

RESOLUTION NO. R-98- 310

RESOLUTION APPROVING ZONING PETITION PDD97-90  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF BOYNTON LANDSCAPE  
BY KILDAY & ASSOCIATES, AGENT  
(CONGRESS LAKES 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 PDD97-90 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 1998; 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 made 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) 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) 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) 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) 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 PDD97-90, the petition of Boynton Landscape by Kilday & Associates, agent, for an Official Zoning Map Amendment (PDD) Rezoning from RM to PUD 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 February 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Nay
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 26, 1998.

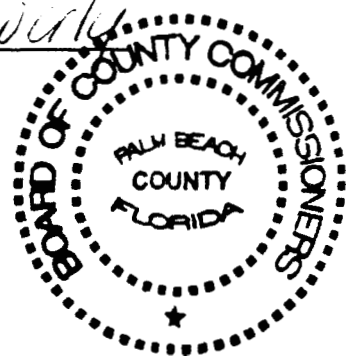
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Paula Teller*  
COUNTY ATTORNEY

BY: *Jean Hewley*  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### LEGAL DESCRIPTION

Parcels of land as shown on PALM BEACH FARMS COMPANY PLAT NO. 7, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County; being more particularly described as follows:

Lot E, Block 28;  
Lots C, D and E, Block 29;  
Lots B, C, D, and E, Block 30;  
Lots A, B, and C, Block 34;  
Lots A, B, C, D, and E, Block 35;  
Lots A, B, C, D, and E, Block 36;  
Lots A, B, C, D, and E, Block 37;  
Lots A, B, C, D, and E, Block 38;  
Lots A, B, C, D, and E, Block 39;  
Lots A, B, C, D, and E, Block 58; (less the west 25 feet of Lots B, C, D, and E);  
Lots A, B, C, D, and E, Block 59;  
Lots A, B, C, D, and E, Block 60;  
Lots A and B, Block 67;  
Lots A, B, C, and D, Block 68;  
Lots A, B, C, D, and E, Block 69;  
Lots A, B, C, D, and E, Block 70 (subject to rights-of-way for small lateral ditches in favor of other tracts);  
Lots A, B, C, D, and E, Block 71; (subject to rights-of-way for small lateral ditches in favor of other tracts);  
Lot A, Block 72;  
Lots A, B, C, and D, Block 91;  
Lots A, and B, Block 92;

TOGETHER with the following described parcels as described in Resolution No. R-83-1592, as recorded in O.R.B. 4134, Page 1182, of said Public Records:

Being portions of the 30 foot roadways as shown on the Palm Beach Farms Co. Plat No. 7, Palm Beach County, Florida as recorded in Plat Book 5, Page 72 of the Public Records of Palm Beach County and more particularly described as follows:

Being a 30 foot roadway bounded on the north by the easterly extension of the north line of Block 58, on the east by the west line of Block 59, on the south by the easterly extension of the south line of Block 58, on the west by the east line of Block 58;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Tract E, Block 28, on the east by the west line of Tract E, Block 29, on the south by the easterly extension of the south line of Tract E, Block 28, on the west by the east line of Tract E, Block 28;

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### LEGAL DESCRIPTION

AND, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Block 37, on the east by the west line of Block 36, on the south by the easterly extension of the south line of Block 37, on the west by the east line of Block 37;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the northline of Tract A, Block 35, on the east by the west line of Tracts A thru C, Block 34, on the south by the easterly extension of the south line of Tract C, Block 35, on the west by the east line of Tracts A thru C, Block 35;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the south line of the north 75 feet of Tract A, Block 71, on the east by the west line of Block 70, on the south by the easterly extension of the south line of Block 71, on the west by the east line of Block 71;

AND, being a 30 foot roadway bounded on the north by the easterly extension of the south line of the north 75 feet of Tract A, Block 69, on the east by the west line of Block 68, on the south by the easterly extension of the south line of Tract B, Block 69, on the west by the east line of Block 69;

TOGETHER with portions of 30 foot platted roadways to be acquired by abandonment described as follows:

**AND**, being a 30 foot roadway bounded on the south by the northwesterly right-of-way line of 6<sup>th</sup> venue South as shown on Road Plat Book 4, Page 62 of the Public Records of Palm Beach County, on the east by the west line of Block 68, on the north by the easterly extension of the north line of Tract C, Block 69, on the west by the east line of Block 69;

**AND**, being a 30 foot roadway bounded on the north by the easterly extension of the north line of Block 39, on the east by the west line of Block 38, on the south by the easterly extension of the south line of Tract E, Block 39, on the west by the east line of Block 39;

all in PALM BEACH FARMS COMPANY PLAT NO. 7, a Subdivision of Section 30, Township 44 South, Range 43 East, according to the Plat thereof recorded in Plat Book 5, Page 72, in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida;

LESS the following described parcels of land:

Being the Lake Worth Drainage District L- 13 Canal Right of Way, as described in O.R.B. 2340, P. 624, Public Records of said County, being described as follows:

A parcel of land shown on PALM BEACH FARMS COMPANY PLAT NO. 7, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, and more **particularly** described as follows:

**EXHIBIT A**

**LEGAL DESCRIPTION**

Commencing at the northwest corner of Block **72**, of said PALM BEACH FARMS COMPANY PLAT NO. **7**; thence run easterly to the northeast corner of Block **67**; thence run southerly along the east line of said Block **67**, for a distance of 75.00 feet; thence run westerly parallel with the first course of the herein described parcel to a point in the west line of said Block **72**, which point is located 75.00 feet southerly of the northwest corner of said Block **72**; thence run northerly along the west line of said Block **72** for a distance of 75.00 feet to the POINT OF BEGINNING;

**AND LESS:** .

- . That portion lying in and southeasterly of the right-of-way of the westerly Extension of Sixth Avenue South as shown on the Right-of-way Map recorded in Road Book 4, Pages 61 through 64, Public Records of said County;

**(EASEMENTS):**

Described parcels subject to drainage easements in favor of the County of Palm Beach, being a part of Resolution No. R-83-1592, and recorded in O.R.B. 4134, Page 1182, of said Public Records, said easement being described as follows:

A drainage easement lying between Blocks 68 and 69 of the "Palm Beach Farms Company Plat No. 7" as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida, being more specifically described as follows:

Beginning at the southwest corner of Tract B of the said Block 68; thence North 01°57'20" East, along the west line of said Tract B, 196.50 feet to the southerly right-of-way line of Lake Worth Drainage District Lateral Canal No. 13; thence North 87° 19'00" West, along said southerly right-of-way line, 30 feet to the east line of Tract "A" of the aforementioned Block 69; thence South 01°57'20" West along said east line of said Tract **A** and the east line of Tract B of said Block 69, 196.49 feet; thence South 87°17'20" East, 30 feet to the POINT OF BEGINNING;

**AND SUBJECT TO:**

An easement for drainage purposes in Block 71, of the Palm Beach Farms Company Plat No. 7 as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida, being more particularly described as follows:

The south 130 feet of Tract E, Block 71, of said Palm Beach Farms Company Plat No. 7, less the west 30 feet thereof;

Together with the south 30 feet of the 30 foot plated road right-of-way as shown between Blocks 71 & 70, as recorded in said Tracts **A, B, C, D, & E** of

**EXHIBIT A**

**LEGAL DESCRIPTION**

aforementioned Block 71, less therefrom the Lake Worth Drainage District Lateral No. 13 right-of-way, lying on the north;

Described parcels subject to drainage easements in favor of the County of Palm Beach, being a part of Resolution No. R-83-1592, and recorded in O.R.B. 4134, Page 1182, of said Public Records, said easement being described as follows:

An easement for maintenance purposes in Block 51 of the Palm Beach Farms Company Plat No. 7 as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida, being more particularly described as follows:

- The north 20 feet of the south 50 feet of Tract "E", Block 71, less the west 50 feet thereof;

Together with the north 20 feet of the south 50 feet of the 30 foot platted road right-of-way as shown between Blocks 71 and 70 as recorded in said Palm Beach Farms Plat No. 7 and together with the east 20 feet of the west 50 feet of Tracts A, B, C, D and E of the aforementioned Block 71, less therefrom the Lake Wonn Drainage District Lateral No. 13 Canal right-of-way lying on the north;

**AND SUBJECT TO:**

An easement for ingress and egress over the following described land:

The west 20 feet of the south 50 feet of Tract "E", Block 70, together with the west 20 feet of Tracts A, B, C, and D, of Block 91 of the Palm Beach Farms Company Plat No. 7, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida;

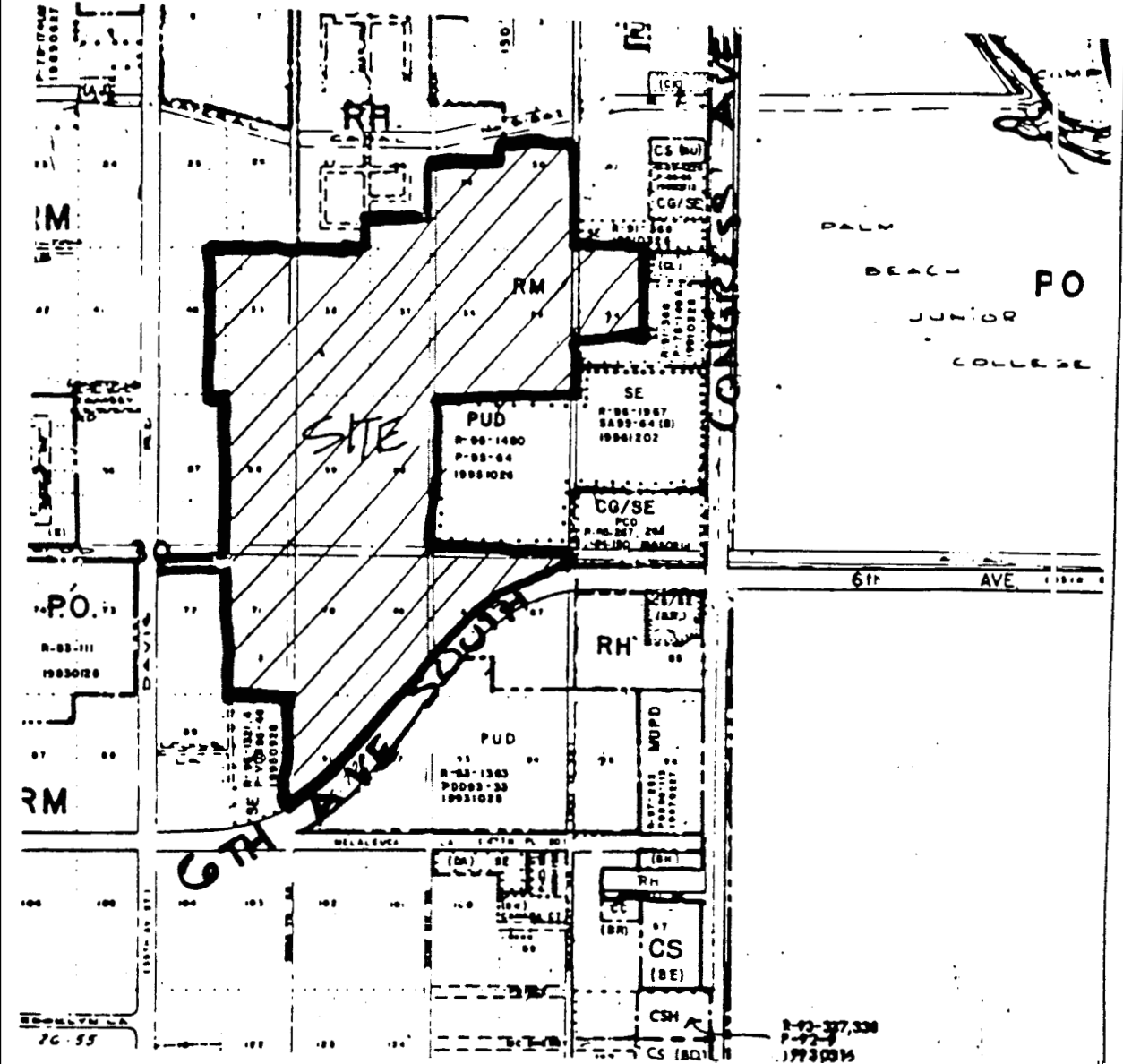
Less therefrom the 6" Avenue South right-of-way as shown on Road Plat **Book 4**, Page 62, Public Records of Palm Beach County, Florida;

Described parcel being subject to an aerial easement for electric power lines in favor of the City of Lake Worth as described in O.R.B. 3888, Page 1211, of said Public Records, said easement being described as follows:

The south five (5) feet of the north eight (80) feet running parallel with and adjacent to the south right-of-way line of Lake Worth Drainage District Canal L- 13 right-of-way as described in Official Record Book **2340**, Page **624**, Palm Beach County Public Records of: Lot **A**, Block 67, Lot **A**, Block 68, Lot A, Block 69, Lot **A**, Block 70, Lot **A**, Block 71, Lot **A**, Block 72, all according to the plat of the Palm Beach Farms Company Plat No. 7, as recorded in Plat Book **5**, Page 72 in and for the Public Records of Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 97-90  
Zoning Quad Page \_\_\_\_\_  
Date: 9/17/97



## 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 site plan is dated January 13, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

#### B. ARCHITECTURAL CONTROL

1. Architectural character and treatment, for the buildings within the Civic Pod, which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment, within the Civic Pod, shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. If a flat roof is used, then, the equipment shall be completely screened on all sides by the parapet. (BLDG PERMIT: BLDG - Zoning)
3. Exterior storage areas, within the Civic Pod, shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: BLDG - Zoning)
4. If the civic pod will be used for a public park, the buildings within the pod shall be exempted from the above architectural conditions (B.1-3). (BLDG PERMIT - BLDG/Zoning)
5. Prior to DRC approval of the Preliminary Development Plan, exterior elevations shall be submitted. The project architect shall certify to Palm Beach County that the elevations comply with the design criteria listed below. The exterior elevations of all residential buildings shall provide variety and visual interest, by incorporating all of the following items:
  - a. Varied roof lines within the same building. All roof lines shall not run in continuous place for more than 150 without offsetting or jogg the roof plane. The jog shall be a minimum of five (5) feet in depth;
  - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
  - c. Contrasting shapes and forms within the building mass including offsetting of vertical or horizontal planes;
  - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.);
  - e. Varied architectural details (i.e. columns, pilasters, vents, decorative trims and moldings, stucco or horizontal banding, decorative railings, decorative accent tiles, etc.);
  - f. All ground or roof mounted air condition and mechanical equipment shall be screened from view. The roof mounted equipment shall be screened by the parapet or a full pitched roof. The ground mounted equipment shall be screened by similar architectural treatment as the buildings or equivalent landscaping. (DRC: ZONING - Bldg)



6. Prior to final DRC approval of the preliminary development plan, a minimum of three (3) different exterior elevation options shall be provided for the PUD. Each pod must utilize a minimum of two (2) of the three (3) elevation options. These elevation options shall comply with Condition B.5 and shall be indicated on the PDD. (DRC: ZONING - Bldg)

C. BUILDING AND SITE DESIGN FOR CIVIC POD

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the west property line of the civic pod. (DRC / ONGOING: ZONING / CODE ENF)
2. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
3. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting. (ONGOING: CODE ENF)
5. The lighting conditions above shall not apply to proposed security, low voltage landscape/accent type lights used to emphasize plant material or sports lighting of a public park within the Civic Pod. (ONGOING: CODE ENF)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above 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; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, 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. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

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

2. The Property owner shall construct a right turn lane east approach on Melaleuca Lane at the projects entrance 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)

3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

A. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Melaleuca Lane. When permitted by the Land Development Division of the 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. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (TC: ENG)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's

Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed concurrent with the improvements with the first plat. (ENG)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)

4. Prior to final site plan approval by the DRC the property owner shall provide for a drainage easement to the property owner to the north of POD "F". The location and width of the easement shall be subject to the approval of the County Engineer. (DRC: ENG)
5. Relocation of the existing drainage pipe through POD "F", if required, shall be completed prior to the issuance of a Certificate of Occupancy for POD "F". (CO: MONITORING - Eng)
6. Recordation of the drainage easement through POD "F" shall be completed prior to the issuance of a Building Permit for POD "F". (BLDG PERMIT: MONITORING - Eng)
7. Prior to recordation of the first plat, the Property Owner shall provide surety in the amount of 110% of the certified cost estimate provided by the Developers Engineer and approved by the County Engineer, for required lake slope reclamations in accordance with the SFWMD reclamation permit. (PLAT RECORDATION: ENG)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ALONG RIGHT-OF-WAY)

1. Landscaping and buffering along 6th Avenue South shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A six (6) foot high opaque concrete wall setback a minimum of ten (10) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development;
  - c. One (1) canopy tree planted every thirty (30) feet on center installed on the exterior side of the barrier;
  - 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, installed on the interior side of the barrier; and,
  - e. Thirty (30) inch high shrub or hedge material planted on both sides of the wall, with a maximum spacing of twenty four (24) inches on center at installation; . These shall be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG NORTH AND NORTHEAST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering to the north of Areas D, E and F and to the east of Area E shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;

- b. A six (6) foot high vinyl coated chain link fence or wall setback a minimum of ten (10) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development;
- c. One (1) canopy tree planted every thirty (30) feet on center installed on the exterior side of the fence or wall; and,
- d. Thirty (30) inch high shrub or hedge material planted a maximum spacing of twenty four (24) inches on center at installation. The shrub or hedge shall be planted on both sides of the wall if the wall is used and on the interior side of the wall if the chain link fence is used. These shall be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

- 1. Landscaping and buffering to the west of Areas A, F and the .E2 acre recreation area shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A six (6) foot high vinyl coated chain link fence or wall setback a minimum of seven and one-half (7.5) feet from the property line.
  - c. One (1) canopy tree planted every thirty (30) feet on center installed on the exterior side of the fence or wall;
  - 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, installed on the interior side of the fence; and,
  - e. Thirty (30) inch high shrub or hedge material planted a maximum spacing of twenty four (24) inches on center at installation. The shrub or hedge shall be planted on both sides of the wall if the wall is used and on the interior side of the wall if the chain link fence is used. These shall be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG EAST PROPERTY LINE

- 1. Landscaping and buffering along Area C and the .9 acre recreation area, adjacent to Coral Lakes PUD and Temple Bethel, shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every twenty (20) feet on center
  - c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
- 2. Landscaping and buffering to the south and east of Area D shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip with a six (6) foot opaque barrier at time of installation; and
  - b. A six (6) foot high vinyl coated chain link fence, setback a minimum of ten (10) feet from the property line. Privacy slats may be used to meet the opacity requirement. (CO: LANDSCAPE)
- 3. The following landscaping requirements shall be installed on the interior side of the required fence (Condition 1.2):
  - a. One (1) canopy tree planted every twenty (20) feet on center;

- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. (CO: LANDSCAPE)
4. Along the interior side of the required fence (Condition I.2), the property owner 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 seventy-two (72) inches. (CO: LANDSCAPE)

J. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of a building permit for the 1050th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. PARKS

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

L. PLANNED UNIT DEVELOPMENT

1. 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. This Declaration shall be amended when additional units are added to the PUD. (BLDG PERMIT/ PLAT: MONITORING/ ENG - Co Att)

2. Prior to final DRC approval of the preliminary development plan (PDD), approval from South Florida Water Management District (SFWMD) for the reclamation plan (SFWMD application #950619-7) shall be obtained. (DRC: ZONING - SFWMD/Eng)
3. The PUD shall be developed according to the following construction phasing schedule. These phases shall be indicated on the preliminary development plan for building permitting references only:
  - a. Phase I - Maximum of **88** units from Area A and maximum **48** units from Area B to be developed prior to lake reclamation; and,
  - b. Phase II - Remaining **284** units may be built subsequent to reclamation of the lake. (DRC: ZONING)
4. Prior to the issuance of the building permit for the 89th unit in Area A and the 49th unit in Area B, the property owner shall provide to the Zoning Division written confirmation from SFWMD, DEPW and DERM that the reclamation of the lake has been completed in accordance with all applicable permits or approvals. (BLDG PERMIT: MONITORING - Zoning)
5. Prior to final DRC approval of the preliminary development plan, comments from the Palm Beach County Sheriff Office (PBCSO) with respect to the Crime Prevention Through Environmental Design (CPTED) standards shall be obtained and incorporated, as much as possible, into the PUD design. (DRC: ZONING - PBSO)
6. If adjacent Palm Beach Farms rights-of-way adjacent to Coral Lakes PUD are abandoned by Palm Beach County, they may be incorporated into the Preliminary Development Plan and Site Plan at the time of final approval by the DRC provided the overall density of 5.79 units per acre is not exceeded. The petitioner must update the petition file by providing a revised legal description and survey to include the additional land area. The processing of this amendment is subject to the approval of the Zoning Director. (DRC: ZONING - Survey)

#### M. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by January **8**, 1999 for a 1.4 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. 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 or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.

- 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 October 8, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21**HH.6**.
  - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
  - c. The survey should include a location of any proposed water retention area that will border the civic site.
- Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)
3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by October ~~8~~, 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.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
  - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
  - 3) Hazardous Waste Data Management System List (HWDMS).
- c. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - d. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. Prior to October 8, 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 or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

N. SCHOOL BOARD

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



2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models. (ONGOING: SCHOOL BOARD)

O. SIGNS

1. All freestanding signs (i.e. point of purchase, entrance wall, directory) for the civic pod shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 56 square feet;
  - c. Maximum number of signs - one (1);
  - d. Location - Within twenty-five (25) feet of the civic pod access driveway from 6th Avenue South; and,
  - e. Style - monument style only. (CO: BLDG)

P. USE LIMITATIONS

1. Twenty-four (24) hour controlled access shall be provided on the premises at the guardhouse. (ONGOING: CODE ENF)

Q. 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; 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. Appeal; 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)