

RESOLUTION NO. R-2000- 1083

RESOLUTION APPROVING ZONING PETITION DOA96-081 (A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF AN-SCA HOMES
BY JOE LELONEK, AGENT
(VILLAGES OF WINDSOR)

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 DOA96-081 (A) was presented to the Board of County Commissioners at a public hearing conducted on July 27, 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 DOA96-081(A), the petition of AN-SCA Homes, by Joe Lelonek, agent, for a Development Order Amendment (DOA) to reconfigure master plan and re-designate housing type on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 27, 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

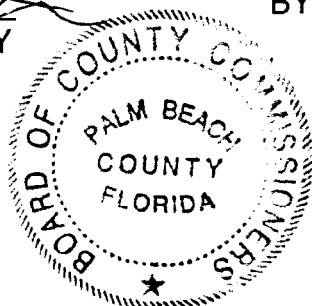


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF BLOCKS 37, 42 AND 43, "PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING NO.1 AT THE SOUTHEAST CORNER OF "GREENBRIAR I OF SHERBROOKE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGES 55 THROUGH 57 OF SAID PUBLIC RECORDS; THENCE S89°D26'07"W ALONG THE SOUTH LINE OF SAID PLAT OF "GREENBRIAR I OF SHERBROOK" AND ITS WESTERLY PROJECTION, A DISTANCE OF 2093.11 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF "LYONS ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 689 OF SAID PUBLIC RECORDS; THENCE S00°D33'53"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 725.61 FEET; THENCE N89°D26'07"E, A DISTANCE OF 1282.58 FEET; THENCE S36°D11'44"E, A DISTANCE OF 961.21 FEET TO POINT "A" AND A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS; THENCE N53°D48'16"E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1668.85 FEET; THENCE N50°D08'33"E ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 9745, PAGE 1403 OF SAID PUBLIC RECORDS, A DISTANCE OF 250.51 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S36°D11'44"E, HAVING A RADIUS OF 1980.86 FEET, A CENTRAL ANGLE OF 17°D43'35", AN ARC DISTANCE OF 612.85 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE CONTINUING NORTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S25°D07'27"E, HAVING A RADIUS OF 1467.38 FEET, A CENTRAL ANGLE OF 24°D39'18", AN ARC DISTANCE OF 631.43 FEET TO A POINT OF TANGENCY; THENCE N89°D31'51"E CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 179.02 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE BRIDGE APPROACH FOR "HYPOLUXO ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 9745, PAGE 1403 OF SAID PUBLIC RECORDS; THENCE N09°D08'04"E ALONG SAID BRIDGE APPROACH FOR "HYPOLUXO ROAD", A DISTANCE OF 688.49 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF TRACT 98 OF SAID BLOCK 37; THENCE S89°D26'07"W ALONG SAID SOUTH LINE, A DISTANCE OF 225.19 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 98; THENCE N00°D33'53"W ALONG THE WEST LINE OF SAID TRACT 98 AND THE NORTHERLY PROJECTION THEREOF, A DISTANCE OF 690.00 FEET TO THE SOUTHWEST CORNER OF TRACT 95 OF SAID BLOCK 37; THENCE N89°D26'07"E ALONG THE SOUTH LINE OF SAID TRACT 95, A DISTANCE OF 330.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 95; THENCE N00°D33'53"W ALONG THE WEST RIGHT-OF-WAY LINE OF THE "FLORIDA'S TURNPIKE", A DISTANCE OF 1320.00 FEET; THENCE S89°D26'07"W ALONG THE NORTH LINE OF TRACTS 66 THROUGH 75 OF SAID BLOCK 37, A DISTANCE OF 3350.88 FEET; THENCE S00°D33'55"E, A DISTANCE OF 45.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID "GREENBRIAR I OF SHERBROOKE"; THENCE S20°D27'01"E ALONG SAID EASTERLY LINE, A DISTANCE OF 358.12 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE EASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S14°D45'24"E, HAVING A RADIUS OF 504.00 FEET, A CENTRAL

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ANGLE OF 02°07'31", AN ARC DISTANCE OF 18.70 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 42°04'52", AN ARC DISTANCE OF 18.36 FEET TO A POINT OF REVERSE CURVATURE, THENCE NORTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 270°07'30", AN ARC DISTANCE OF 249.87 FEET TO A POINT OF REVERSE CURVATURE, THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 48°49'39", AN ARC DISTANCE OF 21.30 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE (THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY LINE OF "KENDALE CIRCLE", AS RECORDED IN OFFICIAL RECORDS BOOK 7019, PAGE 76 OF SAID PUBLIC RECORDS; THENCE S24°34'01"E ALONG SAID EASTERLY LINE OF "GREENBRIAR I OF SHERBROOKE", A DISTANCE OF 198.47 FEET; THENCE S07°44'12"E, A DISTANCE OF 856.46 FEET; THENCE N63°53'32"E, A DISTANCE OF 1223.38 FEET; THENCE S84°37'20"E, A DISTANCE OF 236.33 FEET; THENCE S36°13'57"E, A DISTANCE OF 172.05 FEET; THENCE S45°42'50"W, A DISTANCE OF 862.93 FEET; THENCE S89°18'19"W, A DISTANCE OF 620.00 FEET; THENCE N75°45'48"W, A DISTANCE OF 132.86 FEET TO A POINT OF INTERSECTION WITH SAID EASTERLY LINE OF "GREENBRIAR I OF SHERBROOKE"; THENCE S06°29'13"E ALONG SAID EASTERLY LINE, A DISTANCE OF 368.79 FEET; THENCE N89°26'19"E, A DISTANCE OF 6.22 FEET TO A POINT OF CURVATURE, THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 45°09'36", AN ARC DISTANCE OF 19.70 FEET TO A POINT OF REVERSE CURVATURE, THENCE NORTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 270°19'13", AN ARC DISTANCE OF 250.05 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 45°09'36", AN ARC DISTANCE OF 19.70 FEET TO THE POINT OF INTERSECTION WITH SAID EASTERLY LINE OF "GREENBRIAR I OF SHERBROOKE" (THE PREVIOUS FIVE COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY LINE OF "SOUTH KENDALE CIRCLE", AS RECORDED IN OFFICIAL RECORDS BOOK 7019, PAGE 76 OF SAID PUBLIC RECORDS; THENCE S06°29'13"E ALONG SAID EASTERLY LINE, A DISTANCE OF 468.50 FEET; THENCE S00°33'53"E CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 158.00 FEET TO THE POINT OF BEGINNING NO.1.

TOGETHER WITH

COMMENCE AT AFORESAID POINT "A" THENCE S17°49'20"W, A DISTANCE OF 187.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF SAID "HYPOLUXO ROAD" AND POINT OF BEGINNING NO.2; THENCE N53°48'16"E, A DISTANCE OF 2070.35 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1854.86 FEET, A CENTRAL ANGLE OF 15°29'45", AN ARC DISTANCE OF 501.66 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, THENCE EASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S12°20'54"E, HAVING A RADIUS OF 3115.92 FEET, A CENTRAL ANGLE OF 11°52'45", AN ARC DISTANCE OF 646.03 FEET TO A POINT OF TANGENCY; THENCE N89°31'51"E, A DISTANCE OF 186.22 FEET TO A POINT OF

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INTERSECTION WITH THE WEST LINE OF SAID APPROACH FOR "HYPOLUXO ROAD" (THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE); THENCE S07°D19'39"E ALONG SAID WEST LINE, A DISTANCE OF 334.69 FEET; THENCE S11°D19'21"E ALONG SAID WEST LINE, A DISTANCE OF 804.39 FEET; THENCE S03°D26'15"E ALONG SAID WEST LINE, A DISTANCE OF 18.23 FEET; THENCE S89°D26'06"W, A DISTANCE OF 26.58 FEET; THENCE S00°D38'28"E, A DISTANCE OF 131.29 FEET; THENCE S05°D36'26"W, A DISTANCE OF 1227.65 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF TRACT 56 OF SAID BLOCK 42 (THE PREVIOUS THREE COURSES AND DISTANCES ARE ALONG THE RIGHT-OF-WAY LINE FOR THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL AND THE TURNPIKE TOLL BOOTH, AS RECORDED IN OFFICIAL RECORDS BOOK 8223, PAGE 1084 OF SAID PUBLIC RECORDS; THENCE S89°D24'35"W ALONG THE SOUTH LINE OF TRACTS 47 THROUGH 56 OF SAID BLOCK 42, A DISTANCE OF 3146.31 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 47; THENCE N00°D38'35"W ALONG THE WEST LINE OF SAID TRACT 47, A DISTANCE OF 661.61 FEET TO THE NORTHWEST CORNER OF SAID TRACT 47; THENCE S89°D25'21"W ALONG THE NORTH LINE OF TRACTS 44 THROUGH 46 OF SAID BLOCK 42, A DISTANCE OF 990.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 44; THENCE S00°D38'35"E ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 661.83 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 44; THENCE S89°D24'35"W ALONG THE SOUTH LINE OF TRACTS 42 AND 43 OF SAID BLOCK 42, A DISTANCE OF 631.83 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF "LYONS ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 686 OF SAID PUBLIC RECORDS AND POINT "B"; THENCE N00°D33'53"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 116.83 FEET; THENCE N03°D12'41"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 250.54 FEET; THENCE N00°D33'53"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 300.00 FEET; THENCE N44°D26'07"E ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", A DISTANCE OF 56.57 FEET; THENCE N89°D26'07"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 289.00 FEET; THENCE N88°D10'30"E, A DISTANCE OF 250.06 FEET; THENCE N89°D26'07"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 325.80 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1480.00 FEET, A CENTRAL ANGLE OF 35°D37'51", AN ARC DISTANCE OF 920.38 FEET TO POINT OF BEGINNING N0.2.

TOGETHER WITH

COMMENCE AT AFORESAID POINT "B"; THENCE S89°D24'35"W, A DISTANCE OF 110.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF "LYONS ROAD", AS RECORDED IN OFFICIAL RECORDS BOOK 10031, PAGE 686 OF SAID PUBLIC RECORDS AND POINT OF BEGINNING N0.3; THENCE N00°D33'53"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 116.88 FEET; THENCE N01°D49'30"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 250.06 FEET; THENCE N00°D33'53"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 289.00 FEET; THENCE N45°D33'53"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF "HYPOLUXO ROAD", A DISTANCE OF 56.57 FEET; THENCE S89°D26'07"W, A DISTANCE OF 300.00 FEET; THENCE N86°D47'19"W, A DISTANCE OF 250.54 FEET; THENCE S89°D26'07"W, A DISTANCE OF 1144.50 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1964.86 FEET, A CENTRAL ANGLE OF

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LEGAL DESCRIPTION

39°31'11", AN ARC DISTANCE OF 1355.26 FEET TO A POINT OF TANGENCY; THENCE N51°02'42"W, A DISTANCE OF 923.14 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 945.00 FEET, A CENTRAL ANGLE OF 39°31'11", AN ARC DISTANCE OF 651.81 FEET TO A POINT OF TANGENCY; THENCE S89°26'07"W, A DISTANCE OF 310.06 FEET; THENCE S88°10'30"W, A DISTANCE OF 250.06 FEET; THENCE S89°26'07"W, A DISTANCE OF 301.79 FEET; THENCE S44°26'07"W, A DISTANCE OF 56.57 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-I CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 2597, PAGE 73 OF SAID PUBLIC RECORDS; THENCE S00°04'49"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 565.52 FEET; THENCE S89°26'07"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 45.00 FEET; THENCE S00°04'49"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1026.37 FEET; THENCE N89°24'35"E, A DISTANCE OF 660.03 FEET; THENCE S00°04'49"E, A DISTANCE OF 330.01 FEET; THENCE N89°24'35"E ALONG THE SOUTH LINE OF TRACTS 45 THROUGH 58 OF SAID BLOCK 43, A DISTANCE OF 4606.86 FEET TO POINT OF BEGINNING N0.3.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 23,237,431 SQUARE FEET/533.458 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

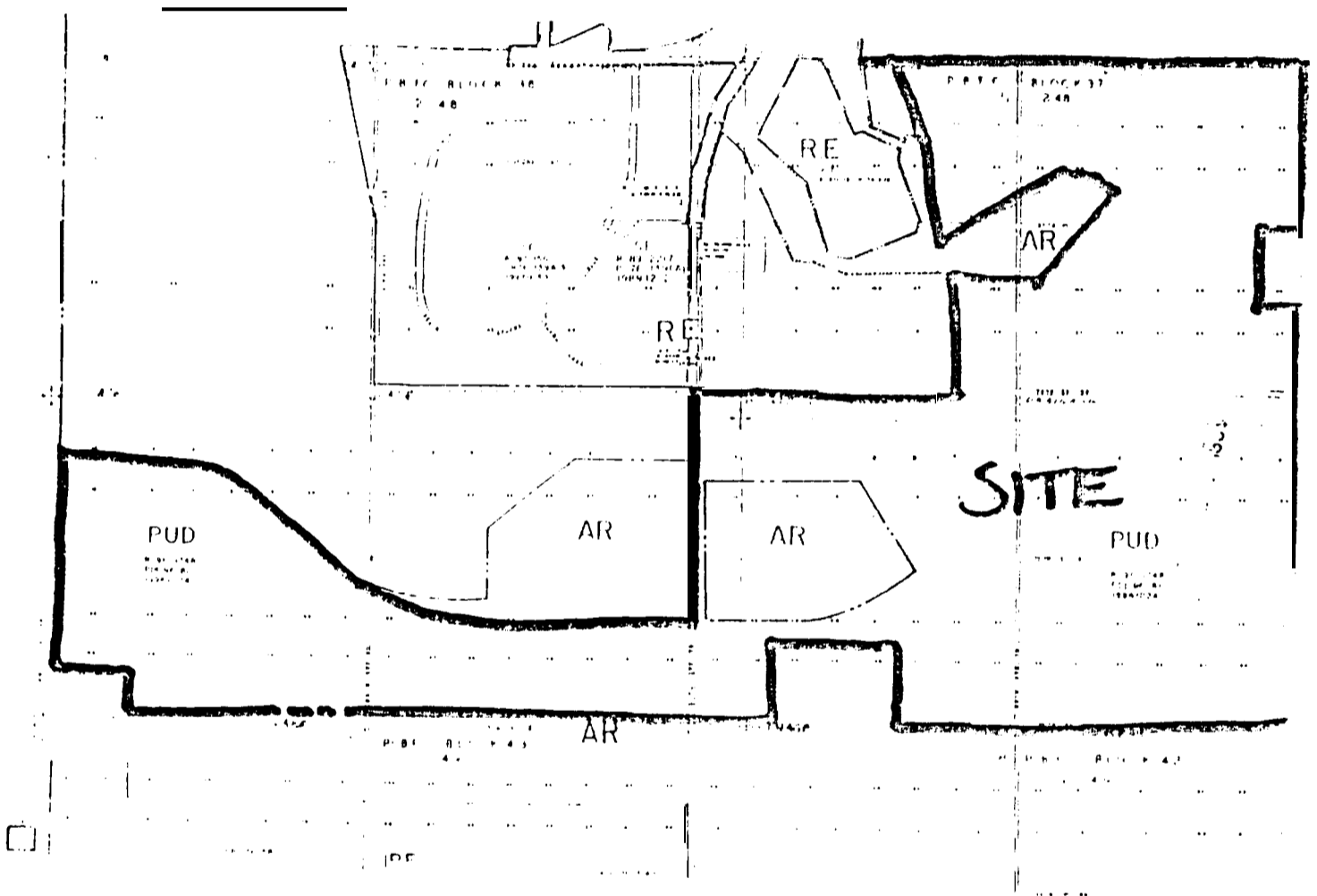


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1748 (Petition **96-081**), 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.1 of Resolution R-96-1 748, Petition PDD96-081 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 August 30, 1996. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

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 February 24, 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)

B. LANDSCAPING - STANDARD

1. **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.** (Previously Condition B.1 of Resolution R-96-1748, Petition PDD96-081) (CO: LANDSCAPE - Zoning)
2. **All palms to be planted in the perimeter buffer areas shall be native species and meet the following minimum standards at time of installation:**

- a. **Palm heights:** twelve (12) feet clear trunk.
- b. **Clustering:** staggered heights twelve (12) to eighteen (18) feet.
- c. **Pruning:** minimum six (6) fronds, no clipped or spiked cuts.
- d. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements.** (Previously Condition 8.2 of Resolution R-96-I 748, Petition PDD96-081) (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINE (ABUTTING HYPOLUXO ROAD)

- 1. Landscaping and buffering along the north and south property line adjacent to Hypoluxo Road shall be upgraded to include:
 - a. A minimum fifty (50) 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 thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25%) percent of the canopy trees in that location;
 - d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING FLORIDA TURNPIKE)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum one hundred (100) foot wide landscape buffer strip or lake area;
 - 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 thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25%) percent of the canopy trees in that location;
 - d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

E. ENGINEERING

- 1. **Prior to technical compliance for the first plat of the adjoining parcel, the property owner shall convey a roadway construction easement to Palm Beach County for each project entrances onto either Lyons Road or Hypoluxo Road. These roadway construction easements shall contain**

an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (Previously Condition E. 1 of Resolution R-96-1748, Petition PDD96-081) (TC: ENG)

2. **The property owner shall fund the construction of:**
 - a. **an additional westbound thru lane on Lantana Road at its intersection with Jog Road. This condition shall be deemed as complete if surety is posted by others.**
 - b. **an additional left turn lane on Lake Worth Road at its intersection with Lyons Road. (Previously Condition E.2 of Resolution R-96-I 748, Petition PDD96-081) (ENG)**
3. **Prior to April 24, 1997 the developer shall provide Palm Beach Engineering Department acceptable surety for Condition E2 above and shall include all costs associated with the design, right of way acquisition, construction, and construction administration. This surety shall be in the form of an irrevocable Performance Security, acceptable to the County Attorney. The County Engineer 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. All canal crossings within the project limits shall be constructed to their ultimate configuration. This shall also include any right of way required for this construction. (Previously Condition E.3 of Resolution R-96-I 748, Petition PDD96-081) (DATE: MONITORING - Eng) Note: COMPLETE**
4. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:**
 - a. **Building Permits for more than 58 dwelling units shall not be issued until construction has begun for State Road 7 as a 6 lane section from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (Previously Condition E.4.a of Resolution R-96-1748, Petition PDD96-081) (BLDG PERMIT: MONITORING - Eng)**
 - b. **Building Permits for more than 58 dwelling units shall not be issued until construction has begun for Lantana Road bridge widening over the E-I Canal as a 7-lane bridge plus the appropriate paved tapers. (Previously Condition E.4.b of Resolution R-96-1748, Petition PDD96-081) (BLDG PERMIT: MONITORING - Eng)**
 - c. **Building Permits for more than 356 dwelling units shall not be issued until construction has begun for Lantana Road as a 4 lane facility from Lyons Road to Jog Road. (Previously Condition E.4.c of Resolution R-96-1748, Petition PDD96-081) (BLDG PERMIT: MONITORING - Eng)**

- d. **Building Permits for more than 600 Single-family and 248 Multi-family units shall not be issued until the construction has begun of a third westbound thru lane on Lantana Road at Jog Road.** (Previously Condition E.4.d of Resolution R-96-1748, Petition PDD96-081) (BLDG PERMIT: MONITORING - Eng)
- e. **Building Permits for more than 600 Single-family and 281 Multi-family units shall not be issued until the construction has begun for an additional left turn lane east approach on Lake Worth Road at Lyons Road (dual left turn lanes).** (Previously Condition E.4.e of Resolution R-96-1748, Petition PDD96-081) (BLDG PERMIT: MONITORING - Eng)

The mix of allowable uses as shown on the Master Plan may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (Previously Condition E.4 of Resolution R-96-1748, Petition PDD96-081) (ONGOING: ENG)

- 5. **Prior to April 23, 1998 or prior to 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:**
 - a. **Hypoluxo Road, a total of 110 feet, on an alignment approved by the County Engineer, from State Road 7 to the Florida Turnpike.**
Note: COMPLETE
 - b. **Right of way for the Hypoluxo Road Bridge over the Florida Turnpike including ramp slopes, shall be dedicated as required by the County Engineer;** Note: COMPLETE
 - c. **An expanded intersection at Lyons Road and Hypoluxo Road;**
Note: COMPLETE
 - d. **Lyons Road, a total of 110 feet of right of way, from the north property line to the south property line.** Note: COMPLETE

All of the above right of way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and to include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.5 of Resolution R-96-1748, Petition PDD96-081) (DATE / BLDG PERMIT: MONITORING - Eng)

- 6. **LANDSCAPE WITHIN MEDIAN**
 - a. **Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. 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 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. (Previously Condition E.6.a of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - Eng)

- b. **All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before May 1, 2000. (Previously Condition E.6.b of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - Eng)**
- c. **Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to January 1, 2000. (Previously Condition E.6.c of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - Eng)**

- 7. **Prior to the recording of the plat for POD's D, E, F and G, 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:**

Hypoluxo Road and the projects entrance road to POD's D, E, F and G.

This rightofwayshall 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. (Previously Condition E.7 of Resolution R-96-1748, Petition PDD96-081) (PLAT: ENG)

- 8. **On or before April 14, 1998, 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 and Lyons 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 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 easement shall become the property of Palm Beach County which at its discretion may use this fill material. (Previously Condition E.8 of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - Eng)
Note: COMPLETE

9. **The Property Owner shall construct the following turn lanes concurrent with the construction of the projects entrance roads:**
 - a. **Left turn lane on Hypoluxo Road at the project's entrance road to POD A and for POD D, E, F, and G.**
 - b. **Left turn lane on Hypoluxo Road at the project's entrance road to POD C and for POD B. (Previously Condition E.9 of Resolution R-96-1748, Petition PDD96-081) (TC: ENG)**
10. **Prior to the issuance of the building permit for the 400th unit, the Property Owner shall construct Lyons Road from Hypoluxo Road to the south right of way line of the LWDD L-19 Canal, including a 3 lane structure over the LWDD L-19 Canal. This construction shall be as a 2 lane section in accordance with approved construction plans by the Office of the County Engineer. This shall also include a left turn lane on the south approach at it's intersection with Hypoluxo Road. (Previously Condition E.10 of Resolution R-96-I 748, Petition PDD96-081) (BLDG PERMIT: MONITORING - Eng)**
11. **Condition E. 11 of Resolution R-96-I 748, Petition PDD96-081 which currently states:**

The Property Owner shall construct Hypoluxo Road from Lyons Road to the entrance to POD D, E, F, and G. This construction shall be as a 2 lane section in accordance with approved construction plans by the Office of the County Engineer. This construction may be phased by the property owner as approved by the County Engineer. This shall also include a left and right turn lane on the east approach at it's intersection with Lyons Road.

Is hereby amended to state:

The Property Owner shall construct Hypoluxo Road from Lyons Road to the entrance to POD D, E, F, and G. This construction shall be as a 2 lane section including bike paths and or sidewalks in accordance with approved construction plans by the Office of the County Engineer. This construction may be phased by the property owner as approved by the County Engineer. This shall also include a left and right turn lane on the east approach at it's intersection with Lyons Road.(TC: ENG)

12. **The Property Owner shall fund the construction of Hypoluxo Road from the entrance to POD D, E, F, and G to the project's east property line. Funding shall be based upon the construction of this road as a 2 lane section in accordance a cost estimate provided by the Developers Engineer and approved by the County Engineer. Funding for this construction shall be completed prior to 90 days notice by the County Engineer that this road is required for paved continuity or prior to recordation of the last plat for this PUD whichever shall fist occur. Funding shall also include a left turn lane east approach into POD C and a right turn lane on the east approach into POD D, E, F, and G. (Previously Condition E.12 of Resolution R-96-1748, Petition PDD96-081) (TC: ENG)**
13. **Concurrent with the first plat, the construction of the following thoroughfare roadways shall be constructed:**
 - a. **Lyons Road from Hypoluxo Road to the present paved terminus south of Lantana Road, and;**
 - b. **Hypoluxo Road from SR 7 to Lyons Road. (Previously Condition E.13 of Resolution R-96-1748, Petition PDD96-081) (PLAT: ENG)**
14. **No vehicular traffic connection shall be allowed between the Sherbrooke Estates Planned Unit Development and the Villages of Windsor PUD, but for the publicly dedicated Lyons Road. (Previously Condition E.14 of Resolution R-96-1748, Petition PDD96-081) (ONGOING: ENG)**
15. **The Property Owner shall fund a pro rata share of the cost of signalization warranted as determined by the County Engineer at Hypoluxo Road and POD A. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E. 15 of Resolution R-96-1748, Petition PDD96-081) (ONGOING: ENG - Bldg)**
16. **The Property Owner shall receive credit for the Traffic Impact Fees as provided for in the Fair Share Road Impact Fee Ordinance. (Previously Condition E.16 of Resolution R-96-1748, Petition PDD96-081) (ONGOING: IMPACT FEE COORD)**
17. Building permits for more than 100 units shall not be issued until an access easement acceptable to the Country Engineer is recorded. Access to the Not Included Tree Farm (5 acre parcel) on the west side of the Florida Turnpike 600 feet north of Hypoluxo Road shall be provided in accordance with the Country Engineers' approval. (BLDG PERMIT: MONITORING- Eng)

18. Prior to final DRC approval the Preliminary Development Plan shall be amended to provide for an adequate turnaround and roadway **geometrics** for the proposed entrance gates entering the individual POD's subject to the County Engineers Approval. (DRC APPROVAL: ENG)
19. The property owner shall convey one (1) fifty (50) foot right-of-way access to the property owner on the south side of Hypoluxo Road, approximately six hundred (600) feet east of Lyons Road, identified as the Not Included agricultural parcel (00-42-43-27-05-042-0440). Location of the right-of-way access shall be approved by the County Engineer. The right-of-way shall be dedicated prior to DRC certification of the master plan. (DRC: ENG)

F. Condition C.I of Resolution R-96-1748, Petition PDD96-081 which currently states:

LANDSCAPING ALONG US 441/SR 7 FRONTAGE AND FLORIDA TURNPIKE FRONTAGE (SOUTH SIDE OF HYPOLUXO ROAD EXTENSION)

1. **Landscaping and buffering along the US 441/SR 7 frontage and the Florida Turnpike frontage south of the Hypoluxo Road extension shall consist of the following:**
 - a. **A minimum thirty (30) foot wide landscape buffer strip;**
 - b. **A continuous three (3) foot berm;**
 - c. **One (1) tree per three hundred (300) foot buffer area;**
 - d. **One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;**
 - e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36)inches. (Previously) (DRC/CO: ZONING/LANDSCAPE)**

Is hereby amended to state:

LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SR7/US441)

Landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum thirty (30) 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 thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25%) percent of the canopy trees in that location;
- d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
- e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINE (ABUTTING LYONS ROAD)

1. Landscaping and buffering along the east and west property line of the PUD including the civic area shall be upgraded to include:
 - a. A minimum thirty (30) 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 thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25%) percent of the canopy trees in that location;
 - d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. Twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST AND NORTH PROPERTY LINES WITHIN TWO HUNDRED (200) FEET OF SHERBROOKE ESTATES PUD ONE ACRE LOTS

1. **In addition to the Type C fifteen foot buffer proposed along the west and north property lines adjacent to Sherbrooke Estates PUD one acre lots, the petitioner shall provide an upgraded buffer for Pods B, D and G. The upgraded buffer shall be provided wherever the proposed Pod's boundary is within two hundred (200) feet of existing one acre lots. The upgraded buffer shall consist of the following;**
 - a. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and**
 - b. **a group of three (3) palms shall not be substituted for a perimeter canopy tree.** (Previously Condition D.I of Resolution R-96-1748, Petition PDD96-081) (CO: LANDSCAPE - Zoning)

I. MASS TRANSIT

1. **Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate 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 or Palm Tran.** (Previously Condition F. 1 .a of Resolution R-96-I 748, Petition PDD96-081) (DRC: ZONING)
2. **The Petitioner shall dedicate additional right-of-way to accommodate the requirement for mass transit access and/or bus stops, if requested by the County Engineer. The Petitioner shall construct the paved portion of these mass transit stops concurrent with the construction of the adjacent roadway. Concurrent with platting the adjacent residential pod, the Petitioner shall construct the mass transit shelters and other improvements as follows. Mass transit access shall include at a**

minimum: a covered shelter, continuous paved pedestrian and bicycle access from the adjacent residential pod or use to the shelter, and a bicycle rack. (Previously Condition F. 1 .b of Resolution R-96-I 748, Petition PDD96-081) (DATE: MONITORING - Eng)

J. PLANNED UNIT DEVELOPMENT

1. Condition G.1 of Resolution R-96-1748, Petition PDD96-081 which currently states:

If Pod B is developed as multi family attached units, the proposed building setbacks shall be a minimum of 200 feet from the platted boundary of Sherbrooke Estates PUD. (DRC: BLDG - Zoning)

Is hereby deleted. REASON: [Multifamily units are no longer requested]

2. Condition G.2 of Resolution R-96-1748, Petition PDD96-081 which currently states:

Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer.

Is hereby amended to read:

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

3. Condition G.3 of Resolution R-96-I 748, Petition PDD96-081 which currently states:

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

Is hereby amended to read:

Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.16.c.(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)

4. Condition G.4 of Resolution R-96-I 748, Petition PDD96-081 which currently states:

Street bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer.

Is hereby amended to read:

Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.16.c.(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

5. Condition G.5 of Resolution R-96-I 748, Petition PDD96-081 which currently states:

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

Is hereby amended to read:

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

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

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney’s office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (Previously Condition G.6 of Resolution R-96-I 748, Petition PDD96-081) (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

7. A focal point shall be provided at the terminus of the main entry and at the terminus of each residential street, including T-intersections, or cul-de-sac **as** shown on the Focal Point Plan dated April 4, 2000 . The focal points shall be in the form of a plaza, fountain, arcade, pavers, or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
8. Lots fronting on a T-intersection shall support units with a side-loaded garage with accent landscaping. (DRC: ZONING)
9. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations	Administrative Deviation
Front Setback ZLL or SFR	22.5 Feet Minimum (10%)
Building Coverage ZLL	55% Maximum (10%)
Building Coverage SFR	44% Maximum (10%)

10. No rear, side interior or side street setback reductions may be permitted. Rear setback reductions for residential units adjacent to open space are permitted subject to Section 6.5. of the ULDC. (DRC: ZONING)
11. Street trees shall be installed, as approved by the County Engineer, as follows:
 - a. Along 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 (1) canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters. (DRC: ZONING - ENG)

K. PLANNING

- 1. Prior to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show pedestrian cross access to the Town Commons LSMU site, as depicted on the Preliminary Development Plan dated February 24, 2000. (DRC: PLANNING)
- 2. ~~Prior~~ to final site plan approval by the Development Review Committee (DRC), the preliminary development plan shall show sidewalks along Hypoluxo and Lyons Roads as depicted on the Preliminary Development Plan dated February 24, 2000. (DRC: PLANNING)

L. PREM

- 1. Condition H.I of Resolution R-96-1748, Petition PDD96-081 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 location 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 to the north, the approved Lyons Road Right-of-Way to the west and the LWDD L-19 Canal to the south. Hypoluxo Road frontage shall be provided but the site shall not be located along the Florida Turnpike. The total civic site acreage includes: 1) the 2% civic site requirement for Petition 95-1 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) the 2% civic site requirement for the Villages of Windsor PUD (11.63 acres). 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 PUD, as it would apply to the civic site. If the civic site is used for private purposes, the Declaration of Covenants of the PUD 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.**

Is hereby amended to read:

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

Six (6) months after final completion of the construction of Hypoluxo Road from the intersection of Lyons Road to the easternmost access point of the Villages of Windsor PUD.

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
No later than January 1, 2002.

A 33.63 acres \pm 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 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-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 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-89-2217 Condition 2) (10.75 acres), and 3) 2% civic site requirement for a 581.52 acre \pm 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 PUD, 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 PUD 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 FAC. 21HH.6.**
 - b. **If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.**
 - c. **The survey should include a location of any proposed water retention area that will border the civic site.**

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (Previously Condition H.2 of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - PREM) [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:
 - 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).****
 - 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. (Previously Condition H.3 of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - PREM) [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). (Previously Condition H.4 of Resolution R-96-1748, Petition PDD96-081) (DATE: MONITORING - PREM) NOTE: Condition has been satisfied,

M. WATER UTILITIES

1. The Property Owner shall be required to design and construct the following oversized potable water mains and wastewater force mains (including all related appurtenances) as approved by the Palm Beach County Water Utilities Department.

POTABLE WATER MAIN 1: Prior to the first Certificate of Occupancy, provide a 16 inch potable water main stub-out near the southwest corner of the P.U.D. *For the purpose of determining oversizing credits/reimbursement, the Development required main size shall be 12 inch.*

POTABLE WATER MAIN 2: Prior to the first Certificate of Occupancy, construct approximately 4200 linear feet of 24 inch potable water main along future Hypoluxo Road, west of Lyons Road, up to the intersection of Hypoluxo Road and Lyons Road. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 12 inch.*

POTABLE WATER MAIN 3: Prior to the first Certificate of Occupancy in the Pods east of Lyons Road, construct approximately 5500 linear feet of 24 inch potable water main along future Hypoluxo Road from Lyons Road to the west right-of-way of the Turnpike. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 16 inch.*

POTABLE WATER MAIN 4: Prior to the first Certificate of Occupancy in the Pods east of Lyons Road, construct approximately 700 linear feet of 18 inch potable water main along future Hypoluxo Road from the west right-of-way of the Turnpike to the existing potable water main located approximately 350 feet east of the Turnpike, including jack and bore of the Turnpike and related canal crossing. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 16 inch.*

POTABLE WATER MAIN 5: Prior to the first Certificate of Occupancy in the Pods east of Lyons Road, construct approximately 1450 linear feet of 42 inch potable water main along the PUD's frontage along future Lyons Road. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 12 inch.*

FORCE MAIN 1: Prior to first Certificate of Occupancy in the PUD, provide a 12 inch force main stub-out near the southwest corner of the PUD and State Road 7. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 6 inch.*

FORCE MAIN 2: Prior to first Certificate of Occupancy in the PUD, construct approximately 4200 linear feet of 12 inch wastewater force main along future Hypoluxo Road. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 10 inch.*

FORCE MAIN 3: Prior to first Certificate of Occupancy in the PUD, construct approximately 750 linear feet of 12 inch wastewater force main along the future Lyons Road from Hypoluxo Road to the south boundary of the PUD. *For the purpose of determining oversizing credits/reimbursements, the Development required main size shall be 6 inch.*

2. Pipeline oversizing credit/reimbursement calculations and payment terms shall be **per the** Water Utilities Department Uniform Policies and Procedures Manual (UPAP). The warranty **for the** conditionally accepted facilities shall not start until all punch list items are corrected and permanent service is activated.

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations **of the** petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Condition 1.1 of Resolution R-96-1748, Petition PDD96-081 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.

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)