

RESOLUTION APPROVING ZONING PETITION DOA95-116(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF LEVITT-ANSCA TOWNE PARK PARTNERSHIP
BY LAND DESIGN SOUTH, AGENT
(TOWNE PARK 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 DOA95-116(C) was presented to the Board of County Commissioners at a public hearing conducted on May 25, 2000; and

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

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

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

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

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

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA95-116(C), the petition of Levitt-ANSCATowne Park Partnership, by Land Design South, agent, for a Development Order Amendment (DOA) to reconfigure master 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 May 25, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 25, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

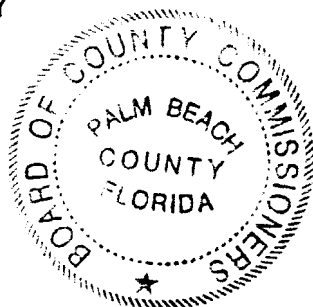


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCKS 36 AND 43, "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF LOTS 3 AND 4, TRACT 42, "PALM BEACH FARMS COMPANY PLAT NO. 13", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 98, OF SAID PUBLIC RECORDS; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LEXINGTON I OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 195, SAID PUBLIC RECORDS; THENCE NORTH 00' 33' 53" WEST, ALONG THE WESTERLY BOUNDARY LINE OF SAID PLAT OF LEXINGTON I OF SHERBROOKE, A DISTANCE OF 1280.00 FEET; THENCE NORTH 13' 08' 08" WEST, CONTINUING ALONG SAID WESTERLY PLAT BOUNDARY, A DISTANCE OF 1506.10 FEET; THENCE NORTH 89' 26' 07" EAST ALONG THE NORTHERLY PLAT BOUNDARY LINE OF SAID PLAT OF LEXINGTON I OF SHERBROOKE, A DISTANCE OF 1399.71 FEET; THENCE NORTH 01' 48' 19" EAST, DEPARTING SAID NORTHERLY PLAT BOUNDARY, A DISTANCE OF 82.78 FEET; THENCE SOUTH 88' 11' 41" EAST, A DISTANCE OF 135.00 FEET; THENCE NORTH 01' 48' 19" EAST, A DISTANCE OF 228.00 FEET; THENCE NORTH 38' 03' 43" WEST, A DISTANCE OF 619.84 FEET; THENCE NORTH 30' 26' 41" WEST, A DISTANCE OF 855.00 FEET; THENCE NORTH 29' 26' 41" WEST, A DISTANCE OF 270.00 FEET; THENCE SOUTH 60' 33' 19" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 29' 26' 41" WEST, A DISTANCE OF 250.00 FEET; THENCE NORTH 17' 05' 15" EAST, A DISTANCE OF 639.35 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF SAID PLAT OF "PALM BEACH FARMS COMPANY PLAT NO. 13"; THENCE NORTH 87' 54' 37" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 99.84 FEET; THENCE NORTH 04' 54' 05" WEST, ALONG THE EAST LINE OF SAID LOT 3, TRACT 42, A DISTANCE OF 1466.84 FEET TO INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; SAID SOUTH RIGHT-OF-WAY LINE LYING 40.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 3; THENCE NORTH 87' 59' 21" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1349.96 FEET; THENCE SOUTH 12' 59' 30" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 14.49 FEET; THENCE NORTH 87' 59' 21" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.67 FEET; THENCE SOUTH 01' 40' 29" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-1, A DISTANCE OF 1431.04 FEET; THENCE SOUTH 00' 24' 03" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 5557.60 FEET; THENCE SOUTH 00' 04' 49" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 454.69 FEET; THENCE SOUTH 45' 33' 53" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.57 FEET; THENCE NORTH 89' 26' 07" EAST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 86' 47' 19" EAST, A DISTANCE OF 250.54 FEET; THENCE NORTH 89' 26' 07" EAST, A DISTANCE OF 310.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1055.00 FEET; THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39' 31' 11", A DISTANCE OF 727.68 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 51' 02' 42" EAST, A DISTANCE OF 923.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1854.86 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39' 31' 11", A DISTANCE OF 1279.38 FEET TO THE END OF SAID CURVE; THENCE NORTH 00' 33' 53" WEST, RADIAL TO SAID CURVE, A DISTANCE OF 570.00 FEET; THENCE NORTH 52' 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE NORTH 89' 26' 07" EAST, A DISTANCE OF 1000.00 FEET; THENCE NORTH 00' 33' 53" WEST, A DISTANCE OF 725.61 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY BOUNDARY OF SAID PLAT OF LEXINGTON I OF SHERBROOKE; THENCE SOUTH 89' 26' 07" WEST, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 2610.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THE NORTH 55 FEET OF LOTS 3 AND 4, BLOCK 42, "PALM BEACH FARMS COMPANY PLAT NO. 13", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 98, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

THE LAKE WORTH DRAINAGE DISTRICT L-16 CANAL RIGHT-OF-WAY RECORDED IN OFFICIAL RECORDS BOOK 2597, PAGE 73 AND OFFICIAL RECORDS BOOK 5896, PAGE 497 OF SAID PUBLIC RECORDS.

CONTAINING 24,126,429 SQUARE FEET/ 553.867 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

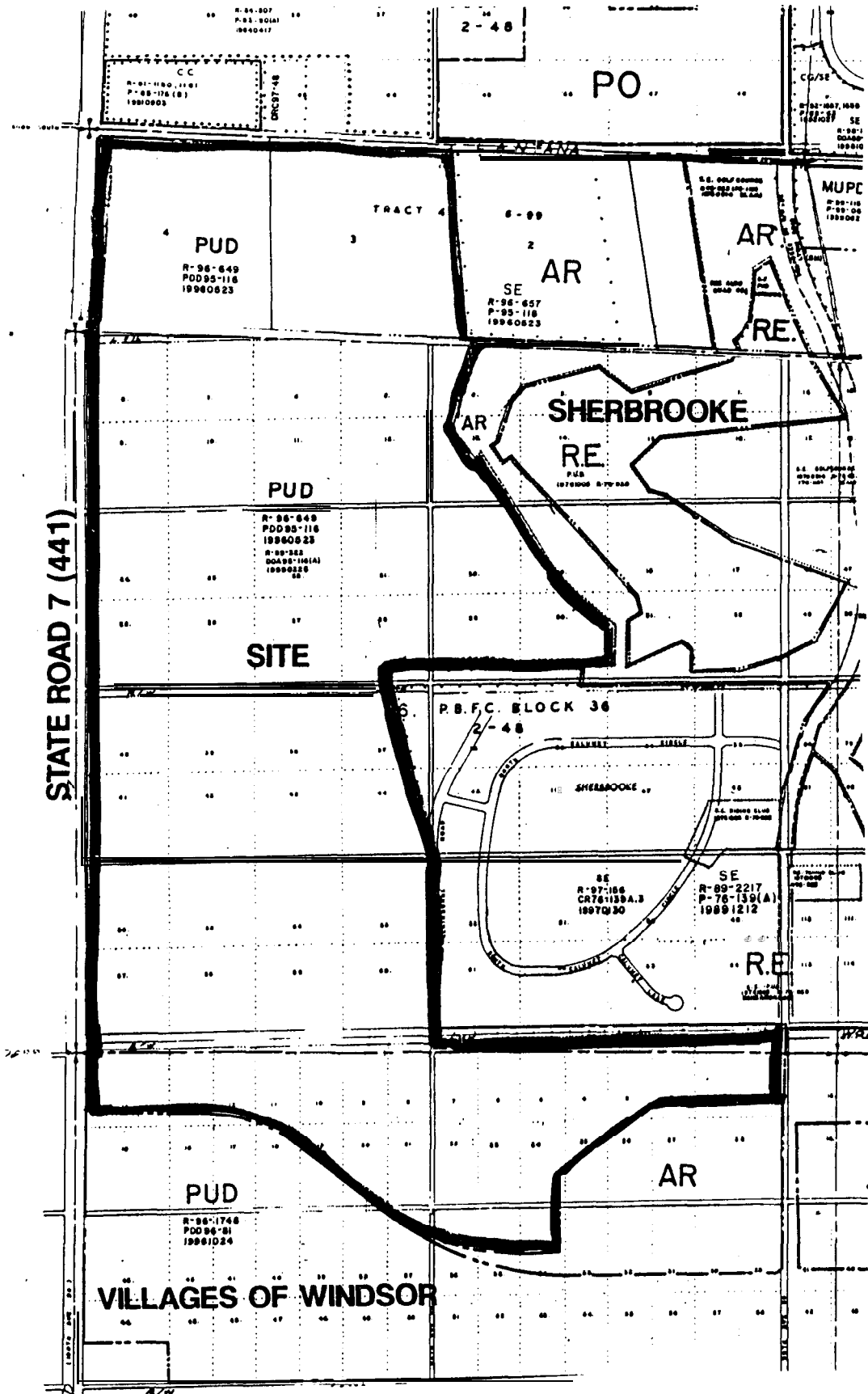


EXHIBIT C

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. Condition A.6 of Resolution R-99-322, Petition 95-I 16A which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-0649 (Petition 95-116) 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 Resolution R-99-322 (Petition 95-I 16A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.4 of Resolution R-99-322, Petition 95-I 16A 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 December 3, 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 site plan is dated April 7, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

3. **Prior to the recording of the first plat, the applicant shall document to the County Attorney and County Engineer that the requirements of Resolution R-79-993 recorded at OR Book 3123, Page 1649 have been satisfied, waived, released or that the County had no obligations under the resolution. In the event that there has been no satisfaction, waiver, release, or that the County has obligations which have not been met, the applicant shall meet the requirements of paragraph 1 of Resolution R-79-993. (Previous Condition A.5 of Resolution R-99-0322, Petition 95-I 16(A)) (PLAT: CO ATTY - Eng)**

4. **Prior to DRC site plan application, the petitioner shall revise the existing concurrency reservation to eliminate the 25,000 sq. ft. golf club house and the 177 acres of golf course.** (Condition A.7 of Resolution R-99-0322, Petition 95-116(A)) (DRC: CONCURRENCY)
5. **All building permits shall be subject to the approval of the South Florida Water Management District and ERM. Off-site removal of excavation shall be in compliance with Section 6.4.35 and Section 7.6 of the ULDC.** (Condition A.8 of Resolution R-99-0322, Petition 95116(A)) (BLDG. PERMIT: SFWMD/ERM)
6. Prior to final DRC certification of the master development plan, the petitioner shall indicate on the plan the number of Model Row and sales model units, proposed access and location of the Model Rows. (DRC: ZONING)

B. ARCHITECTURAL CONTROL

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:
 - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).

This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT/CO: BLDG - Zoning)

2. Prior to DRC final certification of the site plan, the petitioner shall provide architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: ZONING)

C. LANDSCAPING - STANDARD

1. Condition B.I of Resolution R-99-0322, Petition 95-116(A) which currently states:

All trees required to be planted in the perimeter buffer areas shall meet the following minimum standards at time of installation:

- a. **Tree height: fourteen (14) feet.**
- b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade**
- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

All canopy trees required to be planted in the perimeter buffer areas shall meet the following minimum standards at time of installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade

- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted in the perimeter buffer areas shall meet the following minimum standards at time of installation:

- a. **Palm heights: twelve (12) feet clear trunk;**
- b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
- c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**
(Previous Condition 8.2 of Resolution R-99-0322, Petition 95-I 16(A))

D. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING SHERBROOKE ESTATES)

1. Landscaping and buffering along the above property line shall include:

- a. **A minimum twenty (20) foot wide landscape buffer strip (no width reduction shall be permitted);**
- b. **A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;**
- c. **One (1) canopy tree planted every twenty (20) feet on center;**
- d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and**
- e. **Twenty four (24) 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;**
- f. **In areas where existing lakes cross the property line, the petitioner shall have the option to fill the portions of the lake and provide the above landscape buffer or to provide an alternative landscape betterment plan through the DRC process. (CO: LANDSCAPE) (Previous Condition D.I of Resolution R-99-0322, Petition 95-I 16(A))**

E. ENGINEERING

1. Lantana Road Construction Project.

- a. **County agreed upon a plan for construction of Lantana Road as a four to six (416) lane arterial for the roadway link between State Road 7 and Jog Road when the Lantana Road Section was included in the Five Year Road Program on January 9, 1996, in accordance with the following schedule:**
 - (1) Initiation of construction plans in fiscal year 1995/1996**
 - (2) Right of Way acquisition in fiscal year 1996/1997**

(3) Construction in fiscal year 199811999 (DATE: MONITORING - Eng) (Previous Condition E.1.a of Resolution R-99-0322, Petition 95-I 16(A)).

b. County shall use its best efforts to provide a unified and coordinated design and construction program of all County and third-party developer roadway construction commitments relating to Lantana Road to facilitate the earlier or simultaneous construction contract award of the following roadway construction work with the Lantana Road Section:

- (1) Intersection improvements at Jog Road and Lantana Road (the Smith Dairy PUD construction segment);**
- (2) Lantana Road from Jog Road to Hagen Ranch Road (the Smith Dairy PUD construction segment);**
- (3) Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard (the Winston Trail PUD segment);**
- (4) Lantana Road/Florida's Turnpike improvements**
- (5) LWDD E-I Canal seven (7)-lane bridge and Lantana Roadway improvements through the bridge area (the Lacuna PUD segment and County segment); and**
- (6) Any and all other roadway or transportation requirements having a direct effect on the Project from agreements between County and the Smith Dairy PUD, Winston Trail PUD and Lacuna PUD Developments. (ONGOING: ENG)**

(Previous Condition E. 1. b of Resolution R-99-0322, Petition 95-I 16(A))

c. County acknowledges that in order for the construction of the Lantana Road Section to be commenced and completed in a timely manner, which will permit the Developer to construct the various phases of its Project in accordance with Developer's building schedule, it may be necessary for County to acquire through eminent domain certain road rights-of-way and construction easements, if needed, for such roadway improvements. Upon the request of Developer, County agrees to thereafter use its best efforts to obtain all required road rights-of-way and construction easements, if any, required for the Lantana Road Section within the time frame provided in condition a. above. However, County shall not be liable to Developer for any delays in obtaining the requested road rights-of-way. (ONGOING: ENG) (Previous Condition E.I .c of Resolution R-99-0322, Petition 95-1 16(A)).

2. Project Development Order Requirements.

a. Building Permits for no more than the Entitlement Phase (56 single-family housing units) shall be issued until contracts have been awarded for the construction of the following:

- (1) State Road 7 as a four to six (4/6) lane section from north of Boynton Beach Boulevard to Lake Worth Road; and**
- (2) State Road 7 as a six-lane section from Lake Worth Road to Southern Boulevard; (COMPLETE) and**
- (3) Intersection improvements at Lantana Road/State Road 7 to accomplish the following:**

- (i) **Dual left turn lanes, one thru lane, one right-turn lane on east approach over the E-I Canal Bridge.**
 - (ii) **Three thru lanes on the east departure over the E-I Canal Bridge.** (BLDG PERMIT: MONITORING -Eng) (Previous Condition E.2.a of Resolution R-99-0322, Petition 95-116(A))
- b. **No building permits for more than 400 single-family units or their equivalency shall be issued until the construction is substantially completed and open for traffic as determined by the County Engineer for the following:**
 - (1) **Hypoluxo Road as a 2/3 lane section from State Road 7 to Lyons Road (compatible with an ultimate six-lane section); and**
 - (2) **Lyons Road as a two-lane section with appropriate turn lanes from the existing terminus in the Sherbrooke Estates PUD to Hypoluxo Road (compatible with an ultimate six-lane section).** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.b of Resolution R-99-0322, Petition 95-116(A)).
- c. **Building permits for no more than 606 single-family housing units or their equivalent shall be issued until contracts have been awarded for construction of Lantana Road as a four to six (4/6) lane section from Jog road to Lyons Road.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.c of Resolution R-99-0322, Petition 95-116(A)).
- d. **Building permits for no more than 882 single-family housing units or their equivalent shall be issued until contracts have been awarded for the construction of improvements at the Lantana Road/Jog Road intersection of three (3) thru lanes plus appropriate receiving lanes on Lantana Road westbound.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.d of Resolution R-99-0322, Petition 95-116(A)).
- e. **Developer's Performance Security for the road construction described in condition b. (1) and (2) above shall be posted with County by November 23, 1996. Developer shall provide to County, prior to November 23, 1996, an irrevocable Performance Security in a form acceptable to the County Attorney an amount sufficient to fund preparation of construction plans and road construction for the improvements described in condition b.(1) and (2) above. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation and road construction including County administrative processing costs by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security.** (DATE: MONITORING - Eng) (Previous Condition E.2.e of Resolution R-99-0322, Petition 95-116(A)). (Note: Complete)

- f. **Developer's Performance Security to be provided for the road design and construction required in condition d. above shall be posted with County by November 23, 1996.** (DATE: MONITORING - Eng) (Previous Condition E.2.f of Resolution R-99-0322, Petition 95-116(A)). Note: Complete

Condition E.2.g of Resolution R-96-0649, Petition 95-I 16 was deleted by Resolution R-99-0322, Petition 95-I 16(A)

3. Lantana Road Construction Project Funding.

- a. **Developer shall provide to County, prior to November 23, 1996, an irrevocable Performance Security in a form acceptable to the County Attorney in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) to be used by County to fund the preparation of construction plans for the Lantana Road Section. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation including County administrative processing costs for the Lantana Road Section by giving thirty (30) days priorwritten notice to Developer of the County's intention to draw funds against the Performance Security. All residual funds not used by County for construction plan preparation shall be available to County for right-of-way acquisition or road construction associated with the Lantana Road Section.** (DATE: MONITORING - Eng) (Previous Condition E.3.a of Resolution R-99-0322, Petition 95-I 16(A)). Note: Complete
- b. **For right-of-way acquisition purposes, Developer shall further provide to County by November 23, 1996 an additional irrevocable Performance Security in a form acceptable to the County Attorney in amount of Two Hundred Fifty Thousand Dollars (\$250,000) for County's use in purchasing Lantana Road Section right-of-way or roadway drainage area. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual and associated costs of the right-of-way or roadway drainage area acquisition phase of the road project by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. County agrees to only draw against such Performance Security in accordance with a schedule directly related to County's actual need for such funds, but in no event shall the County be liable for failure to use such funds within any specific time frame. Any residual funds not required for right-of-way and drainage area acquisition shall be available to County for road construction associated with the Lantana Road Section.** (DATE: MONITORING - Eng) (Previous Condition E.3.b of Resolution R-99-0322, Petition 95-I 16(A)). Note: Complete
- c. **For actual road construction purposes, Developer shall provide to County by November 23, 1996 an additional irrevocable Performance Security in a form acceptable to the County Attorney in the amount of One Million One Hundred Fifty Thousand Dollars (\$1 ,1 50,000) for use by County in construction of a portion of the Lantana Road Section from Grand Lacuna**

Boulevard through the intersection of Lyons Road. These funds shall be credited against the Project's traffic impact fees. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction of this portion of the Lantana Road Section by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. (DATE: MONITORING - Eng) (Previous Condition E.3.c of Resolution R-99-0322, Petition 95-I 16(A)) Note: Complete

- d. **For actual road construction purposes, Developer shall provide to Palm Beach County an interest-free loan in the amount of Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000) for the construction of a portion of the Lantana Road Section from west of Lyons Road to the LWDD E-I Canal Bridge. Performance Security for these funds shall be provided no later than November 23, 1997. (DATE: MONITORING - Eng) (Previous Condition E.3.d of Resolution R-99-0322, Petition 95-I 16(A)).**
- e. **Notwithstanding the foregoing, the County shall construct the Lantana Road Section as one project. County agrees to only draw against such Performance Security in accordance with a schedule directly related to County's actual need for such funds provided in conditions c. and d., above, but in no event shall County be liable for failure to use the funds within any specific time frame. In the event that there are any unused funds or uncalled Performance Security amounts in the Lantana Road Section account from the Five Hundred Thousand Dollars (\$500,000) provided by Developer in conditions 3. a. and 3. b. above, all such funds shall be utilized by County for the Lantana Road Section construction project. Any remaining Performance Security not used for the Lantana Road Section construction project shall be returned to Developer after such construction has been accepted by the County Engineer. (ONGOING: ENG) (Previous Condition E.3.e of Resolution R-99-0322, Petition 95-I 16(A))**

4. **Lantana Road Construction Project Administration.**

- a. **County shall make its best effort to award the construction contract for the Lantana Road Section in a coordinated manner with other segments of Lantana Road no later than October 15, 1998. (DATE: MONITORING - Eng) (Previous Condition E.4.a of Resolution R-99-0322, Petition 95-I 16(A))**
- b. **County shall make its best efforts to provide for a unified and coordinated design and construction of all County and third-party developer road construction commitments related to the Lantana Road Section as provided for in condition 1. above. (DATE: MONITORING - Eng) (Previous Condition E.4.b of Resolution R-99-0322, Petition 95-I 16(A))**

- c. **County shall be responsible for all costs and expenses associated with construction of the Lantana Road Section above Developer's contribution of One Million Six Hundred and Fifty Thousand Dollars (\$1,650,000) plus the Two Million Three Hundred and Fifty Thousand (\$2,350,000) interest-free loan to be provided by Developer to County. (ONGOING: ENG) (Previous Condition E.4.c of Resolution R-99-0322, Petition 95-I 16(A))**

- d. **County shall repay from funds available in the approved Board of County Commissioner's 5 Year Road Program as of January 9, 1996 up to the Two Million Three Hundred and Fifty Thousand (\$2,350,000) loan (the amount actually borrowed) as follows:**
 - One Million Dollars (\$1,000,000) on or before October 15, 1999. (DATE: MONITORING - Eng) (Previous Condition E.4.d.I of Resolution R-99-0322, Petition 95-I 16(A))**

 - Up to One Million Three Hundred and Fifty Thousand Dollars (\$1,350,000) on or before October 15, 2000. (DATE: MONITORING - Eng) (Previous Condition E.4.d.2 of Resolution R-99-0322, Petition 95-116(A))**

- 5. **Impact Fee Credits. All sums paid by the Developer toward the Lantana Road Section pursuant to conditions 3. a., 3. b. and 3 c. shall be credited against the Project's Fair Share Road Impact Fees. (ONGOING: ENG) (Previous Condition E.5 of Resolution R-99-0322, Petition 95-I 16(A))**

- 6. **Developer Agreement with Florida Department of Transportation (FDOT) for State Road 7. County hereby recognizes that Developer, under threat of condemnation, has volunteered to dedicate approximately seven (7) acres +/- of right-of-way along the Project's State Road 7 frontage to accommodate the easterly shift of the State Road 7 alignment in order to avoid a major relocation of an existing television broadcast tower located on the west side of State Road 7, which right-of-way dedication will result in significant cost savings to the general public. County agrees to cooperate with Developer in negotiating the State Road 7 right-of-way dedication agreement between FDOT and Developer in order to facilitate the earliest possible construction of State Road 7 between Lake Worth Road and Boynton Beach Boulevard including but not limited to the expanded intersection at Hypoluxo Road and State Road 7. (ONGOING: ENG) (Previous Condition E.6 of Resolution R-99-0322, Petition 95-I 16(A))**

- 7. **Prior to November 23, 1996 or prior to the issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:**
 - a. **Hypoluxo Road a total of 110 feet, on an alignment approved by the County Engineer, from SR 7 to Lyons Road; (COMPLETE)**

 - b. **Lantana Road 55 feet from centerline; (COMPLETE)**

 - c. **An expanded intersection at Lyons Road and Hypoluxo Road; (COMPLETE)**

- d. **Lyons Road, a total of 110 feet of right of way, from the present right of way terminus south of Lantana Road to Hypoluxo Road. (COMPLETE)**

All of the above right of way shall be free of all encumbrances and encroachments. Property owners shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/ BLDG. PERMIT: MONITORING / ENG) (Previous Condition E.7 of Resolution R-99-0322, Petition 95-I 16(A))

8. Condition E.8 of Resolution R-99-0322, Petition 95-I 16(A) which currently states:

The Property Owner shall convey to Florida Department of Transportation, the proposed relocated SR 7 right-of-way in accordance with the Florida Department Of Transportation Requirements. The Petitioner's provision of the road right-of-way warranty deed for the proposed relocated SR 7 right-of-way shall be in accordance with a time schedule mutually approved by FDOT and Palm Beach County but in any event, such conveyance shall be prior to the issuance of the first building permit for the project. (BLDG PERMIT: ENG)

Is hereby deleted. [Reason: FDOT no longer requires this additional right-of-way.]

9. **Prior to the issuance of a building permit the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed the additional right of way for the construction of a right turn lane at the intersection of:**

- a. **Hypoluxo Road and the project's entrance road**
- b. **Lantana Road and the project's entrance road**

This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right-of-way shall be free of all encumbrances and encroachments and shall include "Corner-Clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: BLDG - Eng) (Previous Condition E.9 of Resolution R-99-0322, Petition 95-I 16(A))

10. **Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this pProperty oOwner's road right-of-way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENG) (Previous Condition E.10 of Resolution R-99-0322, Petition 95-I 16(A))**

11. **The Property Owner shall either fund or cause to be constructed by a third party the following turn lanes to be included in the construction by Palm Beach County:**
 - a. **Left turn lane west approach and a right turn lane east approach on Hypoluxo Road at the project's entrance road;**
 - b. **Left turn lane east approach and a right turn lane west approach on Lantana Road at the project's entrance road (to be constructed by Palm Beach County as part of the Lantana Road Section at no cost to Developer);**
 - c. **Left turn lane east approach, a left turn lane north approach and a right turn lane south approach, at the intersection of Hypoluxo Road and SR 7;**
 - d. **Left turn lane east approach, right turn lane west approach, left turn lane south approach, lengthen the existing left turn lane south approach to provide for a three hundred thirty foot (330') distance plus appropriate paved tapers, and a right turn lane south approach at the intersection of Lantana Road and Lyons Road;**
 - e. **Left turn lane west approach, a right turn lane west approach, a right turn lane north approach, a left turn lane north approach, at the intersection of Hypoluxo Road and Lyons Road.**

All construction shall be concurrent with the construction of the related roadway sections. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: ENG) (Previous Condition E.II of Resolution R-99-0322, Petition 95-1 16(A))

12. **On or before July 15, 1997, 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 Hypoluxo Road, Lyons Road and Lantana Road along the property frontage, and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and 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 road 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.12 of Resolution R-99-0322, Petition 95-I 16(A))

13. **Using funds provided in condition E.2.e., above, Palm Beach County shall prepare the plans for and construct Lyons Road as a two (2) lane facility (expandable to six (6) lanes) from Hypoluxo Road north to the present paved terminus south of Lantana Road plus the appropriate paved tapers. (ONGOING: ENG) (Previous Condition E. 13 of Resolution R-99-0322, Petition 95-I 16(A))**
14. **Using funds provided in condition E.2.e., above, Palm Beach County shall prepare the plans for and construct Hypoluxo Road as a two (2) lane facility (expandable to six (6) lanes) from SR 7 east to Lyons Road plus the appropriate tapers. These plans and construction work shall omit the construction of any segment of Hypoluxo Road which is to be constructed by FDOT from SR 7 to the project entrance plus appropriate tapers. All FDOT and Palm Beach County construction work shall be compatible with the other. (ONGOING: ENG) (Previous Condition E.14 of Resolution R-99-0322, Petition 95-I 16(A))**
15. **The plans and permitting for the road construction work addressed in Conditions 13 and 14 above shall be completed so that the required construction can be accomplished simultaneously with the construction of Hypoluxo Road from SR 7 to the Project's entrance plus appropriate tapers which construction work shall be by FDOT. (ONGOING: ENG) (Previous Condition E. 15 of Resolution R-99-0322, Petition 95-I 16(A))**
16. **The Property Owner shall provide acceptable Performance Security by November 23, 1996 for the construction of intersection improvements at the intersection of Lantana Road and Jog Road by providing an additional westbound thru lane [for a total of three (3) westbound thru lanes] on Lantana Road with thru intersection continuity. Surety in the amount of one hundred ten percent (110%) shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Eng) (Previous Condition E.16 of Resolution R-99-0322, Petition 95-I 16(A)) Note: COMPLETE**
17. **The Property Owner shall fund or cause to be funded by a third party the cost of signal installation if warranted as determined by the County Engineer at:**
 - a. **the project's entrance and Hypoluxo Road;**
 - b. **the project's entrance and Lantana Road; and**
 - c. **at the intersection of Hypoluxo Road and SR 7**

Should signalization not be warranted after twelve (12) months of the final Certificate of Occupancy, the Property Owner shall be relieved from this condition (CO: MONITORING - Eng). (Previous Condition E.17 of Resolution R-99-0322, Petition 95-I 16(A))

18. **No internal vehicular traffic connections shall be made with any roadway within the Sherbrooke Estates PUD from the Project. (DRC: ENG) (Previous Condition E. 18 of Resolution R-99-0322, Petition 95-I 16(A))**

19. LANDSCAPE WITHIN MEDIAN

a. **Prior to January 1, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median(s) of Hypoluxo Road, Lantana Road and State Road 7 abutting the project. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng) (Previous Condition E.19.a of Resolution R-99-0322, Petition 95-116(A))**

b. **All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to July 1, 2002. (DATE: MONITORING - Eng) (Previous Condition E.19.b of Resolution R-99-0322, Petition 95-I 16(A))**

c. **Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to the issuance of the first building permit to reflect this obligation. (PLAT: ENG) (Previous Condition E.19.c of Resolution R-99-0322, Petition 95-116(A))**

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-I CANAL)

1. **Landscaping and buffering along the above property line shall include:**

- a. **A minimum ten (10) foot wide landscape buffer strip;**
- b. **One (1) canopy tree planted every twenty (20) feet on center;**
- c. **One (1) palm or pine tree for each thirty (30) linear feet offfrontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and**
- d. **Twenty four (24) 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;**
- e. **In areas where existing lakes cross the property line, the petitioner shall have the option to fill the portions of the lake and provide the above landscape buffer or to provide an alternative landscape betterment plan through the DRC process. (CO: LANDSCAPE) (Previous Condition F. 1 of Resolution R-99-0322, Petition 95-I 16(A))**

G. LANDSCAPING ALONG THE LANTANA ROAD, LYONS ROAD AND HYPOLUXO ROAD FRONTAGE

- 1. **Landscaping and buffering along the above property lines shall include:**
 - a. **A minimum twenty (20) foot wide landscape buffer strip;**
 - b. **A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;**
 - c. **One (1) canopy tree planted every twenty (20) feet on center;**
 - d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and**
 - e. **Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE) (Previous Condition G. 1 of Resolution R-99-0322, Petition 95-I 16(A))**

H. LIGHTING

- 1. **Condition H.I of Resolution R-99-0322, Petition 95-I 16(A) which currently states:**

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code shielded and directed down and away from adjacent properties and streets.

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and **away** from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

- 2. **All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition H.2 of Resolution R-99-0322, Petition 95-I 16(A))**

3. **The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)(Previous Condition H.3 of Resolution R-99-0322, Petition 95-I 16(A))**

I. HEALTH

1. **Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH / CODE ENF)(Previous Condition 1.1 of Resolution R-99-0322, Petition 95-116(A))**

J. 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. (DRC: ZONING)(Previous Condition J.I .A of Resolution R-99-0322, Petition 95-I 16(A))**
 - 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. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)(Previous Condition J.I .B of Resolution R-99-0322, Petition 95-I 16(A))**
2. **The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts in accordance with an official County program adopted for such purpose. This condition F(3) shall remain in effect until May 23, 1997. (DATE: MONITORING - Eng)(Previous Condition J.3 of Resolution R-99-0322, Petition 95-I 16(A))**

K. PLANNED UNIT DEVELOPMENT

1. Condition K. 1 of Resolution R-99-0322, Petition 95-I 16(A)) which currently states:

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

Is hereby amended to read:

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

2. Condition K.2 of Resolution R-99-0322, Petition 95-I 16(A) which currently states:

Street trees shall be planted in or adjacent to all right-of-way, pursuant to Section 6.8A.23.c(3) of the ULDC, subject to approval by the County Engineer.

Is hereby amended to read:

Street trees shall be provided as follows:

- a. Along a minimum of one side of all internal PUD right-of-ways forty (40) feet in width or greater;
- b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
- c. One canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

Root barriers and other alternatives acceptable to the Zoning Division, Utilities Departments and the County Engineer, if required, shall be used. (CO: LANDSCAPE - Zoning)

3. **Petitioner shall construct an eight (8) foot bike/pedestrian path along the internal collector road within the Project in lieu of constructing street/bike lane(s). (CO: ENG)** (Previous Condition K.3 of Resolution R-99-0322, Petition 95-I 16(A)).

4. Condition K.4 of Resolution R-99-0322, Petition 95-I 16(A) which currently states:

All utilities shall be underground, pursuant to Section 6.8.A.23.e(5) of the ULDC.

Is hereby amended to read:

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

5. **All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for formation of a single "master" property owners' association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.**

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit or recordation of the first plat for any portion of the planned development,

whichever occurs first. (BLDG PERMITIPLAT: BLDG / ENG -Co **ATTY**)
(Previous Condition K.5 of Resolution R-99-0322, Petition 95-I 16(A))

6. **The Florida Department of Transportation (FDOT) has requested additional SR7 right-of-way from the project to accommodate a proposed SR7 road right-of-way realignment to avoid the relocation of a television tower located west of SR7. Any PUD master plan revisions required as a result of such proposed SR7 right-of-way dedication to FDOT by this Petitioner shall be approved by County's Development Review Committee. (DRC: ZONING)** (Previous Condition K.6 of Resolution R-99-0322, Petition 95-I 16(A)).
7. **A Public Facilities Agreement shall be entered into by this Petitioner and the Board of County Commissioners further detailing transportation related requirements of this petition and shall be adopted concurrent with the approval of the Development Order for this petition. (ENG)** (Previous Condition K.8 of Resolution R-99-0322, Petition 95-I 16(A)).
8. Pavers or decorative pavement shall be provided for the driveways of all units (DRC: ZONING)
9. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of internal roadway, access tract, residential street (including T-intersections), roundabout, open space adjacent to round-about or cul-de-sac consistent with the Focal Point Exhibit dated April 7, 2000. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade, accent landscaping with lighting or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
10. No side interior or side street setback reductions may be permitted. (DRC: ZONING)
11. Recreation uses provided in accordance with Section **6.8.B.4.A.(6)(b)(I) of the ULDC** shall be located on a minimum of 0.1 acre and shall be located within the residential pods as shown on the site plan dated April 7, 2000. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING)

L. PLANNING

1. **Prior to master plan approval, the site plan shall depict a pathway/sidewalk system along Lantana Road and Hypoluxo Road, in order to provide a pedestrian walkway since this site is within two miles of a school.** (DRC: Planning) (Previous Condition L.1 of Resolution R-99-0322, Petition 95-I 16(A)).
2. **Prior to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show a shaded pedestrian cross access to the Windsor Place LR/MU site, as depicted on the Preliminary Development Plan dated April 7, 2000.** (DRC: PLANNING)

M. PREM

1. Condition M.I of Resolution R-99-0322, Petition 95-I 16(A) which currently states:

The property owner shall provide to the Palm Beach County Board of County Commissioners by a special warranty deed by April 25, 1998 a 33.63 acre plus/minus civic site. The civic site shall be a parcel to be acquired by Towne Park, the location of which has been mutually agreed upon by PREM, the Parks Department and the petitioner to be located in an area bounded by the Florida Turnpike on the east, the approved Hypoluxo Road Right-of-Way on the north, the approved Lyons Road Right-of-Way on the west and the LWDD L-19 canal on the south. Hypoluxo Road frontage shall be provided and the site shall not be located contiguous to Florida's Turnpike. The total civic site acreage shall include: 1) the 2% civic site requirement for Petition 95-I 16 (11.25 acres); 2) the 2% civic site requirement for the Sherbrooke Estates PUD pursuant to Petition 76-I 39 (R-89-221 7 Condition #2) (10.75 acres), and 3) the 2% civic site requirement for a 581.52 acre ± parcel located contiguous to the Towne Park Country Club (11.63 acres) to be submitted as part of a future zoning petition. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site. if the civic site is used for governmental purposes. In the event the site is used for private purposes, the Declarations of Covenants of the P.U.D. shall remain in full force and effect.
- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
- c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
- d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - (1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.

(2) As easement across Developer's property from the proposed civic site to the retention basins, if required.

- e. **By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.**
- f. **Developer to prepare civic site to buildable grade under the direction of the Facilities Development&Operations Department.**
- g. **Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING / PREM)**

Is hereby amended to read:

The property owner shall provide a 33.63 acre ± civic site to the Palm Beach County Board of County Commissioners by a special warranty deed, prior to the earlier of the following dates or occurrences:

1. Six (6) months after final completion for the construction of Hypoluxo Road from the intersection of Lyons Road to the easternmost access point of the Villages of Windsor PUD.
2. Six (6) months following the recordation of the first plat within the area of Villages of Windsor PUD that is located east of Lyons Road
3. No later than January 1, 2002.

The civic site parcel to be acquired by Palm Beach County, the location of which has been mutually agreed upon by PREM, the Parks and Recreation Department and the petitioner to be located in an area bounded by the Florida Turnpike on the east. The approved Hypoluxo Road Right-of-Way on the north, the approved Lyons Road Right-of-Way on the west and the LWDD L-1 9 canal on the south. Hypoluxo Road frontage shall be provided. The total civic site shall include: 1) the 2% civic site requirement for Petition 95-I 16 (11.25 acres); 2) the 2% civic site requirement for the Sherbrooke Estates PUD pursuant to Petition 76-139 (R-89-2217 Condition 2) (10.75 acres), and 3) 2% civic site requirement for a 581.52 acre ± parcel located contiguous to the Towne Park Country County Club (11.63 acres) to be submitted as part of a future zoning petition. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site. if the civic site is used for governmental purposes. In the event the site is used for private purposes, the Declarations of Covenants of the P.U.D. shall remain in full force and effect.

- b. All ad **valorem** real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed **for the** civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
 - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
 - d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - (1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - (2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
 - e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - f. Developer to prepare civic site to buildable grade **under the** direction of the Facilities Development & Operations Department.
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING / PREM)
2. **The property owner shall provide the County with a certified survey of the proposed civic site by February 25, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:**
- a. **The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21 HH.6.**
 - b. **If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.**
 - c. **The survey should include a location of any proposed water retention area that will border the civic site.**
- Survey is also subject to the County's approval of any proposed or existing easements within the proposed civicsite. (DATE: MONITORING / PREM)(Previous Condition M. 1 of Resolution R-99-0322, Petition 95-I 16(A)) [NOTE: Condition has been satisfied]**
3. **The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by February 25, 1998. 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.**
- c. **The assessment shall reflect whether the civic site or any bordering property is on the following lists:**

EPA's National Priorities list (NPL)

Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)

Hazardous Waste Data Management System List (HWDMS)

- d. **Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.**
 - e. **The results of an on-site survey to describe site conditions and to identify potential area of contamination.**
 - f. **Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING / PREM) (Previous Condition M.3 of Resolution R-99-0322, Petition 95116(A)) [NOTE: Condition has been satisfied]**
4. **Prior to February 25, 1998, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING / PREM) (Previous Condition M.4 of Resolution R-99-0322, Petition 95116(A))**

N. SCHOOL BOARD

- 1. **Condition N.I of Resolution R-99-0322, Petition 95-116(A) which currently states:**

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

Is hereby amended to read:

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.

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at **(561) 434-8100** for the most current school assignment(s)."

In the event that this PUD becomes an adult only community, this condition shall not apply. (ONGOING: SCHOOL BOARD)

0. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)** (Previous Condition 0.1 of Resolution R-99-0322, Petition 95-I 16(A)).

2. Condition 0.2 of Resolution R-99-0322, Petition 95-I 16(A) 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; and/or**
- b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
- c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
- d. **Referral to code enforcement; and/or**

e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

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 a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)