

RESOLUTION NO. R-97- 2081

RESOLUTION APPROVING ZONING PETITION PDD97-74
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF GL HOMES OF FLORIDA II CORPORATION
BY KERIAN KILDAY, AGENT
(MILIN FARMS PUD)

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

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

WHEREAS, Zoning Petition PDD97-74 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) 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 Unified 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 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 PDD97-74, the petition of GL Homes of Florida II Corporation by Kerian Kilday, agent, for an Official Zoning Map Amendment (Z) Rezoning from the Agricultural Residential (AR) to the Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on **October 23, 1997**, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

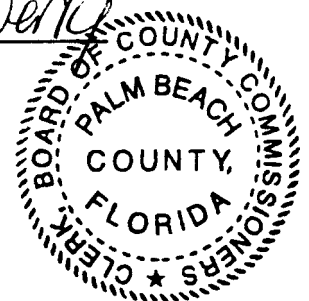


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACTS 1 TO 8, INCLUSIVE, TRACTS 25 TO 32, INCLUSIVE, TRACTS 33 TO 40, INCLUSIVE, TRACTS 57 TO 64, INCLUSIVE, BLOCK 58 AND TRACTS 1 TO 6, INCLUSIVE, TRACTS 9 TO 16, INCLUSIVE, BLOCK 57, PALM BEACH FARMS. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45 AND THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE WEST HALF (W1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE WEST HALF (W1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST.

LESS AND EXCEPT THAT CERTAIN RIGHT-OF-WAY FOR JOG ROAD, AS SET OUT IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED CONVEYED TO PALM BEACH COUNTY DATED JULY 24, 1992 AND RECORDED SEPTEMBER 10, 1992 IN OFFICIAL RECORDS BOOK 7389, PAGE 364, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE WEST 30 FEET OF TRACTS 8, 25, 40 AND 57 OF SAID BLOCK 58 FOR ROAD RIGHT OF WAY AS SET FORTH IN THAT RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORD BOOK 629, PAGE 245, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 29.04 FEET OF TRACT 8, THE NORTH 28.00 FEET OF TRACTS 5, 6 AND 7 AND THE NORTH 27.72 FEET OF TRACTS 1, 2, 3 AND 4, ALL WITHIN SAID BLOCK 58.

LESS AND EXCEPT THE NORTH 26.40 FEET OF TRACTS 2, 3 AND 4 AND THE NORTH 26.00 FEET OF TRACT 1, ALL WITHIN SAID BLOCK 57.

LESS AND EXCEPT THE NORTH 52.80 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT A PARCEL OF LAND BEING A PORTION OF TRACTS 57, 58 AND 59, BLOCK 58, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 57, BLOCK 58, THENCE NORTH 89°37'43" EAST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°16'31" WEST ALONG THE EAST RIGHT OF WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 629, PAGE 245 OF SAID PUBLIC RECORDS, A DISTANCE OF 3159 FEET; THENCE NORTH 00°30'03" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 463.30 FEET; THENCE NORTH 89°44'05" EAST THROUGH SAID TRACTS 57, 58 AND 59, A DISTANCE OF 661.99 FEET; THENCE SOUTH 00°15'55" EAST, A DISTANCE OF 493.66 FEET; THENCE SOUTH 89°37'43" WEST ALONG THE SOUTH LINE OF SAID TRACTS 57, 58 AND 59, A DISTANCE OF 660.08 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
LEGAL DESCRIPTION

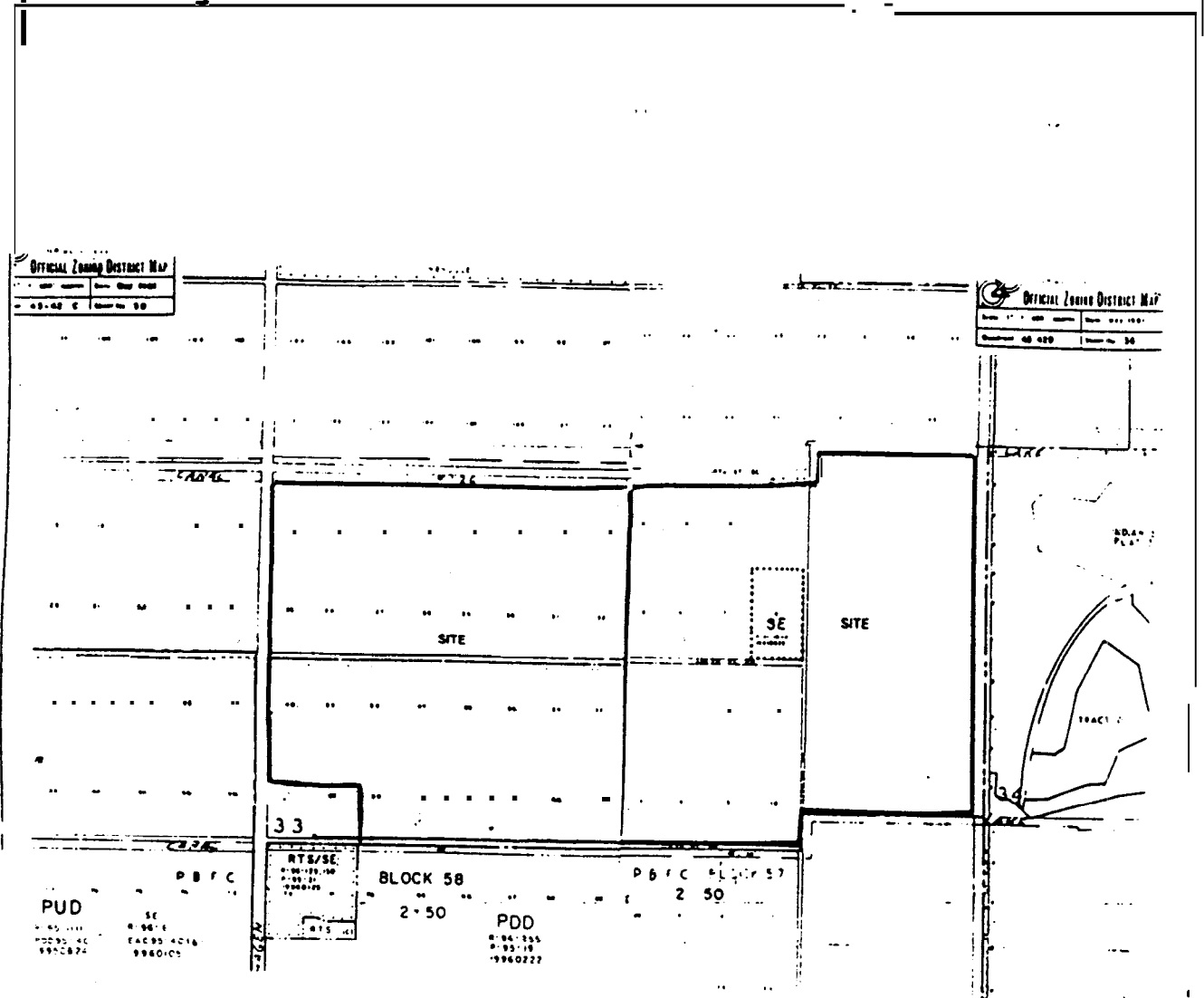
PARCEL 2:

1. THAT 30 FOOT WIDE STRIP OF LAND LYING BETWEEN TRACTS 5-8 AND 9-12 BLOCK 57, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AN ADDITIONAL 30 FOOT WIDE STRIP OF LAND 3 FEET LONG IN AN EAST-WEST DIRECTION CONTIGUOUS TO AND EAST OF THE AFORESAID PARCEL, BLOCK 57, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
2. THAT 25 FOOT WIDE STRIP OF LAND LYING WEST OF TRACTS 4, 5, 12 AND 13, BLOCK 57, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND
3. THAT 25 FOOT WIDE STRIP OF LAND LYING EAST OF TRACTS 1, 8, 9 AND 16, BLOCK 57, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND
4. THAT 30 FOOT WIDE STRIP OF LAND LYING BETWEEN TRACTS 25-32, AND 33-40, BLOCK 58, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND
5. THAT 25 FOOT WIDE STRIP OF LAND LYING EAST OF TRACTS 1, 32, 33 AND 64, BLOCK 58, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND
6. THAT PARCEL OF LAND 30 FEET WIDE IN A NORTH-SOUTH DIRECTION AND 50 FEET LONG IN AN EAST-WEST DIRECTION LYING BETWEEN THE PARCELS DESCRIBED IN PARAGRAPHS 1 AND 4 ABOVE, BLOCKS 57 AND 58, PALM BEACH FARMS CO. PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 302.577 ACRES. MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number

97-74 1

Zoning Quad Page

50/35

Date:

7-16-97



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-81-1048, granting approval of Petition 81-108, (Special Exception to allow a commercial television, microwave transmission and relay station tower) is hereby revoked. (MONITORING)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved revised site plan is dated September 26, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

C. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING CANAL L-26)

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may not be substituted for a perimeter canopy tree and;

- d. Twenty four (24) inch high shrub or hedge material shall be planted, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches (CO: LANDSCAPE)
2. Installation of the required under Conditions D.I shall be completed prior to the issuance of the first Certificate of occupancy within the adjacent residential pod. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to January 1, 1999 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Woolbright Road 120 feet of right of way as shown on the approved master plan on an alignment approved by the County Engineer.
 - b) an expanded intersection at Hagen Ranch Road & Woolbright Road along the project's frontage of Hagen Ranch Road. This additional right of way shall be as shown on Palm Beach County's expanded intersection detail.

All additional right of way shall be free of all encumbrance!; and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

2. Prior to January 1, 1999 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warrant) deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING-Eng)
3. Prior to plat recordation the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property Owners road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (PLAT RECORDATION: ENG)
- 4a Prior to technical compliance the property owner shall convey a temporary roadway construction easement along Hagen Ranch Road, and Woolbright Road to Palm Beach County. Construction by the applicant within this easement shall conform to Palm Beach County Standards and code. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (TC:ENG)

- 4b Prior to May 1, 1998 the property owner shall convey a temporary roadway construction easement along Jog Road to Palm Beach County. Construction by the applicant within this easement shall conform to Palm Beach County Standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)
5. The Property owner shall fund the construction of a left turn lane south approach and a right turn lane north approach on Jog Road at the project's entrance road.
- a) Prior to December 1, 1997, property owner shall enter into a contract with the County's consultant responsible for plan preparation for the widening of Jog Road adjacent to the site for the design of the left turn lane and right turn lane. The amount of this contract shall be approved by the County Engineer.
- b) Prior to December 1, 1997 the property owner shall fund the cost of the contract to design the left turn lane and right turn lane. Funds shall be submitted to the Land Development Division.
- c) Prior to May 1, 1998, the property owner shall provide funding to the Land Development Division for these turn lanes. Funding shall be in the amount based upon a cost estimate prepared by the County's design consultant and approved by the County Engineer.
6. On or before **November 1, 1998**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hagen Ranch Road and Woolbright Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage 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 as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE:MONITORING-Eng)
7. 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 266 single-family dwelling units shall not be issued until construction has begun for the widening of Jog Road as a 6 lane section from Boynton Beach Boulevard to Lake Ida Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - b) Building Permits for more than 563 dwelling units shall not be issued until construction has begun for the construction of the intersection improvements consisting of one separate right turn lane, 3 thru lanes and 2 left turn lanes on both the north and south approaches at the intersection of Boynton Beach Boulevard and Jog Road. lane section from to plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - c) No Building Permits for the site may be issued after January 1, 2002. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)
8. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the projects entrance road & Jog Road and the projects entrance road & Hagen Ranch Road or project's entrance road and Woolbright Road as applicable. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)
9. Prior to DRC approval of the Master Plan by the Development Review Committee, the property owner may elect to relocate the proposed access onto Hagen Ranch Road onto proposed Woolbright Road subject to the approval of the County Engineer. Concurrent with the DRC application a revised Traffic Impact Analysis shall be submitted and approved identifying the site related improvements associated with the entrance road. The Master Plan shall also be amended to meet all minimum design requirements. (DRC: ENG)
10. The Developer 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, Zoning Petition Number Petition No. **96-74** to be paid at the time of issuance of the Building Permit presently is \$1,320 per approved single family dwelling unit. (8 Trips X \$165.00 per trip) (ONGOING: ACCOUNTING-Impact Fee Coordinator)
11. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD
- a. Prior to January 1, **1999**, the property owner shall apply to the Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March **1994** Streetscape Standards. The property owner shall also be

responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. The maintenance responsibility of any existing trees within the median shall also become the responsibility of this property owner. All landscape material shall be installed prior to April 1, 1999. (DATE: MONITORING - Eng)
 - c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)
- 12.
- a. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying a future roadway connection to Hagen Ranch Road or Woolbright Road as applicable. Information which appears in written form shall appear in **bold print**. (PLAT: ENG)
 - b. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before November 1, 1998 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Eng)
 - c. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign location; shall be indicated both on the Master Plan and appropriate Site Plans. (BLDG PERMIT: MONITORING - Eng)
13. Prior to recordation of the first plat, the property owner shall provide Palm beach County with a Declaration of Restrictive Covenants in recordable form acceptable to the County Attorney limiting the project to a retirement community development as described in the Developer's traffic impact study. This restriction was relied upon by the County Engineering Department in evaluating the traffic impacts from this project. (PLAT RECORDATION: ENG)

14. Prior to January 1, 2001 the property owner shall provide for a second paved access into the PUD from either Woolbright Road or Hagen Ranch Road. Appropriate turn lanes shall also be constructed at the project's entrance as determined by the County Engineer. (DATE: MONITORING - Eng)

F. LANDSCAPING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING R.O.W.)

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A continuous berm with a minimum height of two (2) feet measured from finished grade; and
 - c. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - d. One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may not be substituted for a perimeter canopy tree and;
 - d. Twenty four (24) inch high shrub or hedge material shall be planted, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. Installation of the required under Conditions F.1 shall be completed prior to the issuance of the first Certificate of occupancy within the adjacent residential pod. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING CANAL L-27)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer;
 - b. One (1) canopy tree spaced no more than thirty (30) feet on center;
 - c. One (1) palm or pine tree for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms may not supersede a perimeter canopy tree and;
 - d. Twenty four (24) inch high shrub or hedge material shall be planted and spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)
2. Installation of the landscape buffer required under Conditions G.1 shall be completed prior to the issuance of the first Certificate of occupancy within the adjacent residential pod. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RARE SPECIES NURSERY)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum fifteen (15) foot wide Type C landscape buffer. (CO: LANDSCAPE)
2. Installation of the landscape buffer required under Conditions H.1 shall be completed prior to the issuance of the first Certificate of occupancy within the adjacent residential pod. (CO: LANDSCAPE - Zoning)

I. LWDD

1. Prior to the issuance of the first building permits, the property owner shall convey the required easements along the Lateral Canals L-26 and L-27 to Lake Worth Drainage District as per letter from the LWDD dated August 11, 1997. (BLDG. PERMIT: LWDD - Zoning)

J. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than 25% (25) of the units, or the 100th unit, whichever is less. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
3. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
4. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, 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 subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING/ ENG - Co Att)

L. SCHOOL BOARD

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

M. SIGNS

1. Entrance wall signs fronting on Jog Road and Hagen Ranch Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - sixty (60) square feet;
 - c. Style - monument style only. (CO: BLDG)
 - d. Maximum number - two (2) and to be located at entrances of the above roads.

N. TURNPIKE AQUIFER PROTECTION OVERLAY DISTRICT

1. Prior to final DRC certification of the Master Plan and the site plan for the Planned Unit Development, the revised plans shall indicate "Public Water Supply Well Sites" as required by the Turnpike Aquifer Protection Overlay District (TAP-0) Ordinance. These sites shall be reviewed and approved by Palm Beach County Water Utilities Department. (DRC: WATER UTILITIES)

O. PREM

1. The Petitioner has requested that the 6.05 acre civic site be cashed-out. The PREM Division has agreed to this request specifies a cash-out date of November 1, 1998, or first plat approval, whichever occurs first. The cash-out will be based on the per-acre contract purchase price paid by the developer of Millin Farms. (DATE: Monitoring-PREM)

P. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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