

RESOLUTION APPROVING ZONING APPLICATION DOA2007-1610
(CONTROL NUMBER 2004-369)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF WHITWORTH ESTATES PUD LLC
BY ASCOT DEVELOPMENT, AGENT
(ASCOT - LYONS AND ATLANTIC 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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-1610 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA2007-1610, the application of Whitworth Estates PUD LLC, by Ascot Development, agent, for a Development Order Amendment to add land area and to delete land area 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 February 28, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Aye
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 28, 2008.

Filed with the Clerk of the Board of County Commissioners on February 28, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

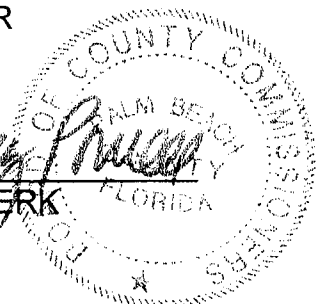


EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT SITE

A CERTAIN PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL ALSO LYING IN BLOCK 17, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CALCULATED WEST ONE-QUARTER (1/4) CORNER OF AFORESAID SECTION 17 AS PER THE PALM BEACH COUNTY SURVEY DEPARTMENT SECTIONAL BREAKDOWN OF SAID SECTION 17; THENCE NORTH 89°27'41" EAST ALONG THE EAST-WEST ONE-QUARTER (1/4) SECTION LINE OF SECTION 17, A DISTANCE OF 166.54 FEET TO A POINT ON THE WEST LINE OF BLOCK 17; THENCE NORTH 01°03'00" WEST, A DISTANCE OF 7.91 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT (L.W.D.D.) L-33 CANAL AS PER CHANCERY CASE 407 (O.R.B. 6495, PG. 761), THE NORTH 35.64 FEET OF TRACTS 73 THROUGH 80, BLOCK 17; THENCE SOUTH 89°01'50" WEST ALONG THE SOUTH LINE OF SAID NORTH 35.64 FEET OF TRACTS 73 THROUGH 80, A DISTANCE OF 2605.94 FEET TO A POINT ON THE WEST LINE OF THE EAST 40.00 FEET OF TRACTS 73, 88, 105 AND 120, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF STARKEY ROAD PER D.B. 716, PG. 592, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°07'06" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2748.60 FEET TO A POINT ON A LINE WHICH LIES 40.00 FEET NORTH OF, AND PARALLEL TO, THE SOUTH LINE OF THE SOUTHEAST (S.E.) ONE QUARTER (1/4) OF SECTION 17; THENCE SOUTH 89°18'02" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 223.69 FEET TO A POINT WHICH LIES 40.00 FEET NORTH OF, AND PARALLEL TO, THE SOUTHWEST (S.W.) ONE-QUARTER (1/4) OF SECTION 17; THENCE NORTH 89°58'59" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 2043.89 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF TRACT 114, BLOCK 17, AFORESAID PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE NORTH 01°01'05" WEST ALONG SAID WEST TRACT LINE, A DISTANCE OF 514.37 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTH 240.00 FEET OF TRACT 113, BLOCK 17, PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE SOUTH 89°09'51" WEST ALONG SAID SOUTH LINE OF THE NORTH 240.00 FEET OF SAID TRACT 113, A DISTANCE OF 342.29 FEET, MORE OR LESS, TO A POINT ON THE CENTERLINE OF THE 30 FOOT PALM BEACH FARMS COMPANY PLATTED ROAD EASEMENT, SAID POINT ALSO BEING ON THE WEST LINE OF BLOCK 17 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 1; THENCE NORTH 01°03'00" WEST ALONG SAID BLOCK LINE, A DISTANCE OF 2197.18 FEET TO THE POINT OF BEGINNING.

CONTAINS 159.33 ACRES, MORE OR LESS.

FUTURE WEST ATLANTIC AVENUE RIGHT-OF-WAY AREA EQUALS 5.41 ACRES, MORE OR LESS.

FUTURE LYONS ROAD RIGHT-OF-WAY AREA EQUALS 0.757 ACRES, MORE OR LESS.

PRESERVE AREA 1

Tract 4, less the North 26 feet, Block 18, of PALM BEACH FARMS COMPANY, PLAT NO. 1 of Section 18, Township 46 South, Range 42 East, according to the Plat thereof, recorded in Plat Book 2, at Page 26, of the Public Records of Palm Beach County, Florida.

FURTHER LESS AND EXCEPT:

THE NORTH 12.28 FEET TOTALING THE NORTH 38.28 FEET OF TRACT 4, BLOCK 18, PER CHANCERY CASE NO. 407, RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 26, PALM BEACH FARMS CO. PLAT NO. 1 OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGES 26 THROUGH 28 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

Tract 27, PALM BEACH FARMS CO. PLAT NO. 1 of Section 18, Township 46 South, Range 42 East, according to the plat thereof, recorded in Plat Book 2, Page 26 through 28 inclusive, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

Tract 28, PALM BEACH FARMS CO. PLAT NO. 1 of Section 18, Township 46 South, Range 42 East, according to the plat thereof, recorded in Plat Book 2, Page 26 through 28 inclusive, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH:

Tract 29, PALM BEACH FARMS CO. PLAT NO. 1 of Section 18, Township 46 South, Range 42 East, according to the plat thereof, recorded in Plat Book 2, Page 26 through 28 inclusive, of the Public Records of Palm Beach County, Florida.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 24.73 ACRES, MORE OR LESS.

PRESERVE AREA 2

PARCEL 1: TRACT 41, LESS THE EAST 370 FEET AND THE SOUTH 70 FEET THEREOF AND THE EAST 80 FEET OF TRACT 42, LESS THE SOUTH 70 FEET THEREOF, BLOCK 52, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2: THE SOUTH 70 FEET OF THE EAST 80 FEET OF TRACT 42, THE SOUTH 70 FEET OF THE WEST 290 FEET OF TRACT 41; THE EAST 80 FEET OF TRACT 43, LESS THE SOUTH 30.36 FEET THEREOF, AND THE WEST 290 FEET OF TRACT 44, LESS THE SOUTH 30.36 FEET THEREOF, ALL OF WHICH BEING ALSO KNOWN AS LOT 10, LESS THE SOUTH 30.36 FEET THEREOF OF EATMON'S UNRECORDED SUBDIVISION, ALL IN BLOCK 52, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA OF PRESERVE NO. 2 EQUALS 9.76 ACRES MORE OR LESS

PRESERVE AREA 3

TRACT 22 LESS THE EAST 9.36 FEET THEREOF, PALM BEACH FARMS CO. PLAT NO. 1 OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE SOUTH 15 FEET FOR ROAD RIGHT-OF-WAY

NOT INCLUDED PARCEL

TRACT 23 AND THE EAST 9.36 FEET OF TRACT 22, PALM BEACH FARMS CO. PLAT NO. 1 OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 THROUGH 28, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACTS 9, 10 AND 11 LESS THE NORTH 33.18 FEET THEREOF, PALM BEACH FARMS CO. PLAT NO. 1, OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE EAST 15.00 FEET FOR ROAD RIGHT-OF-WAY

NOT INCLUDED PARCEL:

TRACT 9 AND THE EAST 13.23 FEET OF TRACT 10 LESS THE NORTH 33.18 FEET, PALM BEACH FARMS CO. PLAT NO. 1 OF SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE EAST 15.00 FEET FOR ROAD RIGHT-OF-WAY

TOTAL AREA OF PRESERVE NO. 3 EQUALS 14.16 ACRES MORE OR LESS (CORRECTED BY RESOLUTION R-2005-1620)

PRESERVE AREA 4

THAT PORTION OF THE SOUTH 660 FEET OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 41 EAST, LYING EAST OF THE NORTHERLY PROJECTION OF THE WEST LINE OF TRACT 3, BLOCK 68, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF THE EAST 660 FEET OF THE SOUTH THREE QUARTERS OF SAID SECTION 23, LESS THE SOUTH 660 FEET AND LESS THOSE PARCELS CONVEYED TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN OFFICIAL RECORD BOOK 11434, PAGE 455 AND OFFICIAL RECORD BOOK 3903, PAGE 377, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 1, THE NORTH 65.00 FEET OF TRACT 2, TRACT 3, THE SOUTH 45 FEET OF TRACT 5, TRACTS 6, 7 AND 8, THE NORTH 125 FEET OF TRACTS 9, 10, 11, 12, THAT PORTION OF THE 34 FOOT ROAD RIGHT OF WAY LYING NORTH OF AND ADJACENT TO TRACTS 1 AND 2, THAT PORTION OF THE 25 FOOT ROAD RIGHT OF WAY LYING EAST OF AND ADJACENT TO TRACTS 1 AND 8, AND THE NORTH 125 FEET OF TRACT 9, THAT PORTION OF THE 25 FOOT ROAD RIGHT OF WAY LYING WEST OF AND ADJACENT TO THE SOUTH 45 FEET OF TRACT 5 AND THE NORTH 125 FEET OF TRACT 12 AND THAT PORTION OF THE 30 FOOT ROAD RIGHT OF WAY LYING NORTH OF AND ADJACENT TO TRACTS 9, 10, 11 AND 12 EXTENDING FROM THE EAST LINE OF BLOCK 68 TO THE WEST LINE OF BLOCK 68, ALL LYING IN BLOCK 68, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 2, BLOCK 68, LESS THE NORTH 65.00 FEET THEREOF, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA OF PRESERVE NO. 4 EQUALS 109.9624 ACRES MORE OR LESS

OVERALL PRESERVE AREA 5

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Control No. 2004-369
Project No. 00928-000

ALL THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-WEST, AS SHOWN ON SUNSHINE STATE PARKWAY RIGHT-OF-WAY MAPS (SHEET 3 OF 13): TRACTS 25, 26, 27 AND 28, SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE WEST 15 FEET FOR STARKEY ROAD AND LESS THAT PORTION CONVEYED TO PALM BEACH COUNTY, FLORIDA, BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 4325, PAGE 1677 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 15 FEET OF THE WEST 30 FEET OF TRACT 25, SECTION 17, OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE SOUTHERLY 15 FEET THEREOF.

TOGETHER WITH:

ALL THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2-WEST, AS SHOWN ON SUNSHINE STATE PARKWAY RIGHT-OF-WAY MAPS (SHEET 3 OF 13): TRACTS 37, 38, 39 AND 40, SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE WEST 15 FEET FOR STARKEY ROAD AND LESS THAT PORTION CONVEYED TO PALM BEACH COUNTY, FLORIDA, BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 4325, PAGE 1675 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 15 FEET OF THE WEST 30 FEET OF TRACT 25, SECTION 17, OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THE NORTHERLY 15 FEET THEREOF.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF TRACTS 25 AND 26, SECTION 17, PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STARKEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 4225, PAGE 1677 OF SAID PUBLIC RECORDS, AND THE NORTH LINE OF SAID TRACT 25, SAID POINT BEING THE SOUTHWEST CORNER OF TRACT "B", CANYON LAKES PRESERVE AREA NO. 2, AS RECORDED IN PLAT BOOK 101, PAGES 164 AND 165 OF SAID PUBLIC RECORDS; THENCE NORTH 89°02'45" EAST ALONG THE NORTH LINE OF SAID TRACTS 25 AND 26 AND THE SOUTH LINE OF SAID TRACT "B", CANYON LAKES PRESERVE AREA NO. 2, A DISTANCE OF 554.50 FEET; THENCE SOUTH 01°07'07" EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 89°02'45" WEST, A DISTANCE OF 554.50 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF STARKEY ROAD; THENCE NORTH 01°07'07" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 400.00 FEET TO THE AFORE MENTIONED POINT OF BEGINNING.

CONTAINING 33.14 ACRES, MORE OR LESS.

PRESERVE AREA 6

TRACTS 15 AND 16, LESS THE NORTH 30.36 FEET THEREOF, ALL BEING IN BLOCK 17, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 15.0 FEET OF TRACT 16, THEREOF.

TOTAL AREA OF PRESERVE NO. 6 EQUALS 9.62 ACRES MORE OR LESS

PRESERVE AREA 7

THE WEST 1/2 OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND SUBJECT TO AN EASEMENT OVER THE NORTH 30 FEET FOR INGRESS AND EGRESS TO THE WEST 1/2 OF THE

SOUTH 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 218,989 SQUARE FEET (5.027 ACRES), MORE OR LESS.

PRESERVE AREA 8

THE NORTH ONE HALF (N. 1/2) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD, MUNICIPAL ORDINANCES AND ZONING CODES, AND TAXES FOR THE YEAR OF CONVEYANCE AND SUBSEQUENT YEARS.

TOGETHER WITH THE SOUTH ONE HALF (S. 1/2) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY ON WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLDS AND EASEMENT, SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER AND LIGHT COMPANY SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS AND COVENANTS OF RECORD, IF ANY, TO THE EXTENT THAT THE SAME ARE VALID AND ENFORCEABLE.

CONTAINING 10.05 ACRE, MORE OR LESS.

PRESERVE AREA 9

THE NORTH HALF (N. 1/2) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST. PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE AFORE DESCRIBED PARCEL.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH HALF (S. 1/2) OF THE NORTH HALF (N. 1/2) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND A NON EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY OF WHICH FLORIDA POWER AND LIGHT COMPANY PRESENTLY HOLD AND EASEMENT: SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA

POWER AND LIGHT COMPANY TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 30 FEET OF THE EAST THREE QUARTERS (E. $\frac{3}{4}$) OF THE SOUTH HALF (S. $\frac{1}{2}$) OF THE SOUTH HALF (S. $\frac{1}{2}$) OF THE NORTHEAST QUARTER (N.E. $\frac{1}{4}$) OF SAID SECTION 14.

CONTAINING 5.01 ACRE, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

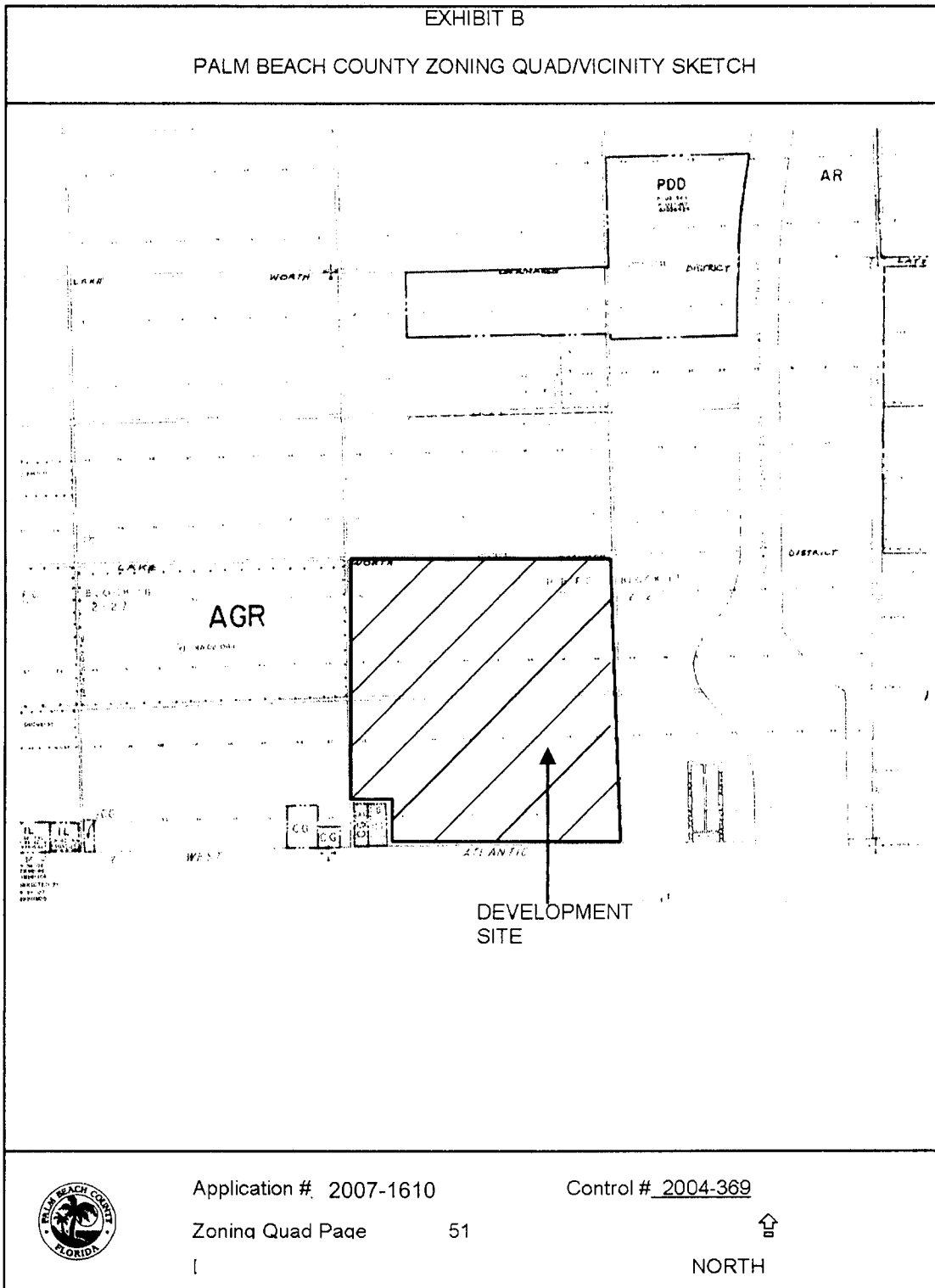


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-0390 (Control 2004-504), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous condition A.1. of Resolution R2005-390, Control 2004-504, which currently states:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated January 20, 2005. 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 - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Development plan is dated October 17, 2007. 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 - Zoning)

3. Prior to submittal for final approval by the Development Review Officer (DRO), the master/site plans shall be revised to incorporate the required fifty (50) foot wide landscape buffer along:

a. the interior boundary of the Rural Parkway, unless variance relief is obtained by the Board of Adjustment; and, [BA2005-0288]

b. the south property line fronting West Atlantic Avenue. (DRO: ZONING - Zoning) (Previous condition A.2. of Resolution R2005-390, Control 2004-504)

4. Upon adoption of a future ULDC amendment that would permit a composting facility within the preservation area of an AGR-PUD, the property owner shall voluntarily apply to abandon Resolution R-84-068 (Petition 83-126). (ONGOING: ZONING - Zoning) (Previous condition A.3. of Resolution R2005-390, Control 2004-504)

BUILDING AND SITE DESIGN

1. No deviation from typical property development regulations (PDRs) shall be permitted. This condition shall not apply to the standard setback reductions and exceptions permitted by the ULDC. (ONGOING: BLDG - Zoning) (Previous condition B.1. of Resolution R2005-390, Control 2004-504)

2. All landscape focal points shall be subject to review and approval by the Landscape Sections prior to final approval by the Development Review Officer (DRO). (DRO: ZONING - Zoning) (Previous condition B.2. of Resolution R2005-390, Control 2004-504)

3. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to depict upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:

a. be accessible from a minimum five (5) foot wide pathway composed of

- stamped concrete, paver blocks, or other improved surface;
 - b. include a minimum of two (2) pedestrian benches;
 - c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
 - d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
 - e. details for all items indicated above shall be subject to review and approval by the Landscape and Architectural Review Sections, as applicable. (DRO: ZONING - Zoning) (Previous condition B.3. of Resolution R2005-390, Control 2004-504)
- 4. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to depict the following amenities within the 1.79-acre open space area:
 - a. a minimum four (4) foot wide pathway with a direct connection to the primary sidewalk system on the property;
 - b. a trellis, gazebo, pergola, tot lot, fitness station, rest station, or similar recreation amenity or shade structure shall be located at the terminus of the pathway;
 - c. a landscape focal point in alignment with each of the adjacent T-intersections; and,
 - d. details for all items indicated above shall be subject to review and approval by the Landscape or Architectural Review Sections, as applicable. (DRO: ZONING - Zoning) (Previous condition B.4. of Resolution R2005-390, Control 2004-504)
- 5. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) as follows:
 - a. within all cul-de-sacs;
 - b. between all semi cul-de-sacs/eyebrows and the adjacent residential lots;
 - c. this paving shall cover the entire area of the applicable drive aisle surface; and,
 - d. this paving shall consist of the same paving material and treatment that is provided at the intersections throughout the site. (DRO: ZONING - Zoning) (Previous condition B.5. of Resolution R2005-390, Control 2004-504)
- 6. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate an architectural focal point on the 3.0-acre recreation parcel. This architectural focal point shall:
 - a. consist of a loggia with decorative columns;
 - b. be situated upon a minimum 500 square foot surface area composed of paver blocks, stamped concrete, or an alternative surface;
 - c. incorporate a minimum of two (2) concrete benches;
 - d. be located to align with the adjacent T-intersection to the west;
 - e. have a direct connection to the the primary sidewalk system on the property;
 - f. be reflected on the Regulating Plan; and,
 - g. be subject to review and approval by the Architectural Review Section. (DRO: ZONING - Zoning) (Previous condition B.6. of Resolution R2005-390, Control 2004-504)
- 7. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate a minimum of one (1) water fountain as a focal feature within each lake tract. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning) (Previous condition B.7. of Resolution R2005-390, Control 2004-504)
- 8. Prior to final approval by the Development Review Officer (DRO), the master/site plans shall be revised to indicate an open space area as follows:

- a. where pedestrian access to the Rural Parkway will be provided in the northwest portion of the development area;
 - b. in alignment with the T-intersection in the north central portion of the development area;
 - c. these open space areas shall comply with the Property Development Regulations for a Neighborhood Park in accordance with ULDC Table 3.E.2.D-16;
 - d. a landscape focal point shall be provided in the vicinity of the roadway frontage of each open space area;
 - e. a minimum five (5) foot wide pedestrian pathway composed of stamped concrete, paver blocks, or other improved surface that is acceptable to the Zoning Division shall be provided within each open space area. These pathways shall include a connection to any pedestrian pathway within the Rural Parkway and provide access to any adjacent open space area and lake tracts, as applicable;
 - f. a minimum of two (2) pedestrian benches with adjacent trash receptacle shall be provided directly adjacent to each of the required pathways; and,
 - g. details for all items indicated above shall be subject to review and approval by the Landscape and Architectural Review Sections. (DRO: ZONING - Zoning) (Previous condition B.8. of Resolution R2005-390, Control 2004-504)
9. Prior to final approval by the Development Review Officer (DRO), any remaining portions of the 3.19-acre civic parcel and the entire portion of the adjacent 2.35-acre open space area shall be converted to a lake tract(s) and/or designated as a neighborhood park in accordance with ULDC Table 3.E.2.D-16. A neighborhood park shall be designed in a manner that is acceptable to the Zoning Division, the Parks and Recreation Department, and include the following:
- a. a minimum six (6) foot wide concrete pathway with a direct connection to both the primary sidewalk system on the property and the pedestrian connection to the Rural Parkway;
 - b. a pedestrian plaza with access to the concrete pathway and containing a minimum of 4,000 square feet of decorative paving block or stamped concrete surface;
 - c. a minimum three (3) tier fountain shall be placed in the center of the pedestrian plaza;
 - d. a minimum of four (4) pedestrian benches and two (2) trash receptacles shall be provided surrounding the fountain;
 - e. a minimum of two (2) shade structures (e.g. gazebo, pergola, trellis) with pedestrian seating areas shall be provided directly adjacent to the pedestrian pathway; and,
 - f. all details shall be subject to review and approval by the Architectural Review Section and reflected on the Regulating Plan. (DRO: ZONING - Zoning) (Previous condition B.9. of Resolution R2005-390, Control 2004-504)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering all of the conservation parcels associated with the Ascot Lyons & Atlantic PUD, shall be approved by ERM prior to final DRO site plan approval. (DRO: ERM - ERM) (Previous condition C.1. of Resolution R2005-390, Control 2004-504)
2. All Restricted Covenant Agreements and Conservation Easements for all of the Conservation Parcels associated with the Ascot - Lyons & Atlantic PUD shall be submitted to ERM for review, approval and recordation prior to plat recordation. (PLAT: ERM - ERM) (Previous condition C.2. of Resolution R2005-390, Control 2004-504)

LANDSCAPING - STANDARD

1. A minimum of fifty (50) percent of all trees to be planted in the perimeter landscape buffers, and within the Rural Parkway shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: Three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. Canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous condition D.1. of Resolution R2005-390, Control 2004-504)
2. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous condition D.2. of Resolution R2005-390, Control 2004-504)
3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous condition D.3. of Resolution R2005-390, Control 2004-504)
4. Field adjustment of berm, wall, and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous condition D.4. of Resolution R2005-390, Control 2004-504)
5. Berm height shall be measured from the nearest top of the curb, the crown of the nearest road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous condition D.5. of Resolution R2005-390, Control 2004-504)
6. At time of submittal for final DRO approval, a landscape plan(s) for the Rural Parkway shall be submitted simultaneously with the master/site plan. All associated details shall be:
 - a. generally consistent with those presented on the Regulating Plan dated December 3, 2004;
 - b. subject to review and approval by the Landscape and Architectural Review Sections; and,
 - c. reflected on the Regulating Plan prior to final approval by the DRO. (DRO: ZONING - Zoning) (Previous condition D.6. of Resolution R2005-390, Control 2004-504)

ENGINEERING

1. The property owner shall be restricted to the following phasing schedule:
 - a. No Certificates of Occupancy shall be issued until Lyons Road has been constructed as a 2 lane facility from West Atlantic Avenue to the Project's Entrance Road. (CO: MONITORING - Eng) (Previous condition E.1.a. of Resolution R2005-390, Control 2004-504)

- b. Building Permits for more than 16 single family dwelling units shall not be issued until the contract has been awarded by the FDOT for the construction of West Atlantic Avenue as a 4 lane facility from Starkey Road to the Florida Turnpike or commencement of construction by someone other than FDOT plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.1.b. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]
 - c. Building Permits for more than 16 single family dwelling units shall not be issued until construction has commenced for West Atlantic Avenue widening as a 4 lane facility from Starkey Road to Lyons Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.1.c. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]
 - d. Building Permits for more than 60 single family dwelling units shall not be issued until construction has commenced for intersection improvements at West Atlantic Avenue and Jog Road providing for dual right turn lanes west approach, and exclusive right turn lanes on the north and south approaches. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.1.d. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]
 - e. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENG - Eng) (Previous condition E.1.e. of Resolution R2005-390, Control 2004-504)
 - f. No Building Permits for the site shall be issued after January 1, 2009. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng) (Previous condition E.1.f. of Resolution R2005-390, Control 2004-504)
2. Acceptable surety required for the offsite road improvements as outlined in Engineering Condition 1.c and 1.d shall be posted with the Office of the Land Development Division on or before August 24, 2005. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng) (Previous condition E.2. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]
 3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng) (Previous condition E.3. of Resolution R2005-390, Control 2004-504)
 4. Prior to February 24, 2006, the property owner shall complete construction plans for all improvements identified in Engineering Condition 1.c. and 1.d above. These construction plans shall be approved by the Florida Department of Transportation for 1.c. and the County Engineer work identified in 1.d. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING - Eng) (Previous condition E.4. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]
 5. Prior to February 24, 2007, the property owner shall complete construction for all improvements identified in Engineering Condition 1.c. and 1.d above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to

their ultimate paved configuration. (DATE: MONITORING - Eng) (Previous condition E.5. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]

6. Roadway improvements identified in Engineering Condition 1.c. above shall also include design, irrigation and installation as well as the perpetual maintenance of median landscaping as approved by the Streetscape Section. Landscaping and irrigation shall strictly conform to the specifications and standards of Palm Beach County's Only Trees, Irrigation, and Sod (OTIS) program. At the property owner's option, funding for the required OTIS program may be provided to Palm Beach County. Payment for the County's installation and perpetual maintenance of landscaping and irrigation shall be based on the approved fee schedule as it currently exists or as it may from time to time be amended. (ONGONG: ENG - Eng) (Previous condition E.6. of Resolution R2005-390, Control 2004-504)
7. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the Project's Entrance Road and Lyons Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
 - a. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.7. of Resolution R2005-390, Control 2004-504)
8. Prior to May 1, 2005 the Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Lyons Road and West Atlantic Avenue. 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 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (DATE: MONITORING - Eng) (Previous condition E.8. of Resolution R2005-390, Control 2004-504) [Note: Complete per Atlantic Avenue Agreement]

9. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:

- a) Lyons Road 55 feet from centerline; and,
- b) West Atlantic Avenue an additional 104 feet of right of way to provide for a total of 160 feet of right of way or as approved by the County Engineer. This right of way width may be modified to reflect a revision to the Comprehensive Plan prior to dedication of the property by the property owner.

Right of way shall be dedicated prior to August 24, 2005. All Right of way conveyances 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up, on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate

as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Eng) (Previous condition E.9. of Resolution R2005-390, Control 2004-504)

10. Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng) (Previous condition E.10. of Resolution R2005-390, Control 2004-504)

11. The Property owner shall construct:

- i. Left turn lane north approach on Lyons Road at the Project's Entrance Road; and,
- ii. Right turn lane south approach on Lyons Road 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 this 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.

- a. Permits required by Palm Beach County for the construction in i. and ii. shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
- b. Construction for the improvements in i. and ii. shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng) (Previous condition E.11. of Resolution R2005-390, Control 2004-504)

12. The property owner shall provide for the acquisition funding costs of the right-of-way for Lyons Road from the project's entrance, south to West Atlantic Avenue to provide for a minimum of 110 feet in width, plus additional right-of-way for Lyons Road in accordance with Palm Beach County's Expanded Intersection Standard Details. Final alignment for the right of way shall be subject to approval by the County Engineer. Acceptable surety shall be provided to the Office of the County Engineer prior to August 24, 2005. Notification for posting the required surety by the property owner shall be given to the Land Development Division. (DATE: MONITORING - Eng) (Previous condition E.12. of Resolution R2005-390, Control 2004-504)

13. On or before August 24, 2005, 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 a minimum of 110 feet in width, plus additional right-of-way for Lyons Road in accordance with Palm Beach County's Expanded Intersection Standard Details. These documents shall include a title search for a minimum of 25 years. Notification shall be given to the Land Development Division. (DATE: MONITORING - Eng) (Previous condition E.13. of Resolution R2005-390, Control 2004-504)

14. a. The property owner shall prepare construction plans for Lyons Road as a 2-lane section from the projects entrance road south to West Atlantic Avenue. Funding of the construction plans and construction shall be completed on or before February 24, 2006. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Eng) (Previous condition E.14.a. of Resolution R2005-390, Control 2004-504)

- b. The property owner shall construct Lyons Road as a 2-lane section from the projects entrance road south to West Atlantic Avenue. Surety to guarantee the completion of this construction shall be posted prior to recordation of the first plat for this project. (PLAT: ENG - Eng) (Previous condition E.14.b. of Resolution R2005-390, Control 2004-504)
15. Prior to August 24, 2005, 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) (Previous condition E.15. of Resolution R2005-390, Control 2004-504)
16. On or before February 24, 2006 or prior to Technical Compliance of first plat, whichever shall first occur, 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 Lyons Road along the property frontage; and up to a maximum of an additional 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, Compensating storage within this projects retention system as required by all permitting agencies, 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) (Previous condition E.16. of Resolution R2005-390, Control 2004-504)

LANDSCAPING - PERIMETER OF DEVELOPMENT AREA

1. In addition to the proposed planting program and code requirements, all perimeter landscape buffers shall be upgraded to include:
 - a. a minimum of one (1) native palm for each twenty (20) linear feet of the applicable property line with a maximum spacing of sixty (60) feet between clusters;
 - b. a minimum of one (1) pine tree for each thirty (30) linear feet of the applicable property line with a maximum spacing of ninety (90) feet center to center; and,
 - c. relocation of the above plant materials only shall be permitted only for the landscape buffer abutting the Rural Parkway, subject to review and approval by the Landscape Section. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous condition F.1. of Resolution R2005-390, Control 2004-504)

PALM TRAN

1. Previous condition G.1. of Resolution R2005-390, Control 2004-504, which currently states:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)

Is hereby amended to read:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Previous condition G.2. of Resolution R2005-390, Control 2004-504, which currently states:

Prior to issuance of the first Building Permit or recordation of the plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORING - Palm Tran)

Is hereby amended to read:

Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG-PalmTran)

PLANNING

1. The maximum number of dwelling units in the PUD shall be limited as follows:
 - a. two hundred and seventy-four (274) dwelling units if off-site land or cash contribution is not accepted by Palm Beach County in lieu of the 3.19-acre civic site, and ownership of any portion of Preserve Parcel 4 remains with a public entity;
 - b. two hundred and eighty (280) dwelling units if off-site land or cash contribution is accepted by Palm Beach County in lieu of the 3.19-acre civic site, and ownership of any portion of Preserve Parcel 4 remains with a public entity;
 - c. three hundred and seventy-four (374) dwelling units if off-site land or cash contribution is not accepted by Palm Beach County in lieu of the 3.19-acre civic site, and ownership of Preserve Parcel 4 is conveyed to a private entity in its entirety;
 - d. three hundred and eighty (380) dwelling units if off-site land or cash contribution is accepted by Palm Beach County in lieu of the 3.19-acre civic site, and ownership of Preserve Parcel 4 is conveyed to a private entity in its entirety; and,
 - e. the maximum permissible number of dwelling units indicated in Planning Conditions 1.a. and 1.b. above may be adjusted proportionately, subject to approval by the Planning Director, in the event that ownership of additional portions of Preserve Parcel 4 are conveyed to a private entity. (ONGOING: PLANNING - Planning) (Previous condition H.1. of Resolution R2005-390, Control 2004-504)

2. Prior to recordation of a plat for the Ascot Lyons & Atlantic Development Area, the property owner shall provide proof of sale to verify that Preserve Area 4, as indicated on the Master/Site Plan dated January 20, 2005, is held in private ownership. Proof of sale shall be in a form and manner that is acceptable to the County Attorney and Planning Director. Alternatively, the Master/Site Plan shall be revised to comply with Planning Condition 1.a., 1.b. or 1.e. above, as applicable. (PLAT: PLANNING/CO ATTY - Planning) (Previous condition H.2. of Resolution R2005-390, Control 2004-504)
3. Prior to recordation of a plat for the Ascot Lyons & Atlantic Development Area, the property owner is responsible for the recordation of boundary plats for all of the preserve parcels and shall include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. (PLAT: PLANNING/ENG - Planning) (Previous condition H.3. of Resolution R2005-390, Control 2004-504)
4. Prior to final Master Plan approval by the Development Review Officer (DRO), the property owner shall provide a Rural Parkway Landscape Plan, for the entire Ascot Lyons and Atlantic PUD Rural Parkway Preserve area, subject to approval by the Planning Division, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms. (DRO: PLANNING - Planning) (Previous condition H.4. of Resolution R2005-390, Control 2004-504)
5. Prior to final Master Plan approval by the Development Review Officer (DRO), the property owner shall provide an "AGR/PUD Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (DRO: PLANNING - Planning) (Previous condition H.5. of Resolution R2005-390, Control 2004-504)
6. Prior to final Master Plan approval by the Development Review Officer (DRO), a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement. The management plan shall contain a legal description and sketch of each parcel, an inventory of existing uses and environmental assets on each site, and a plan approved and enforced by the Department of Environmental Resources (ERM) for exotic removal and maintenance on each of the sites. (DRO: PLANNING/ERM - Planning) (Previous condition H.6. of Resolution R2005-390, Control 2004-504)
7. Prior to final Master Plan approval by the Development Review Officer (DRO), the property owner shall add a "Preservation Area/Proposed Uses" notes section on page 1 of the Master Plan and include the following:
 - a. The preservation areas approved as part of Application # 2004-504 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related

- to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
 - 5) Other uses as permitted by the required conservation easements;
 - 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

NOT PERMITTED:

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretaker quarters and grooms quarters, be accommodated thereon.
 - 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning) (Previous condition H.7. of Resolution R2005-390, Control 2004-504)
8. Prior to plat recordation for the Ascot Lyons & Atlantic PUD development area, the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.
- a. The conservation easements for all of these preserve parcels shall contain:
 - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - 2) a list of permitted uses, uses not permitted, and prohibited activities.
 - b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: ENG/CO ATTY/ERM/PLANNING - Planning) (Previous condition H.8. of Resolution R2005-390, Control 2004-504)
9. Prior to plat recordation for the Ascot Lyons & Atlantic Development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall contain:
- a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:
 - 1) Flowering trees;
 - 2) Undulating berms, no taller than five feet and landscaped with native vegetation; and,
 - 3) Benches/pedestrian gathering area with a water fountain. At least one (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
 - b. The Rural Parkway easement shall not include:
 - 1) Walls;
 - 2) structures with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.
 - c. The Rural Parkway easement may include:

- 1) A bus easement,
 - 2) An access easement for the Public Civic Parcel if off-site land or cash contribution is not accepted by Palm Beach County in lieu of the 3.19-acre civic site,
 - 3) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
 - 4) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.
- d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.
- e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: MONITORING - Planning) (Previous condition H.9. of Resolution R2005-390, Control 2004-504)
10. Prior to March 1, 2008, should the 100 foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and the Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to rezone to AGR or amend the DO. (DATE: MONITORING - Planning) (Previous condition H.10. of Resolution R2005-390, Control 2004-504)
11. Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to March 1st, 2008, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning) (Previous condition H.11. of Resolution R2005-390, Control 2004-504)
12. Prior to the issuance of a building permit for the 100th unit, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements. (BLDG PERMIT: MONITORING - Planning) (Previous condition H.12. of Resolution R2005-390, Control 2004-504)
13. Prior to Master Plan approval by the Development Review Officer (DRO), the site plan shall indicate a pedestrian trail along the lake fronting the recreation area. In addition, a minimum of two (2) benches shall be placed at this location. (DRO: PLANNING - Planning) (Previous condition H.13. of Resolution R2005-390, Control 2004-504)
14. Prior to Master Plan approval by the Development Review Officer (DRO), if off-site land or cash contribution is not accepted by Palm Beach County in lieu of the 3.19-acre civic site, a notation shall be placed on the approved master plan at the northern boundary of the civic site which shall read "pedestrian access to be paved to the property line to the civic parcel". (DRO: PLANNING - Planning) (Previous condition H.14. of Resolution R2005-390, Control 2004-504)
15. Prior to the issuance of a certificate of occupancy (CO), if off-site land or cash contribution is not accepted by Palm Beach County in lieu of the 3.19-acre civic site, the property owner shall pave the pedestrian access point to the northern boundary of the civic parcel at the location shown on the final approved master plan that

reads "pedestrian access to be paved to the property line to the civic parcel". (CO: MONITORING - Planning) (Previous condition H.15. of Resolution R2005-390, Control 2004-504)

16. Prior to Master Plan approval by the Development Review Officer (DRO), the survey dated November 12, 2004, for preserve 7, shall be revised to indicate the the structure labeled as "building w/ wood deck" is a "caretaker quarter's" as permitted by the ULDC and Comprehensive Plan. (DRO: PLANNING - Planning) (Previous condition H.16. of Resolution R2005-390, Control 2004-504)
17. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide draft updated conservation easements reflecting the change in the development parcel, allowable/prohibited uses and governing Control numbers. (DRO: PLANNING-Planning)
18. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide the final draft of the Rural Parkway Conservation Easement and Planting Plan for all parcels abutting Lyons Road. (DRO: PLANNING-Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 3.19-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by November 1, 2006. The property owner shall 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. The property owner shall provide a title policy insuring marketable title to Palm Beach County (PBC) for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to PBC. The policy is subject to the approval of Property & Real Estate Management Department's (PREM) and the County Attorney. The title policy shall be insured to PBC for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis (if the contract purchase was concluded within the previous 24 month period). If an appraisal is required, it shall be obtained by the property owner. The property owner shall release PBC all Declarations of Covenants and Conditions of the PUD or other restrictive covenants as they may apply to the civic site.
 - b. The property owner shall reserve sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation. The property owner shall be provided with input as to the size of a structure (and proposed use), which the civic site would support and the corresponding amount of trips.
 - c. All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.
 - d. The civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.
 - e. The property owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The property owner shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins.
 - 2) As easement across property owner's property from the proposed

- civic site to the retention basins, if required.
- f. By acceptance of these conditions the property owner shall agree to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.
 - g. The property owner shall perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.
 - h. Prepare the civic site to buildable grade under the direction of the Facilities Development & Operations Department. The site shall be stabilized with 1) sod and watered, or 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.
 - i. The property owner shall provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING - PREM) (Previous condition I.1. of Resolution R2005-390, Control 2004-504)
2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by September 1, 2006. This survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria when preparing the survey:
- a. 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 shall include a location of any proposed water retention area that will border the civic site.
 - d. The survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - PREM) (Previous condition I.2. of Resolution R2005-390, Control 2004-504)
3. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by September 1, 2006. 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.
 - f. If the Phase I audit indicates that a Phase II is necessary, then the Developer shall be required to provide that audit as well. (DATE: MONITORING - PREM) (Previous condition I.3. of Resolution R2005-390, Control 2004-504)
4. The property owner 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 when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. 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 property owner 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 property owner or if the property owner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of ULDC. (ONGOING: PREM - PREM) (Previous condition I.4. of Resolution R2005-390, Control 2004-504)

PLANNED UNIT DEVELOPMENT

1. Prior to the recordation of the first plat, 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 include the following:
 - a. 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.
 - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. The property shall not be subject 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 ATTY - Zoning) (Previous condition J.1. of Resolution R2005-390, Control 2004-504)
2. The property owner 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 active agricultural uses in the vicinity of the development. The 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 February 24, 2006, and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning) (Previous condition J.2. of Resolution R2005-390, Control 2004-504)
3. Prior to the issuance of a building permit for the 100th unit, a Certificate of

Occupancy (CO) or Certificate of Completion (CC), whichever shall first occur, shall be issued for a clubhouse or similar common building that is acceptable to the Parks and Recreation Department on the 3.0-acre recreation parcel. This facility shall be equipped with a generator that complies with the following requirements:

- a. a minimum load capacity of .02 kw per building square foot;
- b. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- c. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- d. setback in accordance with the Property Development Regulations for a Recreation Pod in accordance with ULDC Table 3.E.2.D-16;
- e. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- f. subject to review and approval by the Building Division; and,
- g. deviation from these requirements shall be permitted if consistent with future ULDC regulations. (BLDG PERMIT: MONITORING - Zoning)
(Previous condition J.3. of Resolution R2005-390, Control 2004-504)

SCHOOL BOARD

1. Previous condition K.1. of Resolution R2005-390, Control 2004-504, which currently states:

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

**"NOTICE TO RESIDENTS/TENANTS AND
PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service 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 - School Board)

Is hereby amended to read:

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

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service 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).

2. Previous condition K.2. of Resolution R2005-390, Control 2004-504, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential

property owner. (CO: MONITORING - School Board)

Is hereby amended to read:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board.)

COMPLIANCE

1. Previous condition L.1. of Resolution R2005-390, Control 2004-504, which currently states:

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)

Is hereby amended to read:

In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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. Previous condition L.2. of Resolution R2005-390, Control 2004-504, which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

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 Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)