

RESOLUTION NO. R-2004-0731

RESOLUTION APPROVING ZONING PETITION PDD2003-033  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF COMMUNITIES FINANCE COMPANY  
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOCIATES, INC., AGENT  
(PARCEL 32 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Petition PDD2003-033 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2004; and,

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

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

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

WHEREAS, Article 2.K.3.b (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 PDD2003-033, the petition of Communities Finance Company by Gentile, Holloway, O'Mahoney & Associates, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District rezoning from the Residential Single Family Zoning District to the Residential Planned Unit Development Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 22, 2004, 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 Newell and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 2004.


Filed with the Clerk of the Board of County Commissioners on 17 day of May, 2004.

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

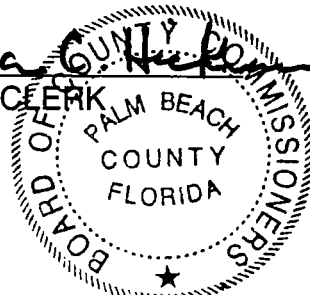


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 32.04

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 29, 1,932.30 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY, AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 7; THENCE WESTERLY, STILL ALONG THE NORTHERLY LINE OF SECTION 29, 150 FEET, MORE OR LESS, TO THE EASTERLY SHORELINE OF THE INTRACOASTAL WATERWAY; THENCE CONTINUE ALONG THE NORTHERLY LINE OF SECTION 29, 100 FEET MORE OR LESS TO THE EASTERLY LINE OF THE FORMER FLORIDA EAST COAST CANAL; THENCE SOUTHEASTERLY FOLLOWING THE EASTERLY LINE OF THE FLORIDA EAST COAST CANAL, 1,370.19 FEET, MORE OR LESS TO A POINT WHICH IS 40 FEET NORTHWARDLY FROM THE SOUTHERLY LINE OF THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 29, MEASURED AT RIGHT ANGLES THERETO; THENCE EASTWARDLY ALONG A LINE PARALLEL TO AND 40 FEET NORTHWARDLY FROM THE SOUTHERLY LINE OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 29, MEASURED AT RIGHT ANGLES THERETO, 110 FEET, MORE OR LESS, TO THE EASTERLY SHORELINE OF THE INTRACOASTAL WATERWAY; THENCE CONTINUE ON SAME BEARING 139.89 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY AS SHOWN ON SAID PLAT; THENCE EASTWARDLY, STILL ALONG A LINE PARALLEL TO AND 40 FEET NORTHWARDLY FROM THE SOUTHERLY LINE OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 29, MEASURED AT RIGHT ANGLES THERETO, 407.06 FEET TO A POINT; THENCE NORTHWARDLY AT RIGHT ANGLES TO THE PRECEDING COURSE, 360 FEET TO A POINT; THENCE EASTWARDLY PARALLEL TO THE SOUTHERLY LINE OF THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 29, 624.12 FEET, MORE OR LESS, TO THE WESTERLY LINE OF ELLISON-WILSON ROAD AS DESCRIBED IN THE RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORD BOOK 539, PAGE 486; THENCE SOUTHEASTWARDLY ALONG THE SAME, 403.75 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE NORTH HALF (N ½) OF NORTHEAST QUARTER (NE ¼) OF SAID SECTION 29; THENCE EASTWARDLY ALONG THE SAME, 434.71 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID SECTION 29; THENCE NORTHWARDLY ALONG THE SAME, 1,338.41 FEET TO THE POINT AND PLACE OF BEGINNING, LESS AND EXCEPTING THEREFROM THE RIGHT OF WAY OF DONALD ROSS ROAD AS DESCRIBED IN DEED BOOK 1005, PAGE 324, PALM BEACH COUNTY, FLORIDA RECORDS. LESS AND EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE WEST RIGHT OF WAY LINE OF ELLISON-WILSON ROAD, AS AFORESAID, ALSO LESS THE RIGHT OF WAY OF DONALD ROSS ROAD DESCRIBED IN OFFICIAL RECORD BOOK 9577, PAGE 178, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 32.06

A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 29 LYING WESTERLY OF THE RIGHT OF WAY OF ELLISON-WILSON ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 539 AT PAGE 486, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING EASTERLY OF THE RIGHT OF WAY OF THE INTRACOASTAL WATERWAY AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 17, AT PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH:

PARCEL 32.06A

A PARCEL OF LAND LYING IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PART OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 29 LYING WESTERLY OF THE EAST LINE OF THE INTRACOASTAL WATERWAY AS SHOWN IN PLAT BOOK 17, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND EASTERLY OF THE EAST LINE OF THE FORMER FLORIDA EAST COAST CANAL AS SHOWN ON SAID PLAT OF THE INTRACOASTAL WATERWAY.

ALSO TOGETHER WITH:

PARCEL 32.08

PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH POINT IS 40 FEET NORTHWESTWARDLY FROM THE SOUTHERLY LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, MEASURED AT RIGHT ANGLES THERETO, THENCE EASTWARDLY ALONG A LINE PARALLEL TO AND 40 NORTHWARDLY FROM THE SOUTHERLY LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 29, MEASURED AT RIGHT ANGLES THERETO, 407.06 FEET TO A POINT, THENCE NORTHWARDLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, 360.00 FEET TO A POINT, THENCE EASTWARDLY PARALLEL TO THE SOUTHERLY LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 29, 624.12 FEET MORE OR LESS, TO THE WESTERLY LINE OF ELLISON-WILSON ROAD AS DESCRIBED IN THE RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 539, PAGE 486, THENCE SOUTHEASTWARDLY ALONG THE SAME 403.75 FEET MORE OR LESS TO THE SOUTHERLY LINE OF THE NORTH ½ OF NORTHEAST ¼ OF SAID SECTION 29, THENCE WESTWARDLY ALONG THE SAME 1072.07 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY, AS AFORESAID, THENCE NORTHWESTWARDLY ALONG THE SAME, 42.12 FEET MORE OR LESS TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH:

BEING A PARCEL OF SUBMERGED LAND LYING OVER A PORTION OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29; PROCEED NORTH 87°55'03" WEST, ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 1932.30 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID INTRACOASTAL WATERWAY; THENCE NORTH 87°55'03" WEST, CONTINUING ALONG SAID NORTH LINE OF SECTION 29, A DISTANCE OF 150 FEET MORE OR LESS TO THE EASTERLY SHORELINE OF THE INTRACOASTAL WATERWAY; THENCE CONTINUE NORTH 87°55'03" WEST, ALONG SAID NORTH LINE OF SECTION 29, A DISTANCE OF 100.00 FEET MORE OR LESS TO THE EASTERLY LINE OF THE FORMER FLORIDA EAST COAST CANAL; THENCE SOUTH 16°15'55" EAST, DEPARTING SAID NORTH LINE, AND ALONG SAID EAST LINE, A DISTANCE OF 1,370.19 FEET MORE OR LESS TO A POINT ON A LINE 40.00 FEET NORTHERLY OF, AND PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF (NO. 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 29 AND THE POINT OF BEGINNING; THENCE SOUTH 87°59'25" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 249.89 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY OF SAID INTRACOASTAL WATERWAY; THENCE SOUTH 16°15'55" EAST, DEPARTING SAID PARALLEL LINE, AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 42.12 FEET TO A POINT ON THE SOUTH LINE OF THE OF THE NORTH ONE-HALF (NO. 1/2), OF THE NORTHEAST QUARTER (N.E. 1/4) OF SAID SECTION 29; THENCE NORTH 87°59'25" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 249.89 FEET MORE OR LESS TO SAID EAST LINE OF THE FORMER EAST COAST CANAL; THENCE NORTH 16°15'55" WEST, ALONG SAID EAST LINE, A DISTANCE OF 42.12 FEET TO THE POINT OF BEGINNING.

SAID SUBMERGED PARCEL CONTAINING 0.23 ACRES, MORE OR LESS.

SAID PARCELS CONTAINING IN AGGREGATE 77.17 ACRES (CALCULATED), MORE OR LESS



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 6, 2004. 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 – Zoning)
2. Accessory structures, such as, but not limited to, pools, tennis courts, boat docks, guest cottages, garages, and accessory dwellings, shall not be permitted on lots 46- 51, unless the lot is combined and replatted with an adjacent lot (39-45) to create one single lot of record. (PLAT:ENG/ZONING-Zoning)

#### B. ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)
2. A 25% upland set-aside equal to or greater than 8.46 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM – ERM)
3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat shall be approved by ERM prior to final site plan approval by the DRO. (DRO: ERM – ERM)

#### C. LANDSCAPING – STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG. PERMIT: LANDSCAPE – Zoning)
2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG. PERMIT: LANDSCAPE – Zoning)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and,
  - d. This condition does not apply where a single row of hedge is required on one or both sides of a wall or fence. (BLDG PERMIT: LANDSCAPE – Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDG. PERMIT: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE – Zoning)
6. All canopy trees to be planted within or adjacent to overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (BLDG. PERMIT: LANDSCAPE – Zoning)
7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easement crossings. (BLDG PERMIT: LANDSCAPE – Zoning)

**D. LANDSCAPE – ALTERNATIVE PLAN**

1. Prior to final site plan approval by the Development Review Officer (DRO), an Alternative Landscape Plan (ALP) shall be submitted to the Landscape Section for landscaping along the north, south, east and west property lines and/or any portion of the property where existing wetlands, vegetation, preserve areas and the Intercoastal waterway may affect the proposed landscaping. The ALP shall be based upon an equivalent quantity of plant materials in addition to a signed and sealed cost estimate. (DRO: LANDSCAPE – Zoning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE – Zoning)

**E. ENGINEERING**

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 

No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)
2. Prior to the issuance of the first building permit the property owner shall convey to Palm Beach County a road drainage easement(s) through this project to provide legal positive outfall for Ellison Wilson Road from the project east property line to the Intracoastal Waterway. Portions of such system not included within roadways or waterways dedicated for drainage purposes shall be a minimum of 20 feet in width. Location and final width of the drainage easement shall be subject to the approval of County Engineer. The Developer may elect to construct a closed piping system within this

drainage easement if 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. (BLDG PERMIT: MONITORING – Eng)

3. The property owner shall construct a left turn lane south approach on Ellison Wilson Road at the Project's Entrance Road.
  - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PRMT: Monitoring – Eng)
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)
4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG – Eng)
5. LANDSCAPE PLANTINGS WITHIN THE LANDSCAPE ISLANDS OF ELLISON WILSON ROAD
  - a.) The property owner shall construct landscape island(s) a minimum length of 350 feet within the pavement of Ellison Wilson Road south of Donald Ross Road adjacent to this site. Final design of these Landscape Islands shall be approved by the County Engineer for the width, length, geometrics, plant material and location.
  - b.) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.
    - 1) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
    - 2) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
6. LANDSCAPE PLANTINGS WITHIN PROPOSED LANDSCAPE ISLANDS OF ELLISON WILSON ROAD
  - a.) The property owner shall construct 2 landscape islands within the pavement of Ellison Wilson Road north and south of Juno Isles Boulevard. The first landscape island shall be located 200 feet south of Ardley Road. The second landscape island shall be located 650 feet north of Ascott Road. The construction and installation of plant material shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be funded by the property owner. Final design of these landscape islands shall be approved by the County Engineer for the width, length, geometrics of the landscape islands, and the type, location, and quantity of plant material and shall be reimbursed by the District 1 Commissioner. The Developer shall then be reimbursed by the District 1 Commissioner of Palm Beach County for the construction and the installation of all plant material for these landscape islands. A certified cost estimate shall be submitted and approved by the District 1 Commissioner prior to construction and

installation and all final costs shall be approved by the County Engineer.

1. Median landscaping installed by the petitioner shall be perpetually maintained by this developer, his successors and assigns, without recourse to Palm Beach County.
2. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
3. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

F. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (FRONTAGE OF DONALD ROSS ROAD AND ELLISON WILSON ROAD)

1. Landscaping and buffering along the north and east property lines shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or utility easement encroachment shall be permitted;
  - b. One (1) native canopy tree for each thirty (30) linear feet of the property line;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
  - e. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.
  - g. Credit may be given to meet the above landscape requirements if the above planting requirements could be transferred to the adjacent Burt Winters Park. Prior to final DRO approval of the site plan, the property owner shall enter into an agreement with the PBC Parks and Recreation Department regarding the relocation of these plant materials. (DRO/BLDG PERMIT:DRO/PARKS/LANDSCAPE – Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING CIVIC TRACT)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction or utility easement encroachment shall be permitted;
  - b. A six (6) foot high concrete panel wall, opaque wood fence or black vinyl coated chain link fence. The wall or fence may be deleted in those areas where an Alternative Landscape Plan is required;
  - c. One (1) canopy tree planted for each twenty (20) linear feet of the property line alternating on both sides of the wall or fence;
  - d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall or fence;
  - e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, and to be planted on both sides of the wall or fence;
  - f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, to be planted on both sides of the wall or fence;

- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and to be planted on the exterior side of the wall or fence; and,
- h. Credit may be given to meet the above landscape requirements if the above planting requirements could be transferred to the adjacent Burt Winters Park. Prior to final DRO approval of the site plan, the property owner shall enter into an agreement with the PBC Parks and Recreation Department regarding the relocation of these plant materials. (DRO/BLDG PERMIT:DRO/PARKS/LANDSCAPE – Zoning)

H. LANDSCAPING – INTERIOR

- 1. Special planting treatment shall be provided on both sides of the access point on Ellison Wilson Road. Planting shall consist of the following:
  - a. A minimum of three (3) specimen Palms (Medjool, Canary, Royal, or any other species acceptable to the Landscape Section);
  - b. A minimum of three (3) flowering trees along the access drive; and
  - c. Shrub or hedge materials. (BLDG PERMIT: LANDSCAPE – Zoning)
- 2. Special planting treatment shall be provided in the cul-de-sac at the project's entrance on Ellison Wilson Road. Planting shall consist of the following:
  - a. A minimum of three (3) specimen palms (Medjool, Canary, Royal or any other species acceptable to the Landscape Section or a decorative architectural feature to be incorporated into the cul-de-sac, The details of the architectural feature shall be subject to approval by the Architectural Review Section prior to final site plan approval by the DRO; and,
  - b. Shrub or hedge materials.(DRO/ BLDG PERMIT:ARCH. REVIEW/LANDSCAPE – Zoning)

I. PREM

- 1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by June 1, 2005, a day that shall be used as the day of closing for this property conveyance, on a net 1.54 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). The property owner shall plat and dedicate the civic site to Palm Beach County. (DATE: MONITORING-PREM)
- 2. Prior to deed conveyance on June 1, 2005, the property owner shall provide and/or complete the following:
  - a. Provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation shall be provided to County by April 1, 2005. The title policy shall be subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy shall 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 property owner shall obtain the appraisal, and shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site;
  - b. Shall reserve traffic capacity and record in the concurrency reservation an amount of trips sufficient for a County facility that is associated with the civic site. The size of the civic facility and the corresponding amount of trips shall be determined by PREM and the Traffic Division;

- c. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated to the day of closing or to a prior day of closing as mutually agreed upon by the County and the property owner;
  - d. The civic site shall be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed;
  - e. Shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. The property owner shall also specifically address the following issues:
    - 1) The discharge of surface water from the proposed civic site into the property owner's water retention basins.
    - 2) As easement across the property owner's site from the proposed civic site to the retention basins, if required;
  - f. Shall agree to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site;
  - g. Shall obtain a vegetation permit, perform a tree survey and prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. The site shall be stabilized with sod and watered or seeded, mulched and watered to the satisfaction of the Facilities Development and Operations; and,
  - h. Shall provide water and sewer stubbed out to the property line. (DATE: MONITORING – PREM)
3. The property owner shall submit a survey certified to Palm Beach County of the proposed civic site by April 1, 2005 to PREM. The 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 shall include a location of any proposed water retention area that will border the civic site; and,
  - d. Any proposed or existing easements within the proposed civic site and all title exceptions shall also be shown on the survey and shall be subject to the review and approval by the County. (DATE: MONITORING – PREM)
4. The property owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by January 14, 2005. The minimum assessment that 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 shall 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; and,
  - e. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING – PREM)
5. The property owner 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 when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD.
- a. Should the off-site land option be chosen, each PREM condition listed in numbers J.1, J.2 & J.3 above shall apply. If the land off-site is of less cash value than the on-site dedication, the property owner shall contribute cash equal to the difference in values;
  - b. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the property owner or if the property owner is a contract purchaser, the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the property owner shall be deemed to have satisfied the intent of the ULDC. (ONGOING: MONITORING – PREM)

J. PLANNED UNIT DEVELOPMENT

- 1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE – Eng/Zoning)
- 2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
  - a. along one side of all internal PUD streets, forty (40) feet in width or greater;
  - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
  - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRO: ZONING/ENG – Zoning/Eng)
- 3. Prior to the recordation of the first plat, 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 include the following:
  - a. 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;
  - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents; and,
  - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/COUNTY ATTY – Zoning)

4. Decorative paving blocks, stamped concrete or other similar decorative pavement subject to Zoning Division approval, shall be provided at the project entrance as indicated on the site plan dated October 28, 2003, and at all intersections and pedestrian crosswalks. (DRO/CO: DRO/LANDSCAPE – Zoning)
5. The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of an active County park with ball fields, and boat ramps in the vicinity of the development. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on May 1, 2005 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

K. SCHOOLBOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO HOME BUYERS/TENANTS AND  
PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residents. School Board policies regarding levels of service 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 – School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Bus shelters shall be the maintenance responsibility of the residential property owner. (CO: SCHOOL BOARD/ENG – School Board)

L. SIGNAGE

1. Freestanding or entrance wall signage shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side – thirty (30) square feet;
  - c. Maximum number of signs - one (1) freestanding, or one (1) pair of entrance wall signs;
  - d. Style – monument or entrance wall style only; and,
  - e. Location - within fifty (50) feet of the projects entrance on Ellison Wilson Road (CO: BLDG – Zoning)

M. 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; 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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