

RESOLUTION NO. R-2003-0562

RESOLUTION APPROVING ZONING PETITION PDD2002-065
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GL HOMES OF FLORIDA II CORP
BY JENNIFER MORTON, AGENT
(HAGENASSEMBLAGE PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD2002-065 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2003; and,

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2002-065, the petition of GL Homes of Florida II Corp by Jennifer Morton, agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Absent
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 28 day of May, 2002.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

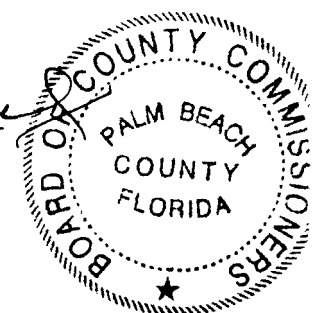


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 37 THROUGH 44 AND TRACTS 53 THROUGH 60, BLOCK 56 AND TRACTS 65 THROUGH 71, TRACTS 89 THROUGH 104 AND TRACTS 121 THROUGH 128, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF, PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH A PORTION OF THE PLATTED 50 FOOT ROAD, DITCH AND DIKE RESERVATION LYING 25 FEET WEST OF AND ADJACENT TO THE EAST LINE OF SAID BLOCK 55 AND LYING 25 EAST OF AND ADJACENT TO THE WEST LINE OF SAID BLOCK 56, AND TOGETHER WITH A PORTION OF THE PLATED 30 FOOT ROAD, DITCH AND DIKE RESERVATION LYING 30 FEET NORTH OF AND ADJACENT TO TRACTS 97 THROUGH 104, BLOCK 55 AND TRACTS 53 THROUGH 56, BLOCK 56.

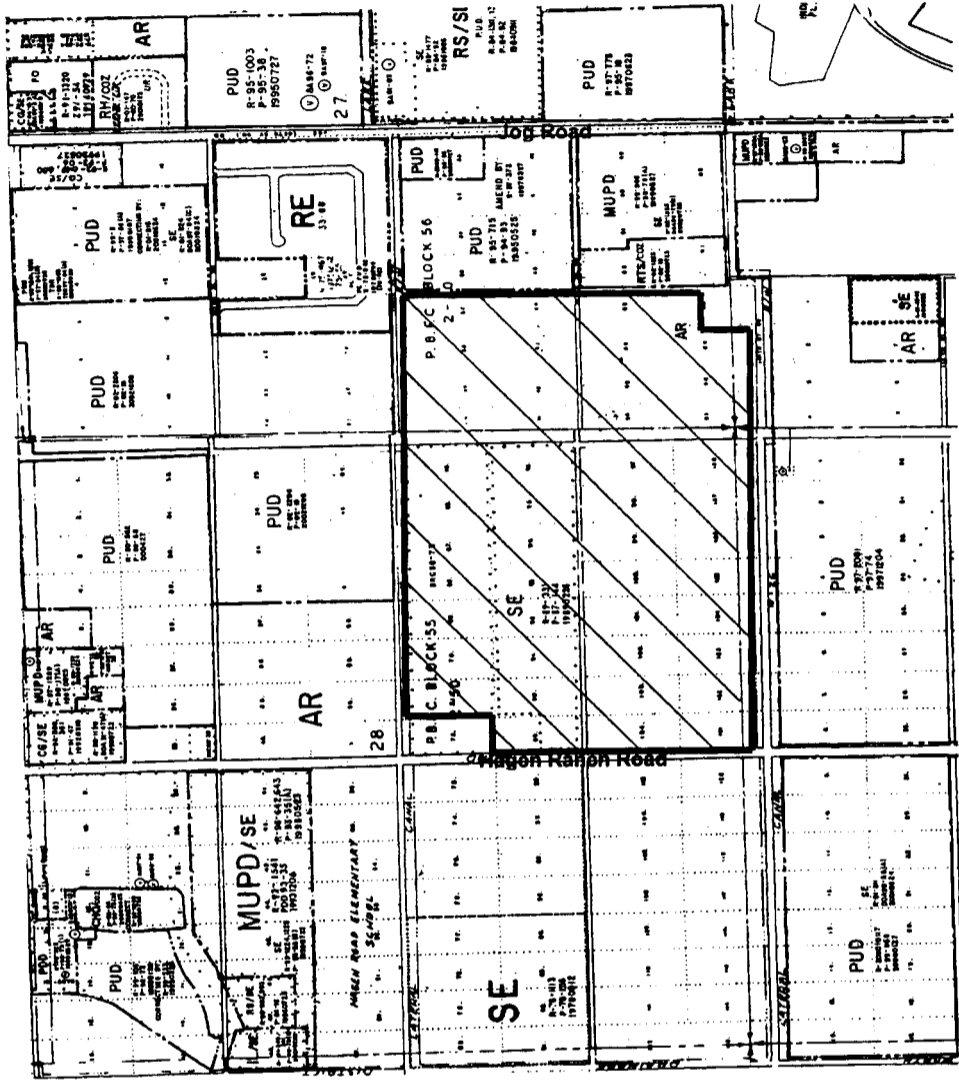
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 121, BLOCK 55, PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE NORTH 89°37'43" EAST ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 25.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF HAGEN RANCH ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 00°23'06" WEST ALONG THE EAST RIGHT-OF-WAY OF SAID ROAD, BEING A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 121, 104 AND 89, A DISTANCE OF 2,008.75 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 89, BLOCK 55; THENCE NORTH 89°35'33" EAST ALONG THE NORTH LINE OF SAID TRACTS 89 AND 90, A DISTANCE OF 518.13 FEET; THENCE NORTH 00°23'16" WEST ALONG A LINE 116.09 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 70, A DISTANCE OF 604.69 FEET; THENCE NORTH 89°34'49" EAST ALONG A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 71, A DISTANCE OF 116.09 FEET; THENCE NORTH 00°23'16" WEST ALONG THE WEST LINE OF SAID TRACT 70, A DISTANCE OF 12.76 FEET; THENCE NORTH 89°34'49" EAST ALONG A LINE 42.24 SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 65 THROUGH 70, A DISTANCE OF 2,003.31 FEET; THENCE NORTH 00°25'33" WEST ALONG THE EAST LINE OF SAID BLOCK 55, A DISTANCE OF 6.60 FEET; THENCE NORTH 89°37'22" EAST ALONG A LINE 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 38 THROUGH 40, A DISTANCE OF 1,010.85 FEET; THENCE NORTH 00°31'48" WEST ALONG THE EAST LINE OF SAID TRACT 38, A DISTANCE OF 35.64 FEET; THENCE NORTH 89°37'22" EAST ALONG THE NORTH LINE OF SAID TRACT 37, A DISTANCE OF 329.30 FEET; THENCE SOUTH 00°31'49" EAST ALONG THE EAST LINE OF SAID TRACTS 37 AND 44, A DISTANCE OF 1,321.92 FEET; THENCE SOUTH 00°44'07" EAST A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°33'53" EAST ALONG THE EAST LINE OF SAID TRACTS 53 AND 60, A DISTANCE OF 987.72 FEET; THENCE SOUTH 89°28'04" WEST ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (1/2) OF SAID TRACT 60, A DISTANCE OF 330.01 FEET; THENCE SOUTH 00°31'48" EAST ALONG THE WEST LINE OF SAID TRACT 60, A DISTANCE OF 330.13 FEET; THENCE SOUTH 89°37'43" WEST ALONG THE SOUTH LINE OF SAID TRACTS 57 THROUGH 59, BLOCK 56 AND TRACTS 126 THROUGH 128, BLOCK 55, A DISTANCE OF 2,028.94 FEET; THENCE NORTH 00°22'17" WEST ALONG THE WEST LINE OF SAID TRACT 126, A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°37'43" WEST ALONG A LINE 135.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 121 THROUGH 125, A DISTANCE OF 1,576.62 FEET; THENCE NORTH 45°26'10" WEST, A DISTANCE OF 56.50 FEET; THENCE SOUTH 89°29'57" WEST, A DISTANCE OF 4.50 FEET; THENCE SOUTH 00°23'06" EAST ALONG A LINE 5.00 EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY OF SAID HAGEN RANCH ROAD, A DISTANCE OF 174.90 FEET; THENCE SOUTH 89°37'43" WEST ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 225.699 ACRES MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Petition Number PDD2002-065

Zoning Quad Page 35/50

Date February 28, 2003



NORTH

EXHIBIT B
VICINITY SKETCH

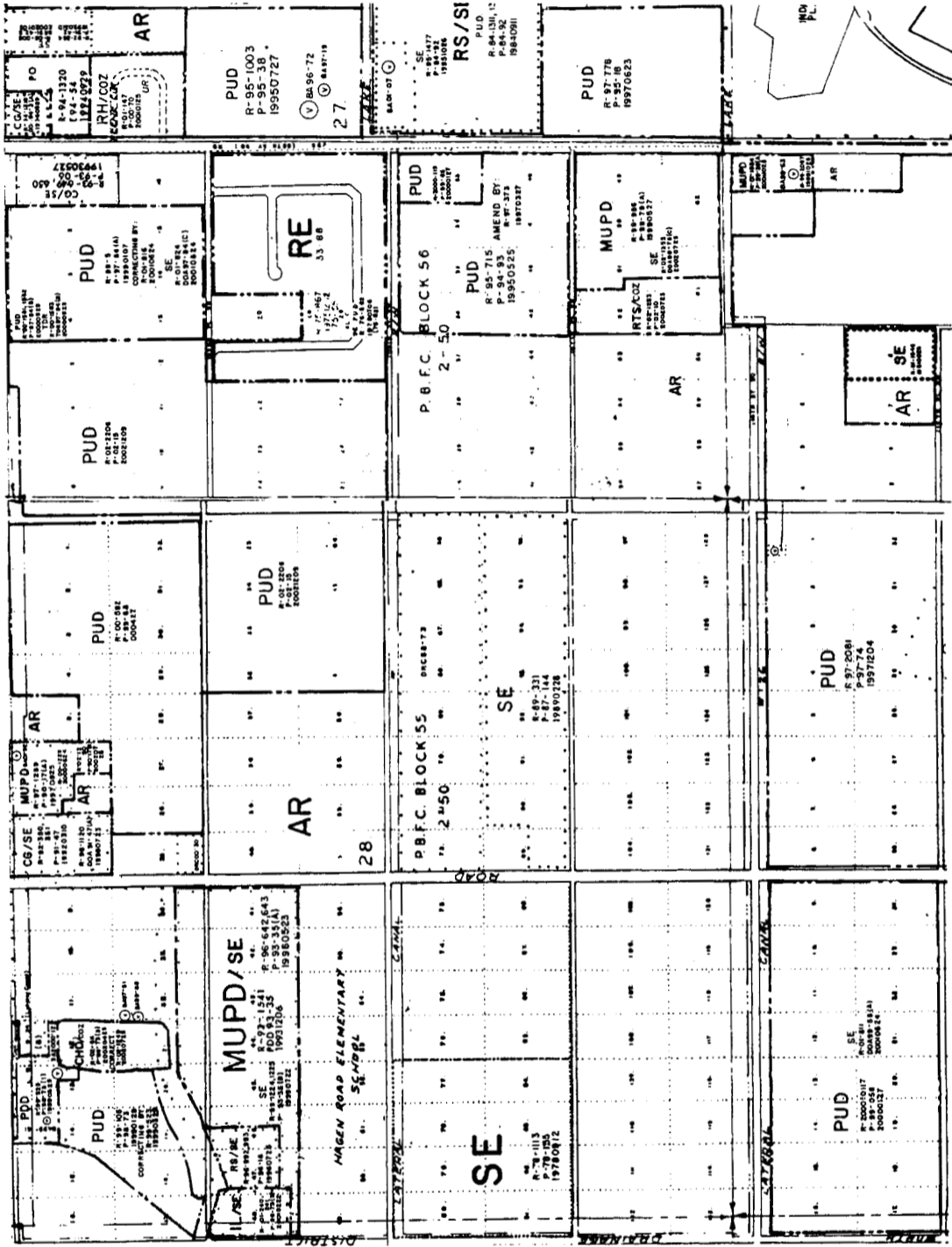


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated April 15, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING - Zoning)

B. LANDSCAPING – STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply where a single row of hedge is required on one or both sides of a wall. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy trees in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES /FRONTAGES OF WOOLBRIGHT ROAD AND HAGEN RANCH ROAD)

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a minimum two and one-half (2.5) to three and one-half (3.5) feet high undulating berm measured from top of curb. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation;
 - c. one (1) native canopy tree for each thirty (30) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE NORTHWEST PROPERTY LINES (ABUTTING UNDEVELOPED PROPERTY)

1. Landscaping and buffering along the northwest property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of two (2) feet measured from finished grade;
 - c. a six (6) foot high opaque concrete block wall or concrete panel wall. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, and alternating on both sides of the required wall;
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, and alternating on both sides of the required wall;
 - f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and be planted on both sides of the required wall; and,
 - g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and be planted on both sides of the required wall. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Hagen Ranch Road at the project's entrance road. This right-of-bay 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: MONITORING-Eng)

2. Prior to issuance of a building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Woolbright Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - Eng)
4. Prior to December 1, 2003 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 warranty deed for:
 - A) Woolbright Road, 120 feet north of the ultimate right-of-way of the L.W.D.D. L-26 Canal;
 - B) Expanded intersection right-of-way at Hagen Ranch Road and Woolbright Road, Hagen Ranch Road, 49.5 feet from centerline and Woolbright Road, 124 feet north of the ultimate right-of-way of the L.W.D.D. L-26 Canal.

Right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Eng)

5. The Property owner shall construct:
 - A) Right turn lane south approach on Hagen Ranch Road at the Project's entrance road;
 - B) 2 Lane Woolbright Road from Hagen Ranch Road east to the Project's entrance road. This roadway shall also include a left turn lane west approach on Woolbright Road at the project's entrance road and a left turn lane east approach on Woolbright Road at Hagen Ranch Road. Construction of these left turn lanes shall be compatible with the future 4 lane construction of Woolbright Road.

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

- 6. On or before December 1, 2004, 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 Woolbright 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, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng)

- 7. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building permits for no more than 228 dwelling units (the equivalent of 1824 TPD) may be issued until construction commences on Boynton Beach Boulevard from Lyons Road to the Florida Turnpike as a 4-lane section. (BLDG PERMIT: MONITORING - Eng)
 - b) No Building Permits for the site may be issued after January 1, 2006. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

- 8. Prior to October 24, 2003 the property owner shall provide surety for improvements identified in E.7.a. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. (TPS) (DATE: MONITORING - Eng)

9. The Property Owner shall fund a proportionate cost of signal installation if warranted as determined by the County Engineer at Woolbright Road and Hagen Ranch Road. The proportionate cost shall be determined by the County Engineer. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition, (ONGOING)
10. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. (BLDG PERMIT: MONITORING - Eng).
11. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Woolbright Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in **bold print**. (PLAT: ENGINEERING - Eng)
 - a) The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before April 15, 2004 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING - Eng)
 - b) The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)
12. Prior to DRC approval of the Final Development Plan, the property owner shall record a restrictive covenant on the subject property limiting dwelling unit occupancy to Adult Only. (DRC: ENGINEERING - Eng)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING TARA ESTATES, TIVOLI LAKES PUD AND UNDEVELOPED PROPERTY)

1. Landscaping and buffering along the north property line abutting Tara Estates, Tivoli Lakes PUD and undeveloped property shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of two (2) feet measured from finished grade;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of **sixty** (60) feet between clusters;
 - e. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
 - f. one (1) large hedge for each four (4) linear feet of the property line. Hedge shall be a minimum height of forty-eight (48) inches at installation. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING JOG ESTATES PUD)

1. Landscaping and buffering along the east property line abutting Jog Estates PUD shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of two (2) feet measured from finished grade;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
 - g. the buffer shall gradually expand to be the same width as the required landscape buffer to the south at the point of connection. Expansion shall begin not less than forty (40) linear feet north of the point at which the buffers adjoin. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING MADISON ESTATES SUBDIVISION)

1. Landscaping and buffering along the east property line abutting Madison Estates Subdivision shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of two (2) feet measured from finished grade;
 - c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation; and,
 - f. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTHEAST PROPERTY LINES (ABUTTING PIG FARM)

1. Landscaping and buffering along the southeast property lines adjacent to the pig farm shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of three (3) feet measured from finished grade;
 - c. a six (6) foot high opaque concrete or concrete screen panel wall shall be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is compatible and harmonious with abutting development;

- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall; and,
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the interior side of the required wall:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)
 3. Along the exterior side of the required wall, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

J. MASS TRANSIT

1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement adjacent to the development area of this petition, recorded as a separate instrument, for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC/BLDG PERMIT: MONITORING - Palm Tran)

K. PLANNED UNIT DEVELOPMENT

1. Decorative 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. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets, forty (40) feet in width or greater;
 - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. To the extent permitted by Palm Beach County Water Utilities and County Engineering, street trees shall be placed on the side of the street adjacent to the sidewalk to provide shade to pedestrians. (DRC: ZONING / ENG - Zoning/ Land Dev.)
3. All focal points shown on the approved Preliminary Development Plan (PDP) dated April 15, 2003 shall be in the form of a plaza, fountain, arcade, benches with shaded structures, upgraded landscaping, or similar pedestrian oriented public area acceptable to the Zoning Division. (DRC: ZONING - Zoning)

4. Landscaping in cul-de-sac islands shall be xeriscaped to include the following:
 - a. one (1) native canopy tree or cluster of three (3) palms or pines;
 - b. one (1) twenty-four (24) inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface;
 - c. appropriate ground cover; and,
 - d. the landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (CO: LANDSCAPE / ENG - Zoning)
5. Recreation uses shall be located on a minimum of 0.1 acre and shall be located within each residential pod, excluding Pods B, C and F, only so long as those pods are developed exclusively with single-family units. Such recreation uses shall have a direct connection to the pedestrian system on the property 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 - Zoning)
6. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRC: ZONING - Zoning)
7. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING / BLDG - Zoning)
8. 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 recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG / COUNTY ATTY - Zoning)
9. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of an active pig farm adjacent to the southeast property lines and other agricultural uses in the vicinity of the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 24, 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Zoning)
10. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING - Zoning)

11. No side interior, rear, or street setback reductions shall be permitted, except when abutting open space as permitted by Section 6.5.G.6, Section 6.6.A.9.b.(2), and Section 6.6.A.10.b.(2) of the ULDC. (DRC: ZONING - Zoning)
12. Prior to recordation of the first plat, the petitioner shall abandon the 12-foot FPL easement that bisects the north site boundary. Proof of abandonment shall be provided in a form acceptable to the County Engineer and the Zoning Division. (PLAT: ENG / ZONING - Zoning)
13. Prior to final Development Review Committee (DRC) certification of the site plan, the 20-foot lake access easement in Pod F shall be relocated to align with the entryway to the Pod. (DRC: ZONING - Zoning)
14. Prior to final Development Review Committee (DRC) certification of the site plan, the north/south 40-foot residential access streets within Pods D and E shall be revised to provide for a minimum of 20-foot centerline offset. The centerline geometrics necessary to provide for this offset shall meet the minimum requirements as approved by the County Engineer, (DRC: ZONING - Eng)
15. Prior to final Development Review Committee (DRC) certification of the site plan, Pod E shall be redesigned as follows only if developed with townhouse or other attached units:
 - a. setbacks for townhouse and/or other attached units shall be staggered. The setback of adjacent townhouse/attached buildings shall vary by a minimum distance of eight (8) feet;
 - b. a recreation area with lake frontage shall be provided. The size and location of the recreation area shall be subject to Condition K.5 above; and,
 - c. the stub street in the southwest corner of the pod shall be replaced by a cul-de-sac with landscape island. All units located to the south of the cul-de-sac shall be oriented toward the landscape island. (DRC: ZONING - Zoning)

L. PLANNING

1. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee, the PDP shall be revised to include a notation at the northwest corner of the site where the stub streets are shown, which shall read "proposed vehicular and pedestrian cross access to be paved to the property line for future access to adjacent residual parcel." This access can be controlled by gates or other security devices that will be controlled by the residents of the PUD. (DRC: PLANNING - Planning)
2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the northwest property lines at the location shown on the site plan that reads "proposed vehicular and pedestrian cross access," (CO: MONITORING / PLANNING - Planning)
3. Prior to final Preliminary Development Plan (PDP) certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for the sidewalks along Hagen Ranch Road and Woolbright Road and for all internal sidewalks shown in this project. (DRC: PLANNING - Planning)

M. SCHOOL

1. Prior to Final Site Plan certification, the applicant shall provide a "Declaration and Restrictive Covenant" which prohibits children under nineteen years of age from residing in the community, except for a period not to exceed a total of sixty (60) days per calendar year. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the County Attorney. (DRC: SCHOOL BOARD - Co Atty)

N. SENIOR/ADULT ONLY COMMUNITY

1. Starting on April 24, 2004, the petitioner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning / Eng / School Board)

O. COMPLIANCE

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

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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. (ONGOING: MONITORING - Zoning)

2. 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)