

RESOLUTION NO. R-96-824

RESOLUTION APPROVING ZONING PETITION PDD96-44
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GL HOMES OF BOCA RATON III CORPORATION
BY KIERAN KILDAY, AGENT
CAPELLA 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 PDD96-44 was presented to the Board of County Commissioners at a public hearing conducted on June 18, 1996; 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) 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) 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) 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) 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 PDD96-44, the petition of GL Homes of Boca Raton III Corporation by Kieran Kilday, agent, for an Official Zoning Map Amendment from the Agricultural Residential (AR) to the Residential Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 18, 1996, 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:

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Absent
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 24, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Allen*
COUNTY ATTORNEY

BY: *Joan Havelly*
DEPUTY CLERK

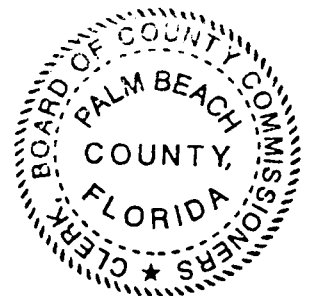


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

TRACTS 17 THROUGH 34, INCLUSIVE, TRACTS 47 AND 48, ACCORDING TO THE PLAT FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 2, LYING IN SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 1, PAGE 102 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE 30.00 FOOT RIGHT-OF-WAY ABANDONED BY PALM BEACH COUNTY, FLORIDA AS RECORDED IN OFFICIAL RECORD BOOK 8010, PAGES 634 THROUGH 643, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF A 30.00 FOOT PLATTED RIGHT-OF-WAY LYING SOUTH OF SAID TRACTS 24 AND 25, AND ALONG THE NORTH BOUNDARY OF SAID TRACTS 33 **AND 48.**

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

ALL THAT PART OF THE EAST 1/2 OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 41 EAST, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE 40, **AND** NORTH OF THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY OVER AND ACROSS THE NORTH 80.00 FEET OF TRACT 46, FLORIDA FRUITLANDS COMPANY, IN SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 199.505 ACRES: MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

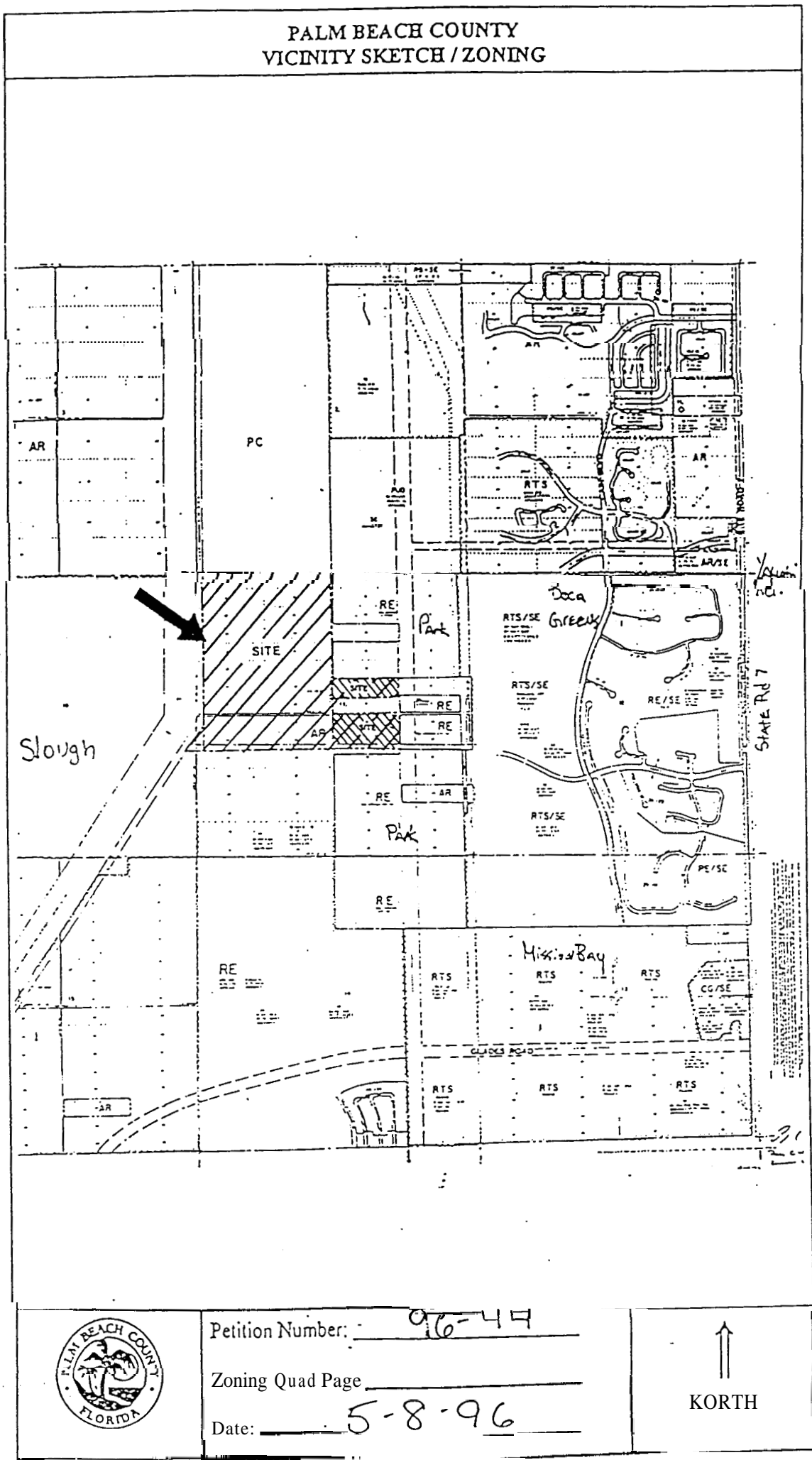


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (master plan dated June 5, 1996). 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. (DRC: ZONING)

B. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/BLDG/CODE ENF)
2. A Phase I Environmental Audit, signed and sealed by a registered professional engineer or geologist, shall be conducted prior to final site plan approval. (DRC: HEALTH)

C. LANDSCAPING - GENERAL

1. 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: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
2. Landscaping along the south property line shall be upgraded to include:
 - a. One (1) canopy tree, or equivalent palm or pine trees, planted thirty (30) feet on center;
 - b. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING R-O-W)

1. Landscaping and buffering along the entire east property line shall be upgraded to include:
 - a. A thirty five (35) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree; and

- d. A continuous minimum three (3) foot high berm topped with thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches. A minimum of 50% of the trees required by Conditions D.1.b. and D.1.c. above shall be planted on the east side of the required berm. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to December 1, 1996 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall provide to Palm Beach County Land Development Division the right-of-way documents for Kimberly Boulevard from Coral Ridge Drive east to the east property line of the South County Regional Park, 80 feet in width, on an alignment approved by the County Engineer. This right-of-way shall include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE /BLDG. PERMIT: MONITORING - Eng)
2. Prior to April 1, 1997 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land **Development** Division by road right-of-way warranty deed for Coral Ridge Drive, 120 feet along the project's east property line on an alignment approved by the County Engineer. This road right of way shall not encroach into any Conservation Easements and shall also include sufficient right of way to provide for a round-a-bout as shown on the current Master Plan at the intersection of Coral Ridge Drive and Yamato Road. The 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE /BLDG. PERMIT: MONITORING - Eng)
3. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG)
4. The Property owner shall construct:
 - a) left turn lane north approach, at the intersection of Coral Ridge Drive and Kimberly Drive; and
 - b) right turn lane north approach and a left turn lane south approach on Coral Ridge Drive at the project's entrance road.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG PERMIT/CO: MONITORING -Eng)

5. The property owner shall acquire from the:
 - a. Lake Worth Drainage District sufficient right of way to provide for an eighty foot road right of way for Kimberly Boulevard. This additional right of way shall extend from the proposed Palm Beach County School site, west to Coral Ridge Drive for that portion of Kimberly Boulevard which is located within the existing Lake Worth Drainage District's L-43 Canal right of way.

Acquisition for this right of way shall be completed prior to December 1, 1996; the final alignment shall be approved by the County Engineer. (DATE: MONITORING - Eng)

6. The property owner shall construct Kimberly Boulevard as a 2 lane section ~~from~~ Cain Boulevard west to Coral Ridge Drive and Coral Ridge Drive north of Kimberly Boulevard to the school entrance. This construction shall be completed on or before August 1, 1997 or prior to the opening of the Palm Beach County School adjacent to this site. All canal crossings within the project limits shall be constructed to their ultimate configuration. This construction shall include the cost of relocating any park improvements in order to accommodate this Kimberly Boulevard Extension. This construction shall include the cost of installing a fence along the south right-of-way of Kimberly Boulevard from Coral Ridge Drive to the crossing of LWDD L-43 Canal. The property owner shall fund any and all environmental permitting costs and mitigation required for the final approval of the construction plans by the County Engineer. Through traffic shall be maintained at all times during the construction of this roadway. This shall also include the cost of signalization, signage, buffering, fencing, and street lighting. (DATE: MONITORING - Eng)
7. The property owner shall fund the cost of access relocation for the properties to the south of the existing Kimberly Boulevard and west of Cain Boulevard. This relocation shall be completed concurrent with the Kimberly Boulevard Extension by the developer. (ONGOING: ENG)
8. The Property owner shall provide construction plans for Yamato Road as a 2 lane median divided section from Ocean Mist Drive west a distance of 250 feet plus the appropriate paved tapers to a two lane undivided section, west to Coral Ridge Drive. Plans shall be compatible to provide for expansion as a 4 lane facility. 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. These construction plans shall be completed on or before June 1, 1997 or prior to the issuance of fifty building permits whichever shall first occur. 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. At the time of the submittal of these construction plans the County Engineer shall determine whether additional right of way will be required at the western termination of Yamato Road to tie into Coral Ridge Drive. The property owner shall fund any and all environmental

permitting and mitigation costs required for the final approval of the construction plans. This may also require mitigation of wet lands as a result of any right of way acquisition. All costs for acquisition, mitigation, or relocation of any berms shall be funded by this developer. (DATE/BLDG PERMIT: MONITORING - Eng)

9. The property owner shall construct Yamato Road as a 2 lane median divided section from Ocean Mist Drive west a distance of 250 feet plus the appropriate paved tapers to a two lane undivided section. This 2 lane undivided section shall then be continued west to Coral Ridge Drive. This construction shall be completed on or before June 1, 1999 or prior to the issuance of three hundred fifty building permits whichever shall first occur. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE/BLDG PERMIT: MONITORING - Eng)
10. The Property owner shall provide construction plans for Coral Ridge Drive as a 2 lane section (expandable to 4 lanes from) from Yamato Road south to the south right of way line of the relocated Kimberly Boulevard. Construction plans shall also include a round-a-bout at the intersection of Coral Ridge Drive and Yamato Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Construction plans shall be completed on or before June 1, 1997 or prior to the issuance of fifty building permits whichever shall first occur. 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/BLDG PERMIT: HONITORING - Eng)
11. The property owner shall construct Coral Ridge Drive as a 2 lane section from Yamato Road south to the south right of way line of the relocated Kimberly Boulevard. This construction shall also include a round-a-bout at the intersection of Coral Ridge Drive and Yamato Road. This construction shall be completed on or before June 1, 1999 or prior to the issuance of three hundred and fifty building permits whichever shall first occur. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE/BLDG PERMIT: MONITORING - Eng)
12. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:
 - a) the project's entrance road and Coral Ridge Drive;
 - b) the intersection of Yamato Road and Ocean Mist Drive (entrance of the South County Regional Park and The Shores at Boca Raton) with Palm Beach County paying their pro rata share of the costs associated with the signal installation.

Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: ENG - Bldg)

13. A. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying:
 - 1) Coral Ridge Drive as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print.
 - 2) That Kimberly Boulevard is intended to only serve as a secondary access to the PUD. This information shall be indicated both on the Master Plan and appropriate Site Plans. (TC: ENG)
 - B. 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 July 1, 1997 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: MONITORING -Eng)
 - C. The subject property shall be appropriately signed to indicate compliance with A.1 above 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 Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 96-44, to be paid at the time of issuance of the Building Permit presently is \$1,650 per approved single family dwelling unit. (10 trips X \$165.00 per trip) (ONGOING: ACCOUNTING - Impact Fee Coordinator)
 15. On or before December 1, 1996, 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 Coral Ridge Drive, and Kimberly Boulevard 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. (DATE: MONITORING - Eng)

16. Prior to Technical Compliance for the first plat, the property owner shall convey to the LWDD the west 130 feet of the subject property for the LWDD E1-W(S) in addition to a parcel of land 35 feet in width lying north of and adjacent to the north edge of the existing physical canal for the LWDD Canal No. L 43-W. Should the LWDD determine that the conveyance of the west 130 feet of the subject property for the LWDD E1-W(S) is not necessary, the property owner shall be relieved of this condition upon written verification from the LWDD. These lands may be furnished by Quit Claim Deed or an Easement Deed in the form provided by said District on an alignment approved by the LWDD. (TC: ENG - LWDD)
17. Prior to Final Preliminary Development Plan certification by the Development Review Committee, the Preliminary Development Plan shall be amended to locate the projects entrance road a minimum of 600 feet north of the intersection of Coral Ridge Drive and Kimberly Blvd. and a minimum of 55' south of the north property line of Tract 10 (School Board property), subject to the approval of the County Engineer. (DRC: ENG)
18. Costs for the design and construction of Yamato Road from Coral Ridge Drive to Ocean Mist Drive (Conditions E.8 and E.9) shall be credited against the projects Traffic Impact Fee as approved by the Board of County Commissioners.

F. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO'/ ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

G. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects ,identifiableimpacts. This conditior. shall remain in effect until June 18, 1997. (DATE: MONITORING - Eng)

H. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Sectior 6.8.A.23.d(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 Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. 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.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Erg)
4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
5. All property included in the PUD 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 issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

I. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

J. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by July 1, 1997, for a 3.99 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's

office. 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. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the 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) An 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 July 1, 1997. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- 1) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - 2) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

- 3) 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 July 1, 1997. 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:

- 1) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- 2) 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:

- a) EPA's National Priorities list (NPL)
 - b) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - c) Hazardous Waste Data Management System List (HWDMS).
- 3) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - 4) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - 5) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. Prior to July 1, 1997, 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 civic site contribution shall be subject to the County appraisal process, appraised as a civic site and be at the cost

of the petitioner. 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)

L. COMPLIANCE

1. 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; 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.

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)