

RESOLUTION APPROVING ZONING PETITION **EAC87-112(D)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF WINSTON TRAILS, LTD. & JOSHUA MUSS, TRUSTEE

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 **EAC87-112(D)** was presented to the Board of County Commissioners at a public hearing conducted on October 27, 1994; 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 is consistent with the Palm Beach County Comprehensive Plan.
2. 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.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency exemption and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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, 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 **EAC87-112(D)**, the petition of Winston Trails, Ltd. & Joshua Muss, Trustee, for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) Zoning District, to amend master plan to transfer units, previously approved 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 October 27, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and **adopted this** 27th day of October, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

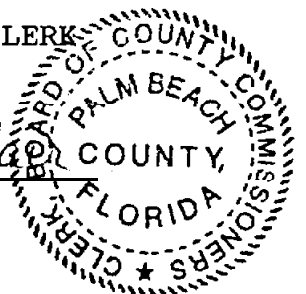
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



## EXHIBIT A

## LEGAL DESCRIPTION

DESCRIPTION - PARCEL 1

A portion of the West one-half (W 1/2) of Section 2, Township 45 South, Range 42 East, Palm Beach County, Florida lying West of the Lake Worth Drainage District E-3 Canal, LESS the Northeast one-quarter (NE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 2, AND LESS the Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of the Southwest one-quarter (SW 1/4) of said Section 2, AND LESS the South 110 feet of the Southwest one-quarter (SW 1/4) of said Section 2, AND LESS the North 35 feet of the Northwest one-quarter (NW 1/4) of said Section 2, AND LESS the South 85 feet of the North 115 feet of the Southwest one-quarter (SW 1/4) of said Section 2 TOGETHER WITH the East one-half (E 1/2) of Section 3, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the Right-of-Way for Jog Road, AND LESS the Right-of-way for Hypoluxo Road, AND LESS the North 35 feet thereof, AND LESS the South 85 feet of the North 115 feet of the Southeast one-quarter (SE 1/4) of said Section 3 bring more particularly described as follows:

Commencing at the Southwest corner of the Southeast one-quarter (SE 1/4) of said Section 3; thence North 89°17'05" East along the South line of said Section 3, a distance of 40.00 feet; thence North 00°47'13" West along a line 40.00 feet *tart* of (as measured at right angles) the West line of the *tart* one-half (E 1/2) of said Section 3, a distance of 226.84 feet; thence North 89°12'47" East, a distance of 9.07 feet to the POINT OF BEGINNING of this description; thence Northerly along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 740 of the Public Records of Palm Beach County, Florida the following four courses; thence North 03°24'10" East, a distance of 139.24 feet; thence North 00°23'35" East, a distance of 253.08 feet to the beginning of a curve concave to the West having a radius of 4641.66 feet and a central angle of 01°10'48"; thence Northeasterly and Northwesterly along the arc of said curve, a distance of 95.59 feet; thence North 00°47'13" West along a line tangent to last described curve, a distance of 1587.00 feet to a POINT OF INTERSECTION with the Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Number 17 Canal as described in Official Record Book 2411, Page 1113 of the said Public Records, said point to be hereinafter referred to as Point "A"; thence continuing North 00°47'13" West, along a line 10.00 feet East of (as measured at right angles) the said West line of the East one-half (E 1/2) of Section 3, a distance of 85.00 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way line of said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing North 00°47'13" West, along the Easterly Right-of-way line of Jog Road as recorded in Official Record Book 6182, Page 736 of the said Public Records, a distance of 2364.18 feet to a point of intersection with the South line of the North 399.04 feet of the North one-quarter (N.E. 1/4) of said Section 3, said point being on the arc of a curve concave to the Southwest

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## LEGAL DESCRIPTION

having a radius of 1697.03 feet and a central angle of 01'25'18", at which point the radius bears South 89'10'48" West; thence Northerly along the Easterly Right-of-Way line of Jog Road as recorded in Official Record Book 6182, Page 732 the following three courses; thence Northwesterly along the  $\bullet$   $\square$  of last described curve,  $\bullet$  distance of 42.11 feet; thence North 01'39'05" West along a line non-tangent to last described curve,  $\bullet$  distance of 187.39 feet to a point on the arc of  $\bullet$  curve concave to the Southwest having a radius of 1709.02 feet and a central angle of 04'34'58", at which point the radius bears South 81'27'49" West; thence Northwesterly along the arc of said curve,  $\bullet$  distance of 136.69 feet to  $\bullet$  POINT OF INTERSECTION with the Southerly Right-of-Way line of the Lake Worth Drainage District Lateral Number 16 Canal, as described in Official Record Book 2393, Page 1134 of the said Public Records; thence North 89'11'55" East along the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35 feet south of (as measured at right  $\bullet$  angle B) and parallel with the North Line of the said East one-half (E-1/2) of Section 3,  $\bullet$  distance of 2673.22 feet to the west line of said Section 2; thence North 89'24'10" East continuing along the  $\bullet$  said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 Canal, same line also being 35.00 feet South of (as measured at right angles) and parallel with the North line of the West one-half (W-1/2) of said Section 2, a distance of 2002.52 feet; thence South 00'26'12" East, a distance of 615.79 feet; thence North 89'37'00" East, a distance of 213.35 feet to a POINT OF INTERSECTION with the Westerly Right-of-Way line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2393, Page 1133; thence southeasterly, the following three courses, along the said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, same line also being 35.00 feet Southwesterly of (as measured at right angles) and parallel with the following described line [beginning at the Southeast corner of the Southwest one-quarter (SW 1/4) of said Section 2; thence North 05'28'31" West to  $\bullet$  point on the North line of said Section 2 being 410.00 feet Westerly from (as measured along the said North line of Section 2) the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 2] thence South 05'28'31" East, a distance of 2115.58 feet to a POINT OF INTERSECTION with the said Northerly Right-of-Way Line of the said Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05'28'31" East, a distance of 85.42 feet to a POINT OF INTERSECTION with the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence continuing South 05'28'31" East, a distance of 1883.71 feet; thence North 89'10'50" West, a distance of 571.95 feet; thence South 00'24'33" East, a distance of 551.01 feet to  $\bullet$  POINT OF INTERSECTION with the Northerly Right-of-Way Line of Hypoluxo Road as recorded in Official Record Book 6182, Page 744 of the said Public Records; thence North 89'00'34" West along the said Northerly Right-of-Way Line of Hypoluxo Road, same line also being 110.00 feet North of (as measured at right angles) and parallel with the South line of the Southwest one-quarter (SW

## EXHIBIT A

## LEGAL DESCRIPTION

1/4) of said Section 2, a distance of 1996.26 feet) to a POINT OF INTERSECTION with the East Line of said Section 3; thence continuing along the said Northerly Right-of-Way line of Hypoluxo Road the following four courses; thence North 89°39'42" West, a distance of 1697.83 feet; thence North 86°21'38" West, a distance of 500.52 feet to a point on the arc of a curve concave to the South having a radius of 10,076.00 feet and a central angle of 02°21'04", at which point the radius bears South 01°09'10" West; thence Northwesterly and Southwesterly along the arc of said curve, a distance of 413.46 feet; thence North 44°04'36" West, a distance of 56.51 feet to the POINT OF BEGINNING.

LESS the following described 65 foot Right-of-Way for the Lake Worth Drainage District Lateral Number 17 Canal, BEGINNING at beforementioned Point "A"; thence North 00°47'13" West, a distance of 85.00 feet; thence North 89°14'14" East along the said Northerly Right-of-Way Line for the Lake Worth Drainage District Lateral Number 17 Canal, 0000 line 180 being 30.00 feet mouth of (as measured at tight angles) and parallel with the East-West one-quarter section line of said Section 3, a distance of 3637.69 feet to the West line of said Section 2; thence continuing along said Northerly Right-of-Way Line, same line also bring 30.00 feet South of (as measured at right angles) and parallel with the East-West one quarter Section line of said Section 2, South 89°46'25" East, a distance of 2399.26 feet to a POINT OF INTERSECTION with the said Westerly Right-of-Way Line of the Lake Worth Drainage District Z - 3 Canal; thence South 05°28'31" East, along said Westerly Right-of-Way Line of the Lake Worth Drainage District E-3 Canal, a distance of 15.47 feet to a POINT OF INTERSECTION with the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal; thence North 69°66'25" West along the said Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 17 Canal, a distance of 7406.69 feet to the East line of said Section 3; thence continuing North 89°46'25" West along said Southerly Right-of-Way Line, a distance of 0.24 feet thence South 89°14'14" West along said Southerly Right-of-Way Line, a distance of 2631.21 feet to beforementioned Point "A" and the POINT OF BEGINNING.

## LEGAL DESCRIPTION

DESCRIPTION - PARCEL 2

That *portion* of the Southeast one-quarter (SE 1/4) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) and that *portion* of the Southeast one-quarter (SE 1/4) of the Northwest one-quarter (NW 1/4) lying East of the Lake Worth Drainage District t-t Canal, TOGETHER WITH the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) 20 feet of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) Section 2 Township 32 South Range 42 East, Palm Beach county, Florida, being more particularly described mm follows:

Commencing at the Northeast corner of said Section 2; thence South 00°19'59" East along the East line of said Section 2, a distance of 20.00 feet to the POINT OF BEGINNING of this description; thence continuing South 00°19'58" East along said East line of Section 2, same line also being the Northerly projection of the West line of Plat of Concept Homes of Lantana Plat No. 2 and Plmt HO. 3 88 recorded in Plat Book 38, Page 13 and 14 and Plat Book 39, Page 123 thru 125, respectively, of the said Public Records, a distance of 1790.94 feet to the Southeast corner of the Northeast one-quarter (NE 1/4) of said Section 2; thence North 89°46'27" West, along the South line of the said Northeast one-quarter (NE 1/4) of Section 2, a distance of 2665.22 feet to the center of said Section 2; thence North 89°46'25" West, along the South line of the Northwest one-quarter (NW 1/4) of said Section 2, a distance of 169.69 feet to the Easterly Right-of-way Line of the Lake Worth Drainage District E-3 Canal as described in Official Record Book 2393, Page 1133 of the said Public Records; thence North 05°28'31" West along the said Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal, same line also being 65.00 feet Northeasterly of (as measured at right angles) and parallel with the following described line [beginning at the Southeast corner of the Southwest one-quarter (SW 1/4) of said Section 2; thence North 05°28'31" West to a point on the North line of said Section 3 being 400.00 feet Westerly from (as measured along the said North line of Section 2) the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 2] a distance of 2086.51 feet; thence North 89°37'00" East, a distance of 353.56 feet to the West line of the Northeast one-quarter (NE 1/4) of said Section 2; thence North 00°25'10" West along the said West line of the Northeast one-quarter (NE 1/4) of Section 2, a distance of 673.28 feet; thence North 89°25'14" East along a line 20.00 feet South of (as measured at right angles) and parallel with the North line of the said Northeast one-quarter (NE 1/4) of Section 2, same line also being the Southerly Right-of-Way Line of the Lake Worth Drainage District Lateral Number 16 canal mm described in Official Record Book 2393, Page 1133 of the said Public Records, a distance of 2469.27 feet to the POINT OF BEGINNING.

## EXHIBIT A

## LEGAL DESCRIPTION

DESCRIPTION - PARCEL 3

Lot One and that portion of Lot Two lying East of the Lake Worth Drainage District E-3 Canal in Tract 38 of the "Hiatus" between Townships 44 and 45 South, Range 42 East also known as Township 44-1/2 South, Range 42 East, Palm Beach County, Florida, LESS the North 54 feet thereof, AND LESS the south 50 feet thereof, being more particularly described as follows:

Commencing at the Northeast Corner of said Lot One, Hiatus Tract 38, same point also being the Southeast corner of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 38°28'00" East along the Easterly Line of said Lot One, a distance of 70.46 feet to the POINT OF BEGINNING of this description; thence continuing South 38°28'00" East along the Easterly Line of said Lot One, a distance of 675.16 feet to a POINT OF INTERSECTION with the Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal as described in Official Record Book 2393, Page 113; said point being North 38°28'00" West, a distance of 63.34 feet from the Northeast Corner of Section 3 of said Township 45 South, Range 42 East; thence South 89°25'14" West along the said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South Line of said Lot One, Hiatus Tract 38, a distance of 2670.66 feet crossing into said Lot Two, Hiatus Tract 38; thence continuing along said Northerly Right-of-Way Line of Lake Worth Drainage District Lateral Number 16 Canal, same line also being 50.00 feet North of (as measured at right angles) and parallel with the South line of said Lot Two, Hiatus Tract 38, South 99°24'10" West, a distance of 376.88 feet to a POINT OF INTERSECTION with the Easterly Right-of-Way Line of Lake Worth Drainage District E-3 Canal as described in Official Record Book 2411, Page 114 of the said Public Records; thence North 03°20'59" West along the said Northerly Right-of-Way Line of Lake Worth Drainage District E-3 Canal same line also being 65.00 feet Easterly of (as measured at right angles) and parallel with the following described line (beginning at a point 480.00 feet westerly from (as measured along the North line of the Northwest one-quarter (NW 1/4) of said Section 3); thence North 03°20'59" West to the Northeast corner of said Lot Two, Hiatus Tract 38, a distance of 633.69 feet to a POINT OF INTERSECTION with the proposed Southerly Right-of-Way line of Lantana Road, also known as State Road 812; thence South 88°25'44" East along the proposed said Southerly Right-of-Way line of Lantana Road, same line also being 54.00 feet South of (as measured at right angles) and parallel with the North line of said Lot One Hiatus Tract 38, a distance of 2620.32 feet; thence South 88°28'57" East along the proposed said Southerly Right-of-Way line of Lantana Road, a distance of 45.31 feet to the POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

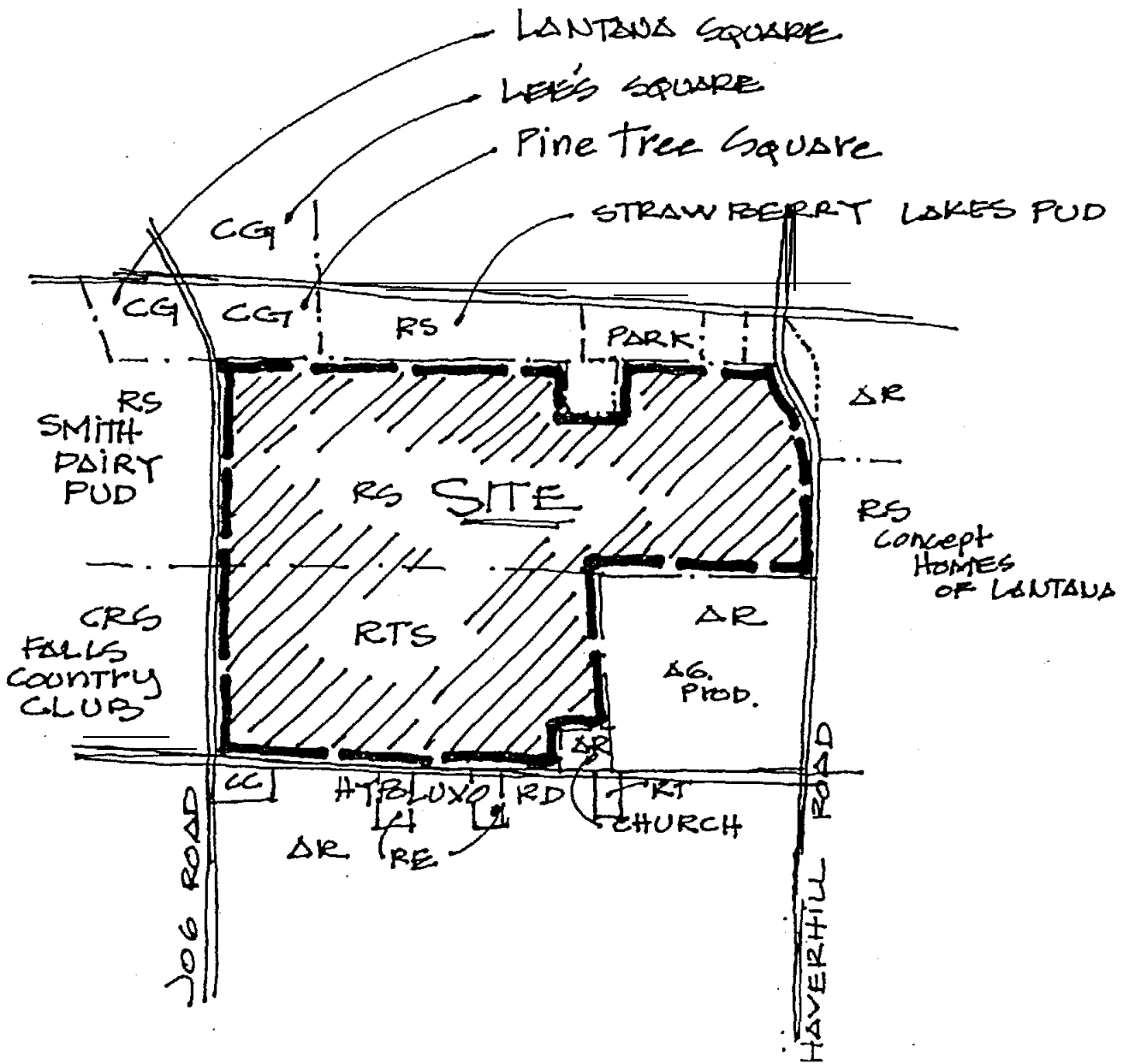




EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Condition A.1 of Resolution R-93-170, Petition **EAC87-112(C)**, which currently states:

All previous condition **of** approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous condition of approval, including original deadline **for** Zoning **Code** Article 5 Compliance, as amended, unless expressly modified.

Is hereby amended to state:

All previous condition of approval applicable to the subject property, as contained in Resolutions R-93-170 and R-93-1545 have been consolidated as contained herein. The petitioner shall comply with all previous condition of approval, unless expressly modified. (**MONITORING**)

2. Access to the golf course maintenance facility shall gaited and shall not provide through traffic **for** any residential units within the PUD except for the purposes **of** maintenance to the Golf Course. (Previously Condition A.2 of Resolution R-93-170, Petition **EAC87-112(C)**. (CODE ENFORCEMENT))
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 A.3 of Resolution R-93-170, Petition **EAC87-112(C)**. (**COUNTY ATTORNEY**))
4. Prior to master plan certification, 'the petitioner's survey shall be amended to delete the approximate 1.2 acre clinic site from the petition. (Previously Condition A.7 of Resolution R-93-170, Petition **EAC87-112(c)**. (**ZONING**))
5. The master plan shall be amended to include the gross acreage included in the two (2) Comprehensive Plan Categories. ly condition No. 37 Resolution R-89-344 of **Petition 87-112** (PLANNING)
6. Prior to' Bite Plan Review submittal, the master plan shall **be amended** to indicate:
  - a. Compliance with all minimum property development regulations and land development requirements. (Previously Condition 9.A of Resolution R-93-170, Petition **EAC87-112(C)**. (**ZONING**))
7. Condition 1 of Resolution R-93-1545, which currently states: "  
;

The petitioner shall comply with all previous conditions **of** approval unless expressly modified herein.

Is hereby deleted. [REASON: Duplicate Condition]

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All lakes considered under the authority of the **ULDC** must comply to ULDC **Sec. 7.6** prior to platting. (Previously Condition B.1 of Resolution R-93-170, Petition EAC87-112(C)). (ERM)

C. HEALTH

1. Since sewer service is available to the property, septic tank shall not be approved for use on the property. (Previously Condition C.1 of Resolution R-93-170, Petition EAC87-112(C)). (HEALTH)
2. **Since** water service is available to the property, a water well shall not **be** approved for potable water use. (Previously Condition C.1 of Resolution R-93-170, Petition EAC87-112(C)). (HEALTH)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

E. ENGINEERING

1. 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 (3) 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. (Previously Condition E.1 of Resolution R-93-170, Petition EAC87-112(C)). (ENGINEERING)
2. In **order** to comply with the mandatory traffic performance standards, the property **owners** shall be restricted to the following phasing schedule:
  - a. No building permits will be issued until construction is commenced on the following roads:
    - 1) Hypoluxo Road from Congress Avenue to I-95 is widened to at least four lanes (scheduled for **FY 87/88** by **County**).
    - 2) Lantana Road from Congress Avenue to I-95 is widened to six lanes (scheduled for **FY 87/88** by County).
    - 3) Tenth Avenue North from Military Trail to Jog Road is widened to--four lanes (scheduled for **FY 87/88** by **County**).
    - 4) **Jog Road** from Lake Worth to Purdy Lane is widened to four lanes (scheduled to **FY 87/88** by County).

- 5) Congress **Avenue** from the L-28 Canal to Boynton Beach Boulevard is widened to a minimum of four lanes (scheduled for **FY 87/88** by County).
- b. PBASB 1: Maximum of 88 dwelling units until **construction** for the widening of Military Trail **as** a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for **FY 88/89** by **County**).
- c. **PHASE 11:** Maximum of 101 dwelling units until construction for the widening **of** Jog Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for **PY 89/90** by the Developer).
- d. **PHASE 111:** Maximum **of** 104 dwelling units until construction for the widening of Hilitary Trail as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for **FY 88/89** by **County**).
- e. **PHASE IV:** Maximum of 132 dwelling units until construction for the widening of Jog Road as a minimum of four lanes from Helaleuca Lane to Lake Worth Road has commenced (scheduled for **BY 90/91** by county).
- f. **PHASE v:** Maximum of 163 dwelling units until construction for the widening of **Military** Trail as a minimum of four lanes from Boynton Beach Boulevard to Hypoluxo Road has commenced (scheduled for **FY 87/88** by County).
- g. **PHASE VI:** Maximum of 217 dwelling units until construction for the widening of Lantana Road from Hilitary Trail to Jog Road as a minimum of **four** lanes has commenced by other developer (scheduled for **FY 89/90** by other Developer).
- h. **PHASE VII:** Maximum of 286 dwelling units until construction for the widening of Hilitary Trail as a minimum of four lanes from **Hypoluxo** Road to Lantana Road has commenced (scheduled for **FY 88/89** by County) and until construction for the widening of Boynton Beach Boulevard as a minimum of four lanes from Jog Road to Military Trail has commenced (scheduled for **PY 88/89** by **FDOT**).
- i. **PHASE VIII:** Maximum of 656 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from Congress Avenue to Military Trail has commenced (scheduled for **FY 90/91** by county).
- j. **PHASE 1x:** Maximum of 731 dwelling units until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for **BY89/90** by other Developer).
- k. **PHASE x:** Maximum of 855 dwelling units until construction for the widening of Lantana Road from Jog Road to **Hagen** Ranch-Road as a minimum of **four lanes** has commenced (scheduled for **FY 89/90** by **other** Developer).

1. **PHASE x1: Maximum** of 986 dwelling units until construction for the widening of Lake Worth Road as a minimum of six lanes from **Military** Trail to Jog Road has commenced (scheduled for **FY 90/91** by **County**).
- m. **PHASE XII: Maximum** of 1,096 dwelling units until construction for the **widening of Jog Road** from Bypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for **FY 89/90** by other Developer).
- n. **PHASE XIII: Maximum** of 1,449 dwelling units until construction for the widening of **Military** Trail from Boynton Beach Boulevard to Hypoluxo Road as a minimum of six lanes has commenced (scheduled for **FY 87/88** by other Developer and County).
- o. **PHASE XIV: Maximum** of 1,724 dwelling units until construction for the widening of Helaleuca Lane from **Military** Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled far **FY 90/91** by County).

The construction listed in subparagraphs b, d, e, f, i, l and o and the Military Trail section of subparagraph h above, which is scheduled as a part of Palm Beach County's **Five-Year Road Program** is considered to be assured construction. Each of these phasing controls shall be lifted at the end of the fiscal year following the fiscal year of scheduled construction if the scheduled construction is delayed.

The number of dwelling units referred to as the maximum for **each phase** is based on the same proportionate mix of unit types as in the overall development. A different proportionate mix of dwelling unit types may be used provided the same or lower trip generation results affecting the road segment in question. Verification of this shall be submitted to **the site** Plan Review Committee. (Previously Condition E.3 of Resolution R-93-170, Petition **EAC87-112(C)**. (ENGINEERING))

3. The property owners shall provide permitted construction plans oriupdate the existing construction plans for the **six-laning** of Hypoluxo Road from Congress Avenue to I-95. These construction plans shall be approved by the **County Engineer** based upon Palm Beach county's minimum construction plan standards as they presently exist or as they may from time to time be amended. These construction plans shall be completed **and approved** by October 1, 1990. Plan costs shall be approved by the county Engineer. It is the responsibility of the petitioner to obtain all necessary permits. (Previously **Condition E.4 of Resolution R-93-170, Petition EAC87-112(C)**. (MONITORING-ENGINEERING))

4. A. The property owners shall fund the construction plans for the four-laning of Lantana Road from **Hagen** Ranch Road to Lyons Road. The plans shall include a design alternative for the four-laning from **Hagen** Ranch Road to Grand Lacuna Boulevard. The property owners shall present a cost analysis, acceptable to the County Engineer, to complete these construction plans to the County Engineer prior to February **1**, 1994. Funding for the preparation of these design plans shall come from the Impoundment **Agreement** between the Winston Trails, Limited, and Joshua A. **Muss**, as Trustee and the Yasuda Trust & Banking Co., Ltd., **New** York Branch, dated February **1**, 1990. It is the intent that Palm Beach County administer the completion of the plans **using** the consultant currently under contract to the property owners with the property owners providing funding.
- B. The property owners shall provide funding in the amount of **\$427,000.00** towards the design of the Turnpike bridge over Lantana Road. This funding shall be provided to Palm Beach County prior to February 1, 1994 and shall come from the Impoundment Agreement. (Previously Condition 2 of Resolution R-93-1545) **MONITORING - Engineering**)
5. The property owners shall fund the preparation of the construction plans for the six **laning** of Lantana Road from Military Trail to Congress Avenue. The property owners shall present a cost analysis, acceptable to the County **Engineer**, to complete these construction plans to the County Engineer prior to **February 1**, 1994. Funding for the preparation of these design plans shall come from the Impoundment Agreement dated February **1**, 1990. Upon receipt of these funds, Palm Beach County shall proceed, without undue delay, to have this design completed **and** plans permitted. (Previously Condition 3 of Resolution R-93-1545) **(MONITORING - Engineering)**
6. The property owners shall let the contract for the construction of **Hypoluxo** Road as a six-lane divided road from Congress Avenue to I-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs. (Previously Condition E.7 of Resolution R-93-170, Petition **EAC87-112(C)**).
7. The property owners shall fund the construction of Lantana Road from **Hagen** Ranch Road to Grand Lacuna Boulevard as a four lane divided roadway. Funding shall include all construction costs (C.E.I.) and provide for appropriate paved tapers. Funding for this construction shall come from the Impoundment Agreement and shall be made available on or before **March 1**, 1995 or prior to issuance of building permits for 674 units whichever first occurs. An extension to either this time certain date or the limitation of the number of building permits may be granted by the County **Engineer** upon submittal of a traffic report by the property owner showing that there is available capacity on this link of Lantana Road. Upon receipt of these funds, Palm Beach County shall proceed directly to bid this construction. should Palm Beach County exercise its option of extending the construction of Lantana Road west of Grand Lacuna Boulevard to Lyons Road, the section of **roadway** west of **Grand** Lacuna Boulevard will be funded entirely by Palm Beach County. (Previously Condition 4 of Resolution R-93-1545) **(MONITORING/BUILDING - Engineering)**

8. The property owners Shall fund the construction of **Lantana Road as a six-lane divided road** from Military Trail to **Congress Avenue**, including carrying the six lanes through the **intersections** on both ends of the road **segment**, prior to the issuance of building permits for 1685 units or prior to **November 1, 1995**, whichever **first occurs**. Funding for this construction shall come from the Impoundment Agreement, dated February 1, 1990. construction costs shall include C.B.I. and permitting. Upon receipt of the **funds**, Palm Beach County shall proceed directly to bid this construction. (Previously **Condition 5** of Resolution R-93-1545) (**MONITORING/BUILDING - Engineering**)
9. Construction shall be completed within 15 months from the **commencement of** construction for the above Condition Nos. **13, 14** and 15, subject to extensions being granted for good cause shown. (Previously Condition E.10 of Resolution R-93-170, Petition **EAC87-112(C)**. (**ENGINEERING**))
10. The property owners shall fund the preparation of construction plans, preparation of right-of-way acquisition documents, right-of-way acquisition and all construction costs (including permitting, C.B.I. and necessary tapers) of the following intersection improvements as determined by the County Engineer:
- a) At the intersection of Jog Road and Melaleuca Lane:
    - (1) dual left turn lanes, east approach, in addition to a through lane and a separate right turn lane.
  - b) At the intersection of Lantana Road and Military Trail:
    - (1) third through lane, east approach, dual turn lanes east approach, and a separate right turn lane.
    - (2) third through lane, west approach, a separate right turn lane, and dual turn lanes, west approach.
  - c) At the intersection of Lantana Road and **Congress Avenue**:
    - (1) **third through** lane, north approach
    - (2) third through lane, south approach

Both of the above shall include dual left turn lanes and a separate right turn lane. These additional through lanes shall be constructed with receiving lanes on the departure side of the intersection and appropriate tapers back to a I-lane divided cross-section, as determined by the County Engineer.
  - d) At the intersection of Bypoluxo Road and Lawrence Road:
    - (1) dual left turn lane, north approach, separate through lane, and a separate right turn lane.
    - (2) right turn lane, south approach, separate through lane, and a separate right turn lane.
  - e) At the intersection of Rypoluxo Road and Military Trail:
    - (1) dual left turn lane, east approach, and shall include two through lanes and a separate right turn lane.

- f)** At the **intersection** of Lantana Road and Access 1:
- (1) left turn lane, south approach
  - (2) right turn lane, south approach
  - (3) two left turn lanes, east approach, and two through lanes.
- g)** At the intersection of Lantana Road and Access 2:
- (1) left turn lane, south approach
  - (2) right turn lane, south approach
  - (3) left turn lane, east approach, and two through lanes.
- h)** At the intersection of Bypoluxo Road and Access 3:
- (1) left turn lane, north approach
  - (2) right turn lane, north approach
  - (3) right turn lane, east approach, and two through lanes.
  - (4) left turn lane, west approach, and two through lanes.
- i)** At the intersection of Jog Road and Access 5:
- (1) left turn lane, north approach, and two through lanes.
  - (2) right turn lane, south approach, and two through lanes.
  - (3) left turn lane, east approach
  - (4) right turn lane, east approach
- j)** Signalization of the project access road intersections listed in (f) thru (i) shall be done by the property owner when warranted, as determined by the County Engineer. If **signalization** is not warranted after twelve (12) months of the final Certificate of Occupancy, the property owner shall be relieved of this requirement.
- k)** All construction of turn lanes serving the project entrances with exterior roadways (f,g,h,i, and j) shall be at the time of construction of the access roads to Lantana Road, **Hypoluxo** Road and **Jog** Road. Construction of the through lanes for the Lantana Road and **Military** Trail intersection shall be in conjunction with the widening to six-lanes of Lantana Road. Construction of the turn lanes for the Bypoluxo Road and Military Trail intersection shall be in conjunction with the widening to six lanes of **Military** Trail. No more than 1,608 building permits shall be issued until the turn lanes for the Hypoluxo Road and Lawrence Road intersection are under construction. No more than 2,102 building permits shall be issued until the turn lanes for the Jog Road and **Melaleuca** Lane intersection are under construction. No more than 2,026 building permits shall be issued until the through lanes for the Congress Avenue and Lantana Road intersection are under construction.

- 1) As to subparagraphs **11(a)**, **11(c)** and **11(d)** above, in the event Palm Beach county, through its five year road program as amended from time to time, or a third party developer accelerates the completion of these three intersection improvements to a **time prior** to that time required to satisfy the phasing requirements set forth herein, then this project shall be relieved of these conditions, provided the intersection improvements are completed. Nothing herein shall abrogate the phasing controls relative to these turn lane improvements.

Funding for this design, **right-of-way** acquisition, permitting and construction shall come from the Impoundment Agreement, dated February 1, 1990.  
(Previously Condition 6 of Resolution R-93-1545)  
(ENGINEERING)

11. The property owner shall fund the preparation of all necessary right-of-way acquisition documents including, but not limited to, surveys, property **owner's** maps, legal descriptions for acquisition of parcel right-of-way maps required for the construction of the road segments in Conditions **#7**, **8** and **9** as well as the intersection improvements in Condition **#11**. (Previously Condition 7 of Resolution R-93-1545) (ENGINEERING)
12. Palm Beach County will acquire any additional **right-of-way** needed for the road segments to be constructed in Condition Nos. **5**, **7**, **8** and **9** as well as the intersection **laneage** to be constructed in all conditions. Palm Beach County will complete the acquisition at property owner's expense prior to the commencement of construction of each of the above mentioned roadway improvements. This property owner shall enter into a standard right-of-way acquisition agreement with the Land Acquisition Department **15** months prior to the requited construction.  
(Previously Condition 8 of Resolution R-93-1545)  
(ENGINEERING)
13. Palm Beach County shall design and construct or cause to be designed and constructed six lanes on Military Trail from Boynton Beach Boulevard to Lake **Worth** Road. This section of Military Trail is currently programmed for a four-lane or six-lane **improvement** in fiscal year 88-89.  
(Previously Condition E.14 of Resolution R-93-170, Petition EAC87-112(C)). (ENGINEERING)
14. The property owner shall receive a credit for the cost of plan preparation, the right-of-way acquisition, and **construction** listed in Condition Nos. **4**, **5**, **6**, **7**, **8**, **9**, **11** and **17** against the existing traffic impact fee and **also** against any increases in the **Fair** Share Fee, should the "**Fair** Share Contribution for Road Improvements Ordinance\*\* be amended. Upon receipt of surety required for Condition Nos. **4**, **5**, **6**, **7**, **8**, **9**, **11**, and **17**, the project shall be considered bonded and no impact fees shall be **due** while the surety is in effect. (Previously Condition 9 of Resolution R-93-1545) (IMPACT FEE COORDINATOR - Engineering)



15. A. The property owner **shall** provide surety in the amount of 110% of the estimated cost for the **offsite** improvements listed in Condition #9, the six-laning of Lantana Road from Military Trail to Congress Avenue: Condition #8, the **four-laning** of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard: and Condition #11, the **intersection improvements**. An estimated cost for the construction of these improvements including the cost of plan preparation and right-of-way acquisition as outlined in Conditions #5, 6, 11, 12 and 13 shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to April 1, 1994. (MONITORING - Engineering)
- B. The property owner prior to April 1, 1994 shall provide to the County a revised surety which shall provide for Palm Beach County to draw funds in order to implement Conditions #5, 6, 8, 9, 11, 12 and 13. (MONITORING - Engineering)
- C. The property owner shall provide to the County Engineer an annual updated Engineer's cost estimate to **complete** Conditions #5, 6, 8, 9, 11, 12 and 13 **prior** to April 1 each year starting in 1995. (MONITORING - Engineering)
- D. The property owner shall annually update the amount of surety provided to Palm Beach County, if necessary, **for** Conditions #5, 6, 8, 9, 11, 12 and 13 prior to July 1 each year beginning July 1, 1995. (MONITORING - Engineering)
- B. The property owner shall prepare a schedule for the funding of the design, right-of-way acquisition and construction for all of the intersection improvements listed in condition #11. This schedule shall be submitted to the County Engineer prior to June 1, 1994. This schedule may be modified by the County Engineer at the request of the property owner. (Previously Condition 9 of Resolution R-93-1545) (MONITORING - Engineering)
16. Property owner shall construct Baverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be 2-lane compatible with a S-lane ultimate section on an 80 foot **right-of-way** (including bridge over the L-17 canal) construction plans shall include a S-lane bridge and a separate **2-lane** bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved by the County Engineer. (Previously Condition E.17 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING)
17. If 90% of the 2,360 building permits have not been issued by December 31, 1996, no further building permits shall be issued and the property owner **must** readdress traffic from unbuilt remainder of project to bring the project in compliance with Traffic Performance Standard and then existing, conditions. (Previously Condition E.18 of Resolution R-93-170, Petition EAC87-112(C). (MONITORING/ENGINEERING-BUILDING)
18. The project shall have an access with a minimum of an 80 foot right-of-way onto Haverhill Road. (Previously Condition E.19 of Resolution R-93-170, Petition EAC87-112 (C). (ENGINEERING)

19. **The** property owner shall convey from the subject property for **the** ultimate right-of-way of:
- a) Jog Road, a total of 120 feet on an alignment approved by the County Engineer
  - b) **Lantana Road,** a total of 110 feet of right-of-way on an alignment approved by the County Engineer
  - c) **Hypoluxo** Road, a **total** of 110 feet of right-of-way on an alignment approved by the **County Engineer.**
  - d) Sufficient right-of-way at the project entrance road and Lantana Road to provide for the construction of dual left turn lanes, east and a right turn lane, west approach subject to approval by the County Engineer
  - e) sufficient right-of-way at the project entrance road and Jog Road to provide for the construction of a right turn lane, south approach subject to approval by the County Engineer.
  - f) sufficient right-of-way to provide for an expanded intersection at the intersection of all thoroughfare plan roads and at major roadways and **the project's** entrance.

All within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall **first occur.** (Previously **Condition 20 of Resolution R-93-170, Petition EAC87-112(C).** (ENGINEERING)

20. In the event that the property owners of Falls County Club and Smith Dairy DRI fail to provide appropriate drainage for Jog Road as required by the conditions of their approvals, then this petitioner shall be required to provide to Palm Beach county a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from that segment of Jog Road along the property frontage and for a maximum **400** foot distance each side of the property's boundary line along Jog Road. The property owner 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 **Lantana** Road, **Hypoluxo** Road and Haverhill Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable drainage district and **South** Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan **Section** road drainage runoff. ly condition No. 27 Resolution R-89-344 of Petition 87-112. (Previously **Condition E.21 of Resolution R-93-170, Petition EAC87-112(C).** (ENGINEERING)
21. 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 **\$1,478,877.00** for the residential portion (18,394 trips X \$80.40 per trip) and **\$37,988.00** for the non-residential portion (1,418 **trips** X \$26.79 per trip). (Previously **Condition E.22 of Resolution R-93-170, Petition EAC87-112(C).** (ENGINEERING-BUILDING)

22. **The** property owner shall report to Palm Beach County on **the** number of building permits issued for the six (6) month<sup>5</sup> and the cumulative total issued for the subject property. (Previously Condition E.23 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
23. The property owner shall provide all right-of-way for Haverhill Road as an 80 foot section on the approved alignment **map** adopted by the Palm Beach county Commissioner<sup>8</sup> from the L-17 Canal to Lantana Road. If required, this property owner shall enter into a standard right-of-way **acquisition** agreement with the Land Acquisition Department 15 months prior to **construction** for any right-of-way for Haverhill Road not included in this subject property. (Previously Condition E.24 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
24. No dwelling units shall access directly onto the internal roadways shown on the master plan. (Previously Condition E.25 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
25. For purposes of the resolution "**commenced**" road **work** shall be interpreted to mean the commencement of actual construction of the particular road improvements. (Previously Condition E.26 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
26. Petitioner's sales brochures and other information soliciting sales shall clearly and prominently indicate that the proposed park/civic site may at some time be lighted at night and also clearly and prominently **indicate that** Haverhill Road Extension is planned by Palm Beach County to extend through the project to the south a<sup>5</sup> provided in the Palm Beach County Thoroughfare Plan. (Previously Condition E.27 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
27. The property owner shall dedicate a private road **right-of-way** 60 feet in width south of the L-16 Canal to the property owner to the east prior to master plan **certification**. (Previously Condition E.28 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
28. At the project entrance on Hypoluxo Road:
1. left turn lane, north approach ;
  2. right turn lane, north approach;
  3. right turn lane, east approach;
  4. left turn lane, east approach." (Previously Condition E.29 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))
29. At the project entrance on Jog Road:
1. left turn lane, north approach and two through lanes. The County Engineer may at his option require dual turn lanes on Jog Road at the project's entrance road. Should dual turn lanes be required, additional right-of-way required for this construction shall be reflected on the applicant's site Plan;
  2. right turn lane, south approach;
  3. left turn lane, east approach;
  4. right turn lane, east approach. (Previously Condition E.30 of Resolution R-93-170, Petition EAC87-112(C). (ENGINEERING))

30. The Property Owner shall **provide** permitable construction plans for the four-laning of Lantana Road, from **Hagen Ranch** Road to Lyons Road, including four lanes under the Florida Turnpike and appropriate underpass, as required by the Florida Department of Transportation, and approved by the County Engineer. These construction plans shall be approved by the County Engineer, based upon the County's minimum construction plan standards, as they presently exist or as they may *from time to time* be amended. These construction plans shall be completed and approved by October 1, 1990. Plan costs shall be approved by the county Engineer. **It** is the responsibility of the petitioner to obtain all necessary permits. (Previously Condition E.31 of Resolution R-93-170, Petition **EAC87-112(C)**). (MONITORING-ENGINEERING)
31. Prior to **Master** Plan approval or prior to March 1, 1990 whichever shall first **occur**, the property owner shall provide surety in the amount of 110% of the estimated cost for all off-site improvements listed in Condition 17 (**4-laning** of Lantana Road **from Hagen** Ranch Road to Lyons Road), No. 18 (**6-laning** of Lantana Road **from** Military Trail to Congress Avenue), and No. 20 (intersection improvements) of zoning Petition 87-112. A Certified cost **estimate for** the **4-laning** of Lantana Road and the **6-laning** of Lantana Road and the intersection improvements including all plans and right-of-way documents shall be **prepared by** the property **owner's** engineer and submitted and approved by the County Engineer prior to March 1, 1990. (Previously Condition E.32 of Resolution R-93-170, Petition **EAC87-112(C)**). (MONITORING-ENGINEERING)
32. Property owner shall construct Haverhill Road from Lantana Road south to the south right-of-way line of the L-17 Canal (including appropriate canal crossing) when needed for internal access or when required by County Engineer for continuity. Construction shall be **2/3** lane compatible with a S-lane ultimate section on an 80 foot right-of-way (including a bridge over the L-17 Canal). Construction plans shall include a S-lane bridge and a separate 'l-lane bridge and on an alignment approved by the County Engineer. Included shall be construction plans approved by the County Engineer and right-of-way as approved, by the County Engineer. Included in this construction shall be dual turn lanes, east approach on Lantana Road at **Haverhill** Road. This property owner shall be responsible for acquisition of any and all right-of-way required for this construction. These dual turn lanes on Lantana Road shall be constructed at the time of the construction **of** Haverhill Road. (Previously Condition **E.33** of Resolution R-93-170, Petition **EAC87-112(C)**).
33. The property owners shall provide permitted construction plans for the four-laning of Lantana Road from **Hagen Ranch** Road to Lyons Road including 4 lanes under the Florida Turnpike and appropriate underpass as required by the Florida Department of Transportation and approved by the county Engineer. (Previously Condition E.34 of **Resolution R-93-170, Petition EAC87-112(C)**). (ENGINEERING)
34. Prior to **site** plan approval for Pod **8F**, Pod **2F**, Pod **5F**, the Day Care Center, the church, **and** the Clinic, the alignment for Haverhill Road shall be established by the Board of county Commissioners;-Bite Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the established alignment of Haverhill Road. (Previously Condition A.4 of Resolution R-93-170, Petition **EAC87-112(C)**). (ZONING)

F. LANDSCAPING - STANDARDS

1. All trees required to be planted on site, except those otherwise required to be planted within residential lots, by this approval- shall-- meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 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)

G. LANDSCAPING ALONG ALL PROPERTY LINE

1. , Prior to Site plan Review Certification the master plan shall be amended to indicate a twenty five (25) foot wide **PUD** buffer along the perimeter of the **PUD**, not separated from the exterior by the golf course, supplemented with Alternative Landscape Buffer 10.3 with minimum twelve **(12)** foot native canopy trees spaced twenty (20) feet on center and a minimum thirty (30) inch hedge planted twenty four (24) inches on center. (Previously Condition A.5 of 'Resolution R-93-170, Petition **EAC87-112(C)**. (ZONING)
2. The petitioner shall provide a six (6) foot high, solid CBS wall along the northeast property line within the twenty-five (25) foot buffer abutting the proposed day care **center** and church located west of Haverhill Road. (Previously Condition A.8 of Resolution R-93-170, Petition **EAC87-112(C)**. (ZONING)

H. PARKS AND RECREATION

1. The Developer shall at its own cost and expense, construct a culvert crossing (having a minimum length of not less than thirty **(30')** feet traversing over and across that portion of the easement in which the Temporary Drainage Canal is located, and directly across from the **52nd Street Drive South** median opening ("**Culvert Crossing**"). The Culvert Crossing shall be constructed concurrently with the construction of the Temporary Drainage Canal to **ensure** uninterrupted access to the Civic/Park site from Lantana Road.
  - a. Developer fully agrees to utilize fill material **realized** from construction/excavation of the water retention basin and Temporary Drainage Canal, by simultaneously constructing a berm buffer along the Park **Site's** westerly boundary and with the most westerly twenty-five **(25')** feet of the Civic/Park Bite "**Buffer**".
  - b. **All** site planning, excavation, construction and seeding of the Buffer shall conform to the applicable provisions of the Building Code of Palm Beach County, **State** of **Florida**. (Previously Condition D.1 of Resolution R-93-170, Petition **EAC87-112(C)**. (PARES)

2. **The westerly flow of Lantana Road's positive outfall for discharge to the B-3 Canal is intended to serve as a temporary water management condition, until such time as the Developer has received all necessary approval from appropriate state and local government agencies/municipalities, permitting the portion of the easement designed for water retention (from Laataaa Road's positive outfall) to be incorporated into the water management works an systems being established for Winston Trails PUD. This will direct the discharge from the water retention area, southerly into the Lake Worth Drainage District L-16 Canal. (Previously Condition D.2 of Resolution R-93-170, Petition EAC87-112(C). (PARKS/ENGINEERING)**
  
3. In the event the Developer has **not** secured the approval required in the section, upon Developer's receipt of written notice **from** the County of its intention to initiate construction of improvement on the Park Site, Developer shall, **within** one hundred eighty (180) days from receipt of such notice, design and **construct** an underground drainage system acceptable to the County Engineer to accommodate the Lantana Road positive drainage outfall at its own cost and expense ("**Underground Drainage System**"), and **otherwise** replace the Temporary Drainage Canal to provide for the westerly flow and discharge of outfall into the B-3 Canal. **Subsequent** to construction of the Underground Drainage System, the Developer shall backfill any remaining portion of the Temporary Drainage Canal restoring this portion of the easement parcel, subject to the **right-of-way** and perpetual easement for the Underground Drainage System as **provided** for herein. (Previously condition D.3 of Resolution R-93-170, Petition EAC87-112(C). (PARKS/ENGINEERING)
  
4. The Developer will provide an **engineer's** certification separately identifying the costs for **construction** of the Underground Drainage System providing westerly flow and discharge of Lantana Road's positive outfall into the B-3 Canal including the filling and restoring of the temporary culvert to the extent it is not made a part of the permanent Underground Drainage System. The surety shall remain posted in an amount **equal** to the drainage system until such improvements are completed by the developer and accepted by the county. (Previously Condition 0.4 of Resolution R-93-170, Petition EAC87-112 (C). (PARKS/ENGINEERING)
  
5. Prior to certification, the Master Plan shall be amended to indicate 7.0 acre of on-site Homeowners Association Recreation Areas. (Previously Condition D.5 of Resolution R-93-170, Petition EAC87-112(C). (PARKS/ZONING)
  
6. A. Prior to site plan approval for Parcel 18, Parcel 17, Parcel 16, the Day Care Center, the Church, and the clinic, the alignment of Haverhill Road shall be established by the Board of county commissioners. Site Plan Review Committee shall then have the authority to revise the master plan in conformance with code requirements and the **established** alignment of Haverhill Road.
  
- B. Prior to Master Plan certification, the petitioner shall tender an agreement to Mr. Brynteson which offers the sale of the acreage east of the Haverhill Road alignment at a cost not to exceed **\$25,000/acre**. Mr. Brynteson shall have 90 days **after** final alignment of Haverhill Road has been established to accept or reject the agreement.

- C. Those uses currently shown on the east side of **Haverhill** Road may be moved to the west side of Haverhill Road and park land dedication may be **reduced accordingly** at Site Plan Review Committee. (Previously Condition D.6 of Resolution R-93-170, Petition **EAC87-112(C)**). (PARKS)
7. A **30-acre public** park site shall be dedicated to the Board of County Commissioners prior to filing of the first plat for this project. (Previously Condition D.7 of Resolution R-93-170, Petition **EAC87-112(C)**). (PARKS)
8. The petitioner may exchange the required on-site dedication of land for civic uses either for a parcel of land off-site **equal in acreage** or cash of **equal** value. In addition, in the event that the off-site land dedication is of less cash value than the on-site dedication, **petitioner** shall also contribute an amount in cash **equal** to the difference between the value of the **onsite and** off-site land dedications. The value of the on-site land dedication shall be based upon its value as a **civic site**. This contribution shall be used to **off-set** the identifiable impacts directly attributable to this project.' If an off-site land or cash contribution is accepted by Palm Beach County, petitioner shall be deemed to have satisfied the intent of zoning Code **Section 500.21 H**. (Previously Condition D.8 of Resolution R-93-170, Petition **EAC87-112(C)**). (PARKS)
9. Prior **to site** plan approval for Pod **8F**, Pod **2F**, Pod SF, the Day Care Center, the Church, and the Clinic, the alignment for Haverhill Road shall be established by the Board of County **Commissioners**. Bite Plan Review Committee shall **then** have the authority to revise the master plan in **conformance** with code requirements and the established alignment of Baverhill Road. (Previously Condition D.9 of Resolution R-93-170, Petition **EAC87-112(C)**). (PARKS)

I. PUD

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC. (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to Section 6.8.A.23.d(3) of the ULDC. (ENGINEERING - Building)
3. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)

J. RECYCLE SOLID WASTE

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

K. STREET ADDRESS

1. Each primary structure shall clearly display a street address number on the facade of the building which is legible from the street. (CODE ENFORCEMENT)

L. SIGNS

1. Point of purchase signs fronting on Hypoluxo Road and Jog Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - two (2) per frontage;

2. **Off** premise signs shall not **be** permitted on **site**. (Previously Condition 10.A of Resolution R-93-170, Petition EAC87-112(C)).

M. SCHOOL BOARD

1. Prior to **master** plan certification, the petitioner shall provide a written letter from the **School** Board of Palm Beach County that they have reviewed the project and determined that it has adequate facilities to serve residents at the time demand **is** generated. (Previously Condition F.1 of Resolution R-93-170, Petition EAC87-112(C). (SCHOOL BOARD)

N. COMPLIANCE

1. Condition G.1 of Resolution R-93-170, Petition EAC87-112(C), which currently states:

Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Is hereby amended to state:

Failure to comply with any of these conditions of approval 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; and/or
- e. Imposition of entitlement density or intensity.

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)