

RESOLUTION APPROVING ZONING PETITION DOA82-040(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MELROSE PARK JOINT VENTURE AND MELROSE PALM BEACH LTD.
BY ROBERT BENTZ, AGENT
(MELROSE 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 DOA82-040(B) was presented to the Board of County Commissioners at a public hearing conducted on July 22, 1999; 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 DOA82-040(B), the petition of Melrose Park Joint Venture and Melrose Palm Beach Ltd., by Robert Bentz, agent, for a Development Order Amendment (DOA) to add units, redesignate housing classifications and reconfigure the preliminary development plan 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 July 22, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 22, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

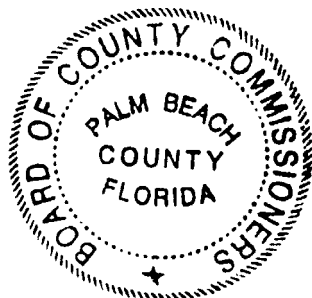
BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

Petition DOA82-040(B)
Project No. 0255-000



Page 2

EXHIBIT A
LEGAL DESCRIPTION

Total Acreage: 812.24 acres more or less

- 1) East Parcel = 292.93 acres

Legal Description:

Melrose P.U.D (Venetian Isles) as recorded in Plat Book 85, pages 9 thru 13, Public Records of Palm Beach County, Florida.

- 2) West Parcel = 319.306 acres

Legal Description:

Melrose Park as recorded in Plat Book 41, pages 22 thru 26, Public Records Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

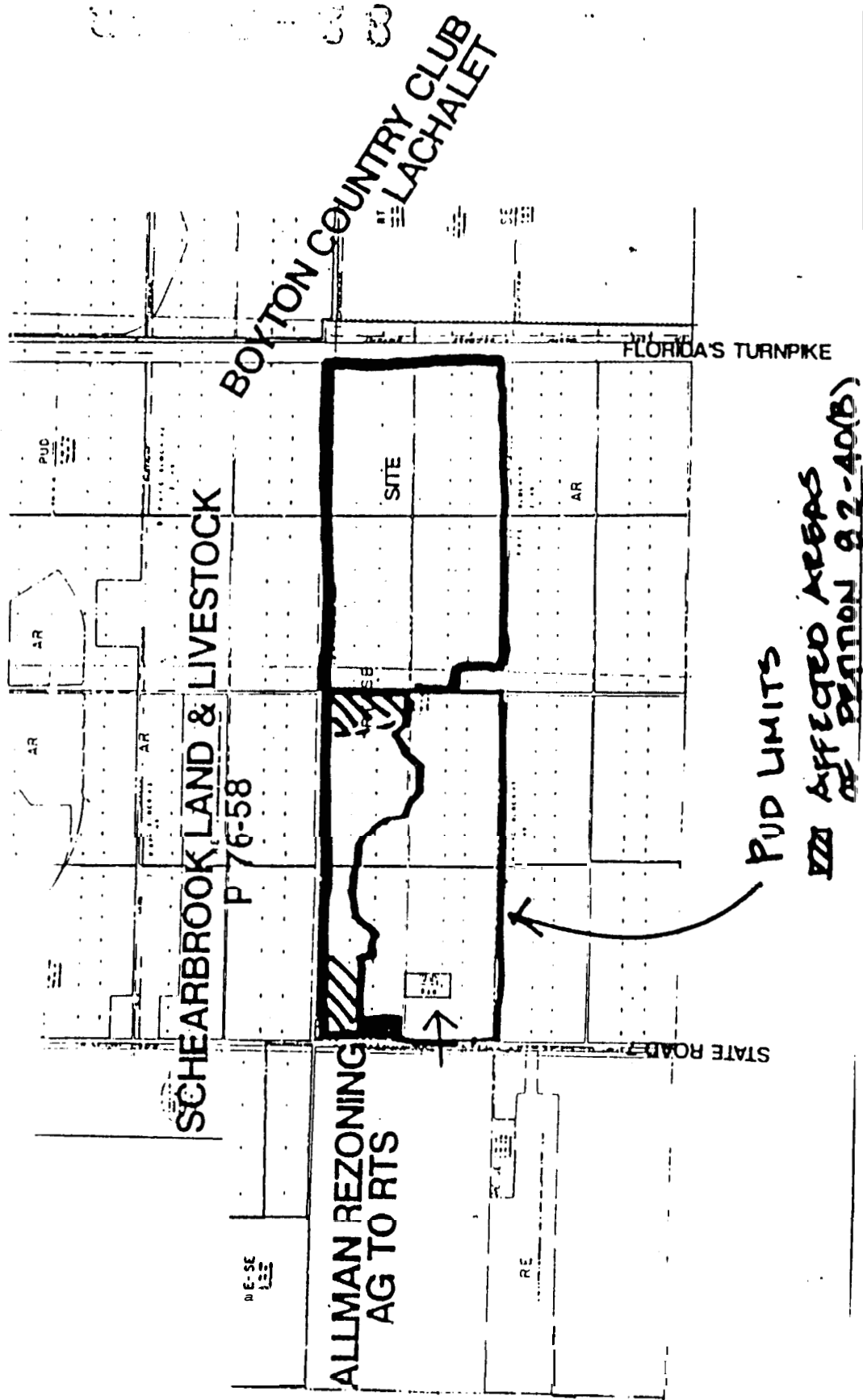


EXHIBIT C

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. The developer shall properly notify prospective buyers of abutting active agricultural activities. (Previously Condition A.1 of Resolution R-98-570, Petition DOA82-40(A)) (ONGOING: CODE ENF - Zoning)
2. Condition A.2 of Resolution R-98-570, Petition DOA82-040(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-79-1258 (Petition 79-160), R-82-635 (Petition 80-40) and R-92-600 (SR82-40), 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-570 and R-98-734, (Petition DOA82-040(A)), has 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)

3. Condition A.3 of Resolution R-98-570, Petition DOA82-040(A) 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 site plan is dated March 4, 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 preliminary development plan and conceptual site plan for Pod B-2 are dated May 20, 1999. 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)

4. Prior to certification of the preliminary development plan (PDP) by the Development Review Committee for this petition, Petition 82-40(B), the petitioner shall amend all affected certified site plans of record, within the scope of the request for Petition 82-40(B), to comply with the conditions of approval of this petition and ULDC requirements. All data on the site plans within the PUD and on the approved final PDP for this petition shall be consistent with each other. (DRC: ZONING)

B. ARCHITECTURAL CONTROL FOR 4.9 ACRE COMMERCIAL PODS

1. **All** buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. Compatibility may be accomplished by using a minimum of three (3) of the following:
 - a. Similar materials for the building facades;
 - b. Similar architectural details and features on the building elevations (i.e. louvers, decorative banding, pilasters or columns, loggia, etc.);
 - c. Similar colors; or,
 - d. Similar roof materials and treatment (i.e. pitched roof, dormers, etc.) (Previously Condition B.1 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment shall be provided on all sides of the buildings. (Previously Condition 8.2 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT: BLDG - Zoning)
3. **All** air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides by a parapet or a full pitched roof. (Previously Condition B.3 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT: BLDG - Zoning)
4. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the buildings' architecture. (Previously Condition B.4 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN FOR 4.9 ACRE COMMERCIAL POD

1. **All** areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of any residentially zoned property lines. (Previously Condition C.1 of Resolution R-98-570, Petition DOA82-040(A)) (DRC/ONGOING: ZONING/CODE ENF)
2. **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. (Previously Condition C.2 of Resolution R-98-570, Petition DOA82-040(A)) (CO/ONGOING: BLDG/CODE ENF - Zoning)
3. **All** outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (Previously Condition C.3 of Resolution R-98-570, Petition DOA82-040(A)) (CO: BLDG - Zoning)

4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding lighting for security lighting only. (Previously Condition C.4 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: CODE ENF)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previously Condition C.5 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: CODE ENF)
6. Total gross floor area for the 4.9 acre commercial pod shall be limited to a maximum of 53,361 square feet and individual tenants in the building(s) shall be limited to a maximum of fifteen thousand (15,000) square feet. (Previously Condition C.6 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT/DRC: ZONING)
7. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (Previously Condition C.7 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT: BLDG - Zoning)
8. Prior to DRC certification of the preliminary Development Plan, the 4.2 acre commercial pod within the east portion of the PUD shall be deleted. The land area shall be converted to open space or additional land area for the lots within the adjacent residential pods. No additional units shall be permitted as a result of this conversion. (Previously Condition C.8 of Resolution R-98-570, Petition DOA82-040(A)) (DRC: ZONING)

D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footage as shown on the approved preliminary development plan dated May 20, 1999. (DRC: ZONING)

E. ENGINEERING

1. Condition 1 of R-79-1258, Petition 79-160 was deleted by Resolution R-98-570, Petition DOA82-040(A).
2. A. Fund all associated costs for the acquisition of any remaining right of way not acquired by this property owner for Lyons Road. Width of this road right of way shall be 108 foot, with the limits from the project's north property line to Boynton Beach Boulevard. Surety shall be provided 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 September 1, 1998. Notification by the developer shall be given to the Land Development Division. (Previously Condition E.2.a of Resolution R-98-570, Petition DOA82-040(A)) (DATE: MONITORING - Eng).
- B. Prior to September 1, 1998 the petitioner shall provide to Palm Beach County the required right-of-way maps for the Lyons Road right of way acquisition as outlined above and approved by the County Engineer. (Previously Condition E.2.b of Resolution R-98-570, Petition DOA82-040(A)) (DATE: MONITORING - Eng)

C. Prior to January 1, 1999, the property owner shall provide completed construction plans for Lyons Road as a 2 lane section, expandable to 4 lanes, from the project's north property line to Boynton Beach Boulevard plus the appropriate paved tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. (Previously Condition E.2.c of Resolution R-98-570, Petition DOA82-040(A)) (DATE: MONITORING - Eng)

D. Property owner shall construct Lyons Road, as a two lane section, from the project's north property line to Boynton Beach Boulevard. This construction shall be completed on or before January 1, 2031 or prior to the issuance of the first certificate of occupancy for the POD's east of Lyons Road, whichever shall first occur. (Previously Condition E.2.d of Resolution R-98-570, Petition DOA82-040(A)) (DRC/ DATE: ENG/ MONITORING - Eng)

E. Property owner shall post acceptable surety for the construction of Lyons Road, as a two lane section, from the project's north property line to Boynton Beach Boulevard. Surety for this construction shall be posted within 60 days notice to the property owner that all necessary right of way has been acquired for the Lyons Road Construction. Surety shall be in the amount of 110% of a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. (Previously Condition E.2.e of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: ENG)

3. Petitioner shall abandon all existing Palm Beach Farms platted roads within the project's limits. (Previously Condition E.3 of Resolution R-98-570, Petition DOA82-040(A)) (ENG) [NOTE: completed]
4. Petitioner shall construct on S.R. 7 at the project's entrance:
 - a. Right turn lane, south approach.
 - b. Left turn lane, north approach. (Previously Condition E.4 of Resolution R-98-570, Petition DOA82-040(A)) (ENG) [NOTE: completed. Also the widening of SR 7 by the Florida DOT reincorporates these turn lanes into the new construction]
5. Condition 5 of R-79-1258, Petition 79-160 was deleted by Resolution F-98-570, Petition DOA82-040(A).
6. Condition 6 of R-79-1258, Petition 79-160 was deleted by Resolution F-98-570, Petition DOA82-040(A).
7. Condition 7 of R-79-1258, Petition 79-160 was deleted by Resolution R-98-570, Petition DOA82-040(A).
8. Petitioner shall convey to the Lake Worth Drainage District the North 45 feet of Tracts 1 to 15, inclusive, Block 45 and the North 45 feet of Tracts 2 to 11, Block 46 for Lateral Canal No. 20. No additional Right-of-way for Lateral Canal No. 21 is required. We will require a parcel of land in Tracts 2, 21, 24 and 53, Block 46. Said parcel is to be 35 feet in width lying immediately west of and adjacent to the existing West Right-of-Way line of Equalizing Canal No. 2-W (E-2W). The said existing West Right-of-way line is also known as the original West Right-of-way line

of the Florida Turnpike. They will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers. (Previously Condition E.8 of Resolution R-98-570, Petition DOA82-040(A)) (IING) [Completed]

9. RIGHT OF WAY/EASEMENT CONVEYANCES:

- A. Prior to July 1, 1998, the developer shall convey to Palm Beach County by road right-of-way warranty deed, 108 feet for the ultimate right of way for Lyons Road within the project's limits excluding the single out parcel. This right of way shall be free of all encumbrances and encroachments. 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. (Previously Condition E.9.a of Resolution R-98-570, Petition DOA82-040(A)) (DATE/BLDG PERMIT: MONITORING - Eng)
- B. The property owner shall convey to Palm Beach County by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Lyons Road on both the north and south approach 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. Deeds shall be submitted to the Land Development Division for processing prior to recordation.
1. Conveyance of this additional right-of-way on the west side of Lyons Road shall be completed and a deed recorded prior to the recordation of a plat located west of Lyons Road; and, (Previously Condition E.9.B.1 of Resolution R-98-570, Petition DOA82-040(A)) (PLAT: ENG)
 2. Conveyance of this additional right-of-way on the east side of Lyons Road shall be completed and a deed recorded prior to the recordation of a plat located east of Lyons Road. (Previously Condition E.9.B.2 of Resolution R-98-570, Petition DOA82-040(A)) (PLAT: ENG)
- C. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This road construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners 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. (Previously Condition E.9.C of Resolution R-98-570, Petition DOA82-040(A)) (PLAT: ENG)

- D. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County along the property frontage adjacent to Lyons Road. 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. (Previously Condition E.9.D of Resolution R-98-570, Petition DOA82-040(A)) (PLAT: ENG)
10. Condition 2 of R-82-635, Petition 82-40 was deleted by Resolution R-98-570, Petition DOA82-040(A).
 11. Condition 3 of R-92-600, SR 82-40 was deleted by Resolution R-98-570, Petition DOA82-040(A).
 12. The developer shall construct at the intersection of Lyons Road and the project's entrance road, at the time of construction of Lyons Road:
 - a. Left turn lane, north approach
 - b. Right turn lane, north approach
 - c. Left turn lane, south approach
 - d. Right turn lane, south approach
 - e. Left turn lane, east approach
 - f. Right turn lane, east approach
 - g. Left turn lane, west approach (Previously Condition E.11 of Resolution R-98-570, Petition DOA82-040(A)) (ENG)
 13. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:
 - a. the project's entrance and Lyons Road.
 - b. Lyons Road and Boynton Beach Boulevard
 - c. the project's entrance and SR 7

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E.13 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: MONITORING - Eng).
 14. Condition 6 of R-82-635, Petition 82-40 was deleted by Resolution R-98-170, petition DOA82-040(A).
 15. The developer shall receive impact fee credits towards the funds expended for the design, acquisition of right-of-way and the construction of Lyons Road from Boynton Beach Boulevard to the project's north property line. (Previously Condition E.15 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: ENG)
 16. **No** building permits for the portion of the project located east of Lyons Road shall be issued until construction has commenced for Lyons Road as a two-lane section from Boynton Beach Boulevard to the project entrance. This condition shall not apply to the POD's located



west of Lyons Road. (Previously Condition E.16 of Resolution R-98-570, Petition DOA82-040(A)) (LYONS ROAD CONSTRUCTION/ BLDG PERMIT: BLDG - Eng)

17. **Prior to** the recordation of the next plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare **roadway adjacent** to or through this property. This shall also include the ultimate number of lanes for the **road(s)**. **Information** which appears in written form shall appear in bold print. (Previously Condition E.17 of Resolution R-98-570, Petition DOA82-040(A)) (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 15, 1999 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. (Previously Condition E.17.a of Resolution R-98-570, Petition DOA82-040(A)) (DATE: MONITORING - Eng)
 - b. Prior to June 1, 1999 or prior to the issuance of **232** building permits whichever shall first occur, the subject **property shall** be appropriately signed by the developer. These signs shall be approved by the County Engineer. (Previously Condition E.17.b of Resolution R-98-570, Petition DOA82-040(A)) (DATE/PLAT RECORDATION: ENG)
 - c. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (Previously Condition E.17.c of Resolution R-98-570, Petition DOA82-040(A)) (DRC: ENG)
18. **A.** The developer shall construct at the intersection of Boynton Beach Boulevard and Lyons Road:
 - a. left turn lane west approach
 - b. right turn lane east approach
 - c. left turn lane north approach (Previously Condition E.18.a of Resolution R-98-734 Petition DOA82-040(A))
- B.** Construction plans for the turn lanes on Boynton Beach Boulevard shall be permitted prior to September 1, 1999. (Previously Condition E.18.B of Resolution R-98-570, Petition DOA82-040(A)) (DATE: MONITORING - Eng)
- C.** In the event FDOT will not issue the permit because the available **right of way is** inadequate to satisfy FDOT requirements, then the developer shall remit funds equal to the cost of the construction of these turn lanes to Palm Beach County. This funding shall be completed within **30** days after FDOT has denied the required permits and condition shall then be deemed satisfied. In no event shall the developer be required to acquire right of **way** to construct these turn lanes. (Previously Condition E.18.C of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: ENG)

19. Prior to master approval the developer shall record a restrictive covenant of the property to limit POD's **D, E, F, G, H, and I** to an adult only community. (Previously Condition E.19 of Resolution R-98-570, Petition DOA82-040(A)) (DRC: ENG)
20. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE
Prior to site plan approval for PODs G and H, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (Previously Condition E.20 of Resolution R-98-570, Petition DOA82-040(A)) (DRC: ENG)
21. Prior to the issuance of the first land development permit for any POD west of Lyons Road, the developer shall construct a temporary barricade acceptable to the County Engineer. The location of this temporary barricade shall be between lots 156 and 60A and shall be installed along the right of way for Talway Circle. This barricade shall then be removed concurrent with the extension of Talway Circle. (Previously Condition E.21 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: ENG)
22. A. No later than the filling of the last plat for any of the PODs west of Lyons Road, the property owner shall plat the unplatted section of Talway Circle and dedicate the right of way to the Melrose Park Property Owners Association. (Previously Condition E.22 a of Resolution R-98-570, Petition DOA82-040(A)) (LAST PLAT: E JG)

Condition E.22.b of Resolution R-98-570, Petition DOA82-040(A)) which currently states:

- B. The developer shall construct the unpaved section of Talway Circle and install a swing vehicular access gate operated by magnetic cards in order to limit vehicular traffic from Talway Circle to Lyons Road. This construction shall be completed prior to the issuance of the last certificate of occupancy within the PODs west of Lyons Road. (ONGOING: ENG)

Is hereby amended to read:

The developer shall construct the unpaved section of Talway Circle and install a swing vehicular access gate operated by magnetic cards in order to limit vehicular traffic from Talway Circle to Lyons Road. This construction shall be completed prior to September 1, 2000. Required permits for this construction shall be submitted for approval prior to July 1, 2000. Time extensions may only be applied for due to government caused delay. (DATE - MONITORING - I Ing)

23. A. **All** construction traffic shall access the property from State Road 7 through the existing shell pit road located on the north side of Armone Place until Lyons Road is open for traffic. (Previously Condition E.23 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: ENG)

24. “CUTOOUT” LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF STATE ROAD 7

- a. Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the concrete median of SR 7 road Right-of-Way contiguous to the frontage. 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 Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the Florida Department of Transportation, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the Florida Department of Transportation. (DATE: MONITORING - Eng.)
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, paver block or similar materials shall be funded at the property owner's expense. All new and existing landscape, 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 for the western portion of the PUD from Lyons Road to State Road 7, excluding the existing one acre lots. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed within ninety (90) days of notification to the property owner by the County Engineer that the permit from the Florida Department of Transportation has been issued and the SR 7 road widening is completed. (ENGINEERING)
- c. Restrictive covenants establishing the Property Owners Association for the western portion of the PUD from Lyons Road to State Road 7, excluding the existing one acre lots, shall include or be amended to include this obligation and shall be approved and recorded prior to January 1, 2000. (DATE: MONITORING - Eng.)

25. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to January 1, 2000, 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-Ways. 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 "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. 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. 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 standard; may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng)

- b. all required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All new and existing landscape material shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners Association for the western portion of the PUD from Lyons Road to SR 7, excluding the existing one acre lots. 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 within ninety (90) days of notification to the property owner by the County Engineer that the permit from the Florida Department of Transportation has been issued and the SR 7 road widening is completed. (EIJG)
- c. Restrictive covenants establishing the Property Owners Association for the western portion of the PUD from Lyons Road to State Road 7, excluding the existing one acre lots, shall include or be amended to include this obligation and shall be approved and recorded prior to January 1, 2000. (BLDG.PERMIT:MONITORING - Eng.)

26. LYONS ROAD

The property owners shall submit plans to Palm Beach County for approval for two (2) agricultural equipment cross-overs, including appropriate signage, along Lyons Road between the Melrose development and Boynton Beach Boulevard. These plans shall be submitted to Palm Beach County by November 15, 1999. These cross-overs shall be installed within 180 days after the permit is issued by Palm Beach County for the installation of these cross-overs. Installation and permitting of the cross-overs shall not affect the current permitting and bond of Lyon's Road. (DATE: MONITORING - Eng)

F. ERM

1. Condition D.I of Resolution R-98-734, Petition DOA82-040(A), which currently states:

The property owner shall provide a 2.0 acre upland preservation area within pod B, prior to final certification of the preliminary development plan by the Development Review Committee.

Is hereby amended to read:

The property owner shall provide a 2.8 acre upland preservation area within pod B-2, prior to final certification of the preliminary development plan by the Development Review Committee (DRC). (DRC: ERM/ZONING)

2. A tree survey in accordance to Sections 3.2 and 7.3 of the ULDC for the 2.8 acre upland preservation area within PodB-2 shall be submitted as part of the Development Review Committee (DRC) preliminary development plan application for Petition 82-40(B). (DRC: ERM/ZONING)
3. Prior to final certification of the preliminary development plan for Petition 82-40(B) by the Development Review Committee (DRC), a tree preservation and transplant plan for the upland preservation area of PodB-2 shall be approved by ERM, Landscape Section, and the Zoning Division. The transplanted materials shall be evenly distributed along the south property line of Pod B-2 adjacent to Lots #8-12 of Pod A to ensure an opaque naturalistic buffer. (DRC: ERM/ZONING/LANDSCAPE)

G. HEALTH

1. The developer shall take reasonable precaution during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition F.1 of Resolution R-98-570, Petition DOA82-040(A)) (HEALTH)
2. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters. (Previously Condition F.2 of Resolution R-98-570, Petition DOA82-040(A)) (HEALTH)
3. The developer shall obtain water and sewer service from County Utilities prior to the issuance of residential building permits. (Previously Condition F.3 of Resolution R-98-570, Petition DOA82-040(A)) (HEALTH)

H. LANDSCAPE - STANDARD

1. A fifty (**50**) foot buffer shall be provided on the preliminary development plan along perimeter PUD property lines unless expressly modified herein. (Previously Condition G.1 of Resolution R-98-570, Petition DOA82-040(A)) (DRC: ZONING)
2. 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 grace.
 - 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previously Condition G.2 of Resolution R-98-570, Petition DOA82-040(A)) (CO: LANDSCAPE - Zoning)
3. 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. (Previously Condition G.3 of Resolution R-98-570, Petition DOA82-040(A)) (CO: LANDSCAPE - Zoning)
4. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (Previously Condition G.4 of Resolution R-98-570, Petition DOA82-040(A)) (CO: LANDSCAPE - Zoning)
 5. All internal PUD buffers between pods shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)

I. LANDSCAPING - INTERIOR OF 4.9 ACRE COMMERCIAL PODS

1. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five **(5)** feet;
 - b. The length of the required landscaped areas shall be no less than 40% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty **(20)** linear foot of building facade and appropriate ground cover. (Previously Condition H.1 of Resolution R-98-570, Petition DOA82-040(A)) (DRC/CO: ZONING/LANDSCAPE)

J. LANDSCAPING ALONG EAST AND WEST PROPERTY LINES (ALONG RIGHT-OF-WAY)

1. Landscaping and buffering along the frontages of **SR7/441** (north of Armone Place), Lyons Road (both sides), and Florida Turnpike shall be upgraded to include:
 - a. One (1) canopy tree planted every thirty (30) feet on center;
 - b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty **(60)** feet on center between clusters;
 - c. A two **(2)** to four (4) foot undulating berm, with an average height of three (3) feet, measured from the top of the curb; and,
 - d. 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. (Previously Condition I.1 of Resolution R-98-570, Petition DOP82-040(A)) (CO: LANDSCAPE)

K. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping and buffering along the south property line of the east portion of the PUD shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters;
 - d. A one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
 - e. 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 seventy-two (72) inches. (Previously Condition J.1 of Resolution R-98-570, Petition DOA82-040(A)) (CO: LANDSCAPE)

L. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Condition K.1 of Resolution R-98-570, Petition DOA82-040(A), which currently states:

Landscaping and buffering along the LWDD L-20 canal shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide 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, with a maximum spacing of sixty (60) feet on center between clusters;
- d. A one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from the top of the curb; and,
- e. 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 sixty (60) inches.

Is hereby amended to read:

Landscaping and buffering along the LWDD L-20 canal shall be consistent with the Administrative Inquiry (AI 98-09) approved by the BCC on July 23, 1998 and be upgraded to include:

- a. A minimum twenty-five (25) foot wide buffer strip, inclusive of a fifteen (15) foot LWDD easement encroachment;
- b. One (1) canopy tree planted every thirty (30) feet on center, within the southern ten (10) foot portion of the buffer;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters, within the southern ten (10) foot portion of the buffer;
- d. A one (1) to three (3) foot undulating berm, with an average height of two (2) feet, measured from finished grade. The slope of the northern fifteen (15) foot portion of the berm shall comply with the LWDD requirements; and,



- e. 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 sixty (60) inches. The shrubs shall not be located within the northern ten (10) foot portion of the buffer. (CO: LANDSCAPE)

M. MASS TRANSIT

- 1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first; the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (Previously Condition L.1.5 of Resolution R-98-570, Petition DOA82-040(A)) (DRC: ZONING)

B. 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 the 100th unit within the affected area of this petition, **82-40(A)**. 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. (Previously Condition L.1.5 of Resolution R-98-570, Petition DOA82-040(A)) (BLDG PERMIT: MONITORING - Eng)

N. PARKS

- 1. Condition M.1 of Resolution R-98-570, Petition DOA82-040(A) which currently states:

Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions:

- a. Minimum parcel size shall be seven thousand five hundred **(7,500)** square feet exclusive of easements;
- b. Minimum parcel width shall average seventy five **(75)** feet with no dimension less than fifty **(50)** feet;
- c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five **(75)** feet; and,
- d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the development.

Is hereby deleted. [REASON: code requirement]

2. Prior to final preliminary development plan (PDP) certification of **Petition 82-40(B)** by the Development Review Committee (DRC), the site data for the PDP shall be amended to reference the correct required and proposed recreational data based on the total number of units and proposed areas indicated on the PDP and conceptual site plan for Pod B-2 dated May 20, 1999. (DRC: ZONING)

O. PLANNED UNIT DEVELOPMENT

1. Condition N. 1 of Resolution R-98-570, **Petition DOA82-040(A)**, which currently states:

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 issuance of the first building permit within the affected area of this petition, **80-42(A)**, or recordation of the first plat for any portion of the planned development within the affected area of this petition, **82-40(A)**, whichever occurs first. This Declaration shall be amended when additional units are added to the **PUD**.

Is hereby amended to read:

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 issuance of the first building permit within the affected area of petition, **82-40(A)**, or recordation of the first plat for any portion of the planned development within the affected area of petition **82-40(A)**, whichever occurs first. This Declaration shall be amended when additional units of this petition, **82-40(B)**, are added to the PUD and prior to the issuance of the first building permit or recordation of the first plat for any portion of the planned development within the affected area of petition **82-40(B)**, whichever occurs first. (BLDG PERMIT/PLAT: MONITORING/ENG - Co Att)

2. Additional guest and overflow parking spaces shall be provided at a ratio of one (1) per every ten (10) units within all townhouse pods west of Lyons Road. These spaces shall be uniformly distributed within each pod and be located within 200', measured by the path of travel, of the units which they will be serving. No more than thirty (30) percent of the additional parking spaces may be located within the recreation parcels. (DRC/CO: ZONING/BLDG)

P. POD B-2

1. Landscaping and buffering along the south property line of Pod B-2 adjacent to Lots #8-12 of Pod A shall be upgraded to include the following:
 - a. A minimum forty-five (45) foot preservation buffer, no reductions shall be permitted;
 - b. 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 finished grade. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the south property line buffer;
 - c. Gaps between tree/palm clusters shall not exceed twenty (20) feet;
 - d. Forty-eight (48) inch high native shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, located at the plateau of the required berm, and maintained at a minimum height of eight (8) feet; and,
 - e. This buffer shall be completed prior to the issuance of the first certificate of occupancy of the residential units within Pod B-2. (CO: LANDSCAPE)
2. Landscaping and buffering between Pods B-1 and B-2 shall be upgraded to include the following:
 - a. A minimum fifteen (15) foot incompatibility buffer; and,
 - b. **All** landscaping materials installed within this buffer shall be pursuant to minimum ULDC requirements. (CO: LANDSCAPE)
3. The maximum height for all townhouse structures within Pod B-2, that are abutting Pod A, including all air conditioning and mechanical equipment and satellite dishes, shall not exceed thirty-two (32) feet in height measured from finished grade to the highest point. The top of the window openings for the residential buildings adjacent to lots #8-12 of Pod A shall not exceed twenty (20) feet height measured from finished grade to the highest point. The buildings abutting Pod A shall be limited to a maximum of four (4) units per building. (BLDG PERMIT: BLDG - Zoning)
4. The minimum setback for all townhouse buildings and parking areas adjacent to the south property line of Pod B-2 adjacent to Lots #8-12 of Pod A shall be sixty-five (65) feet, measured from the pod boundary, or no less than the required setback of the townhouse buildings taken from the inside edge of the buffer. (DRC: ZONING)
5. The development of Pod B-2 shall be limited to fee simple units. (ONGOING: ZONING)
6. Prior to the issuance of the first certificate of occupancy for the residential buildings, the developer shall install a six (6) foot high black vinyl coated chain link fence along the south property line of Pod B-2 from the commercial pod eastward to the security entrance/gate on Armone Place. (DRC/CO: ZONING/BLDG - Zoning)
7. Prior to the issuance of the first certificate of occupancy for the residential buildings, the developer shall install a "no outlet" sign on Armone Place, subject to approval from Palm Beach County. (DRC/CO: ZONING/BLDG - Zoning)

8. Prior to the issuance of the first certificate of occupancy for the residential buildings, the developer shall install a sign at the west access gate that reads "residents only, no deliveries". (DRC/CO: ZONING/BLDG - Zoning)
9. Prior to issuance of the final Certificate of Occupancy for Pod B-2, the developer shall install speed bumps/humps on Armone Place, subject to approval from the Palm Beach Engineering Department. (CO: MONITORING-Eng)

Q. SCHOOL

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. (Previously Condition 0.1 of Resolution R-98-570, Petition DOA82-04C (A)) (ONGOING: SCHOOL BOARD)
2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models. (Previously Condition 0.2 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: SCHOOL BOARD)

R. SIGNS FOR COMMERCIAL PODS

1. **All** freestanding signs (i.e. point of purchase, entrance wall, directory) for the 4.9 acre commercial pod (west portion) shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - Ten (10) feet along SR7/441 and eight (8) feet along Armone Place;
 - b. Maximum sign face area per side - 100 square feet along the SR7/441 frontage and sixty (60) square feet along Armone Place;
 - c. Maximum number of signs - one (1) along SR7/441 and one (1) along Armone Place;
 - d. Location - Within twenty-five (25) feet of the commercial pod's driveway along the internal road; and,
 - e. Style - monument style only. (Previously Condition P.1 of Resolution R-98-570, Petition DOA82-040(A)) (CO: BLDG)
2. **No** off-premise signs or relocated billboards shall be permitted on the site. (Previously Condition P.2 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING/DRC: CODE ENF/ZONING)

S. USE LIMITATIONS FOR 4.9 ACRE COMMERCIAL PODS

1. Hours of operation for all uses, including deliveries, shall be limited to 6:00 a.m. - 10:00 p.m. daily. (Previously Condition Q.1 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: CODE ENF - Zoning)
2. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (Previously Condition Q.2 of Resolution R-98-570, Petition DOA82-040(A)) (ONGOING: CODE ENF - Zoning)