

RESOLUTION NO. R-95-437

RESOLUTION APPROVING ZONING PETITION DOA86-106 (E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MINTO COMMUNITIES, INC.

WHEREAS, on March 24, 1987, the Board of County Commissioners of Palm Beach County approved Resolution-No. R-87-481, which issued a Development Order for the Smith Dairy Development of Regional Impact, repealed Resolution No. R-86-1924, and approved the special exception petition for the Smith Dairy planned unit development subject to 45 conditions; and

WHEREAS, Amerifirst Development Corporation was granted approval to develop a residential planned unit development consisting of 2908 dwelling units on 850 acres of land, a project which constitutes a Development of Regional Impact pursuant to Florida Statutes Section 380.06, on real property located in Palm Beach County and fully described in Exhibit A, Attached hereto and made a part hereof; and

WHEREAS, when approving Resolution No. R-87-481 the Board of County Commissioners made the following findings of fact:

1. The petitioner has agreed to contribute twenty-seven (27) acres of land to Palm Beach County. This land will be used partially to mitigate the land requirements of several public agencies which must provide additional services directly attributable to this development. This contribution of 27 acres exceeds the minimum of 17 acres required to be contributed by Zoning Code Section 500.21.H (Minimum Area Limitations). The 27 acre governmental services site shall be dedicated jointly to the Board of County Commissioners and School Board of Palm Beach County.
2. The Palm Beach County Department of Engineering and Public Works has determined that this project can satisfy the mandatory Traffic Performance Standard of the Comprehensive Plan if the petitioner:
 - (a) Complies with the conditions of this approval; and
 - (b) Executes a tri-partite agreement with Palm Beach County and the developers of the adjacent Ryan Homes Planned Unit Development (Petition 86-96). This agreement will allocate responsibilities for offsite roadway improvements among the three signatories.
3. The development is not located in an area of critical state concern designated pursuant to Section 380.06, Florida Statutes.

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4. This development does not unreasonably interfere with the achievement of the objectives of an adopted State land development plan applicable to the area. (See Section 380.06(14)(a), Florida Statutes). No state land use plan has been adopted which is applicable to this area in which this development is located.
5. This development is consistent with the Comprehensive Plan and local land development regulations of Palm Beach County (See Section 380.06(14) (b), Florida Statutes).
6. This development is substantially consistent with the assessment report and recommendations of the Treasure Coast Regional Planning Council (See Section 380.06(14)(c), Florida Statutes).
7. The information contained in the Smith Dairy Application for Development Approval is incorporated into this Development Order by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes.

For the purpose of this condition, the Application for Development Approval shall include the following supporting documents:

- a. Application for Development Approval dated April 14, 1986;
- b. Supplemental information submitted April 25, 1986;
- c. Supplemental information submitted June 17, 1986;
- d. Supplemental information submitted September 8, 1986;
- e. Supplemental information submitted September 10, 1986; and
- f. Letter to Martha O. **McNeal** from Palm Beach County Water Utilities Department dated July 29, 1986.

WHEREAS, on July 25, 1989, the Board of County Commissioners of Palm Beach County adopted Resolution No. R-89-1382 which formally approved Zoning Petition No. 86-106(B), a Modification of Commission Requirements and Review of a Substantial Deviation for an approved Development of Regional Impact; and

WHEREAS, on September 5, 1989, the Board of County Commissioners of Palm Beach County approved Resolution No. R-89-1564, a resolution amending Resolution No. R-89-1382 which approves Zoning Petition No. 86-106(B); and

WHEREAS, a Notification of Proposed Change was submitted on December 22, 1989 requesting a one year extension of time for Conditions 26(c) and 27(d) and a two year extension for Condition 41(a), which the County Commission approved on February 22, 1990 but never rendered through adoption of a Resolution of Approval; and

WHEREAS, a Notification of Proposed Change was submitted on January 28, 1991 requesting an additional one year extension of time for Conditions 26(c), 27(d) and 41(a), which the County Commission approved on August 29, 1991 but never rendered through adoption of a Resolution of Approval; and

WHEREAS, on October 27, 1994, the Board of County Commissioners adopted Resolution No. R-94-1470 which extended the buildout date and phase completion dates for the Smith Dairy DRI; and

WHEREAS, Minto Communities, Inc., purchaser of the western portion of the Smith Dairy DRI (known as "Smith Dairy West") submitted a Notification of a Proposed Change to a Previously Approved Development of Regional Impact on November 29, 1994 requesting modifications to the DRI master plan for the Smith Dairy West property and revisions to the DRI development order to specify the conditions of approval for the Smith Dairy West portion of the DRI and the remaining property within the DRI (known as "Smith Dairy East"); and

WHEREAS, Minto Communities, Inc. filed an application with Palm Beach County to delete the Smith Dairy West property from the Smith Dairy PUD; and

WHEREAS, the applications filed by Minto Communities, Inc. proposed no changes to the Master Plan or conditions of approval for the Smith Dairy East property; and

WHEREAS, the information contained in the Notification of a Proposed Change to a Previously Approved Development of Regional Impact dated November 29, 1994 is incorporated into this Development Order by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes; and

WHEREAS, the County Commission approved Minto Communities, Inc.'s application on January 26, 1995, except for the requested access point on Hypoluxo Road, through the adoption of Resolution No. R-95-121; and

WHEREAS, the County has now determined that the access point on Hypoluxo Road contained in Minto Communities, Inc.'s November 29, 1994 Notification of a Proposed Change to a Previously Approved Development of Regional Impact does not constitute a substantial deviation and should be approved; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Section 380.03, and 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS,, the notice and hearing. requirements of Section 380.06, Florida Statutes, have been satisfied; and

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

WHEREAS, the Board of County Commissioners has determined that all regional issues have been sufficiently addressed and that the proposed development is consistent with all regional and local comprehensive plans pursuant to chapter 163, Florida Statutes; and

WHEREAS, the Board of County Commissioners, has determined that the proposed changes do not constitute a substantial deviation under Chapter 380, Florida Statutes; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed changes contained in the Notification. of Proposed Change to a Previously Approved Development of Regional Impact submitted by Minto Communities, Inc. on November 29, 1994 do not constitute a substantial deviation under Chapter 380, Florida Statutes.
2. The previous changes approved by the County Commission on February 22, 1990 and August 29, 1991 which were never rendered by adoption of Resolutions of Approval will not be rendered since the requirements in Conditions 26(c) and 27(d), which were extended by those actions, have now been completed and the requirements in Condition 41(a) are addressed in this amended Development Order.

3. The changes in the DRI master plan, Smith Dairy PUD master plan, and the conditions of approval do not change the plan of development or conditions of approval for the Smith Dairy East property. All of the changes to the DRI master plan and conditions of approval only affect that portion of the DRI comprised of the Smith Dairy West property.
4. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
5. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards, of the Palm Beach County Unified Land Development Code.
6. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
7. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
8. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment meets applicable local land development regulations.
10. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
11. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code.

12. This Development Order Amendment, with the conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
13. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the Notification of a Proposed Change to the Smith Dairy Planned Unit Development (PUD), a Previously Approved Development of Regional Impact dated November 29, 1994 and a request for a Development Order Amendment (DOA) to amend the master plan 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 March 30, 1995, subject to the conditions of this Amended Development Order.

SECTION 1. MODIFICATION OF ZONING RESOLUTION R-87-481.

Resolution No. R-87-481, adopted March 24, 1987 and entitled as follows:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA:
REPEALING RESOLUTION R-86-1924 AND
ISSUING A DEVELOPMENT ORDER APPROVING
A SPECIAL EXCEPTION FOR THE SMITH DAIRY
(AMERIFIRST) PLANNED UNIT DEVELOPMENT
(ZONING PETITION 86-106),
A DEVELOPMENT OF REGIONAL IMPACT

is hereby amended.

SECTION 2. REPEAL OF ZONING RESOLUTIONS R-86-1924 AND R-95-121.

The repeal of Zoning Resolution R-86-1924, adopted December 9, 1986 and entitled as follows:

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, ISSUING A DEVELOPMENT ORDER
APPROVING A SPECIAL EXCEPTION FOR
THE AMERIFIRST PLANNED UNIT DEVELOPMENT
(ZONING PETITION 86-106), A DEVELOPMENT OF REGIONAL IMPACT

is hereby reaffirmed.

Zoning Resolution R-95-121, adopted January 26, 1995, and entitled as follows:

RESOLUTION APPROVING ZONING PETITION 86-106(E)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MINTO COMMUNITIES, INC.

is hereby repealed.

SECTION 3. LEGAL DESCRIPTION OF PARCEL SUBJECT TO
DEVELOPMENT ORDER

The legal description of the entire Smith Dairy Development of Regional Impact is found in Exhibit A, which is attached to and made an integral part of this Development Order. The legal description of Smith Dairy West, a/k/a Minto Smith Dairy, is found in Exhibit B, which is attached to and made an integral part of this Development Order. The legal description of Smith Dairy East is found in Exhibit C, which is attached to and made an integral part of this Development Order.

SECTION 4 DRI PLAN MODIFICATIONS

The changes to DRI Master Plan (Map H-1), including the addition of a new access point on Hy-poluxo Road, the DRI Phasing Plan (Map H-21, and the DRI Drainage Plan (Map G) are hereby approved. The revised Map H-1, Map H-2, and Map G are attached as Exhibit D.

SECTION 5. REMOVAL OF SMITH DAIRY WEST, a/k/a MINTO SMITH
DAIRY FROM THE SMITH DAIRY PLANNED UNIT
DEVELOPMENT

The 445.5 acres described in Exhibit B are hereby removed from the Smith Dairy planned unit development. The remaining 404.9 acres described in Exhibit C remain in the Smith Dairy PUD. The conditions of approval contained in Section 6 are the DRI conditions of approval and the planned unit development conditions of approval for the property described in Exhibit C.

SECTION 6. CONDITIONS OF APPROVAL FOR SMITH DAIRY EAST.

Approval of this Development Order is expressly conditioned upon compliance with and satisfaction of the following conditions of approval:

1. MASTER PLAN MODIFICATIONS: Prior to master plan certification, the master plan shall be amended to reflect the following:
 - a. access to Parcel 21 from Jog Road
 - b. acreages of individual preserve areas
 - c. amenities within 20 acre recreation parcel
 - d. indicate access to Parcels 4, 5, 6, and 7
 - e. indicate which of the 21 parcels will include individual recreation areas and the recreation facilities they will offer.
 - f. wetland habitat areas to be preserved, as required by Condition 11.a (Wetland Preservation), below.
 - g. lake littoral zones required to be created by Condition 11.b (Lake Littoral Zones), below.
 - h. typical upland native vegetation buffer section meeting the requirement of Condition 11.d (Upland Buffer Zones), below.
1. typical buffer sections meeting the requirements of the Treasure Coast Regional Planning Council

Condition 11d.

- j. an allocation of trees required to be planted pursuant to Zoning Code Section 500.35.E., attributable to the lake areas, shall be distributed within the required 25 foot buffer adjacent to the Florida Turnpike in order to provide a visually opaque and noise buffer.
 - k. SUBSEQUENT SITE PLAN CERTIFICATIONS: Prior to site plan certification, the individual site plans shall reflect the upland native vegetation buffer zones meeting the requirements of Condition 11.d.
- 2. OPEN SPACE CALCULATIONS: Prior to master plan certification the petitioner shall submit to the Zoning Division sufficient detailed information in tabular form to indicate how it intends to satisfy the 35% percent open space requirements of Zoning Code Section 500.21.J. (Open Space Requirement and Computation).
 - 3. NOTICE OF ADOPTION OF RESOLUTION: Pursuant to and in accordance with Section 380.06(15) (f) of Florida Statutes, Petitioner shall record a notice of the adoption of this development order in the official records pertaining to this property maintained by the Clerk of the Circuit Court in and for Palm Beach County.

Evidence of filing shall be submitted to the Zoning Director prior to master plan approval for inclusion of the official file.
 - 4. DECLARATION OF RESTRICTIONS AND COVENANTS: All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the planned unit development.
 - 5. PROHIBITION OF SEPTIC TANKS AND WELLS: Since sewer and water service are available to the property, neither septic tank nor well shall be approved for use on said property.
 - 6. DRAINAGE CANAL RIGHTS-OF-WAYS: The petitioner shall convey to the Lake Worth Drainage District:
 - a) the north 55 feet of Sections 3, 4, and 5 between Jog Road and Florida's Turnpike for the required right-of-way for Lateral Canal No. L-16.
 - b) the north 45 feet of Tracts 65 through 80, Block 38 and Tracts 37 through 45, Block 39 of Palm Beach Farms Company Plat 3 for the required right-of-way for Lateral Canal No. 17, or provide satisfactory abandonment to Lake Worth Drainage District.

(The Lake Worth Drainage District owns fee-simple to this right-of-way which is shown within the proposed alignment for Hypoluxo Road extension. The Lake Worth Drainage District, Palm Beach County Engineering Office and this petitioner shall coordinate both the roadway and the Lake Worth Drainage District L-18 Canal.)
 - c) the west 45 feet of Tracts 16, 17, 48, 49, 80, 81, 112, and 113, of Block 38 of Palm Beach Farms Company Plat 3 for the required right-of-way for Equalizing Canal No. E-2-E.

- d) conveyance may be in the form either of an easement or a quit claim deed prepared in a manner acceptable to Lake Worth Drainage District. Conveyance shall be completed within 90 days of adoption of the resolution approving this development.
7. **MAXIMUM AVERAGE DENSITY OF NORTHERN PORTION:** The northern portion of the development which is included in the R-5 Residential Single Family District shall be restricted to a maximum average density for four (4) dwelling units per acre.
8. **COMMENCEMENT OF DEVELOPMENT:** In the event the developer fails to commence significant physical development within three years from the effective date of the final Development Order approving this development, development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project. Nothing herein shall be in derogation of the Palm Beach County Zoning Code.
9. **MAINTENANCE OF AIR QUALITY**
- a. Clearing of individual building sites shall not commence until the developer is ready to build the building or buildings to be located on that site unless seeding and mulching of disturbed areas are undertaken within 30 days of completion of clearing work.
- b. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emissions, including seeding and mulching of disturbed areas, shall be undertaken and implemented by the developer to the satisfaction of the Palm Beach County Health Unit and the Florida Department of Environmental Regulation.
10. **HISTORIC AND ARCHAEOLOGICAL SITES**
- In the event of discovery of any archaeological artifacts during project construction, the developer shall stop construction in that area and immediately notify the Division of Archives, History, and Records Management of the Florida Department of State. Proper protection, to the satisfaction of the Division, shall be provided by the developer. Notice shall also be provided to the Zoning Director for inclusion in the official record!
11. **HABITAT, VEGETATION, AND WILDLIFE**
- a. **Wetland Preservation:**
- At a minimum, the developer shall preserve in viable condition ten (10) acres of wetland habitat shown on Master Water Management Plan, Exhibit of the Smith Dairy Substantial Deviation Application for Development Approval. The developer shall relocate the Pond Apple Preserve to an 0.12 acre littoral shelf located adjacent to the area where the Pond Apples exist at present. In addition, 0.23 acres of wetland vegetation will be planted at the northeast corner of the lake in a double littoral zone using mixed hardwood swamp species, as shown on the Mitigation Plan, Exhibit E submitted December, 1988, in the Smith Dairy IRI request for development order change. The developer shall undertake whatever action may be necessary to maintain normal hydroperiods within these preserved wetland areas prior to, during, and after construction.

The developer shall prepare the pond apple trees for relocation in a manner consistent with the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management tree relocation standards. Once relocated, success of the relocation efforts shall be monitored in consultation with the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management.

Should any planted or relocated trees not survive, the developer shall replace such trees within three months to the satisfaction of the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management. If after a two year period following planting, the littoral areas are not vegetated with an eighty percent cover of native herbaceous wetland vegetation, the developer shall undertake additional measures to provide such coverage to the satisfaction of the Florida Department of Environmental Regulation, South Florida Water Management District, and Palm Beach County Department of Environmental Resources Management.

b. LAKE LITTORAL ZONES:

The developer shall create vegetated lake littoral zones and "double littoral zones" as provided in the Smith Dairy Application for Development approval, as amended by the Informational Sufficiency Response of June 13, 1986. At a minimum, lake littoral zones shall consist of not less than eight (8) acres. In addition, not less than an additional seven (7) acres of "double littoral zones" (seasonally flooded wetland habitat) shall be created. These fifteen (15) acres of wetland habitats shall be managed in a manner that assures their continued viability, health and function. The plan for littoral zones shall be implemented and initial installation inspected not later than 18 months after excavation of the lakes is completed. Inspection and approval shall be the responsibility of the Palm Beach County Health Unit. Prior to master Plan certification, a copy of the lake littoral zone plan shall be deposited with the Zoning Division for inclusion in the official record.

c. PROHIBITED PLANT SPECIES

During construction, all Melaleuca, Brazilian pepper and Australian Pine which occur on the site shall be removed as provided in the Palm Beach County Zoning Code, Section 500.36 (Landscape Code), Subsection F.17 (Eradication Program for Prohibited Plant Species) and Section 500.37 (Vegetation Protection and Preservation). Removal shall be in such a manner that avoids seed dispersal by any of these species. There shall be no planting of pest exotic vegetation on site.

d. UPLAND BUFFER ZONES

The developer shall provide and maintain a buffer zone of native upland edge vegetation around wetland and deepwater habitats which are constructed on the site in accordance with the following provisions. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory and ground cover of native species only. The edge habitat shall begin

at the upland limit of any wetland or deepwater habitat and shall include a total area of at least ten (10) square feet for each one (1) linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten (10) feet of upland habitat.

e. PROTECTED PLANT OR ANIMAL SPECIES

In the event that it is determined that any additional representative of a plant or animal species of special regional concern (as defined in the Treasure Coast Regional Planning Council Assessment Report for Smith Dairy) is resident on, or otherwise is significantly dependent upon the property, the developer shall cease all activities which might negatively affect that individual population and immediately notify both the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. Proper protection, to the satisfaction of both agencies, shall be provided by the developer. Notification of such action shall also be provided to the Zoning Director for inclusion in the official record.

12. DRAINAGE AND SURFACE WATER MANAGEMENT

a. STORMWATER MANAGEMENT

The developer shall design and construct the stormwater management system to retain or detain with filtration, at a minimum, the first one-inch of runoff or the runoff from a one-hour, three-year storm event, whichever is greater. Required retention volumes may be accommodated in a swales, dry retention areas, lakes with vegetated littoral zones, or other suitable retention structures. The overall standard for retention or detention with filtration of one inch of runoff or runoff from a one-hour, three-year storm event is waived if: (1) the first one-half (0.50) inch of runoff from all portions of the project is retained in appropriate structures prior to any excess runoff entering into the surface water management lake system, provided that these lakes are designed to accommodate one inch of detention without filtration; or (2) the developer can provide an alternative design that can achieve the same result. All discharge from the surface water management lakes shall meet the water quality standards of Florida Administrative Code Rule 17-3.

b. PROTECTION OF WETLANDS

The developer shall design and construct the surface water management system so that:

- (1) maintenance of normal hydroperiods within preserved and created wetlands can be guaranteed, and
- (2) the functions and values provided by these habitats will be maintained. Under no circumstances shall unfiltered runoff from impervious surfaces and parking areas be diverted directly into wetlands on-site. Final design shall be approved by the Palm Beach County health Unit, the Palm Beach County Engineering Department, and the South Florida Water Management District. A copy of the approved plan shall be transmitted to Treasure coast Regional Planning council before development commences.

c. GOLF COURSE STORMWATER MANAGEMENT

The developer shall berm and swale or otherwise design and construct the golf course stormwater management system to retain the first one-half inch of runoff from a one-hour, three-year storm event, prior to discharge of excess water to the surface water management lake system.

13. IRRIGATION AND NATIVE VEGETATION

a. SOURCE OF WATER

To the maximum extent available, the source of irrigation water shall be limited to the surface water management system. Under no circumstances shall irrigation water be derived from surficial aquifer or potable water resources after 5 years from the effective date of the Development Order without the prior written consent and approval of Treasure Coast Regional Planning Council and South Florida Water Management District. The intent of this provision is to allow the developer to withdraw water from the surficial aquifer during the initial years of the project only, when alternative sources of irrigation water may be insufficiently available. Such withdrawal shall be subject to South Florida Water Management District approval and permitting.

b. USE OF WASTEWATER EFFLUENT

The developer shall utilize irrigation quality wastewater effluent for irrigation if that source becomes feasible and is made available to the project.

c. NATIVE VEGETATION AND LANDSCAPE PLANS

To the maximum extent possible, native vegetation shall be used to meet landscaping needs. As a minimum, 30 percent of all landscaping, excluding golf course tees, greens, and fairways, shall be accomplished with native vegetation only. As a minimum, 50 percent of all trees shall be native. Native species shall be those adapted to soil and rainfall conditions occurring on-site.

14. POTABLE WATER SUPPLIES

Should dewatering or development of an on-site potable resource become necessary, the developer shall establish, to the satisfaction of the South Florida Water Management District, a groundwater quality monitoring program designed to detect movements of the Lantana Road Landfill leachate plume. Should dewatering or development of an on-site potable resource significantly impact the migration of the leachate plume toward the site, such activity on the property shall cease immediately.

15. ENERGY CONSERVATION

In the final site plans, the developer shall incorporate those energy conservation measures identified on Pages 25.1 and 25.9-25.12 of the Smith Dairy (Amerifirst) Application for Development Approval and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan, dated May 1979.

16. REQUIRED TRANSPORTATION IMPROVEMENTS.

a. PHASING OF MAJOR ROADWAY IMPROVEMENTS.

- (1) No building permits shall be issued for the construction of more than 375 residential units in the development until contracts have been let for the construction of:
 - (a) Jog Road as a four-lane facility between Lantana Road and Hypoluxo Road; and
 - (b) Jog Road as a four-lane facility between Lantana Road and Melaleuca Lane.

No certificates of occupancy shall be issued for more than 375 residential units until the improvements identified in paragraph 16.a(1)(a) and (b) have been completed.

- (2) No building permits shall be issued for the construction of more than 750 residential units of the development until contracts have been let for the construction of Jog Road as a four lane facility between Melaleuca Lane and Lake Worth Road including intersection improvements detailed in Condition 16.b, below. Furthermore, no certificates of occupancy shall be issued for more than a total of 750 residential units until these improvements have been completed.
- (3) No building permits shall be issued for construction of more than a total of 750 residential units in the development until contracts have been let for the construction of Hypoluxo Road as a four-lane facility between Jog Road and Interstate 95, including intersection improvements detailed in Condition 16.b, below. Furthermore, no certificates of occupancy shall be issued for more than a total of 750 residential units until Hypoluxo Road has been constructed as a four-lane facility between Jog Road and Interstate 95.

b. PHASING OF INTERSECTION IMPROVEMENTS.

No building permits shall be issued for construction of more than a total of 750 residential units in the development until contracts have been let for the construction of the following intersection improvements built to minimum standards for traffic geometrics:

- (1) Hypoluxo Road at Military Trail:
 - (a) Northbound Military Trail:
 1. one right/through lane
 2. one through lane
 3. one left-turn lane
 - (b) Southbound Military Trail:
 1. one right-turn lane
 2. two through lanes
 3. one left-turn lane
 - (c) Eastbound Hypoluxo Road:
 1. one right/through lane
 2. one through lane
 3. one left-turn lane
 - (d) Westbound Hypoluxo Road:
 1. one right turn-lane
 2. two through lanes
 3. one left-turn lane

(2) Hypoluxo Road at Jog Road:

- (a) Northbound Jog Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. two left-turn lanes
- (b) Southbound Jog Road:
 - 1. one right-turn lane
 - 2. two through lanes
 - 3. two left-turn lanes
- (c) Eastbound Hypoluxo Road:
 - 1. one right/through lane
 - 2. two through lane
 - 3. two left-turn lanes
- (d) Westbound Hypoluxo Road:
 - 1. one right/through lane
 - 2. one through lane
 - 3. two left-turn lanes

(3) Jog Road at Melaleuca Road:

- (a) Northbound Jog Road:
 - 1. one right/through lane
 - 2. one through lane
 - 3. one left-turn lane
- (b) Southbound Jog Road:
 - 1. one right/through lane
 - 2. one through lane
 - 3. one left-turn lane
- (c) Eastbound Melaleuca Road:
 - 1. one right-turn lane
 - 2. one left/through lane
- (d) Westbound Melaleuca Road:
 - 1. one right-turn lane
 - 2. one through/left lane
 - 3. one left-turn lane

- (4) Signalization at all intersections shall be installed or modified to the satisfaction of the County Engineer.
- (5) No certificates of occupancy shall be issued for more than a total of 750 residential units until the intersection improvements identified in paragraphs 16.(b)(1), (2) and (3), above, and (4) as necessary, have been completed.

17. REQUIRED TRANSPORTATION IMPROVEMENTS.

a. PHASING OF MAJOR ROADWAY IMPROVEMENTS.

- (1) No building permits shall be issued for construction of more than 1693 dwelling units until contracts have been let for the completion of Hagen Ranch Road as a two-lane facility between Hypoluxo Road and Lantana Road. No certificates of occupancy shall be issued for more than 1693 residential units until Hagen Ranch Road between Hypoluxo Road and Lantana Road is completed as a two-lane facility.

(2) No building permits shall be issued for development of more than a cumulative total of 1,693 residential units in the development until contracts have been let for the curbing of Lantana Road between Hagen Ranch Road and Congress Avenue, including intersection improvements detailed in Condition 17.b, below. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until these improvements have been completed.

b. PHASING OF INTERSECTION IMPROVEMENTS.

No building permits shall be issued for construction of more than a cumulative total of 1,693 residential units in the development until contracts have been let for the construction of the following intersection improvements built to minimum standards for traffic geometrics:

(1) Hypoluxo Road at Military Trail:

(a) Northbound Military Trail:
1. one right-turn lane
2. two through lanes
3. one left-turn lane

(b) Southbound Military Trail:
1. one right-turn lane
2. two through lanes
3. one left-turn lane

(c) Eastbound Hypoluxo Road:
1. one right-turn lane
2. two through lanes
3. one left-turn lane

(d) Westbound Hypoluxo Road:
1. one right-turn lane
2. two through lanes
3. one left-turn lane

(2) Jog Road at Lake Worth Road:

Geometrics sufficient to provide Level of Service C (LOS) during annual average conditions and LOS D during peak season condition. Palm Beach County shall monitor this intersection and schedule improvements to maintain this Level of Service through 1995.

(3) Hypoluxo Road at Congress Avenue:

(a) Northbound Congress Avenue:
1. one right-turn lane
2. two through lanes
3. two left-turn lanes

(b) Southbound Congress Avenue:
1. one right/through lane
2. two through lanes
3. one left-turn lane

(c) Eastbound Hypoluxo Road
1. one right-turn lane
2. two through lanes
3. one left-turn lane

(d) Westbound Hypoluxo Road:
1. one right-turn lane
2. two through lanes
3. one left-turn lane

- (4) Signalization at all intersections shall be installed or modified to the satisfaction of the County Engineer.
- (5) No certificates of occupancy shall be issued for ore than a total of 1,693 residential units until construction of these improvements has been completed.

18. REQUIRED TRANSPORTATION IMPROVEMENTS.

No building permits shall be issued for any of the final 792 residential units of the development until contracts have been let for the construction of the following intersection improvements built to minimum standards for traffic geometrics:

a. Jog Road at Melaleuca Lane:

- (1) Northbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
- (2) Southbound Jog Road:
 - (a) two through lanes
 - (b) two left-turn lanes
 - (c) one right turn lane
- (3) Eastbound Melaleuca Lane:
 - (a) one right-turn lane
 - (b) one left/through lane
- (4) Westbound Melaleuca Lane:
 - (a) one right-turn lane
 - (b) one through lane
 - (c) one left-turn lane

b. Lantana Road at Military Trail:

- (1) Northbound Military Trail:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) two left-turn lanes
- (2) Southbound Military Trail:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) two left-turn lanes
- (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
- (4) Westbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane

c. Jog Road at Lantana Road:

- (1) Northbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
- (2) Southbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) one left-turn lane
- (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes
 - (c) two left-turn lanes

- (4) Westbound Lantana Road:
 - (a) one right-turn lane
 - (b) three through lanes, including appropriate receiving lanage and taper on the west leg of the intersection
 - (c) two left-turn lanes

d. Signalization at all intersections shall be installed and modified to the satisfaction of the County Engineer.

e. No certificates of occupancy shall be issued for any of the final 792 residential units until construction of these improvements has been completed.

19. REQUIRED TRANSPORTATION IMPROVEMENTS: PROJECT ENTRANCES

The developer shall construct the project entrances at Hagen Ranch Road, Jog Road, and Lantana Road to the following configuration at such time as the improvements are required by the Palm Beach County Engineer to serve project traffic:

a. Hagen Range Road and East Project Roadway:

- (1) Northbound Hagen Ranch Road:
 - (a) one right lane
 - (b) one through lane
 - (c) one left-turn lane
- (2) Southbound Hagen Ranch Road:
 - (a) one right lane
 - (b) one through lane
 - (c) one left-turn lane
- (3) Eastbound East Project Roadway:
 - (a) one right lane
 - (b) one through lane
 - (c) one left-turn lane
- (4) Westbound East Project Roadway:
 - (a) one right lane
 - (b) one through lane
 - (c) one left-turn lane

b. Jog Road at East Project Entrance:

- (1) Northbound Jog Road:
 - (a) two through lanes
 - (b) two left-turn lanes
- (2) Southbound Jog Road:
 - (a) one right-turn lane
 - (b) two through lanes
- (3) Eastbound East Project Roadway:
 - (a) one right-turn lane
 - (b) two left-turn lanes
- (4) Westbound East Project Roadway: None

c. Hagen Ranch Road at Lantana Road:

- (1) Northbound Hagen Ranch Road:
 - (a) one right-turn lane
 - (b) two left-turn lanes
- (2) Southbound Hagen Ranch Road: None
- (3) Eastbound Lantana Road:
 - (a) one right-turn lane
 - (b) two through lanes

- (4) Westbound Lantana Road:
 - (a) two through lanes
 - (b) two left-turn lanes

- d. Signalization at all entrances shall be installed or modified when warranted by the County Engineer.
- e. Notwithstanding any other provisions in these conditions to the contrary, additional certificates of occupancy shall not be issued if contracts for improvements identified in (a), (b) and (c), above (and (d), if required) have not been let for construction within six (6) months after the improvement has been identified by Palm Beach County as being needed.

20. MINIMUM ROADWAY CONSTRUCTION.

As a minimum, the developer shall construct the following roads to serve the development. No building permit in excess of twenty (20) shall be issued until contracts have been let and no certificates of occupancy shall be issued until these improvements have been completed:

- a. Two-laning of Hypoluxo Road between Jog Road and Hagen Ranch Road; and
- b. Two-laning of Hagen Ranch Road north of Hypoluxo Road adequate to serve Phase I of the development.

21. REQUIRED TRAFFIC STUDY, 2001

- a. No additional building permits shall be issued after November 30, 2001 (the buildout date) unless a traffic study has been conducted by the developer, submitted to and approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council that demonstrates that the regional roadway network can accommodate a specified amount of additional development generated traffic and growth in background traffic beyond 2001, and still be maintained at LOS C during average annual conditions and LOS D during peak season conditions.
- b. The traffic study shall:
 - (a) be conducted in 2001; and
 - (b) identify the improvements and timing of those improvements necessary to provide LOS C average annual and LOS D peak season operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.
- c. Additional building permits shall not be issued until a new project phasing program and roadway improvement program (necessary to maintain LOS C average annual and LOS D peak season operating conditions) has been approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council for the remainder of the development.

22. TRAFFIC ANALYSIS OF ADULT RESIDENTIAL AREAS: In order to insure that the recommended roadway and intersection improvements identified are adequate to accommodate the projected future traffic volumes identified in the Smith Dairy Application for Development Approval, a traffic analysis shall be required to be submitted to and approved by the Palm Beach County Engineer for this project prior to the issuance of building permits for any portion of the adult residential component which is proposed to be changed. If the traffic analysis demonstrates that additional roadway or intersection improvements are required due to the additional impacts, no building permits shall be issued for the adult portion or that portion of the adult section to be changed until contracts are let for the construction of the identified improvements.
23. RIGHT OF WAY DEDICATIONS: Right-of-way shall be dedicated by the developer as indicated. Additional right-of-way shall be dedicated where any right turn lanes, special intersections or dual left turn lanes are required, including appropriate tapers. Exact dimensions of right of way to be determined by the County Engineer.
- a. Within 180 days of adoption of the final Development Order approving this project, petitioner shall convey sufficient land from the subject property for the ultimate right-of-way of:
- (1) Jog Road, 60 feet from centerline.
 - (2) Hagen Ranch Road, 80 feet of right-of-way
 - (3) Additional right-of-way for an "expanded intersection" at the intersection of Hagen Ranch Road and Hypoluxo Road, as defined in Palm Beach County's Thoroughfare Right of Way Protection Map.
 - (4) Hypoluxo Road, a total of 108 feet right-of-way on an alignment approved by the County Engineer. Note: Only that portion of Hypoluxo Road which is contained within this subject property will be required to be dedicated at the time of the approval by the County Engineer of an alignment map which will be completed by the developer's engineer and submitted to the County Engineer within 60 days of the adoption of the final Development Order approving this project.
- b. If required by either the Florida Department of Transportation or the County Engineer within thirty (30) months of the adoption of the final Development Order approving this development, petitioner shall convey sufficient land for the ultimate right-of-way for the proposed Turnpike overpass/diamond interchange. The County Engineer or Florida Department of Transportation shall determine what constitutes sufficient land, which shall not exceed an area of 7.5 acres. If the right-of-way has not been requested within thirty (30) months after adoption of the resolution approving this project, petitioner shall notify in writing both the County Engineer and Florida Department of Transportation that their right to request dedication shall expire in six (6) months. Either of these agencies shall have the right to request dedication provided that the request is made six (6) months following the petitioner's notification. If no request is made within that time period, this condition shall become void and no longer enforceable.

c. At the time of filing of the adjacent plat for the entrance road, petitioner shall convey sufficient land from the subject property for the ultimate right of way for the construction of a right turn lane at each of the project's entrances on Hagen Ranch Road, on both the north and south approach. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length, with a minimum 180 feet of taper length. The right-of-way shall be conveyed at the time of the filing of the adjacent plat.

24. CONSTRUCTION OF TURN LANES: The property owner shall construct the following turn lanes with the appropriate number of through lanes as determined by the County Engineer:

a. At the intersection of Jog Road and the project's entrance road:

- (1) Dual left turn lane, south approach.
- (2) Right turn lane, north approach.
- (3) Dual left turn lane, west approach.
- (4) Right turn lane, west approach.

b. At the intersection at each of the project's entrance roads and Hagen Ranch Road:

- (1) Left turn lane, north approach.
- (2) Left turn lane, south approach.
- (3) Left turn lane, east approach.
- (4) Left turn lane, west approach.
- (5) Right turn lane, north approach.
- (6) Right turn lane, south approach.
- (7) Right turn lane, east approach.
- (8) Right turn lane, west approach.

c. At the intersection of Hypoluxo Road and Hagen Ranch Road:

- (1) Left turn lane, north approach.
- (2) Right turn lane, north approach.
- (3) Right turn lane, east approach.
- (4) Left turn lane, west approach.

d. At the intersection of Hypoluxo Road and Jog Road:

- (1) Dual left turn lanes, south approach.
- (2) Right turn lane, north approach.
- (3) Dual left turn lanes, north approach.
- (4) Dual left turn lanes, east approach.
- (5) Dual left turn lanes, west approach.
- (6) Right turn lane, south approach.
- (7) Right turn lane, east approach.
- (8) Right turn lane, west approach.

(9) Two thru lanes north, south, east and west approaches.

e. At the intersection of Hagen Ranch Road and Lantana Road:

(1) Dual left turn lanes, east approach.

(2) Dual left turn lanes, south approach.

(3) Right turn lane, south approach.

(4) Right turn lane, west approach.

f. At the intersection of Lantana Road and Jog Road:

(1) Dual left turn lanes, north approach.

(2) Dual left turn lanes, south approach.

(3) Dual left turn lanes, east approach.

(4) Dual left turn lanes, west approach.

(5) Right turn lane, north approach.

(6) Right turn lane, south approach.

(7) Right turn lane, east approach.

(8) Right turn lane, west approach.

(9) Two (2) thru lanes north, south, and west approaches and three (3) thru lanes east approach.

g. All construction of turn lanes serving this project shall be at the time of the construction of the access roads on Hypoluxo Road, Hagen Ranch Road and Jog Road or at the time of construction of Hypoluxo Road, Hagen Ranch Road, as determined by the County Engineer. It is intended that intersection improvements shall be constructed in conjunction with roadway improvements.

25. HAGEN RANCH ROAD IMPROVEMENTS:

a. The Petitioner shall provide construction plans for Hagen Ranch Road as a 2 lane section (expandable to 5 lane section) from Hypoluxo Road north to Lantana Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County Minimum Construction Plan Standards as they exist at the time of submittal. These plans shall include drainage compatible with the ultimate section and a sidewalk on one side. Construction plans shall be submitted to the County Engineer within 12 months of adoption of the final Development Order approving this project. Plan cost shall be approved by the County Engineer. This petition shall be responsible for any missing right of way (80 feet) for Hagen Ranch Road from Lantana Road to Hypoluxo Road.

b. After approval of construction plans by the County Engineer, the petitioner shall construct Hagen Ranch Road as a 2-lane section with the drainage compatible with the ultimate section from Hypoluxo Road north Lantana Road according to the approved plans. Construction shall be initiated if either of the following shall occur or within 24 months of the approval of the final Development Order approving this project, whichever shall first occur:

- (1) Concurrent with the filing of each sequential plat along Hagen Ranch Road; or
- (2) When required by the County engineer in order to provide paved roadway continuity for Hagen Ranch Road.

26. LANTANA ROAD IMPROVEMENTS:

- a. Palm Beach County shall acquire right of way for Lantana Road as a 108 foot section from Military Trail west to Hagen Ranch Road. Purchase of the right of way is expected to be completed within 18 months of adoption of the final Development Order approving this project.
- b. The petitioner shall prepare and provide to the County all necessary construction plans for Lantana Road as a 4 lane section (expandable to 6 lane section) from Military Trail to a point 250 feet west of Hagen Ranch Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County Minimum Construction Plan Standards as they exist at the time of submittal. These construction plans shall be submitted within 12 months of adoption of the final Development Order approving this project. Plan costs shall be approved by the County Engineer. Included in these documents shall be a title search for a minimum of 30 years. Construction plans are currently being prepared by another developer. Should these construction plans be approved by Palm Beach County engineering Department prior to the time this developer must prepare the required construction plans then this developer shall provide any modifications as necessary including providing any right of way documents with a Title Search for a minimum of 30 years.
- c. Upon approval of construction plans, the petitioner shall thereupon construct Lantana Road as a 4 lane section from Military Trail west to a point 250 feet west of Hagen Ranch Road including all appropriate tapers according to the approved plans. Construction shall be completed within 36 months of adoption of the final Development Order approving this petition.

27. JOG ROAD IMPROVEMENTS:

- a. Petitioner shall provide construction plans for Jog Road (including all right-of-way documents) as a 4-lane median divided section (expandable to 6-lane section) from a point 250 feet north of Melaleuca Lane south to a point 250 feet south of Lantana Road, plus the appropriate tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they at the time of submittal. Construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the final Development Order approving this petition. Plan costs shall be approved by the County Engineer.
- b. The property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Jog Road as

referenced above and subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 30 years. These documents shall be submitted within 6 months of the adoption of the final Development Order approving this project.

- c. Palm Beach County shall acquire right of way for Jog Road from a point 250 feet north of Melaleuca Lane to a point 250 feet south of Lantana Road. It is the intent that this right-of-way acquisition shall be completed within 18 months of the adoption of the final Development Order approving this project.
- d. The petitioner shall thereupon construct Jog Road as a 4-lane section from a point 250 feet north of Melaleuca Lane south to a point 250 feet south of Lantana Road, plus the appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the final Development Order approving this project.

28. HYPOLUXO ROAD IMPROVEMENTS:

- a. This property owner shall be responsible for acquiring any remaining right-of-way for Hypoluxo Road from Hagen Ranch Road to Jog Road.
- b. The petitioner shall provide construction plans for Hypoluxo Road as a 4-lane section (expandable to a 6-lane section) from a point 250 feet west of Jog Road west to a point 250 feet west of Hagen Ranch Road.
- c. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they exist at the time of submittal. These construction plans shall be submitted to the County Engineer within twelve (12) months of adoption of the final Development Order approving this petition. Plan costs shall be approved by the County Engineer.
- d. The petitioner shall thereupon construct Hypoluxo Road as a 4-lane section from a point 250 feet east of Jog Road west to a point 250 feet west of Hagen Ranch Road, plus all appropriate tapers according to approved plans. Construction shall be completed within 36 months of adoption of the final Development Order approving this petition. The intersection of Jog Road and Hypoluxo Road shall be constructed as an expanded intersection according to plans approved by the County Engineer.

29. CONSTRUCTION OF MAJOR THOROUGHFARES: All plans and construction of collector and arterial roadways shall be such that all drainage structures shall be sized and placed in such a manner as to be compatible with any future expansion of the roadway.

30. SURETY FOR OFF-SITE ROAD IMPROVEMENTS: Surety shall be required for the off-site road improvements outlined in Conditions numbered 24, 25, 26, 27, and 28, above. Surety shall be posted with the Office of the County Engineer within six (6) months of final development order or prior to the issuance of the first building permit, whichever shall first occur. The petitioner agrees, as a condition of this approval, that the amount of surety to be provided for all work herein described shall be updated with a certified cost estimate on an annual basis and augmented if necessary so as to guarantee that the

remaining amount shall always be sufficient to complete the work approved by the County Engineer. Original surety shall be based upon one hundred and ten (110) percent of the certified cost estimate by the developer's engineer. This surety may be called by Palm Beach County for noncompliance with any work referenced in Conditions numbered 25, 26, 27, and 28, above.

31. ALTERNATIVE PHASING REQUIREMENTS: In the event a tri-party agreement is executed between Palm Beach County, this Petitioner and Ryan Homes, Inc., the developer of the adjacent planned unit development (Petition No. 86-96), which shall allocate responsibility for all of the offsite roadway improvements contemplated herein among the three parties, then the following phasing requirements shall be substituted for those set forth in paragraphs 16 through 20, inclusive herein. The Department of Engineering and Public Works has determined that the provisions of the proposed tri-party agreement satisfies the Palm Beach County Traffic Performance Standards.
- a. No more than 750 building permits shall be issued until surety has been posted and the contract has been let for the construction of Hypoluxo Road as a four-lane section from Hagen Ranch Road to Interstate 95. Furthermore, no certificates of occupancy shall be issued for more than 750 residential units until Hypoluxo Road is completed between Hagen Ranch Road and Interstate 95 as a four-lane median divided facility.
 - b. No more than 375 building permits shall be issued until surety has been posted and the contract for the construction of Jog Road has been let as a 4 lane section from Lantana Road to Melaleuca Lane, provided, however, that Palm Beach County unconditionally agrees to acquire from non-ad valorem sources of funding the right-of-way for this road link within one (1) year from the date right-of-way acquisition documents for same are delivered by Petitioner. Palm Beach County acknowledges that by Petitioner's acceptance of this condition, it is relying in good faith on Palm Beach County's agreement to perform and that Petitioner will be substantially damaged by non-performance. Notwithstanding the fact that Palm Beach County may fail to acquire this right-of-way within one (1) year, no certificates of occupancy shall be issued for more than 375 residential units until this improvement has been completed.
 - c. No building permits shall be issued for more than 750 residential units until contracts are let for the construction of Jog Road as a four (4) lane median divided facility between Melaleuca Lane and Lake Worth Road. No certificates of occupancy shall be issued for more than 750 residential units until this improvement has been completed.
 - d. No more than 375 building permits shall be issued until surety has been posted and the contract has been let for the construction of Jog Road as a four (4) lane median divided section from Lantana Road to Hypoluxo Road. No certificates of occupancy shall be issued for more than 375 residential units until this improvement has been completed.

In any event no building permits shall be issued for more than 1,693 residential units until contracts have been let for the construction of Lantana Road between Hagen Ranch Road and Congress Avenue as a four (4) lane facility and contracts have been let for the construction of Hagen Ranch Road between Hypoluxo Road and Lantana as a two (2) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until these improvements have been completed.

e. No more than 1500 building permits shall be issued until the contract for the construction of the following roadways has been let :

- (1) Four lane Jog Road from Melaleuca Lane to 10th Avenue North, including intersection improvements at Lake Worth Road.
- (2) Four lane Lantana Road from Congress Avenue to 250 feet west of Military Trail.
- (3) Four lane Military Trail from Lake Worth Road to Boynton Beach Boulevard.

No certificates of occupancy shall be issued for more than a total of 1500 dwelling units until these improvements have been completed.

f. Construction of Required Intersection and Other Improvements:

Petitioner shall construct all intersection improvements described in Conditions 16 through 20, above, and the phasing schedule in 16 through 20 above relating to the intersection improvements shall apply.

32. CONSTRUCTION OF EXPANDED INTERSECTIONS:

- a. All intersecting thoroughfare plan roadways which are being constructed by this property owner shall be constructed as "expanded intersections" as defined by the County Engineer not to exceed the dimensions of special intersections, as defined in The Palm Beach County Comprehensive Plan.
- b. Right of way being funded and acquired by Palm Beach County shall be acquired for the construction of these "expanded intersections." Final determination of right of way and roadway geometrics shall be determined by the County Engineer.

33. INSTALLATION OF TRAFFIC SIGNALS:

- a. Petitioner shall install signalization if warranted by the County Engineer at the following locations:
 - (1) Hagen Ranch Road and Lantana Road.
 - (2) Hagen Ranch Road and the project's entrance roads.
 - (3) Jog Road and the project's entrance road.
 - (4) Hypoluxo Road and Hagen Ranch Road.
- b. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the petitioner shall be relieved from this condition.

34. DESIGN OF INTERIOR ROADWAYS: All interior collector roadways shall meet a design speed for an 80 foot collector roadway at 45 miles per hour if these roadways are public and 35 miles per hour if these roads are private. Roadway radii shall be approved by the County Engineer.
35. JOG ROAD PEDESTRIAN FACILITIES: Petitioner shall construct a continuous 8 foot wide pedestrian facility within the public right-of-way on the west side of Jog Road from the terminus of the existing sidewalk within the adjacent Hypoluxo Road to Lantana Road. The sidewalk shall be built to standards approved by the County Engineer.
36. CREDIT FOR IMPACT FEES: Credit for this project's impact fees shall be given for all work performed as outlined in Conditions 25, 26, 27, 28, and 39. The credit for Condition 39 shall be calculated by multiplying the total cost of the drainage improvements by the County's percentage of total usage.
37. PURPOSE AND INTENT OF TRI-PARTITE AGREEMENT.

The Board of County Commissioners of Palm Beach County agrees to provide funds in its current budget to assure the completion of the following road improvements:

- (a) Jog road from Melaleuca Lane to Lake Worth Road, including related intersection improvements;
- (b) Hypoluxo Road from Congress Avenue to Inter-state 95, including related intersection improvements; and
- (c) Lantana Road from Military Trail to Congress Avenue, including related intersection improvements; which improvements are the responsibility of Palm Beach County either directly or indirectly through commitments from other developers.

The Board of County Commissioners acknowledges that the petitioner may reasonably rely on the county's commitment to complete the road improvements set forth above.

It is the intention of Palm Beach County and Amerifirst Development Corporation that the contracts be let for these improvements and that these improvements be completed on or before thirty-six (36) months from the date that any appeals which have previously been filed are withdrawn. Notwithstanding the County's non-completion of said improvements within thirty-six (36) months, the phasing schedule for building permits and certificates of occupancy set forth in this development order shall continue to apply. The amount to be set aside, estimated to be the sum of \$2,200,000.00, shall be maintained from year to year in the County's budget until these improvements are completed; provided, however, that this sum may be reduced by the County from time to time as construction is completed, or upon the posting of appropriate surety by third party developers to cover any part or all of the improvements. This condition or a condition similar in nature shall also be included in the proposed Tri-Party Agreement to be entered into between Palm Beach County, Amerifirst Development Corporation and Ryan Homes, Inc.

38. TRI-PARTY AGREEMENT/PHASING

- a. It is intended that a tri-party agreement be entered into among Palm Beach County and the property owners for Petition 86-96 and Petition 86-106 relating to the construction of the major roadways, including but not limited to purchase of right of way, preparation of plans, and the phasing schedule for these items.
- b. In the event that this tri-party agreement is not executed within 30 days of the withdrawal of appeals filed by Treasure Coast Regional Planning Council and the Florida Department of Community Affairs, the phasing schedule contained in Condition 16 through 20, above shall apply to the exclusion of the schedule outlined in Condition 31.
- c. In the event of any conflict between this Development Order and the tri-party agreement, the terms of this Development Order shall prevail.
- d. In the event that the tri-party agreement is executed, Condition No. 31 shall be of full force and effect.

39. ROAD DRAINAGE SYSTEM: Petitioner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Hypoluxo Road, Jog Road and Hagen Ranch Road which touch the property. This drainage easement shall also be capable of accommodating the runoff from a maximum 400 feet distance each side of the property boundaries along Hypoluxo Road, Jog Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. In designing the system, petitioner shall assume the total runoff from the ultimate Thoroughfare Plan Section road.

40. DESIGN OF ONSITE LAKES: Cross section of all proposed lakes shall be in accordance with Palm Beach County Subdivision and Platting Regulation, Ordinance 73-4, as amended.

41. CIVIC SITE DEDICATION:

- a. The petitioner shall provide a 25 acre governmental services site for parks or school purposes, and an additional two (2) acre site for fire rescue purposes. The 25 acre site shall be jointly deeded to the Board of County Commissioners and School Board of Palm Beach County, within 18 months of adoption of the resolution approving this development. The 27 acres shall be at buildable grade and complete with off-site drainage, utilities, and access to a major arterial.
- b. Credit for the above park and school dedications and improvements shall be given against any future Palm Beach county park or school impact fee ordinances that may be applicable to this project as provided in said ordinance.

42. PROHIBITION OF DOWN ZONING: Except as provided in Condition No. 8 (Commencement of Development), in the Palm Beach County Zoning Code, and except for non-compliance with the terms of this development order, Palm Beach County hereby agrees that for a period of seven (7) years subsequent to the effective date of the final Development Order approving this development, this development shall not be subject to down zoning, unit density reduction, or intensity reduction, unless the County demonstrates that substantial changes in the conditions underlying the approval of the resolution have occurred, or that the approval was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. (See Section 380.06(15)(c)3, Florida Statutes).

43. ANNUAL REPORT

a. The developer shall make an annual report as required by Section 380.06(18), Florida Statutes. The annual report shall be submitted each year on the anniversary date of the adoption of the final Development Order approving this development.

b. The Annual Report shall include the following:

- (1) Any changes in the plan of development, or in the representations contained in the Application for Development Approval (ADA), or in the phasing for the reporting year and for the next year;
- (2) A summary comparison of development activity proposed and actually conducted for the year;
- (3) Undeveloped tracts of land that have been sold, transferred or leased to a successor developer;
- (4) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the final Development Order was adopted.
- (5) An assessment of the developer's and local government's compliance with the conditions of approval contained in the final Development Order and the commitments specified in the Application for Development Approval and summarized in the Regional Planning Council Assessment Report for the development undertaken;
- (6) Any request for a substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next year;
- (7) An indication of a change, if any, in local government jurisdiction for any portion of the development since the final Development Order was issued;
- (8) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- (9) A copy of any recorded notice of the adoption of the final Development Order or the subsequent modification of an adopted final Development Order that was recorded by the developer pursuant to Subsection 380.06(15), Florida Statutes; and

(10) Any other information requested by the Board of County Commissioners or the Executive Director of the Department of Planning, Zoning, and Building to be included in the annual report.

c. The annual report shall be transmitted to the Palm Beach County Administrator, the Palm Beach County Engineer, the Executive Director of the Palm Beach County Division of Planning, Zoning, and Building, the Treasure Coast Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Natural Resources, and such additional parties as may be appropriate or required by law (See Section 380.06(15)(c)4, Florida Statutes).

44. MONITORING OF COMPLIANCE

Compliance with the resolution approving this development will be monitored through normal county-permitting procedures, through the special procedures created in specific conditions of approval, through review of progress reports which may be required from time to time, and through review of the Annual Report required by Condition 43 (Annual Report), above. The local official responsible for assuring compliance with this resolution is the Executive Director of the Palm Beach County Department of Planning, Zoning, and Building. See Section 380.0615)c.1)

45. SUBSTANTIAL COMPLIANCE WITH COMMITMENTS IN APPLICATION FOR DEVELOPMENT ORDER.

Any and all representations made in the petitioner's Application for Development Approval are incorporated into this Development Order by reference and are hereby declared to be conditions of approval.

For the purpose of this condition, the Application for Development Approval shall include the following supporting documents:

- a. Application for Development Approval dated April 14, 1986;
- b. Supplemental information submitted April 25, 1986;
- c. Supplemental information submitted June 17, 1986;
- d. Supplemental information submitted September 8, 1986;
- e. Supplemental information submitted September 10, 1986; and
- f. Letter to Martha O. McNeal from Palm Beach County Water Utilities Department dated July 29, 1986.

46. As represented in the Application for Development Approval (ADA), the phasing buildout dates were December 31, 1992 for Phase 1 and December 31, 1996 for Phase 2. The Phase 1 buildout date included in the ADA is hereby amended to be November 30, 1997, and the Phase 2 buildout date is hereby amended to be November 30, 2001.

SECTION 7. CONDITIONS OF APPROVAL FOR SMITH DAIRY WEST,
a/k/a MINTO SMITH DAIRY.

1. NOTICE OF ADOPTION OF RESOLUTION: Pursuant to and in accordance with Section 380.06(15)(f) of Florida Statutes, Smith Dairy West, a/k/a Minto Smith Dairy shall record a notice of the adoption of this development order in the official records pertaining to this property maintained by the Clerk of the Circuit Court in and for Palm Beach county. Evidence of filing shall be submitted to the Zoning Director prior to master plan approval for inclusion of the official file.
2. DECLARATION OF RESTRICTIONS AND COVENANTS: All property included in the legal description for Smith Dairy West, a/k/a Minto Smith Dairy shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for formation of a single "master" property owner's association for Smith Dairy West, and automatic membership in the "master" association by any party holding title to any portion of the property included in the Smith Dairy West planned unit development.
3. PROHIBITION OF SEPTIC TANKS AND WELLS: Since sewer and water service are available to the property, neither septic tank nor well shall be approved for use on said property.
4. DRAINAGE CANAL RIGHTS-OF-WAYS: The petitioner shall convey to the Lake Worth Drainage District any of these canal rights of way located on the Smith Dairy West property:
 - a) the north 55 feet of Sections 3, 4, and 5 between Jog Road and Florida's Turnpike for the required right-of-way for Lateral Canal No. L-16.
 - b) the north 45 feet of Tracts 65 through 80, Block 38 and Tracts 37 through 45, Block 39 of Palm Beach Farms Company Plat 3 for the required right-of-way for Lateral Canal No. 17, or provide satisfactory abandonment to Lake Worth Drainage District.

(The Lake Worth Drainage District owns fee-simple to this right-of-way which is shown within the proposed alignment for Hypoluxo Road extension. The Lake Worth Drainage District, Palm Beach County Engineering Office and this petitioner shall coordinate both the roadway and the Lake Worth Drainage District L-18 Canal.)
 - c) the west 45 feet of Tracts 16, 17, 48, 49, 80, 81, 112, and 113, of Block 38 of Palm Beach Farms Company Plat 3 for the required right-of-way for Equalizing Canal No. E-2-E.
 - d) conveyance may be in the form either of an easement or a quit claim deed prepared in a manner acceptable to Lake Worth Drainage District. Conveyance shall be completed within 90 days of adoption of the resolution approving this development.
5. COMMENCEMENT OF DEVELOPMENT: In the event the developer fails to commence significant physical development within three years from the effective date of the final Development Order approving this development [Petition DOA86-106(E)], development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project. Nothing herein shall be in derogation of the Palm Beach County Zoning Code.

6. MAINTENANCE OF AIR QUALITY

- a. Clearing of individual building sites shall not commence until the developer is ready to build the building or buildings to be located on that site unless seeding and mulching of disturbed areas are undertaken within 30 days of completion of clearing work.
- b. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emissions, including seeding and mulching of disturbed areas, shall be undertaken and implemented by the developer to the satisfaction of the Palm Beach County Health Unit and the Florida Department of Environmental Regulation.

7. HISTORIC AND ARCHAEOLOGICAL SITES

In the event of discovery of any archaeological artifacts during project construction, the developer shall stop construction in that area and immediately notify the Division of Archives, History, and Records Management of the Florida Department of State. Proper protection, to the satisfaction of the Division, shall be provided by the developer. Notice shall also be provided to the Zoning Director for inclusion in the official records.

8. HABITAT, VEGETATION, AND WILDLIFE

a. Wetland Preservation:

At a minimum, the developer shall preserve in viable condition the preservation areas shown on Map G. The developer shall undertake whatever action may be necessary to maintain normal hydroperiods within these preserved wetland areas prior to, during, and after construction.

b. LAKE LITTORAL ZONES:

The developer shall create 3.63 acres of vegetated lake littoral zones and 3.71 acres if "double littoral zones" as provided in Map G. These 7.34 acres of wetland habitats shall be managed in a manner that assures their continued viability, health and function. The plan for littoral zones shall be implemented and initial installation inspected not later than 18 months after excavation of the lakes is completed. Inspection and approval shall be the responsibility of the Palm Beach County Health Unit. Prior to master plan certification, a copy of the lake littoral zone plan shall be deposited with the Zoning Division for inclusion in the official record.

c. PROHIBITED PLANT SPECIES

During construction, all Melaleuca, Brazilian pepper and Australian Pine which occur on the site shall be removed as provided in the Palm Beach County Zoning Code, Section 500.36 (Landscape Code), Subsection F.17 (Eradication Program for Prohibited Plant Species) and Section 500.37 (Vegetation Protection and Preservation). Removal shall be in such a manner that avoids seed dispersal by any of these species. There shall be no planting of pest exotic vegetation on site.

d. UPLAND BUFFER ZONES

The developer shall provide and maintain a buffer zone of native upland edge vegetation around wetland and deepwater habitats which are constructed on the site in accordance with the following provisions. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory and ground cover of native species only. The edge habitat shall begin at the upland limit of any wetland or deepwater habitat and shall include a total area of at least ten (10) square feet for each one (1) linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten (10) feet of upland habitat.

e. PROTECTED PLANT OR ANIMAL SPECIES

In the event that it is determined that any additional representative of a plant or animal species of special regional concern (as defined in the Treasure Coast Regional Planning Council Assessment Report for Smith Dairy) is resident on, or otherwise is significantly dependent upon the property, the developer shall cease all activities which might negatively affect that individual population and immediately notify both the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. Proper protection, to the satisfaction of both agencies, shall be provided by the developer. Notification of such action shall also be provided to the Zoning Director for inclusion in the official record.

9. DRAINAGE AND SURFACE WATER MANAGEMENT

a. STORMWATER MANAGEMENT

The developer shall design and construct the stormwater management system to retain or detain with filtration, at a minimum, the first one-inch of runoff or the runoff from a one-hour, three-year storm event, whichever is greater. Required retention volumes may be accommodated in a swales, dry retention areas, lakes with vegetated littoral zones, or other suitable retention structures. The overall standard for retention or detention with filtration of one inch of runoff or runoff from a one-hour, three-year storm event is waived if: (1) the first one-half (0.50) inch of runoff from all portions of the project is retained in appropriate structures prior to any excess runoff entering into the surface water management lake system, provided that these lakes are designed to accommodate one inch of detention without filtration; or (2) the developer can provide an alternative design that can achieve the same result. All discharge from the surface water management lakes shall meet the water quality standards of Florida Administrative Code Rule 17-3.

b. PROTECTION OF WETLANDS

The developer shall design and construct the surface water management system so that:

- (1) maintenance of normal hydroperiods within preserved and created wetlands can be guaranteed, and

- (2) the functions and values provided by these habitats will be maintained. Under no circumstances shall unfiltered runoff from impervious surfaces and parking areas be diverted directly into wetlands on-site. Final design shall be approved by the Palm Beach County health Unit, the Palm Beach County Engineering Department, and the South Florida Water Management District. A copy of the approved plan shall be transmitted to Treasure coast Regional Planning council before development commences.

10. IRRIGATION AND NATIVE VEGETATION

a. SOURCE OF WATER

To the maximum extent available, the source of irrigation water shall be limited to the surface water management system. Under no circumstances shall irrigation water be derived from surficial aquifer or potable water resources after 5 years from the effective date of the Development Order without the prior written consent and approval of Treasure Coast Regional Planning Council and South Florida Water Management District. The intent of this provision is to allow the developer to withdraw water from the surficial aquifer during the initial years of the project only, when alternative sources of irrigation water may be insufficiently available. Such withdrawal shall be subject to South Florida Water Management District approval and permitting.

b. USE OF WASTEWATER EFFLUENT

The developer shall utilize irrigation quality wastewater effluent for irrigation if that source becomes feasible and is made available to the project.

c. NATIVE VEGETATION AND LANDSCAPE PLANS

To the maximum extent possible, native vegetation shall be used to meet landscaping needs. As a minimum, 30 percent of all landscaping shall be accomplished with native vegetation only. As a minimum, 50 percent of all trees shall be native. Native species shall be those adapted to soil and rainfall conditions occurring on-site.

11. POTABLE WATER SUPPLIES

Should dewatering or development of an on-site potable resource become necessary, the developer shall establish, to the satisfaction of the South Florida Water Management District, a groundwater quality monitoring program designed to detect movements of the Lantana Road Landfill leachate plume. Should dewatering or development of an on-site potable resource significantly impact the migration of the leachate plume toward the site, such activity on the property shall cease immediately.

12. ENERGY CONSERVATION

In the final site plans, the developer shall incorporate those energy conservation measures identified on Pages 25.1 and 25.9-25.12 of the Smith Dairy (Amerifirst) Application for Development Approval and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan, dated May 1979.

13. REQUIRED TRANSPORTATION IMPROVEMENTS.

Resolution No. R-87-481 contained numerous phasing and required transportation improvements. All required transportation improvements have been completed except the following:

a. HAGEN RANCH ROAD IMPROVEMENTS:

1. Smith Dairy West, a/k/a Minto Smith Dairy, shall provide construction plans for Hagen Ranch Road as a 2 lane section (expandable to 5 lane section) from Hypoluxo Road north to Lantana Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County Minimum Construction Plan Standards as they exist at the time of submittal. These plans shall include drainage compatible with the ultimate section and a sidewalk on one side.
 - a) Construction plans shall be submitted to the County Engineer by September 1, 1995. Plan cost shall be approved by the County Engineer. Smith Dairy West, a/k/a Minto Smith Dairy, and Smith Dairy East shall be jointly responsible for any missing right of way (80 feet) for Hagen Ranch Road from Lantana Road to Hypoluxo Road.
 - b) Final permittable construction plans shall be completed prior to July 1, 1996.
2. Sixty days after approval of construction plans by the County Engineer, Smith Dairy West, a/k/a Minto Smith Dairy, shall begin constructing Hagen Ranch Road as a 2-lane section with the drainage compatible with the ultimate section from Hypoluxo Road north to Lantana Road according to the approved plans.
3. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Hagen Ranch Road between Hypoluxo Road and Lantana as a two (2) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed.

b. Hypoluxo Intersection Improvements

1. By February 1, 1996, Smith Dairy West, a/k/a Minto Smith Dairy, shall construct the following intersection improvements at the intersection of Hypoluxo Road and Congress Avenue:
 - (a) Northbound Congress Avenue - one left turn lane
 - (b) Southbound Congress Avenue - one left turn lane
2. In any event no building permits shall be issued for more than 1,693 residential units in the entire Smith Dairy DRI until contracts have been let for these improvements. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until these improvements have been completed.

c. Lantana Road Improvements

1. Palm Beach County shall construct Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four (4) lane section, including all appropriate tapers according to the approved plan.
2. In any event no building permits shall be issued for more than 1693 residential units in the entire Smith Dairy DRI until contracts have been let for the construction of Lantana Road from 250 feet west of Military Trail to a point 250 feet west of Hagen Ranch Road as a four (4) lane facility. No certificates of occupancy shall be issued for more than a total of 1,693 residential units until this improvement has been completed.

14. REQUIRED TRAFFIC STUDY, 2001

- a. No additional building permits shall be issued after November 30, 2001 (the buildout date) unless a traffic study has been conducted by the developer, submitted to and approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council that demonstrates that the regional roadway network can accommodate a specified amount of additional development generated traffic and growth in background traffic beyond 2001, and still be maintained at LOS C during average annual conditions and LOS D during peak season conditions.
- b. The traffic study shall:
 - (1) be conducted in 2001; and
 - (2) identify the improvements and timing of those improvements necessary to provide LOS C average annual and LOS D peak season operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.
- c. Additional building permits shall not be issued until a new project phasing program and roadway improvement program (necessary to maintain LOS C average annual and LOS D peak season operating conditions) has been approved by the Palm Beach County Engineer and the Treasure Coast Regional Planning Council for the remainder of the development.

15. INSTALLATION OF TRAFFIC SIGNALS:

- a. Petitioner shall install signalization if warranted by the County Engineer at the following locations:
 - (1) Hagen Ranch Road and Lantana Road.
 - (2) Hagen Ranch Road and the project's entrance roads.
 - (3) Hypoluxo Road and Hagen Ranch Road.
- b. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the petitioner shall be relieved from this condition.

16. DESIGN OF INTERIOR ROADWAYS: All interior collector roadways shall meet a design speed for an 80 foot collector roadway at 45 miles per hour if these roadways are public and 35 miles per hour if these roads are private. Roadway radii shall be approved by the County Engineer.
17. CREDIT FOR IMPACT FEES: Smith Dairy West, a/k/a Minto Smith Dairy, shall be given a credit for impact fees for all work performed as outlined in Conditions 13a. and b. and 18. The credit for Condition 18 shall be calculated by multiplying the total cost of the drainage improvements by the County's percentage of total usage.
18. ROAD DRAINAGE SYSTEM: Smith Dairy West, a/k/a Minto Smith Dairy, shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments of Hypoluxo Road and Hagen Ranch Road which touch the property. This drainage easement shall also be capable of accommodating the runoff from a maximum 400 feet distance each side of the property boundaries along Hypoluxo Road and Hagen Ranch Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. In designing the system, petitioner shall assume the total runoff from the ultimate Thoroughfare Plan Section road.
19. CIVIC SITE DEDICATION:
 - a. Smith Dairy West, a/k/a Minto Smith Dairy, shall convey the 25 acre developable school site jointly to Palm Beach County and the School Board of Palm Beach County on or before April 1, 1996. Prior to deeding the site, the petitioner shall prepare the site to a buildable grade. Transfer of title, special warranty deed, and title policy to the school site shall be delivered to Palm Beach County and the School Board no later than April 1, 1996. The developer shall provide the school site with paved access to the site, a minimum of two entry points and associated appropriate turn lanes to the site, water and sewer stubbed to the property line, and site drainage. These items shall be provided either at the time of closing or within 270 working days of the County's approval of the construction plans for Hagen Ranch Road, whichever occurs later. All of the required improvements and items shall be considered and included when determining fair market value for the establishment of a credit towards school impact fees within the Smith Dairy West development. Since the value of this site will apply toward credits against school impact fees in the Smith Dairy West PUD, the petitioner will retain no reversionary rights to the property.
 - b. Credit for the above school dedication and improvements shall be given against any future Palm Beach county park or school impact fee ordinances that may be applicable to this project as provided in said ordinance.
20. PROHIBITION OF DOWN ZONING: Except as provided in Condition No. 5 (Commencement of Development), in the Palm Beach County Unified Land Development Code, and except for non-compliance with the terms of this development order, Palm Beach County hereby agrees that for a period of seven (7) years subsequent to the effective date of the final Development Order approving this development, this development shall not be subject

to down zoning, unit density reduction, or intensity reduction, unless the County demonstrates that substantial changes in the conditions underlying the approval of the resolution have occurred, or that the approval was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. (See Section 380.06(15)(c)3, Florida Statutes).

21. ANNUAL REPORT

- a. Smith Dairy West, a/k/a Minto Smith Dairy shall make an annual report as required by Section 380.06(18), Florida Statutes. The annual report shall be submitted each year on the anniversary date of the adoption of the final Development Order approving this development.
- b. The Annual Report shall include the following:
 - (1) Any changes in the plan of development, or in the representations contained in the Application for Development Approval (ADA), or in the phasing for the reporting year and for the next year;
 - (2) A summary comparison of development activity proposed and actually conducted for the year;
 - (3) Undeveloped tracts of land that have been sold, transferred or leased to a successor developer;
 - (4) Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the final Development Order was adopted.
 - (5) An assessment of the developer's and local government's compliance with the conditions of approval contained in the final Development Order and the commitments specified in the Application for Development Approval and summarized in the Regional Planning Council Assessment Report for the development undertaken;
 - (6) Any request for a substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next year;
 - (7) An indication of a change, if any, in local government jurisdiction for any portion of the development since the final Development Order was issued;
 - (8) A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
 - (9) A copy of any recorded notice of the adoption of the final Development Order or the subsequent modification of an adopted final Development Order that was recorded by the developer pursuant to Subsection 380.06(15), Florida Statutes; and

(10) Any other information requested by the Board of County Commissioners or the Executive Director of the Department of Planning, Zoning, and Building to be included in the annual report.

c. The annual report shall be transmitted to the Palm Beach County Administrator, the Palm Beach County Engineer, the Executive Director of the Palm Beach County Division of Planning, Zoning, and Building, the Treasure Coast Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Natural Resources, and such additional parties as may be appropriate or required by law (See Section 380.06(15)(c)4, Florida Statutes).

22. MONITORING OF COMPLIANCE

Compliance with the resolution approving this development will be monitored through normal county-permitting procedures, through the special procedures created in specific conditions of approval, through review of progress reports which may be required from time to time, and through review of the Annual Report required by Condition 43 (Annual Report), above. The local official responsible for assuring compliance with this resolution is the Executive Director of the Palm Beach County Department of Planning, Zoning, and Building. (See Section 380.0615)c.1)

23. SUBSTANTIAL COMPLIANCE WITH COMMITMENTS IN APPLICATION FOR DEVELOPMENT ORDER.

Any and all representations made in the petitioner's Application for Development Approval applicable to Smith Dairy West, a/k/a Minto Smith Dairy, are incorporated into this Development Order by reference and are hereby declared to be conditions of approval.

For the purpose of this condition, the Application for Development Approval shall include the following supporting documents:

- a. Application for Development Approval dated April 14, 1986;
- b. Supplemental information submitted April 25, 1986;
- c. Supplemental information submitted June 17, 1986;
- d. Supplemental information submitted September 8, 1986;
- e. Supplemental information submitted September 10, 1986; and
- f. Letter to Martha O. McNeal from Palm Beach County Water Utilities Department dated July 29, 1986.

24. As represented in the Application for Development Approval (ADA), the phasing buildout dates were December 31, 1992 for Phase 1 and December 31, 1996 for Phase 2. The Phase 1 buildout date indicated in the ADA is hereby amended to be November 30, 1997, and the Phase 2 buildout date is hereby amended to be November 30, 2001.

SECTION 8. ADOPTION OF DEVELOPMENT ORDER.

This Resolution shall constitute the Development Order for the Smith Dairy (Amerifirst) Development of Regional Impact, as required by Chapter 380.06, Florida Statutes.

SECTION 9. SUBSTANTIAL DEVIATIONS.

If required by Chapter 380 of Florida Statutes, any modifications to or deviations from the approved plans or requirements of this Development Order shall be submitted by the Executive Director of the Department of Planning, Zoning and Building to the Board of County Commissioners for a determination as to whether the change constitutes a substantial deviation. The Board of County Commissioners shall make its determination of substantial deviation at a public hearing after notice to the developer and as required by Section 380.06 of Florida Statutes.

SECTION 10. VIOLATIONS OF DEVELOPMENT ORDER.

In the event the developer for Smith Dairy East violates this Development Order, such violation shall not affect the development of Smith Dairy West, a/k/a Minto Smith Dairy, and Smith Dairy West, a/k/a Minto Smith Dairy, may continue to develop under the terms and conditions of this Development Order as if a violation of the development order had not occurred.

In the event the developer for Smith Dairy West, a/k/a Minto Smith Dairy violates this Development Order, such violation shall not affect the development of Smith Dairy East and Smith Dairy East, may continue to develop under the terms and conditions of this Development Order as if a violation of the development order had not occurred.

Notwithstanding this cross compliance provision, a violation by Smith Dairy East or Smith Dairy West of the conditions of approval in Section 6 or Section 7 which address the requirement to i) Construct Hagen Ranch Road and Hypoluxo Road and Congress Avenue intersection improvements; ii) Perform the traffic study prior to November 30, 2001; iii) Install traffic signals on Hagen Ranch Road; and iv) dedicate a 25 acre civic site dedication, will constitute a violation of the entire development order and shall result in the withholding of all permits or further approval to both parties or any other remedies pursuant to Chapter 380, Florida Statutes.

SECTION 11. SUPPLEMENTAL DEFINITIONS.

In addition to the definitions found in Zoning Code Section 200.2 (Definitions), the definitions found in Chapter 380, Florida Statutes shall apply to the interpretation of this Development Order.

SECTION 12. COMPLIANCE WITH APPLICABLE LAW.

The approval granted by this Development Order is conditional, and shall not be construed to obviate the duty of the developer to comply with all other applicable local, state and federal permitting requirements.

SECTION 13. SEVERABILITY.

In the event that any portion or section of this Development Order is deemed to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE.

This Development Order shall become effective as provided by law.

SECTION 15. SUCCESSORS IN INTEREST.

This Development Order shall be binding upon the developer and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 16. TRANSMISSION OF COPIES.

Copies of this Development Order shall be transmitted immediately by Certified Mail to the State of Florida Department of Community Affairs and the Treasure Coast Regional Planning Council.

SECTION 17. INTERPRETATION OF CAPTIONS.

Captions used throughout this Resolution to introduce sections are intended for convenience of the reader only and shall not be used to construe legislative intent.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of March, 1995.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY:

[Signature]
COUNTY ATTORNEY

BY:

[Signature]
DEPUTY CLERK

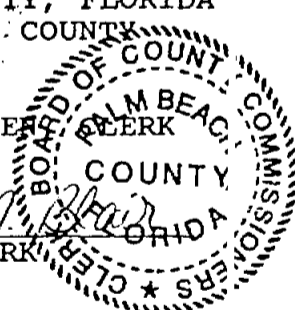


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF SECTIONS 3, 4 AND 5, TOWNSHIP 45 SOUTH, RANGE 42 EAST, SAID PORTION BEING PART OF BLOCKS 38 AND 39 AS SHOWN ON PLAT OF PALM BEACH FARMS COMPANY, PLAT No. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 58 INCLUSIVE, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9 INCLUSIVE, BLOCK 39 AS SHOWN ON PLAT OF PLAT No. 13 AS RECORDED IN PLAT BOOK 6 AT PAGE 99, TOGETHER WITH THE HIATUS LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AND THE EAST LINE OF SAID BLOCK 39, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 15'59" WEST ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1207 AT PAGE 361; THENCE SOUTH 00 DEGREES 47' 13" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2714.03 FEET; THENCE SOUTH 89 DEGREES 12' 47" WEST, A DISTANCE OF 115.00 FEET; THENCE NORTH 00 DEGREES 47' 13" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 89 DEGREES 12' 47" WEST, A DISTANCE OF 971.79 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1493.63 FEET AND A CENTRAL ANGLE OF 31 DEGREES 59'34"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 834.01 FEET; THENCE SOUTH 57 DEGREES 13'13" WEST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1142.91 FEET AND A CENTRAL ANGLE OF 29 DEGREES 05'50"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 580.42 FEET; THENCE SOUTH 86 DEGREES 19'03" WEST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 850.43 FEET; THENCE SOUTH 03 DEGREES 40'57" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 86 DEGREES 19' 03" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 03 DEGREES 40' 57" EAST, A DISTANCE OF 176.71 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1227.52 FEET AND A CENTRAL ANGLE OF 17 DEGREES 40'42"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 378.74 FEET; THENCE SOUTH 21 DEGREES 21'39" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1138.37 FEET AND A CENTRAL ANGLE OF 20 DEGREES 20'51"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 404.27 FEET; THENCE SOUTH 01 DEGREES 00'48" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 610.16 FEET; THENCE NORTH 88 DEGREES 59' 12" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 52' 41" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89 DEGREES 07' 19" EAST, A DISTANCE OF 412.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10461.90 FEET AND A CENTRAL ANGLE OF 05 DEGREES 00' 00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 912.97 FEET; THENCE SOUTH 85 DEGREES 52'41" EAST ALONG THE TANGENT OF SAID CURVE, A DISTANCE OF 208.70 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID BLOCK 39; THENCE SOUTH 89 DEGREES 07'19" WEST ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID BLOCKS 38 AND 39, A DISTANCE OF 6980.60 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID BLOCK 38, SAID POINT BEING 70.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY AS SHOWN ON RIGHT-OF-WAY MAP STATION 2334+53.14 TO STATION 2342+94.41 CONTRACT No. 3.2 SHEET 8 OF 13; THENCE NORTH 01 DEGREE 02'30" WEST ALONG SAID WEST LINE OF BLOCK 38, A DISTANCE OF 5154.48 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 5; THENCE NORTH 88 DEGREES 46'49" EAST ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 540.70 FEET TO THE NORTHWEST CORNER OF SAID SECTION 4; THENCE NORTH 89 DEGREES 18'59" EAST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2727.04 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 89 DEGREES 19'28" EAST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 2726.84 FEET TO THE NORTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89 DEGREES 15'59" EAST ALONG THE NORTH LINE OF SAID SECTION 3 AND THE EASTERLY PROLONGATION OF THE NORTH LINE

EXHIBIT A
LEGAL DESCRIPTION

OF SAID BLOCK 39, A DISTANCE OF 2686.54 FEET TO THE POINT OF BEGINNING, (THE LAST FOUR (4) DESCRIBED COURSES ALSO BEING THE NORTH LINE OF SAID BLOCKS 38 AND 39 OF SAID PLAT No. 13). SAID PROPERTY LOCATED ON THE WEST SIDE OF JOG ROAD, BEING BOUNDED ON THE SOUTH BY HYPOLUXO ROAD EXTENSION AND ON THE WEST BY FLORIDA'S TURNPIKE (SUNSHINE STATE PARKWAY).

94014.0001
AUGUST 11, 1994

EXHIBIT B
VICINITY SKETCH

