

RESOLUTION NO. R-99- 2074

RESOLUTION APPROVING ZONING PETITION PDD99-040
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF G. L. HOMES OF FLORIDA
BY KILDAY & ASSOCIATES, AGENT
(NAUTICA SHORES 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 PDD99-040 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1999; 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) 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 PDD99-040, the petition of G. L. Homes of Florida by Kilday & Associates, agent, for an Official Zoning Map Amendment to a Planned Development District (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (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 October 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

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

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Altier*
COUNTY ATTORNEY

BY: *Joan Newell*
DEPUTY CLERK

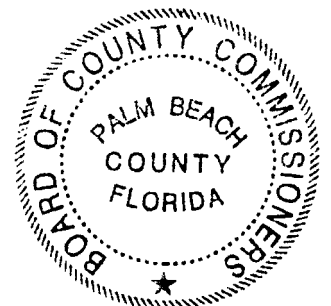


EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1: (102.2)

The North One-Half (N½) of the South One-Half (S½) of the Northeast One-Quarter (NE¼) of the Northeast One-Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 2: (103.0)

The South 1320 feet of the Southeast One-Quarter (SE¼) of the Northeast One-Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 3: (102.3)

South One-Half (S½) of the South One-Half (S½) of the Northeast One-Quarter (NE¼) of the Northeast One-Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, subject to a roadway easement over the East 15 feet thereof.

All lands located in the Southeast One-Quarter (SE¼) of the Northeast One-Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

LYING NORTH OF: The South 1320 feet of the Southeast One-Quarter (SE¼) of the Northeast One-Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 3: (1220)

The North 175 feet of the South 2093 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS, the East 974.6 feet thereof. Subject to an easement over the East 60 feet of said parcel. Subject to Lake Worth Drainage District Canal E-3 right-of-way, together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 971.6 feet, and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

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PARCEL 4: (1230)

The East 243.65 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the South 1978 feet of the East 212 feet and the South 1918 feet of the West 31.65 feet of the East 243.65 feet of the West Half (WW) of the Northeast Quarter (NE%) of said Section 35. Subject to an easement over the West 31.65 feet of the East 243.65 feet of the South 1978 feet of said parcel. Subject to Lake Worth Drainage District Canal L-14 Right-of Way, together with a non-exclusive easement for ingress and egress described on Deed recorded in Official Records Book 3740, pages 1759 and 1760, described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE%) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet, and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 8: (1040)

The West 243.40 feet of the East 455.40 feet of the North 239.75 feet of the South 1678.25 feet of the West Half (W½) of The Northeast Quarter (NE'/*) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Subject to easement for ingress and egress over the North 30 feet and the East 30 feet of said parcel.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE'/*) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Also, an easement for ingress and egress over and across the North 60 feet of the South 1708.25 feet of the West 853.60 feet of the East 1095.60 feet of the West Half (W½) of the Northeast Quarter (NE'/) of said Section 35.

PARCEL 9: (1050)

The West 213.40 feet of the East 668.80 feet of the North 239.75 feet of the South 1678.25 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Subject to an easement for ingress and egress over the North 30 feet of said parcel.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet, and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the

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Northeast Quarter (NE ¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. **Also**, an easement for ingress and egress over and across the North 60 feet of the South 1708.25 feet of the West 853.60 feet of the East 1095.60 feet of the West Half (W½) of the Northeast Quarter (NE¼) of said Section 35.

PARCEL 10: (1060)

The West 213.40 feet of the East 882.20 feet of the North 239.75 feet of the South 1678.25 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Subject to an easement for ingress and egress over the North 30 feet of said parcel.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet, and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Also, an easement for ingress and egress over and across the North 60 feet of the South 1708.25 feet of the West 853.60 feet of the East 1095.60 feet of the West Half (WK) of the Northeast Quarter (NE¼) of said Section 35.

PARCEL 16: (1160)

The West 123.65 feet of the East 487.31 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the South 2205 feet thereof, Subject to Lake Worth Drainage District L-14 right-of-way.

Together with a non-exclusive easement for ingress and egress as follows: **An** easement for ingress and egress over and across property in the West Half (WK) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with an easement for egress and ingress over the West 30 feet of the East 487.30 feet of the North 287 feet of the South 2205 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 17: (1270)

The North 175 feet of the South 2268 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 974.6 feet thereof. Subject to an easement over the East 60 feet of said parcel. Subject to Lake Worth Drainage District Canal li-3 right-of-way. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of
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Project No. 0600-002

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the East **242** feet, the West 60 feet of the East **242** feet of the South **1978** feet, the North 60 feet of the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West **60** feet of the East **1034.6** feet of the North **525** feet of the South **2443** feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida.

PARCEL 18: (1010)

The West **243.65** feet of the East **730.95** feet of the West, Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, **LESS** the South **1918** feet thereof. Subject to an easement over the South **60** feet of said parcel. Subject to Lake Worth Drainage District Canal L-14 right-of-way. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, described as follows: The South **60** feet of the East **242** feet, the West 60 feet of the East **242** feet of the South **1978** feet, the North **60** feet of the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West **60** feet of the East **1034.6** feet of the North **525** feet of the South **2443** feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida.

PARCEL 19: (1090)

The West **243.40** feet of the East **455.40** feet of the North **239.75** feet of the South **1918.00** feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida. Subject to an easement for ingress and egress over the South 30 feet and the East **30** feet of said parcel. :

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, described as follows: The South 60 feet of the East **242** feet, the West 60 feet of the East **242** feet of the South **1978** feet, the North **60** feet, the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West 60 feet of the East **1034.6** feet of the North **525** feet of the South **2443** feet of the said West half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida. **Also**, an easement for ingress and egress over and across the North 60 feet of the South **1708.25** feet of the West **853.60** feet of the East **1095.60** feet of the West Half (W½) of the Northeast Quarter (NE¼) of said Section **35**.

PARCEL 20: (1120)

The West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, **LESS** the East **974.6** feet thereof and **LESS** the South **2443** feet thereof. Subject to right-of-way for Lake Worth Drainage District Canals L-14 and E-3. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, described as follows: The South **60** feet of the East **242** feet, the West **60** feet of the East **242** feet of the South **1978** feet, the North **60** feet of the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West 60 feet of the East **1034.6** feet of the North **525** feet of the

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South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 21: (1250)

The North 175 feet of the South 2443 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 974.6 feet thereof. Subject to an easement over the East 60 feet of said Parcel. Subject to Lake Worth Drainage District Canal E-3 right-of-way. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 22: (1260)

The West 243.65 feet of the East 974.6 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the South 1918 feet thereof. Subject to an easement over the South 60 feet of said parcel. Subject to Lake Worth Drainage District Canal L-14 right-of-way. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 24: (1150)

The West 120 feet of the East 363.66 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the South 2205 feet thereof. Subject to Lake Worth Drainage District L-14 right-of-way. Together with an easement for ingress and egress over the North 30 feet of the West 123.65 feet of the East 487.31 feet of the South 2235 feet and over the West 30 feet of the East 487.30 feet of the North 287 feet of the South 2205 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with a non-exclusive easement for ingress and egress described as follows:

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An easement for ingress and egress over and across property in the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 25: (1170)

The West 243.65 feet of the East 487.30 feet of the North 287 feet of the South 2205 feet of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Subject to an easement for ingress and egress over the West 30 feet and the South 60 feet of said parcel. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

PARCEL 26: (1140)

The North 239.75 feet of the South 1918.00 feet of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 1095.60 feet thereof.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Also, an easement for ingress and egress over and across the North 60 feet of the South 1708.25 feet of the West 853.60 feet of the East 1095.60 feet of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 35.

PARCEL 27: (1021) and (1024)

The North One-Half ($N\frac{1}{2}$) of the Northeast One-Quarter ($NE\frac{1}{4}$) of the Northeast One-Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

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PARCEL 28: (1100)

The West **213.40** feet of the East **882.20** feet of the North **239.75** feet of the South **1918.00** feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida. Together with an easement for ingress and egress over the property described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, described as follows: The South **60** feet of the East **242** feet, the West **60** feet of the East **242** feet of the South **1978** feet, the North **60** feet of the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West **60** feet of the East **1034.6** feet of the North **525** feet of the South **2443** feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida.

PARCEL 29: (1130)

The West **213.4** feet of the East **668.8** feet of the North **239.75** feet of the South **1918.00** feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida. Together with an easement for ingress and egress over the property described as follows:

An easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, described as follows; The South **60** feet of the East **242** feet, the West **60** feet of the East **242** feet of the South **1978** feet, the North **60** feet of the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West **60** feet of the East **1034.6** feet of the North **525** feet of the South **2443** feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida.

PARCEL 30: (1110)

The West **213.40** feet of the East **1095.60** feet of the North **239.75** feet of the South **1918.00** feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida. Subject to an easement for ingress and egress over the South **30** feet of said parcel.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida, described as follows: The South **60** feet of the East **242** feet, the West **60** feet of the East **242** feet of the South **1978** feet, the North **60** feet of the South **1978** feet of the West **792.6** feet of the East **974.6** feet and the West **60** feet of the East **1034.6** feet of the North **535** feet of the South **2443** feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section **35**, Township **44** South, Range **42** East, Palm Beach County, Florida. Also, an easement for ingress and egress over and across the North **60** feet of the South **1708.25** feet of the West **853.60** feet of the East **1095.60** feet of the West Half (W½) of the Northeast Quarter (NE¼) of said Section **35**.

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PARCEL 31: (1080)

The North 239.75 feet of the South 1678.25 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, **LESS** the East 1095.60 feet thereof.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. **Also**, an easement for ingress and egress over and across the North 60 feet of the South 1708.25 feet of the West 853.60 feet of the East 1095.60 feet of the West Half (W½) of the Northeast Quarter (NE¼) of said Section 35.

PARCEL 32: (1070)

The West 213.40 feet of the East 1095.60 feet of the North 239.75 feet of the South 1678.25 feet of the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Subject to an easement for ingress and egress over the North 30 feet of said parcel.

Together with a non-exclusive easement for ingress and egress over and across property in the West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East, 974.6 feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half (W½) of the Northeast Quarter (NE¼) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. **Also**, an easement for ingress and egress over and across the North 60 feet of the South 1708.25 feet of the West 853.60 feet of the East 1095.60 feet of the West Half (W½) of the Northeast Quarter (NE¼) of said Section 35.

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LEGAL DESCRIPTION

PARCEL 33: (1180)

The East **212** feet of the North 479.5 feet of the South 1978 feet of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. Subject to an easement over the West 30 feet of said parcel. Together with a non-exclusive easement for ingress and egress described as follows:

An easement for ingress and egress over and across property in the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida, described as follows: The South 60 feet of the East 242 feet, the West 60 feet of the East 242 feet of the South 1978 feet, the North 60 feet of the South 1978 feet of the West 792.6 feet of the East **974.6** feet and the West 60 feet of the East 1034.6 feet of the North 525 feet of the South 2443 feet of the said West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

CONTAINING 120.00 ACRES MORE OR LESS.

END OF LEGAL DESCRIPTION

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 and the conceptual site plan are dated October 27, 1999 and the regulating plan is dated June 24, 1999. 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. ANNEXATION

1. Prior to the issuance of the Technical Compliance for the first plat of any portion of the PUD, the property owner shall submit a voluntary annexation request to the City of Greenacres. (TC: ENG - Green)
2. No building permit for the residential units, excluding dry models, shall be issued by Palm Beach County unless a written denial of annexation from the City of Greenacres is provided to the Building Department and Zoning Review Section. The denial documentation shall be incorporated as part of the zoning petition file. (BLDG PERMIT: MONITORING - Green/Zoning)

C. ARCHITECTURAL CONTROL

1. Diversity of architectural elevation and exterior color scheme shall be required by complying with the following:
 - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).
 - b. No more than three (3) homes with the same elevation shall be placed next to each other; and,
 - c. No more than three (3) homes with the same exterior color scheme may be placed next to each other.

A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation. (BLDG PERMIT: BLDG/ZONING/GREEN)

2. The proposed residential buildings within Pods C and A shall be designed and constructed to be similar to the facade elevations contained in the Sapphire and Cluster Home Series submitted by G. L. Homes dated July 13, 1939. Modifications may be permitted provided the new architectural treatment be equal to or an upgrade of the original architectural treatment. (BLDG PERMIT: BLDG - Zoning)

D. 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. Landscaping and buffering between the Civic Pod and Pod B shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip, no reductions or encroachment of easements shall be permitted;
 - b. A six (6) foot high berm/hedge/wall and/or fence combination, providing an opaque barrier at time of installation, will be maintained at a minimum height of six (6) feet. The berm, if used, shall be measured from finished grade. The spacing of the shrub and hedge material shall be pursuant to provisions of the ULDC;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each twenty-five (25) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. The landscaping materials required above shall be equally distributed on both sides of the barrier if a non-living barrier is installed within the buffer. (CO: LANDSCAPE)

E. ENGINEERING

1. Prior to December 1, 2000, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Haverhill Road, 50 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. Property owners shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng)
2. Prior to December 1, 2000 or prior to the issuance of the first Building Permit, whichever shall first occur the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Project's 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. (DATE/BLDG PERMIT: MONITORING - Eng)
3. 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 Haverhill Road 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)
4. The Property owner shall construct :
 - 1) A Right turn lane north approach on Haverhill Road at the project's entrance road.

- 2) Leftturn lanes south approach on Haverhill Road at the projects entrance road.
 - a) Construction identified in Conditions E.4.1) and E.4.2) above shall be concurrent with the Haverhill Road construction funded by the developer in accordance with the conditions of approval below. 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) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

5. Prior to December 1, 2000, 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 Haverhill Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the stormwater 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 wing wall 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)

6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a)
 - i. No building permits shall be issued until the contract has been let for construction of Haverhill Road as a 2 lane median divided section from Melaleuca Lane to Lantana Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng.)
 - ii. No CO's for the project shall be issued until the construction has been completed. (CO: MONITORING - Eng)
 - iii. The Developer shall enter into an advanced funding agreement with Palm Beach County prior to the final development order to expedite the construction of this roadway currently scheduled for FY 2001 - 2002. (ENG)

- b) Building Permits for no more than 282 single-family housing units (2820 daily project trips) shall be issued until the contract is let for the construction of Lantana Road from Jog Road to military Trail as a 6 lane median divided section. (BLDG PERMIT: MONITORING - Eng)
- c) Acceptable surety required for the Haverhill Road improvements as outlined in Condition a) above shall be posted with the Office of the **Land Development Division** on or before April 28, 2000. Surety in the amount of 110% of the Estimated Construction Cost plus the appropriate administration and inspection fees as established by the Roadway Production Division shall be provided to the County Engineer in a form approved by the County Attorney. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)

7. LANDSCAPE WITHIN MEDIAN OF HAVERHILL ROAD

- a) Prior to issuance of a building permit, the property owners shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the future median of Haverhill Road right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscape 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 landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- b) All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing and new landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- c) Restrictive covenants establishing the Property Owners Association shall include or be amended to include this obligation and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

8. LANDSCAPE WITHIN THE MEDIAN OF THE INTERNAL COLLECTOR ROAD

- a) Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the future median of the 80' collector road right-of-

way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. 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. 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 landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b) All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing and new landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- c) Restrictive covenants establishing the Property Owners Association shall include or be amended to include this obligation and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

- 9. No construction or future access to the PUD shall be permitted from Cadillac Drive. A notation on the Preliminary Development Plan (PDP) shall be provided prior to approval of the PDP by the Development Review Committee (DRC). (DRC/ONGOING: ZONING/CODE ENF)

F. LANDSCAPING - STANDARD

- 1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standard; at installation:
 - a. Tree height: Twelve (12) feet
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: Six (6) 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 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, 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. A group of three (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 4. All internal PUD buffers between pods shall be approved by the Development Review Committee (DRC) in accordance with the ULDC, unless otherwise stated herein. (DRC: ZONING)

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (IMMEDIATELY ADJACENT TO LWDD L-14 AND LWDD E-3 CANALS)

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip, no reductions or encroachment of easements shall be permitted;
 - b. A six (6) foot wall, fence, hedge, or combination with a two (2) high berm, providing an opaque barrier at time of installation, will be maintained at a minimum height of six (6) feet. The berm, if used, shall be measured from finished grade. The minimum spacing and height of the shrub and hedge material shall be pursuant to provisions of the ULDC;
 - c. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required canopy trees in that location within the buffer;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE)
2. If a non-living barrier is installed within the above buffers, then, the landscaping materials required above shall be equally distributed on both sides of the barrier. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ADJACENT TO HAVERHILL ROAD EXTENSION)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment, no reductions shall be permitted;
 - b. A minimum two (2) foot high undulating berm with an average minimum height of three (3) feet, measured from top of curb;
 - c. One (1) canopy tree planted every twenty-five (25) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the canopy trees in that location within the buffer;

- d. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
 - e. 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. Condition H.I.c. may be used to provide continuous shading for the sidewalk within the Haverhill Road right-of-way provided there is a maximum separation of thirteen (13) feet between eastern edge of the required buffer, exclusive of any easement overlap, and the western edge of the sidewalk. If the separating distance between landscape buffer and sidewalk exceeds thirteen (13) feet, continuous shading by street trees shall be subject to the County Engineer's approval. (CO: LANDSCAPE - Planning/Eng)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (IMMEDIATELY ADJACENT TO LWDD L-15 CANAL AND RESIDENTIAL)

1. Landscaping and buffering along the south property line shall include:
- a. A minimum forty (40) foot wide landscape buffer strip with a five (5) foot maximum easement encroachment, no reductions shall be permitted;
 - b. A continuous six (6) foot high berm measured from finished grade;
 - c. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet between clusters. One-half (½) of the required canopy trees shall be installed at a minimum height of fourteen (14) feet with a trunk diameter of 2.5 inches measured 3 feet above grade at time of installation. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required canopy trees in that location within the buffer;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
 - e. Thirty (30) 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 seventy-two (72) inches.

The above referenced buffer, berm and landscaping shall be installed within sixty (60) days of the issuance of the land development permit. The developer shall notify the Monitoring Section of PZ & B of the issuance. (DATE: MONITORING - Zoning/Eng)

J. LANDSCAPING ALONG SOUTHWEST PROPERTY LINES (ADJACENT TO AGRICULTURAL USE)

1. Landscaping and buffering along the 1,100 and 212' portions of the southwest property lines shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip, no reductions or easement encroachments shall be permitted;
 - b. A six (6) foot wall, fence, hedge, or combination with a two (2) high berm, providing an opaque barrier at time of installation, will be maintained at a minimum height of six (6) feet. The berm, if used, shall be measured from finished grade. The minimum spacing and height of the shrub and hedge material shall be pursuant to provisions of the ULDC;

- c. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the canopy trees in that location within the buffer; and,
 - d. One (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE)
- 2. Landscaping and buffering along the 1,485' portion of the southwest property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip, no reductions or easement encroachment shall be permitted;
 - b. A six (6) foot wall, fence, hedge, or combination with a two (2) high berm, providing an opaque barrier at time of installation, will be maintained at a minimum height of six (6) feet. The berm, if used, shall be measured from finished grade. The minimum spacing and height of the shrub and hedge material shall be pursuant to provisions of the ULDC;
 - c. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the canopy trees in that location within the buffer; and,
 - d. One (1) palm or pine tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE)
- 3. If a non-living barrier is installed within the above buffers, then, the landscaping materials required above shall be equally distributed on both sides of the barrier. (CO: LANDSCAPE)

K. MASS TRANSIT

- 1. A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
- 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 issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng/GREEN)

L. PLANNED UNIT DEVELOPMENT

- 1. Decorative street lights shall be provided pursuant to Section 6.8.A.23.c(1) of the ULDC, subject to approval by the County or City Engineer. (CO: BLDG - Eng/GREEN)

2. Street trees shall be provided as follow:
 - a. Along one side of all internal PUD right-of-ways forty (40) feet in width or greater;
 - b. Along both sides of all internal PUD right-of-ways, fifty (50) feet in width or greater; and,
 - c. At one canopy tree for every forty (40) linear feet of street frontage with a maximum spacing of sixty (60) feet between clusters.

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

3. 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 - Co Att)

4. Additional guest and overflow parking spaces shall be provided at a ratio of one (1) per every ten (10) units within all townhouse pods. These spaces shall be uniformly distributed within each pod and be located within 200', measured by the path of travel, of the units which they will be serving. No more than thirty (30) percent of the additional parking spaces may be located within the recreation parcels. (DRC/CO: ZONING/BLDG)
5. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within each residential pod. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations	Administrative Deviation or Flexible Regulations	Pod A (Village Cluster)	Pod B	Pod C
Lot Width /Frontage (Pods A ^{and} C only)	40' minimum	x		x
Building Coverage (Pod B only)	55% maximum		x	

Property Development Regulations	Administrative Deviation or Flexible Regulations	Pod A (Village Cluster)	Pod B	Pod C
Minimum Lot Size (Pods A ^{**} and C only)	3,600s.f. minimum	x		x
Front Setback (Pod B ^{**} only)	22.5' minimum	x	x	

Minimum 60 s.f. porches with railings shall be provided for all units. These porches shall be located at the front of each unit and be accessible from the interior and exterior of the unit.

**

Pavers shall be provided for the driveways of all units

7. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of internal roadway, access tract, residential street (including T-intersection!), or cul-de-sac as shown on the conceptual site plan dated October 27, 1999. This focal point shall be pedestrian oriented public areas and shall be in the form of a plaza, fountain, arcade or any other site element or architectural design acceptable to the Zoning Division. (DRC: ZONING)
8. No rear, side interior or side street setback reductions may be permitted. (DRC: ZONING)
9. Prior to certification of the Preliminary Development Plan (PDP) by the Development Review Committee, the concurrency reservation shall be amended to be consistent with the October 27, 1999 PDP in number and unit type. (DRC/ONGOING: ZONING)
10. Drainage easements shall not be permitted along the width and within the rear yards of the back-to-back units. (DRC: ZONING)
11. All zero-lot line lots (units) which side yard abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRC: ZONING)
12. All zero lot line lots north of the LWDDL-15 Canal, the south PUD buffer, within Pod B shall be a minimum of six thousand (6,000) square feet. (DRC/BLDG PERMIT: ZONING)
13. A maximum of fifty (50) percent of the zero lot line lots required by Condition L.12 shall be two-story in height.
14. Prior to March 1, 2000, the petitioner shall prepare and submit for approval an interlocal agreement between the County and the City of Greenacres to address the conditions of approval. One maximum six (6) month time extension to this requirement may be granted by staff. (DATE: MONITORING-Zoning/Co Atty)
15. The developer shall take all reasonable precautions to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the proposed PUD. (ONGOING: CODE ENF)

M. PREM

1. The Petitioner has made application with the Zoning Division of Palm Beach County for approval of this Planned Unit Development (PUD), however, it is the intent of the City of Greenacres to annex the PUD into the City's municipal boundaries. The following civic site condition is therefore structured to provide 1.040 acres of land to the City of Greenacres for public civic purposes and allow the Petitioner to cash-out the remainder portion of the civic area (1.36 acres). The cash-out funds shall be delivered to Palm Beach County prior to first plat approval and will be held by the County until such time the PUD is annexed into the City. Once annexed, the County shall deliver the cash-out funds to the City.

In the event annexation does not occur, the entire civic site shall be deeded to Palm Beach County under the direction of the PREM Division. The following condition shall remain in effect, however, all references to the "City" shall be deemed to mean the appropriate "County" agency as directed by PREM. (PLAT: ENG - PREM)

2. The property owner shall provide the City of Greenacres with a warranty deed by September 1, 2000 for a 1.040 acre public civic site, in a location and form acceptable to the City Department of Engineering. Developer to Plat and dedicate the Civic site to the City prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance. All annexation votes by the City must occur prior to platting of the civic site.
 - a. Developer to provide a title policy insuring marketable title to the City for the civic site. Policy is subject to the City Engineering Department and City Attorney's approval. The title policy to be insured to the City 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 by the Developer. The City to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the PUD, as it would apply to the civic site;
 - 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 the City Engineering Department and the City Attorney's Office;
 - 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 City. Developer shall specifically address the following issues:
 - 1) The discharge of surface water from the proposed civic site to the Developer's water retention basins.
 - 2) An 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 City 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 City Engineering Department; and,
 - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - GREEN)
3. The property owner shall provide the City with a certified survey of the proposed civic site by July 1, 2000. 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. 21H.6;
 - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided; and,
 - 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 City's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - GREEN)

4. The property owner shall provide the City Engineering Department with an Environmental Assessment of the proposed civic site by July 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; and,
- 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:

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

N. SCHOOL BOARD

1. The property owner shall post notice on 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 with the following:

"NOTICE TO HOME BUYERS/TENANTS"

"School age children may not be assigned to the public school closest to their residences. 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)." (ONGOING: SCHOOL BOARD)

O. SIGN FOR CIVIC POD

1. Freestanding civic signs fronting on Haverhill Road extension shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - Five (5) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - One (1); and,
 - d. Style - Monument style only. (CO: BLDG/GREEN)

P. 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 the 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; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

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