

RESOLUTION NO. R-99- 100

RESOLUTION APPROVING ZONING PETITION DOA96-031(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MDL REALTY & Z.E. TAHERI
BY KILDAY & ASSOCIATES, INC., AGENT
(TAHERI PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA96-031(A) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; 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 DOA96-031(A), the petition of MDL Realty & Z.E. Taheri, by Kilday & Associates, Inc., agent, for a Development Order Amendment (DOA) to amend PDP to add access point; reconfigure master plan and delete Conditions F.1 thru F.5 (landscaping) of Resolution R-96-994 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 January 28, 1999, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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


The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

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

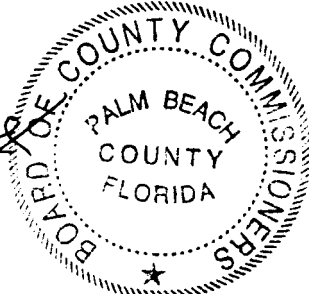


EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

That part of Tract 16, lying East of the parcel conveyed for Jog Road in Official Record Book 7188, Page 378, Public Records of Palm Beach County, Florida; Tracts 17 through 24 and Tract 38, Less that part of Tracts 17 and 24 conveyed for Jog Road in said Official Record Book 7188, Page 378, all in Block 5, **THE PALM BEACH FARMS CO. PLAT NO. 3, Plat Book 2, Pages 45-54**, Public Records of Palm Beach County, Florida.

PARCEL II

The following described parcels being road rights-of-way as shown on the **THE PALM BEACH FARMS CO. PLAT NO. 3**, recorded in Plat Book 2, page 45, of the Public Records of Palm Beach County, Florida.

The 30 feet lying between Tracts 17 and 24, 18 and 23, 19 and 22, and 20 and 21 of Block 5.

ALSO

Beginning at the Northeast corner of Tract 18, Block 5; thence South to the Southeast corner of Tract 23; thence East to the Southwest corner of Tract 22; thence North to the Northwest corner of Tract 19; thence West to the Northeast corner of Tract 18 and the **POINT OF BEGINNING**.

LESS and EXCEPT the Right -of -Way for Jog Road.

Containing in all 93.3751 acres, more or less.

Located in Section 34, Township 43, Range 42, Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

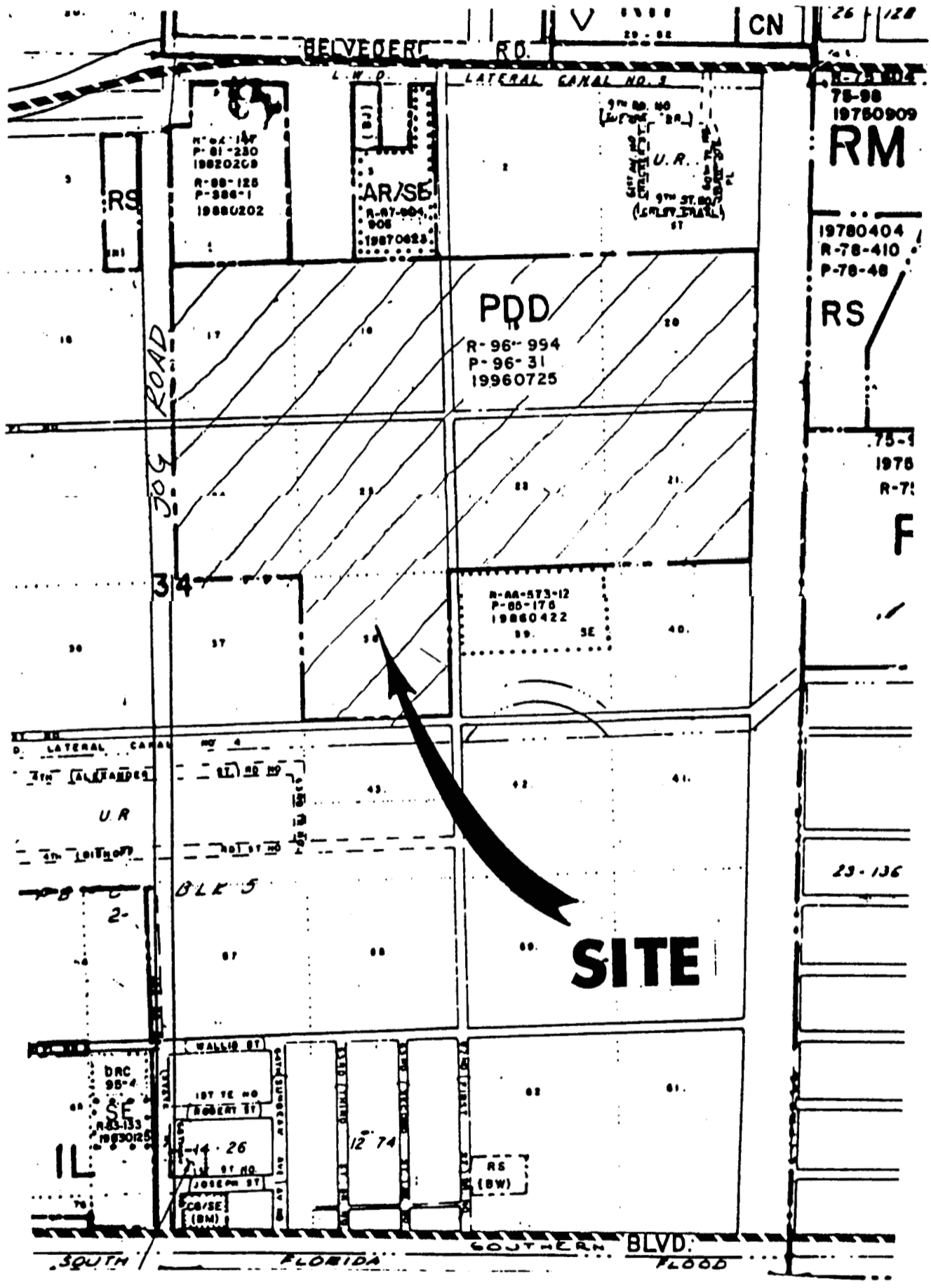


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-96-0994 of Petition PDD96-031 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-96-0994 of Petition PDD96-031 which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated June 11, 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. (ONGOING: ZONING)

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 November 23, 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. AIRPORT

1. Prior to the issuance of any building permits, the developer of the site shall comply with noise reduction construction standards recommended by EPA and FAA as contained in document DOT/FAA/PP-92-5 "Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations", for all residences and buildings within the P.U.D., and shall be consistent with the FAA land use compatibility guidelines given in Table 6.7-1 of the ULDC. (BLDG PERMIT: BLDG - Airport) (Previous Condition K.1 of Resolution R-96-0994 of Petition PDD96-031).

2. Condition K.2 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

Prior to final DRC certification, the master plan, and all site plans shall be amended to indicate:

a) Table 6.7-1 of the ULDC. (DRC: ZONING -Airport)

Is hereby deleted. Reason: [replaced by new code language].

3. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents, sales contracts, sales brochures, Master Plans and related Site Plans, a disclosure statement identifying:

- a) The project is located under the Palm Beach International Airport (PBIA) flight path. (PLAT: **ZONING** -Airport) (Previous Condition K.3 of Resolution R-96-0994 of Petition PDD96-031).

C. ARCHITECTURAL CONTROL -(MULTI-FAMILY HOMES ONLY)

1. Prior to DRC approval of the Site 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 jogging 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)

D. BUILDING AND SITE DESIGN

1. The maximum height including all air conditioning and mechanical equipment, measured from finished grade to highest point, for all structures on site shall not exceed thirty five (35) feet provided all setback requirements are met. (BLDG PERMIT: BLDG - Zoning)
2. The multi-family homes of the PUD shall not exceed three (3) stories. (BLDG PERMIT: BLDG - 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 road right-of-way warranty deed additional right of way for the construction of a right turn lane on Jog Rd. 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. (Previously Condition E.1 of Resolution R-96-0994 (Petition PDD96-031) (BLDG PERMIT: MONITORING-Eng)

2. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (PLAT: ENG) (Previous Condition E.2 of Resolution R-96-0994 of Petition PDD96-031).
3. The Property owner shall construct:
 - a) relocate the existing median opening and the associated leftturn lane north approach on Jog Road to align with the proposed entrance to this project as referenced in the condition of approval above.
 - b) construct a right turn lane, south approach on Jog Road, at the project's entrance road prior to the issuance of the first Certificate of Occupancy for this project.

This construction shall be concurrent with the construction of the projects entrance road onto Jog Road. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to any utility relocations. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)(Previous Condition E.3 of Resolution R-96-0994 of Petition PDD96-031).

4. The property owner shall provide funding for the acquisition of any offsite right-of-way and all the associated costs to obtain the right of way required for the construction of the right turn lane as referenced in the condition above (E.3.b). Surety acceptable to the Office of the County Engineer and County Attorney shall be posted and then the property owner shall enter into a written agreement with the Right-of-Way Acquisition Section prior to submittal of the first plat. Notification by the developer shall be given to the Land Development Division. (PLAT SUBMITTAL: ENG)(Previous Condition E.4 of Resolution R-96-0994 of Petition PDD96-031).

5. LANDSCAPE WITHIN MEDIAN

- A. Prior to technical compliance by the Land Development Division, 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 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) (Previous Condition E.5.A of Resolution R-96-0994 of Petition PDD96-031).

- B. All required median landscaping including an irrigation **system**, **if** required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, **and** alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed concurrent with the improvements with the first plat. (PLAT: ENG) (Previous Condition E.5.B of Resolution R-96-0994 of Petition PDD96-031).
 - C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of **the** first plat to reflect this obligation. (PLAT: ENG) (Previous Condition E.5.C of Resolution R-96-0994 of Petition PDD96-031).
6. The Property Owner shall fund the cost of signal installation **if warranted** as determined by the County Engineer at Project entrance and Jog Road. Should signalization not be warranted after **12** months of the final Certificate of Occupancy this property owners shall be relieved from this condition. (ENG) (Previous Condition E.6 of Resolution R-96-0994 of Petition PDD96-031).
7. The property owner shall acquire additional right of way to provide for 80 feet of right of way for 62nd Avenue from Belvedere Road south to the projects north property line. Alignment of the additional right of way shall be approved by the County Engineer. This right of way shall be conveyed to the public prior to the final subdivision approval of POD "C". (DRC-ENG)
8. The Property owner shall construct concurrent with the required plat improvements for Pod "C".
- A) 62nd Avenue from Belvedere Road to the entrance to Pod "C". This construction shall be to collector street standards minimum 2-12 foot travel lanes;
 - B) directional median opening (left out only) at 62nd Avenue and Belvedere Road. Also, these improvements shall include the extension of the existing left turn lane west approach on Belvedere Road at Brian Way to provide for a minimum left turn length of 200 feet. Construction of these improvements shall be subject to the approval of the County Engineer.
- 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 for the construction for 62nd Avenue and median improvements shall be obtained prior to the issuance of a Land Development Permit for Pod "C". (LDPERMIT:ENG)

c.) Construction of 62nd Avenue and associated median improvements shall be completed prior to the final plat improvements for POD "C". (TC:ENG)

F. CONCURRENCY

1. Prior to final DRC approval, the applicant shall revise concurrency to match site plan unit count. (DRC: CONCURRENCY / ZONING)
(Previous Condition J.1 of Resolution R-96-0994 of Petition PDD96-031).

G. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

H. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/CODE ENF) (Previous Condition B.1 of Resolution R-96-0994 of Petition PDD96-031)

I. LANDSCAPING - STANDARD

1. Condition F.1 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

All trees required to be planted on site by this approval, except on individual residential lots, 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. (CO: LANDSCAPE - Zoning)

Is hereby deleted. Reason: [requested by petitioner].

2. Condition F.2 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

Palms shall be required along the entire Jog Road frontage, and meet the following minimum standards at time of installation:

- a. Palm heights: twelve **(12)** feet clear trunk;
- b. Clustering: three **(3)** palms every **75** feet with staggered heights twelve **(12)** to eighteen **(18)** feet; and

- c. Pruning: minimum six **(6)** fronds, no clipped or spiked cuts.
(CO: LANDSCAPE -Zoning)

Is hereby deleted. Reason: [requested by petitioner].

- 3. Condition F.3 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

A continuous three **(3)** foot high berm with the height of the **berm** measured from the top of curb shall be required along the entire Jog Road frontage. **(CO: LANDSCAPE - Zoning)**

Is hereby deleted. Reason [requested by petitioner, revised site plan].

- 4. Condition F.4 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

A continuous two **(2)** foot high berm with the height of the **berm** measured from toe to top of berm shall be required within all 15 foot wide perimeter **P.U.D.** buffers. **(CO: LANDSCAPE - Zoning)**

Is hereby deleted. Reason [requested by petitioner, revised site plan].

- 5. Condition F.5 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

With the exception of the Jog Road frontage, the property owner shall install a six **(6)** foot high vinyl chain link fence on the **two (2)** foot berm perimeter **PUD** buffers. **(CO: LANDSCAPE - Zoning)**

Is hereby deleted. Reason [requested by petitioner, revised site plan].

- 6. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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)**

- 7. All palms required to be planted on site 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)**

J. LANDSCAPING ALONG THE NORTH. THE EAST 1350 FEET OF SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall include
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot black vinyl coated fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG THE 659 FEET OF THE SOUTH PROPERTY LINE, THE SOUTH 659 FEET OF THE WEST PROPERTY LINE AND THE NORTH 1350 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL & LWDD CANALL-4)

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum five (5) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - d. Forty eight (48) 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 seventy two (72) inches. (CO: LANDSCAPE)

L. LANDSCAPING ALONG THE NORTH 1350 FEET OF WEST PROPERTY LINE (ACROSS FROM JOG ROAD)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
 - c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; 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)

M. LANDSCAPING ALONG THE SOUTH 659 FEET OF EAST PROPERTY LINE
(ACROSS FROM FIRST STREET)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous two(2) foot high berm measured from top of curb;
 - c. One (1) canopy tree for each thirty (30) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty (20) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; 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 forty eight (48) inches. (CO: LANDSCAPE)

N. 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 bus access and/or a bus stop(s) or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board / Eng / Planning)(Previous Condition C.1 of Resolution R-96-0994 of Petition PDD96-031).

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until June 24, 1997. (DATE: MONITORING - Eng) (Previous Condition C.2 of Resolution R-96-0994 of Petition PDD96-031).

O. PLANNED UNIT DEVELOPMENT

1. Condition G.1 of Resolution R-96-0994 of Petition PDD96-031 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. (CO: BLDG - Eng)

Is hereby amended to read:

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

2. Condition G.2 of Resolution R-96-0994 of Petition PDD96-031 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. (CO: LANDSCAPE - Eng)

Is amended to read:

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

3. Condition G.3 of Resolution R-96-0994 of Petition PDD96-031 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. (CO: BLDG - Eng)

Is amended to read:

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.e(4)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

4. Condition G.4 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (PLAT: ENG - Zoning)

Is hereby amended to read:

All utilities shall be underground, pursuant to Section **6.8.A.23.e(5)** of the ULDC. (PLAT: ENG - Zoning)

5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property 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. (BLDG PERMIT / PLAT: BLDG / ENG - Co Attorney) (Previous Condition G.5 of Resolution R-96-0994 of Petition PDD96-031).

6. Condition G.6 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

Prior to final site plan certification, the site plan shall be revised to reflect a minimum **50** foot setback from the P.U.D. property line to the **inside** edge of all lake maintenance easements. (DRC: ZONING)

Is hereby amended to read:

Prior to final site plan certification, the site plan shall be revised to reflect a minimum **30** foot setback from the P.U.D. property line to the inside edge of all lake maintenance easements. (DRC: ZONING)

7. Condition **G.7** of Resolution R-96-0994 of Petition PDD96-031 which currently states:

Prior to Final Site Plan certification, the property owner shall relocate the controlled access at the main entrance of the PUD, in accordance with the Unified Land Development Code. (DRC: ZONING)

Is hereby deleted. Reason: not applicable.

8. Condition **G.8** of Resolution R-96-0994 of Petition PDD96-031 which currently states:

The controlled access shall be installed prior to issuance of the first Certificate of Occupancy for the project. (CO: BLDG - Zoning)

Is hereby deleted. Reason: not applicable.

9. Prior to DRC approval for the civic parcel (if the civic use is maintained), the proposed use and site layout must be presented to the PBIA Overlay Committee for their review. (DRC: PLANNING-ZONING-PREM-PBIA-CIAC)

P. PLANNING

1. Prior to final site plan approval, sidewalks and landscaped strips shall be shown on the site plan for both sides of the project's main road (**62nd Avenue**), which connects Jog Road to Belvedere Road, in order to provide shade/canopy for the pedestrian pathways. (DRC: LANDSCAPE-Planning)
2. Prior to final site plan approval, the development's main road entry off of Jog Road must be divided and contain a raised, pedestrian-friendly area with brick pavers, in order to discourage cut-through traffic between Jog Road and Belvedere Road. The area covered by pavers should extend a minimum of **30** feet from Jog Road into the development. (DRC: PLANNING-Engineering)

Q. LAKE WORTH DRAINAGE DISTRICT

1. Condition **H.1** of Resolution R-96-0994 of Petition PDD96-031 which currently states:

Prior to final site plan certification, the Developer shall record an Easement or Quit Claim Deed, whichever the owner prefers, for the South **20** feet of Tract **38**, Block **5**, Palm Beach Farms Company Plat No.

3 as recorded in P.B. 2 Pages 45 to 54 inclusive, since the Lake Worth Drainage District holds a reservation for canal purposes over the aforementioned area. (DRC: LWDD)

Is hereby amended to read:

Prior to recordation of the first plat of the residential pod, the Developers shall record an Easement or Quit Claim Deed, whichever the owner prefers, for the South 20 feet of Tract 38, Block 5, Palm Beach Farms Company Plat No. 1 as recorded in P.B. 2 Pages 45 to 54 inclusive, since the Lake Worth Drainage District holds a reservation for canal purposes over the aforementioned area. (PLAT: ENG-LWDD)

R. PREM

1. Condition 1.1 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by July 1, 1997, for a 1.87 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

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

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

Is hereby amended to read:

The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by **March 1, 2000** for a **1.87** acre Public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). 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. Condition 12 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

The property owner shall provide the County with a certified survey of the proposed civic site by July 1, 1997. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- 1) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
- 2) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- 3) 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)

Is hereby amended to read:

The property owner shall provide the County with a certified survey of the proposed civic site by November 1, 1999. 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. 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. (DATE: MONITORING - PREM)

3. Condition 13 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by July 1, 1997. 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:

- 1) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- 2) 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:

- a) EPA's National Priorities list (NPL)
 - b) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - c) Hazardous Waste Data Management System List (HWDMS).
- 3) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - 4) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - 5) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

Is hereby amended to read:

The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by February 1, 2000. 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. Condition 14 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

Prior to July 1, 1997, 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 civic site contribution shall be subject to the County appraisal process, appraised as a civic site and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

Is hereby amended to read:

Prior to February 1, 2000, 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 PIJD 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)

S. SCHOOL BOARD

I. Condition D.1 of Resolution R-96-0994 of Petition PDD96-031 which currently states:

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

Is hereby amended to read:

A notice of annual boundary school assignments for students from this development, provided by the School District on an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residents. School Board policies regarding

overcrowding, racial balance or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

2. Since this is to be a gated community, the School District requires that a bus stop pull off be provided completely out of the right-of-way or bus stop turn around in front of any access control points. These bus stops shall be sufficient enough in size to accommodate a school bus. The size and location of all such school bus stops shall be coordinated with the Palm Beach County Zoning, Planning, and Engineering Departments, as well as the School District Planning Department.

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

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previous Condition L.1 of Resolution R-96-0994 of Petition PDD96-031).