signs shall be limited to only Entrance Wall signs. (ONGOING/DRC: CODE ENF/ZONING)
2. No relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

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 the Code Enforcement Division 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)