

RESOLUTION NO. R-94- 793

RESOLUTION APPROVING ZONING PETITION **PDD92-5(A)**
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MECCA FARMS

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied; **and**

WHEREAS, Zoning Petition PDD92-5(A) was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; **and**,

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

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

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

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Land Development Code **requires** that the action of the Board of County Commissioners be **adopted by resolution**.

NOW,

THEREFORE,

COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that

PDD92-5 (A) the petition of Mecca
AMENDMENT (REZONING) from the Residential Trans

(RTS) ZONING DISTRICT to the Planned Unit Development
DISTRICT on a parcel of land legally described in
attached hereto and made a part hereof,
indicated on a vicinity sketch attached as EXHIBIT
hereto and made a part hereof,
subject to the conditions of approval described
attached hereto and made a part hereof.

Commissioner

Resolution.

The motion was seconded by Commission
being put to a vote,

EXHIBIT A
LEGAL DESCRIPTION

Mecca Farms, Inc.

PO BOX 3766
LANTANA FLORIDA 33465 3766

PHONE (407) 968 3605
(407) 366 0552
FAX 14071 966 3740

EXHIBIT "A"

Property Description

The Upjohn Planned Unit Development more particularly described as the follows:

The East $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 21, Township 46 South, Range 42 East.

EXHIBIT B
VICINITY SKETCH

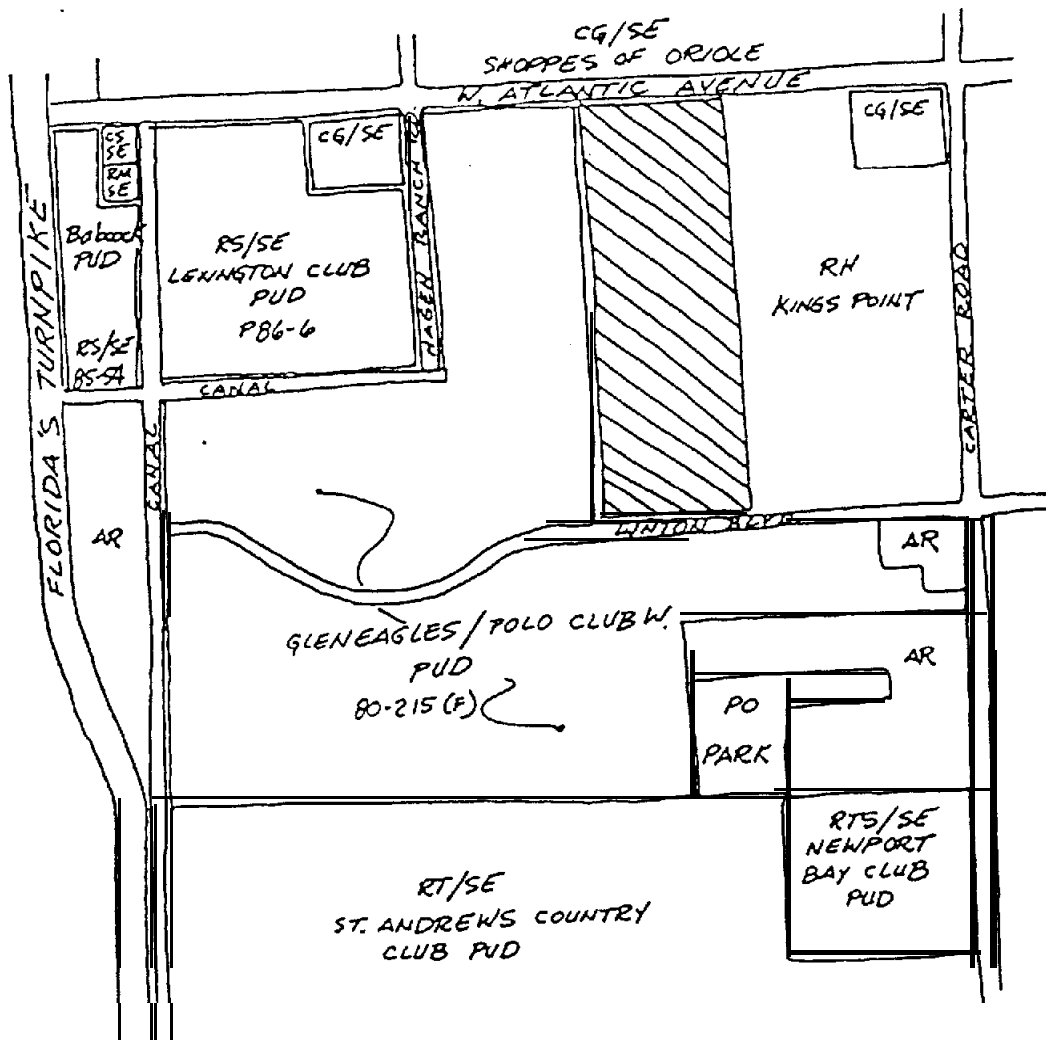


EXHIBIT C

CONDITIONS **OF** APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified herein.

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-92-1835, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (MONITORING)

2. Condition B.2 of Resolution **R92-1834**, Petition 92-5, which states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

Is hereby deleted. [REASON: CODE REQUIREMENT]

3. Condition B.2 of Resolution **R92-1834**, Petition 92-5, which states:

Development of the site is limited to the uses and site design shown on the site plan approved by the Board of **County** Commissioners (Exhibit No. 3). Any modifications **must** be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Boning code Section **402.7 (E) 2 (b)** (Site Plan Review Committee **Powers** and Standards of Review) or required by the conditions of approval contained herein.

Is hereby deleted. [REASON: CODE REQUIREMENT]

4. Condition B.2 of Resolution **R92-1834**, Petition 92-5, which states:

The petitioner shall submit an application to the **site** Plan Review Committee for the certification of the Site plan approved by the Board of **County** Commissioners for this site prior to July 27, 1992.

Is hereby deleted. [REASON: CODE REQUIREMENT]

B. CIVIC SITE

1. Condition B.1 of Resolution **R92-1834**, Petition 92-5, which currently states:

The Petitioner shall dedicate by deed to Palm Beach County Board of County Commissioners 2% of the gross area of the Planned Unit Development (3.3 acres) and shall have satisfied each **of** the following conditions prior to deed conveyance. (PREM)

Is hereby amended to state:

1. a.

The petitioner shall
County 2% of the
Development (3.3 ac)
the northeast corner
The property shall
with no P.U.D. buffer
diminishing said ac
Atlantic Avenue in
Canal similar to the
P.U.D.

Prior to
Commissioners the p
showing the locat
(MONITORING

b.

Not later than Janua
the civic site and c
Statutory Warranty
accordance
acquisition establish

c.

In lieu of the requ

2. Condition B.2 of Resolution **R92-1834**, Petition 92-5, which states:

Developer to provide Palm Beach County Board of County Commissioners with a warranty deed by April 30, 1993, for the 3.3 acre Civic site, in a location and form acceptable to Facilities, Planning, Design & Construction Department (FPDLC) and the County Attorney's office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed.

Is hereby deleted.

3. Condition B.3 of Resolution **R92-1834**, Petition 92-5, which states:

Developer to provide a title policy insuring marketable title to Palm Beach County for the Civic site. Policy is subject to Property & Real Estate Management **Department's (PREM)** and county Attorney's approval. The title policy to be insured to Palm Beach County **for** a dollar value based on current market appraisal of the proposed Civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion to release all or part **of** the Declarations of Covenants and Conditions of the P.U.D. as it would apply to the Civic site. (PREM)

Is hereby deleted.

4. Condition B.4 of Resolution **R92-1834**, Petition 92-5, which states:

All ad **valorem** real estate taxes and assessments for the year **of** closing shall be pro-rated at the day of acceptance **of** the deed for the Civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval. Previously Condition B.4 of Resolution **R92-1834**, Petition 92-5. (PREM)

Is hereby deleted.

5. Condition B.5 of Resolution **R92-1834**, Petition 92-5, which states:

Developer to provide the County with a certified survey of the proposed Civic site; **survey** to reflect the boundary and topographical areas **of** the site. **Surveyor** to use the following criteria:

- a. The survey shall meet Minimum Technical standards for a Boundary Survey as prescribed by **F.A.C. 21HH.6**.
- b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c. The survey should include location of any proposed water retention areas that will border the **Civic** site.

Survey is also subject to the county's approval of the location of any proposed or existing easements **withir the** proposed Civic site. (PREM)

Is hereby deleted.

6. Condition B.6 of Resolution **R92-1834**, Petition 92-5, which states:
- Civio site to be free and clear of all trash and debris at the time **of** acceptance of the warranty deed. **(PREM)**
- Is hereby deleted.
7. Condition B.7 of Resolution **R92-1834**, Petition **92-5**, which states:
- Developer shall provide all retention, detention and drainage required for any future development of the proposed Civic site by the County. Developer **shall** specifically address the following issues:
- a. The discharge of surface Water **from** the **proposed** Civic site into the Developer's water **retention** basins.
 - b. An easement across Developer's property from the proposed Civic site to the retention basins, if required. **(PREM)**
- Is hereby deleted.
8. Condition B.8 of Resolution **R92-1834**, Petition 92-5, which states:
- By acceptance of these conditions developer **agrees** to allow the County to perform any on site **inspections** deemed appropriate to support the acquisition of the Civic **Site**. **(PREM)**
- Is hereby deleted.
9. Condition B.9 of Resolution **R92-1834**, Petition 92-5, which states:
- The Petitioner shall provide **PREM** with an **Environmental** Assessment **of** the proposed Civic site by April 30, **1993**. The minimum assessment which is required is **commonly** called a **"Phase I Audit"**. The audit shall **describe** the environmental conditions of the property and identify the past and current land use.
- The assessment will include but not be limited **to** the following:
- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed Civic site.
 - b. Review of **local**, state, and federal regulatory agency's enforcement and permitting **records** for indication of prior groundwater or soil contamination, if any, **of** the proposed Civic Site. Also, the review of the neighboring property that borders the proposed Civic Site. Records to **review** but not limited to are: Palm Beach **County** Environmental Resources Management Depart. **(PICERM)** and the Florida Department of **Environmental** Regulation (FDER). The assessment to reflect **of** the proposed Civic Site or **any** bordering property is on any of the following **lists**: EPA's **National** Priorities List (NPL), comprehensive **Environmental** Response Compensation and Liability Act **System List** (CERCLA), Hazardous waste Data Management **System** List **(HWDMS)**.

- c. Review of current and historical aerial **photographs** of the proposed Civic site. Provide **a recent aerial** showing site and surrounding properties.
- d. Perform on-site survey to describe site **conditions** and to identify potential areas of **contamination**.
- e. Review **of** Wellfield Protection Zone **maps** to determine if property is located in a **wellfield** zone. **(MONITORING-PREM)**

Is hereby deleted.

10. Condition B.10 of Resolution **R92-1834**, Petition **92-5**, which states:

Developer to prepare civic site to buildable grade **under** the direction of the Facilities, Planning, Design & Construction Department. (PREM)

Is hereby deleted.

11. Condition B.11 of Resolution **R92-1834**, Petition **92-5**, which states:

Developer to provide water and **sewer** stubbed out **to** the property line. (PREM)

Is hereby deleted.

12. Condition B.12 of Resolution **R92-1834**, Petition **92-5**, which states:

At the County's option, the Petitioner may **exchange** the required on-site dedication of land (by fee simple title) for cash of equal value **or** land off-site equal in acreage. In addition, should the off-site land **option** be chosen each condition listed in (1 through 11) above will also apply, and should the land off-site be **of less** cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the land shall be subject to the **County** appraisal process and be at the **cost of the petitioner**. If off-site land or cash contribution is accepted by Palm Beach county, the petitioner shall be deemed to have satisfied the intent of Zoning code Section **500.21.H.** and Conditions B.1 through B.11, above.

Is hereby deleted.

13. Condition B.13 of Resolution **R92-1834**, Petition **32-5**, which states:

The Department of Property and Real Estate **Management** may extend the time limits referenced in Condition: B.1 through 8.11, above, to allow sufficient time for appraisal, planning, review and design **considerations** as necessary.

Is hereby deleted.

14. Condition 8.13 of Resolution **R92-1834**, Petition **92-5**, which states:

No portion of the civic site shall be used **for onsite** or **off** site to address stormwater retention requirements.

Is hereby deleted.

C.

LIMITATIONS

1. **No** Commercial
Commercial use(s)
the subject PUD.

R92-18

2. The maximum height
the PUD shall be 1:
Zoning)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All **ne**
area.
greater six (6) feet
ranging in depth :
controlled water le
CWL. A
shall be planted
minimum of three
plan and mainten
Department of

- =====
- b) Acceptable surety for this construction shall be **posted** with the County Engineer prior to **February 1, 1995 based** upon 110% of the cost estimate **by the** developers engineer. No administrative time extensions may be given for this condition, as this work is required to meet Traffic **Performance Standards.** (MONITORING - Engineering)
 - c) These intersection improvements shall be let for **construction** prior to the issuance of 144 Building Permits or prior to February 1, 1996 whichever **shall** first occur. (BUILDING/MONITORING - Engineering).
2. The Developer shall pay a Fair Share Fee **in** the amount and manner required by the "**Fair Share Contributor for Road Improvements Ordinance**" as it presently exists **(r** as it may from time to time be amended. The Fair Share Fee **for** this project presently at the time of the Building Permit is \$1650 per approved single family dwelling unit (10 trips per dwelling unit x \$165 per trip) and \$1155 per approved multi family dwelling unit (7 trips per dwelling unit x \$165 per trip). (IMPACT FEE COORDINATOR).
 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 82 single family dwelling units shall not be issued until construction has begun for West Atlantic **Avenue** as a 6 lane section from Jog Road to Military **Trail** plus the appropriate paved tapers.
 - b) Building Permits for more than 144 single family dwelling units shall not be issued **until** construction has begun for
 1. Jog Road as a 6 lane section **from Linton** Boulevard to south of P010 Club's west entrance and intersection improvement: at Clint Moore Road and Jog Road; and
 2. An additional left turn lane on the **west** approach and the right turn lane **converted** to a thru lane on the south approach with appropriate transition **back to a 3 lane** roadway section north of the Clint **Moore** Road/Jog Road intersection. (BUILDING/Engineering)
 4. The petitioner shall include in the homeowners **documents** and **all** sales contracts as well as all written **sales** brochures, Master Plans and related Site **Plans a** disclosure statement identifying **Linton** Boulevard as a planned roadways through the petition property **which is** included in the County's Thoroughfare Plan, including the ultimate number of lanes for this Thoroughfare **Plan :road.** The Developer/Property owner shall submit **documentation** of compliance with this condition on an annual **bas:s** to **the** Monitoring Section of Planning, Building and Zoning beginning April 15, 1995 and shall **continue on an annual** basis until all units within the development have been sold or the developer relinquished control to the homeowners association. This property shall **also** be appropriately signed. This **signage** shall be **indicated** both on the Master Plan and Site Plan. (MONITOR::NG - County Attorney)

5. Prior to approval of the Master Plan by the **Development Review Committee** the property owner shall revise the drainage report to indicate that the proposed **drainage** system is capable of handling the drainage from the road widening of West Atlantic Avenue as required **by** a previous condition of approval. (ENGINEERING)

6. Condition E.1 of Resolution R-92-1834, Petition 92-5, which states:

The developer shall retain the stormwater **runoff** in accordance with all applicable agency requirements in effect at the time of the permit application. **However,** at a minimum, this development shall retain **onsite three (#) inches** of the stormwater runoff **generated** by a **three (3) year-one(1) hour** storm as required by the **Permit Section, Land Development Division.** The **drainage system shall** be maintained in an acceptable **condition** as approved by the County Engineer. In the event **that** the drainage system is not adequately maintained as determined by the County Engineer, this matter **will** be referred to the Code Enforcement Board for **enforcement.**

Is hereby deleted. [REASON: CODE REQUIREMENT]

7. The property owner shall construct a left turn lane east approach on West Atlantic Avenue at the **project's** entrance road concurrent with the improvements **with** the first plat. Construction shall be completed prior to the issuance of the first certificate of occupancy. Previously Condition E.2 of Resolution R-92-1834, Petition 92-5. (ENGINEERING)

[NOTE: LEFT TURN LANE CURRENTLY NOT EXISTING]

8. Condition E.3 of Resolution R-92-1834, Petition 32-5, which states:

Prior to June 1, 1993 or prior to the issuance **of** the first Building Permit, the Property owner **shall convey** to Palm Beach County adequate road drainage easement through the project's internal surface water management **system** to provide legal positive out fall **for** all runoff from **those** segments **of** West Atlantic Avenue to conform **to** the Florida Department **of** Transportation requirements. Said easements shall be no less than 20 **feet** in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the **combined** runoff from the project to accommodate the **ultimate** Thoroughfare Plan Road Section(s) **of** the included segment. If required and approved by the County **Engineer** the property owner shall construct within the **proposed** drainage easements a minimum of 24 inch closed **piping** system and appropriate **wingwall** or other structures. Elevation and location of all construction shall be approved by the county Engineer. Any and all **excess** fill material from excavation by Palm **Beach county** **withi** n said easements shall become the property of Palm Beach **County** which at its discretion **may** use this fill material. This time limit may be extended by the county Engineer to allow **for** planning, design, **and** review **of** the **required** conveyance.

Is hereby amended to state:

Prior to February 15, 1995 or prior to the **issuance** of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road **drainage** easement through the project's internal surface **water** management system to provide legal positive outfall for all runoff from those segments of West Atlantic Avenue to conform to the Florida Department of **Transportation** requirements. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention **capacity** to meet the storm water discharge and treatment **requirements** of the applicable County Water Control District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the **County** Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch **closed** piping system and appropriate **wingwall** or **other** structures. Elevation and location of all **construction** shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach **County** within said easements shall become the property of **Palm** Beach County which at its discretion may use this fill material. This time limit may be extended by the **County** Engineer to allow for planning, design, and review of the required conveyance. (ENGINEERING)

9. Condition E.4 of Resolution R-92-1834, Petition 92-5, which states:

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. (IMPACT FEE COORDINATOR)

Is hereby deleted. [REASON: NEW IMPACT FEE IS INCLUDED IN THE MODIFICATION REQUEST]

10. The property owner shall convey to the Lake **Worth** Drainage District the north 90 feet of the subject property as shown on the survey submitted by the **property** owner for the required right of way for Lateral Canal **No.** 34, by Quit Claim Deed or on an Easement Deed in the form provided by said District prior to June **1**, 1992. This time limit may be extended by the County **Engineer** to allow for planning, design, and review of the required conveyance. Previously Condition E.5 of Resolution R-92-1834, Petition 92-5. (MONITORING-Building)

11. Condition E.6 of Resolution R-92-1834, Petition 92-5, which states:

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 40 single family or 57 multi family dwelling units or a combination of the above which would generate more than **401** drily trips **per day** shall not be issued until construction has begun for West Atlantic Avenue as a 6 lane section from Jog Road to Military Trail plus the appropriate paved tapers. (BUILDING)

b)

Is hereby delet

INCLUDED WITHIN

12.

The Developers shall

determined by the

West Atlantic Ave

signalization no

final Certificate

be relieved from

E.7 of

Building)

[NOTE:

13.

The

F. CONCURRENCY

1. In order to meet the Countywide Traffic Performance Standards for the proposed **UpJohn** Planned Unit Development, Zoning Petition No. 92-05(A), Mecca Farms, Inc. or their assigns hereby agrees to the following means of assuring the construction of Jog Road from **Linton** Boulevard to one hundred fifty (150) feet south of the Polo Club West project entrance on Jog Road to a six (6) lane divided cross-section, including necessary turn lanes and tapers and intersection improvements at Jog Road and Clint Moore Road to include the **reconfiguration** of the existing northbound right turn lane to an additional through lane and the addition and modifications to provide an additional eastbound left turn lane.

If the Board of County Commissioners of Palm Beach County fails to amend the County 5-Year Road Program within six (6) months of the date of approval of this petition to include the Jog Road construction and/or the construction of inter-section improvements at Jog Road and Clint Moore Road in the 1994-1995 fiscal year, then the developers of the **UpJohn** Planned Unit Development will post surety to assure this construction within six (6) months of the date of the approval of this Petition by the Board of County Commissioners. The amount of the surety shall be based upon a Professional Engineer's certified cost estimate acceptable to the County Engineer.

In the event another developer assures the construction of Jog Road from **Linton** Boulevard to one hundred fifty (150) feet south of the Polo Club West project entrance and/or construction of intersection improvements at Jog Road and Clint Moore Road to include the reconfiguration of the existing northbound right turn lane to an additional through lane and the addition and modifications to provide an additional eastbound left turn lane prior to the six (6) month date or in the event the County places the construction of this link in the 5-Year Road Program, the developers of **UpJohn** shall be relieved of these obligations. (ENGINEERING/COUNTY ATTORNEY)

2. **Prior to** the DRC Certification of the **Preliminary** Development Plan, the petitioner shall revised the restrictive covenant, subject to the County Attorney, County Engineer and Planning Director approval, concerning unit density and traffic volume impact on the West Atlantic Boulevard. This restricted covenant once approved shall be recorded in the public records of Palm Beach County. (PLANNING/ENGINEERING/COUNTY ATTORNEY)

G. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. **Previously** Condition F.1 of Resolution **R92-1834**, Petition **92-5**. (HEALTH)
2. Water service is available to the property. **Therefore**, no well shall be permitted on the site to provide **potable** water. **Previously** Condition F.2 of Resolution **R92-1834**, Petition 92-5. (HEALTH)

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available **within** 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. **Previously** Condition G.1 of **Resolution R92-1834**, Petition 92-5. (UTILITIES)

I. LANDSCAPE WITHIN MEDIAN

1. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or fully established Property Owner's Association and/or Homeowners's Association, and shall be installed concurrent with the first plat. (ENGINEERING-Zoning)
2. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING-County Attorney)
3. As an alternative to landscaping West Atlantic Avenue adjacent to this site, the developer shall contribute \$20,000 to Palm Beach County prior to June 1, 1995, to be available for match-up with other funds for beautification improvements within 5 miles of this petition site. This contribution is eligible to be considered as "other" funds required to match the 50% (maximum) County participation in beautification projects. First priority will be given to beautification efforts on Jog Road from Linton Boulevard to West Atlantic Avenue. If no matching County funds have been allocated to this section of Jog Road by June 1, 1996, then this \$20,000 would be available for utilization for other locations within this 5 mile radius. (MONITORING - Engineering)

J. PROPERTY OWNERS ASSOCIATION

1. Condition I.1 of Resolution R92-1834, Petition 92-5

All property included within the legal description of the petition shall be subjected to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: Formation of a single "master" property owner's association, automatic voting membership in the "master" association by any party holding title to any portion of the property included in the Planned Unit Development (PUD), and assessment of all members of the "master" association for the cost of maintaining the PUD's common areas. The property shall not be subjected to the Declaration of Restrictions in phases, and approval of the Declaration must be obtained from the County Attorney's Office prior to the recordation of the first plat of any portion of the Planned Unit Development. (COUNTY ATTORNEY)

Is hereby deleted. [REASON: CODE REQUIREMENT]

K. SCHOOL BOARD

1. All sales and notice literature and purchase agreements for the within development shall include a statement/notice that students may not be assigned to the nearest school and that all prospective buyers are encouraged to contact the Palm Beach County School Board to determine which school assignment will apply to their children. Previously Condition K.1 of Resolution R92-1834, Petition 92-5. (SCHOOL BOARD)
2. Prior to master plan certification, petitioner(s) shall demonstrate that they have met with the School Board and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. Previously Condition K.2 of Resolution R92-1834, Petition 92-5. (SCHOOL BOARD)

L. SITE DESIGN

1. Internal median landscaping, subject to permitting by the County Engineer, shall be provided within all **internal** right-of-ways with medians. Median landscaping shall, at a minimum, include:
 - a. One tree for every thirty (30) feet of **median**;
 - b. One (1) shrub for every one hundred **fifty** (150) square feet or one ground cover for every seventy-five (75) feet of median **area**;
 - c. Lawn area planted by sod; and,
 - d. Detailed median landscaping plans shall be submitted, installed and maintained **pursuant** to the standards set forth in **Article 6.8.23d(2)(a)** of the Palm Beach County **Unified Land Development Code. (ENGINEERING/BUILDING)**
2. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets **within** all platted, private right-of-ways, access tracts, and easements that are interior to the PUD, **subject** to approval by the County Engineer. All **required** landscaping shall be installed prior to the release of the performance bond or issuance of a certificate of completion, whichever occurs first, for the road **intended** to be landscaped. (Building - Engineering)
3. All utilities shall be underground pursuant to **Article 6.8.23.d(5)** of the Palm Beach County Unified Land Development Code. (ENGINEERING/BUILDING)

M. LIGHTING

1. Street lights a maximum of twenty-five (25) feet in height shall be installed along all platted **access** tracts, easements, and privately dedicated **right-of-ways**. Light fixtures shall be directed away from **residences**. (Building/ Zoning - Engineering)

N. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this **approval** shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.0 inches measured 4.5 feet **above** grade.
 - c. Canopy diameter: seven (7) feet. Diameter **shall** be determined by the average canopy radius at 3 **points** measured from the trunk to the outermost **branch** tip. Each radius shall measure at least 3.5 feet in length. (BUILDING/ZONING)

0.

BUFFERS

1. The petitioner shall
perimeter of the si

Property Line
East property l edge of propose way:
East property l edge proposed r way:
South property l
West property li
North property l

No administrative cha

types may be approve

- 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; and/or
 - e. Imposition of entitlement density or intensity.
(MONITORING)
2. Appeals of **any** departmental-administrative **actions** hereunder may be taken to the Palm Beach County **Board** of Adjustment or as otherwise provided in the Palm **Beach** County Zoning code. Appeals of any revocation of **Special** Exception, 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**. Previously Condition M.2 of Resolution **R92-1834**, Petition 92-5. (MONITORING)

Q. PARKS

1. The funds realized from the cash-out of the Upjohn PUD civic site shall be directed to the Parks and Recreation Department to be utilized for park and **recreational** purposes.