

RESOLUTION NO. R-96- 256

RESOLUTION APPROVING ZONING PETITION DOA/CA86-104(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF KENCO COMMUNITIES I, INC.
BY ROBERT A. BENTZ, AGENT
WYCLIFFE PUD

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

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

WHEREAS, Zoning Petition DOA/CA86-104(C) was presented to the Board of County Commissioners at a public hearing conducted on January 25, 1996; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment/Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment/Class A Conditional Use complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment/Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment/Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment/Class A Conditional Use, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Poach County Unified Land Development Code for use, function, and general development characteristics.-
6. This Development Order Amendment/Class A Conditional Use meets applicable local land development regulations.
7. This Development Order Amendment/Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment/Class A Conditional Use has a concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment/Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment/Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA/CA86-104(C) the petition of Kenco Communities I, Inc., by Robert A. Bentz, agent, for a Development Order Amendment (DOA) to add land area to existing PUD and Class A Conditional Use (CA) to allow removal of excavated material in excess of 10% in the Residential Single Family Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 22, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. HENKEL, CLERK

BY :


COUNTY ATTORNEY

BY:


DEPUTY CLERK

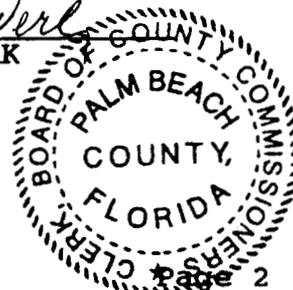


EXHIBIT A

LEGAL DESCRIPTION

Two Parcels of land situate in Section 25, Township 44 South, Range 41 East, Palm Beach County, Florida, and being more particularly described as follows:

PARCEL A:

Commencing at the Southwest corner of said Section 25; thence $N02^{\circ}39'47''E$, along the West line of said Section 25, a distance of 155.98 feet to a point on the North right-of-way line of an 80 foot right-of-way for Homeland Road as recorded in Official Record Book 5642 at Page 1591. Said point also being the point of beginning. From the point of beginning, continue $N02^{\circ}39'47''E$, along the West line of said Section 25, a distance of 2540.54 feet to the West quarter corner of said Section 25; thence $N02^{\circ}39'47''E$, and continuing along said West Section line, a distance of 2424.88 feet to a point on the South right-of-way line of a 120 foot wide right-of-way for Lake Worth Road as recorded in Official Record Book 5642 at Page 1602, said point being on the arc of a curve having a radius of 2804.79 feet and from which a radial line bears $S29^{\circ}24'28''W$ (said point also being $S02^{\circ}39'47''W$ and 271.62 feet from the Northwest corner of said Section 25); thence Easterly, departing from said Section Line, and along said South right-of-way line for Lake Worth Road, and along the arc of said curve, a distance of 517.35 feet (through an angle of $10^{\circ}34'06''$); thence $S50^{\circ}11'26''E$, a distance of 554.40 feet to the beginning of a curve having a radius of 2924.79 feet and from which a radial line bears $N39^{\circ}49'34''E$, thence, easterly, a distance of 2081.54 feet (through an angle of $40^{\circ}46'36''$); thence $N89^{\circ}01'58''E$, continuing along said South right-of-way line, a distance of 1536.46 feet; thence $S87^{\circ}18'19''E$, a distance of 250.51 feet; thence $N89^{\circ}01'58''E$, a distance of 358.08 feet; thence $S44^{\circ}37'40''E$, a distance of 54.13 feet to a point on the ultimate West right-of-way line of a 200 foot wide right-of-way for State Road 7 as recorded in Official Record Book 5642 at Page 1610; thence departing from said South right-of-way line for Lake Worth Road, $S01^{\circ}28'38''W$, along said West right-of-way line for State Road 7, a distance of 3756.97 feet to a point on the aforementioned North right-of-way line of Homeland Road; thence departing from said West right-of-way line for State Road 7, $N88^{\circ}26'38''W$, along said North right-of-way line for Homeland Road, a distance of 2457.23 feet; thence $N88^{\circ}26'28''W$, continuing along said North right-of-way line, a distance of 2576.31 feet to the beginning of a curve, having a radius of 1782.67 feet and from which a radial line bears $N01^{\circ}33'36''E$, thence, Westerly, continuing along said North right-of-way line and along the arc of said curve, a distance of 55.20 feet (through an angle of $01^{\circ}52'14''$) to the point of beginning.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL B:

Commencing at the Northwest corner of said Section 25; thence $S89^{\circ}07'37''E$, along the North line of said Section 25, a distance of 1488.61 feet; thence $S00^{\circ}52'23''W$ and perpendicular to the preceding course, a distance of 75 feet to the south right-of-way line of the Acme Improvement District canal recorded in official records book 1081, page 623 of the public record of Palm Beach County, Florida and the point of beginning, thence south $89^{\circ}07'37''$ East along said south right-of-way a distance of 1099.56 feet; thence $S88^{\circ}02'48''E$, continuing along said South right-of-way line, a distance of 1566.68 feet; thence, departing from said South right-of-way line, $S01^{\circ}42'43''W$, a distance of 1286.50 feet to a point on the North right-of-way line of the aforementioned Lake Worth Road; thence $S89^{\circ}01'58''W$, along said North right-of-way line, a distance of 1356.21 feet to the beginning of a curve having a radius of 2804.79 feet and from which a radial line bears $N00^{\circ}58'02''W$; thence Westerly, continuing along said North right-of-way line and along the arc of said curve, a distance of 1332.63 feet (through an angle of $27^{\circ}13'22''$) to a point on a non-tangent line; thence, departing from said point, $N00^{\circ}52'23''E$, a distance of 1090.22 feet to the point of beginning.

Together with all of the north 80.00 feet of "Homeland Road" lying west of the right-of-way of State Road No.7 and east of the west line of Section 25, Township 44, South Range 41 East, Palm Beach County, Florida.

Together with all the right-of-way of "Lake Worth Road" lying west of the right-of-way of State Road No.7 and east of the west line of Section 25, Township 44, South Range 41 East, Palm Beach County, Florida.

The above described parcels contain, in the aggregate, 598.38 acres more or less

EXHIBIT A

LEGAL DESCRIPTION

Sections 24 and 25, Township 44 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the Northeast corner of "WYCLIFFE PLAT TWO", as recorded in Plat Book 66, Pages 31 through 35 of the Public Records of Palm Beach County, Florida; thence N 88d 02'58" W along the North line of said "WYCLIFFE PLAT TWO", a distance of A portion of Tracts 29, 30 and 31, Block 26, and the 25.00 foot wide road right-of-way lying West of said Tract 29 and South of said Tracts 29, 30 and 31, "THE PALM BEACH FARMS COMPANY PLAT NO.3", all as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida and a portion of 1568.56 feet; thence N 89d 07'32" W, continuing along said North line and a line 75.00 feet South of and parallel with, as measured at right angles to, the South line of the Southwest one-quarter (SW 1/4) of said Section 24, a distance of 2590.39 feet to a point of intersection with the West line of the Northwest one-quarter (NW 1/4) of said Section 25; thence N 02d 40'22" E along said West line, a distance of 75.04 feet to the Southwest corner of said Section 24; thence N 00d 33'34" W along the West line of the Southwest one-quarter (SW 1/4) of said Section 24, a distance of 998.73 feet; thence N 89d 59'50" E, a distance of 1874.92 feet to a point of intersection with a non-tangent curve; thence Southerly along the arc of a curve to the left whose radius point bears N 76d 34'40" E, having a radius of 905.00 feet, a central angle of 60d 27'45", an arc distance of 955.02 feet to the point of intersection with a non-tangent line; thence S 06d 49'34" W, a distance of 131.05 feet to a point of intersection with a non-tangent curve; thence Easterly along the arc of a curve to the left whose radius point bears N 08d 04'19" E, having a radius of 900.00 feet, a central angle of 13d 09'27", an arc distance of 206.68 feet to a point of tangency; thence N 84d 54'52" E, a distance of 261.82 feet to a point of curvature; thence Easterly along the arc of a curve to the right, having a radius of 2100.00 feet, a central angle of 12d 11'32", an arc distance of 446.87 feet to a point of tangency; thence S 82d 53'36" E, a distance of 448.25 feet to a point of curvature; thence Easterly along the arc of a curve to the left, having a radius of 1400.00 feet, a central angle of 04d 52'55", an arc distance of 119.29 feet to a point of intersection with a non-tangent curve; thence Northeasterly along the arc of a curve to the right whose radius point bears S 53d 48'33" E, having a radius of 128.00 feet, a central angle of 55d 31'16", an arc distance of 124.04 feet to a point of tangency; thence S 88d 17'27" E, a distance of 103.00 feet to a point of intersection with the Northerly projection of the East line of said "WYCLIFFE PLAT TWO"; thence S 01d 42'32" W along said Northerly projection, a distance of 371.44 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida.

Containing 69.362 acres of land, more or less.

Subject to Easements, Restrictions, Reservations, Covenants, and Rights-of-Way of Record.

EXHIBIT B
VICINITY SKETCH

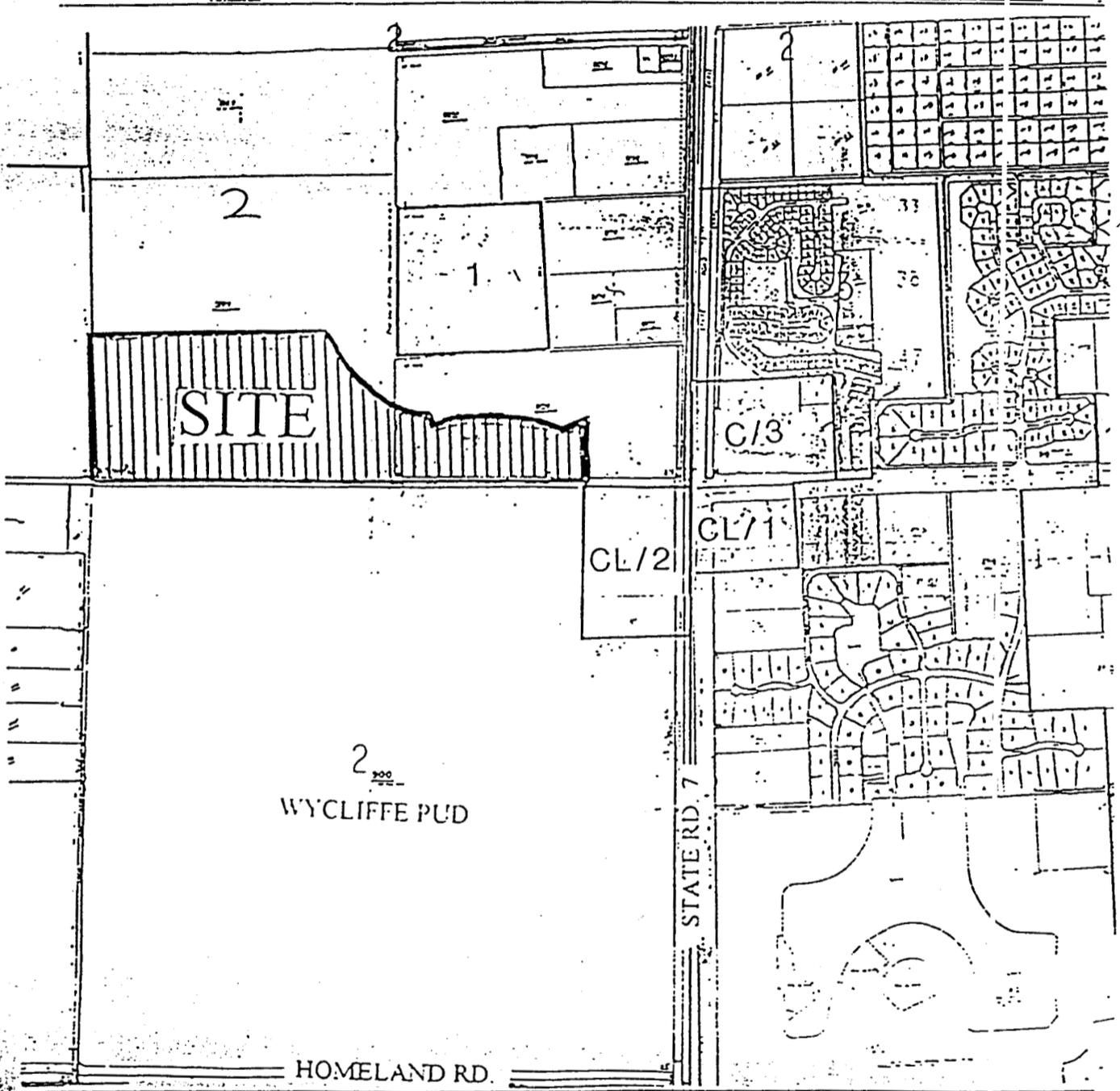


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are hereby consolidated into this resolution adopted by the Board of county Commissioners.

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Prior to master plan certification, the master plan shall be mended to reflect the following:
 - a. required number of trees to be preserved or plated
 - b. a minimum of 15.6 acres of land for recreational purposes
 - c. separate the cypress data from the "government services" parcel
 - d. indicate the access to the "government services" parcel. (Previously Condition No. 2 of Resolution R-94-488) (DRC: ZONING)
3. 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 P.U.D. (Previously Condition No. 3 of Resolution R-94-488) (1st PUT: CTY ATTY)

B. ACCESS - POD N ONLY

1. Access to and from Pod N for excavation purposes shall be directly from SR7/US441 or as permitted by the County Engineer. (DRC: ENG)
2. Prior to certification of the master plan for Petition 86-104(C) by the Development Review Committee, the petitioner shall establish a legal means of access for excavation purposes to and from Pod N in a form, manner and location acceptable to the County Engineer and the County Attorney. (DRC: ENG)

C. DUST CONTROL

1. Prior to certification of the master plan for Petition 86-104(C), a particulate management plan for Pod N shall be approved by the Health Department. (DRC: HEALTH]

D. NOISE CONTROL

1. All stationary machinery or equipment utilized for excavation purposes within Pod N, including but not limited to a dewatering pump, shall be completely enclosed on all four sides and roofed OR lowered below grade and roofed, except for required ventilation or as may be required by a regulatory agency. (ONGOING: CODE ENF)

E. ENGINEERING

1. Prior to the issuance of a building permit in Pod N the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of the extension of the east approach right turn lane on Lake Worth Road at the project's entrance road. This right-of-way shall be a minimum of 320 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: MONITORING - ENG)
2. The Property owner shall extend the existing right turn lane on Lake Worth Road east approach to the project's entrance road to a total of 320 feet plus appropriate tapers. This construction shall be concurrent with the paving and drainage improvements in Pod N for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for Pod N. (BLDG. PERMIT: MONITORING - Eng)
 - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng).
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits for more than 49 single-family units (in Pod "M") and 120 single-family (in Pod "N") shall not be issued until construction has begun for Lake Worth Road as a 2/3 lane section from existing terminus at West property line of Wycliffe, PUD to South Shore Boulevard plus the appropriate paved tapers. This phasing condition shall be subject to the extension of Lake Worth Road to South Shore Boulevard or an acceptable alternative adopted by the Board of County Commissioners. (BLDG. PERMIT: MONITORING - Eng).
 - b) Building Permits for more than 49 single-family units (in Pod "M") and 140 single-family (in Pod "N") shall not be issued until construction has begun for State Road 7 as a 6 lane section from Southern Boulevard to Lake Worth Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
 - c) Building Permits for more than 49 single-family units (in Pod "M") and 140 single-family (in Pod "N") shall not be issued until construction has begun for State Road 7 as a 4 lane facility from Lake Worth Road to Boynton Beach Boulevard plus the appropriate paved tapers. (BLDG. PERMIT: MONITORING - Eng)

The mix of dwelling units listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING; ENG)

4. Prior to certification of the master plan for Petition 86-104(C) by the Development Review Committee, the petitioner shall submit an approved hauling route to the office of the County Engineer, Land Development Division. Acceptable surety in the amount of **\$500.00** per mile shall be posted to ensure any clean up, maintenance or repair necessary caused by hauling of fill off site within the road rights-of-way. (DRC: ENG)
5. Prior to certification of the preliminary development plan for Petition 86-104(C) by the Development Review Committee, the **75** foot **ACME** Improvement District right-of-way adjacent to the south boundary of pod N shall be abandoned. (DRC: ENG)
6. Prior to certification of the preliminary development plan for Petition 86-104(C) by the Development Review Committee, the **35** foot canal reservation within Tract 30 shall be abandoned. (DRC: ENG)
7. The property owner shall convey from the subject property and the adjacent outparcel for the ultimate right-of-way of:
 - a. Lake Worth Road, one hundred twenty (120) total feet of right-of-way on an alignment approved by the County Engineer.
 - b. State Road 7, 200 feet west of the existing east right-of-way line of State Road 7
 - c. The additional right-of-way required for the "Special intersection" as shown in Palm Beach Thoroughfare Right-of-way Protection Map
 - d. Homeland Road, eighty (80) feet along the project's south property line (to be dedicated to the public).
 - e. Lake Worth Road for the construction of a right turn lane, east approach and a right turn lane, west approach on Lake Worth Road at the project's entrance road. This shall be a minimum of twelve (12) feet in width, one hundred fifty (150) feet in length, with a taper length of one hundred eighty (180) feet.

All within ninety (90) days of approval of the Resolution approving this project. (Previously Condition No. 2 of Resolution R-94-488). (DATE: MONITORING / ENG)

8. The property owner shall construct the following turn lanes:
At the intersection of Lake Worth Road and the project's entrance road.
 - a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Left turn lane, east approach
 - d. Left turn lane, west approach
 - e. Right turn lane, west approach
 - f. Right turn lane, east approach. (Previously Condition No. 3 of Resolution R-94-488). (ONGOING; ENG)

9. The property shall provide to Palm Beach County a road drainage easement within the project's internal lake system to accommodate the runoff of Lake Worth Road and State Road 7 along the project's frontage and for a maximum 400 foot distance each side of the property boundary lines along State Road 7 and Lake Worth 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. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition No. 4 of Resolution R-94-488). (ONGOING: ENG)
10. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$881,827.00 (10,968 trips X \$80.40 per trip). (Previously Condition No. 5 of Resolution R-94-488). (ONGOING: IMPACT FEE COORDINATOR)
11. Based on the Traffic Performance Standards (Category "A"), the Developer shall contribute an additional \$594,605.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$1,476,432.00 shall be paid prior to the issuance of the first building permit or prior to January 1, 1988, whichever shall first occur, and this amount shall be credited toward any traffic impact fees. (Previously Condition No. 6 of Resolution R-94-488). (BLDG. PERMIT / DATE: MONITORING - Eng)
12. Surety in the amount of \$1,476,432.00 shall be furnished to Palm Beach County prior to the issuance of a Building Permit or prior to June 1, 1987, whichever shall first occur. (Previously Condition No. 7 of Resolution R-94-488). (BLDG. PERMIT / DATE: MONITORING - Eng)
13. In order to comply with the mandatory traffic performance standards, the developer shall be limited:
 - a) to no more than 150 building permits per year (up to a total of 600 building permits) until State Road 7, Lake Worth Road intersection has been constructed as a special intersection. This work is scheduled to be built by the Orange Point PUD and Petition 84-98. Once this work is completed, this condition will no longer apply. [Intersection is now complete]
 - b) no more than nine hundred (900) building permits shall be issued until the contract has been let for the four (4) laning of Lake Worth Road underneath the Florida Turnpike. (Previously Condition No. 8 of Resolution R-94-488). [Complete] (BLDG. PERMIT: MONITORING - Eng)
14. The property owner shall install signalization if warranted as determined by the County Engineer at the intersection of:
 - a) State Road 7 and Lake Worth Road (Pro rata share with any other 3rd parties).

- b) The project's entrance road and Lake Worth Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, the property owner shall be relieved from this condition. Surety acceptable to the County Engineer shall be posted within twelve (12) months of Special Exception approval. (Previously Condition No. 9 of Resolution R-94-488). (ONGOING: ENG)
15. At the time of issuance of the first building permit, Lake Worth Road shall be constructed as a minimum two (2)-lane section from State Road 7 west to the project's entrance. (Previously Condition No. 10 of Resolution R-94-488). (BLDG. PERMIT: MONITORING - Eng)
16. Should any of the developers of Petition Nos. 86-98, 86-100, or 86-104 fail to post adequate surety for all required improvements to Lake Worth Road within six (6) months of the date of final adoption of the Resolution approving this project, the three (3) petitions shall be reconsidered by the Board of County Commissioners pursuant to a staff initiated Zoning Petition. Prior to final Board action on the staff initiated petition, no further master plan approvals, site plan approvals, plat approvals, letter of technical compliance approvals, or building permits shall be issued provided, however, that this petitioner may avoid this action by posting the full amount of surety required by all three (3) projects upon the posting of which the Board of County Commissioners shall not reconsider the Zoning status of this project with respect to this petitioner pursuant to this condition. (Previously Condition No. 11 of Resolution R-94-488). (ONGOING: ENG)
17. The Petitioner shall convey a twenty (20) acre governmental services site for educational and recreational uses. Conveyance shall be by joint deed to the Board of County Commissioners and the Palm Beach County School Board within ninety (90) days of the final adoption of the Resolution approving this project. The land conveyed shall be improved as a twenty (20) acre site with utilities, drainage, and Lake Worth Road Access. Such improvements are to be completed in concurrence with the extension of Lake Worth Road to the site. Drainage for the governmental services site shall be accommodated outside the twenty (20) acre site, but within the project's master drainage system. (Previously Condition No. 12 of Resolution R-94-488). (ONGOING: ENG)

F. EXCAVATION - POD N ONLY

1. Development activity within Pod N, including but not limited to, excavation and land clearing, shall not commence until site, reclamation, buffer planting and phasing plans have been certified by the Development Review Committee. (DRC: ZONING)
2. A reclamation, buffer planting and excavation phasing plans for Pod N shall be submitted, reviewed and approved by the Development Review Committee concurrent with site plan approval for Pod N. The site plan for Pod N may be used to satisfy the requirement for a reclamation plan. (DRC: ZONING)
3. Excavation activity in Pod N shall occur in a maximum of one (1) phase. (DRC: ENG / ZONING)
4. All excavation activity shall be completed on or before June 30, 1998. (DATE: MONITORING - Zoning)

5. All required surety shall be posted prior to certification of the Reclamation Plan by the Development Review Committee or in accordance with the provisions of the ULDC. (DRC: ZONING)
6. All material stored on site, including but not limited to excavated material, top soil and vegetation, shall not exceed a maximum height of twenty-five (25) feet, measured from existing grade to highest point. (ONGOING: CODE ENF - Zoning)
7. A maximum of 20,000 cubic yards of excavated material shall be stockpiled on site at any time. (ONGOING: CODE ENF - Zoning)
8. Existing topsoil shall be stored and redistributed on site. (ONGOING: ERM - Zoning)
9. All areas designated for refueling of equipment and storage of fuels, oils, and other regulated substances shall have impervious surfaces and a drainage system separated from the stormwater system. These areas shall be shown in detail on the site plan prior to certification. (DRC: ERM)
10. The depth of all lakes shall not exceed 20 feet. (DRC: ERM)
11. Hours of operation for excavation activities shall be limited to 7:30 a.m. - 6:00 p.m. Monday through Saturday. (ONGOING: CODE ENF)

G. EXCAVATION SETBACKS - POD N ONLY

1. All excavated areas shall be setback a minimum of 50 feet from all perimeter property lines or three hundred feet (300) from the nearest existing residential dwelling unit, whichever is greater. (DRC: ZONING)
2. All accessory structures shall be setback a minimum of one hundred (100) feet from all perimeter property lines or three hundred feet (300) from the nearest existing residential dwelling unit, whichever is greater. (BLDG PERMIT: BLDG - Zoning)
3. All material stored on site shall be stored on the interior side of the excavated areas and be setback a minimum of three hundred (300) feet from all perimeter property lines. Prior to certification of the Reclamation Plan, the plan shall be amended to indicate all storage areas. (DRC: ZONING)

H. LANDSCAPING - POD N ONLY

1. All trees required to be planted by Section 6.8 of the ULDC within Pod N, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
Trunk diameter measured 4.5 feet above grade.
 - b. Trunk diameter: seven (7) feet.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 0.5 feet in length. (CO: LANDSCAPE - Zoning)

2. The perimeter of Pod N shall be landscaped in accordance with the Buffer Planting Plan dated November 22, 1995. The plan may be amended by the Development Review Committee as required by the conditions of approval only. (CO: LANDSCAPE - Zoning)
3. Prior to certification of the Buffer Planting Plan by the DRC, the Plan shall be amended to indicate Typical Buffer Section "B" around the south boundary of Pod N, adjacent to the school site, and east property line of Pod N. (DRC: ZONING)
4. The remaining portion of the south boundary of Pod N shall be landscaped to include one tree every 50 feet on center. Tree credit shall be given for all existing trees preserved meeting this requirement. (CO: LANDSCAPE - Zoning)
5. The petitioner shall install a six (6) foot high green vinyl covered chain link fence around the north and east perimeters of Pod N as indicated on the conceptual site plan dated January 25, 1996. The fence shall be installed concurrent with the completion of the landscape buffer. (CO: LANDSCAPE - Zoning)

I. PLANNED UNIT DEVELOPMENT - ALL UNDEVELOPED PODS

1. Street lights shall be provided pursuant to the Regulating Plan adopted by the Board of County Commissioners, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. Bike lanes shall be provided within or adjacent to all rights-of-way over 60 feet in width pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)

J. SIGNS - EXCAVATION ACTIVITY ONLY

1. No freestanding, point of purchase or identifications signs advertising excavation activity or fill for sale shall be permitted within the boundaries of the PUD or along SR7/US 441. (BLDG PERMIT / CODE ENF: ZONING)

K. USE LIMITATIONS - POD N ONLY

1. A maximum of 278,000 cubic yards of material shall be excavated in Pod N. (ONGOING: CODE ENF / ZONING)
2. A maximum of 106,000 cubic yards, or 38% of the material excavated, whichever is less, shall be removed from Pod N. (ONGOING: CODE ENF / ZONING)
3. Blasting shall not be permitted on site (ONGOING: CODE ENF - Zoning)

L. HEALTH

1. Since sewer and/or water service is/are available to the property, septic tank and/or well shall not be approved for use on said property. (Previously Condition B.1 of Resolution R-94-488.) (ONGOING: HEALTH)

M. COMPLIANCE

1. Failure to comply with any condition of approval or ULDC requirement at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement;
 - e. Imposition of entitlement density or intensity; and/or
 - f. Review and modification or revocation of the development order by the Board of County Commissioners at an advertised public hearing in accordance with Section 5.8 of the ULDC.

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