

RESOLUTION NO. R-99- 98

RESOLUTION APPROVING ZONING PETITION DOA87-112(H)
DEVELOPMENT ORDER AMENDMENT
PETITION OF JAMES J. O'BRIEN TRUSTEE
BY CAROLE TURK, AGENT
(WINSTON TRAILS PUD)

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

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

WHEREAS, Zoning Petition DOA87-112(H) was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1999; 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 Unified 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 determination and 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 DOA87-112(H), the petition of James J. O'Brien Trustee, by Carole Turk, agent, for a Development Order Amendment (DOA) to amend PDP to add access point (Parcel 19) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

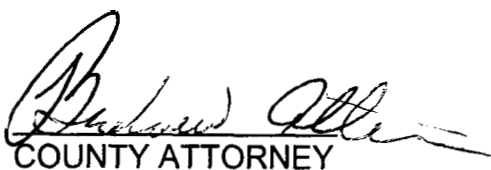
The Chair thereupon declared that the resolution was duly passed and adopted on January 28, 1999.

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:

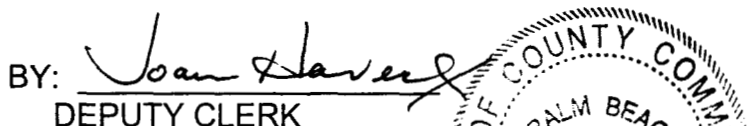

DEPUTY CLERK



EXHIBIT A

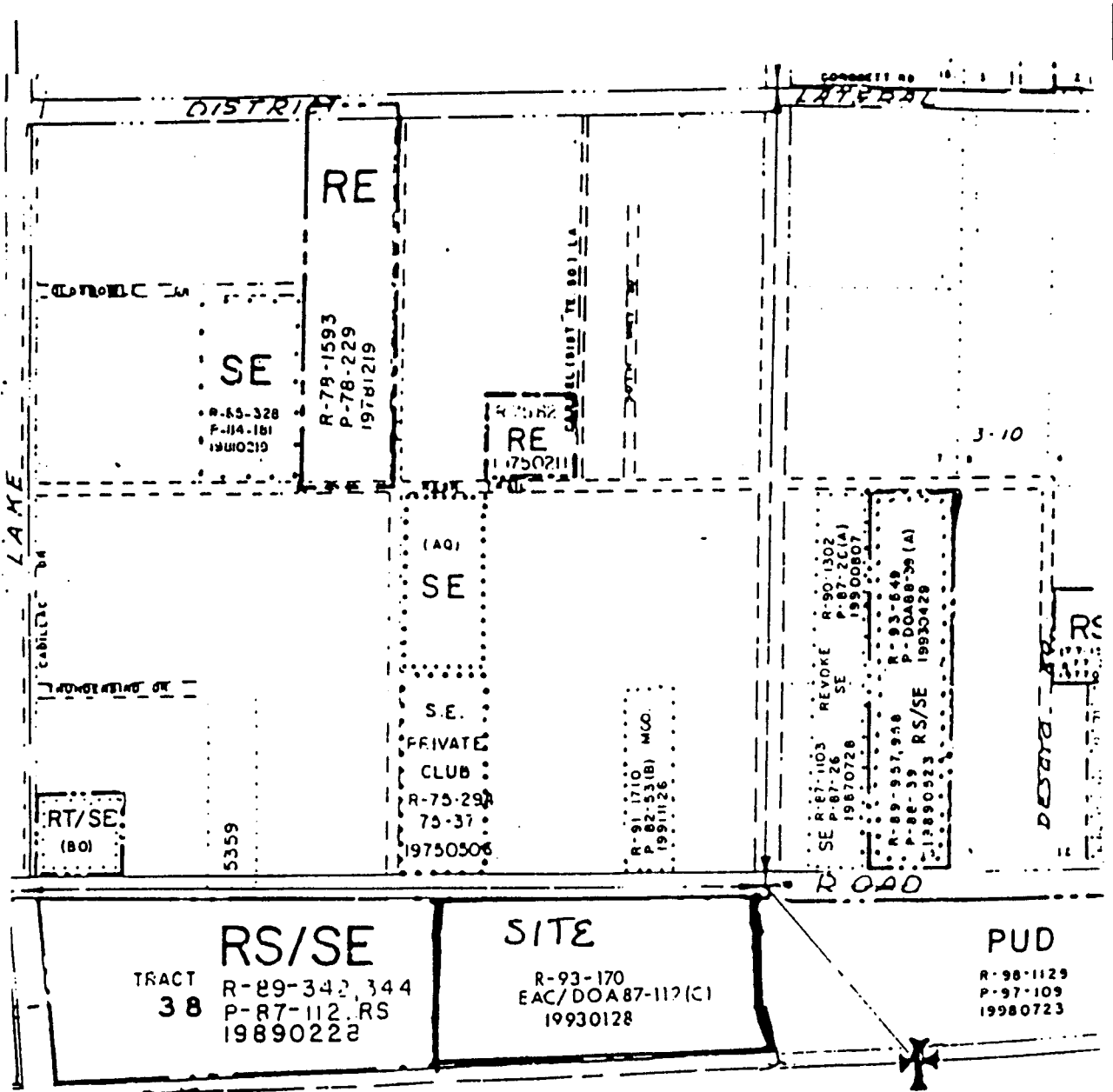
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN LOT 1, TRACT 38 OF THE HIATUS BETWEEN TOWNSHIP 44 AND 45 SOUTH, RANGE 42 EAST, ALSO KNOWN AS TOWNSHIP 44 1/2 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, THENCE SOUTH 89-24'46" WEST ALONG THE NORTHEAST 1/4 OF SAID SECTION 2, A DISTANCE OF 1498.84 FEET; THENCE NORTH 00-35'14" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A LINE THAT IS 50.00 FEET NORTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 2, SAID POINT BEING THE SOUTHEAST CORNER OF WINSTON TRAILS PARK PER PLAT RECORDED IN PLAT BOOK 71 PAGES 183 AND 184 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE EAST LIMITS OF SAID WINSTON TRAILS PARK; NORTH 02-08'53" EAST, 25.03 FEET; NORTH 89-24'46" EAST, 49.96 FEET; NORTH 02-08'54" EAST, 519.82 FEET; NORTH 88-26'25" WEST, 50.00 FEET; NORTH 01-33'35" EAST, 24.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF LANTANA ROAD; THENCE SOUTH 88-26'25" EAST, ALONG THE SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 53.44 FEET; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG A RIGHT OF WAY TAKING RECORDED IN OFFICIAL RECORD BOOK 8839 PAGES 1678 THROUGH 1682 OF SAID PUBLIC RECORDS; SOUTH 84-43'44" EAST, 370.78 FEET; SOUTH 88-26'25" EAST, 400.00 FEET; SOUTH 43-08'44" EAST, 56.86 FEET; SOUTH 02-08'57" WEST, 285.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1009.42 FEET THROUGH A CENTRAL ANGLE OF 04-06'49" AN ARC DISTANCE OF 72.47 FEET TO THE POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 893.69 FEET THROUGH A CENTRAL ANGLE OF 07-29'19" AN ARC DISTANCE OF 116.81 FEET TO A POINT ON A LINE THAT IS 50 FEET NORTH OF AND PARALLEL TO NORTH LINE OF SAID SECTION 2; THENCE SOUTH 89-24'46" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 883.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.081 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



LUTIONS		(33)
(BL) R-88-1234 P-87-54 SE 19880809	(BS) R-90-353 354 P-89-72 CG 1990227	
(JM) R-88-1203, 1206 P-87-72 CG/SE 19880809	(BT) R-90-358, 359 P-89-92 CG/SE 19900227	
(BN) R-92-691 SR-87-64.2 19920512	(BU) R-90-542, 543 P-89-83 RS/SE 19900327	
(BC) R-92-1111 SR-88-78 19920818	(BX) R-94-508 5/8-2A/2 CG/SE 19940324	
(BO) R-89-746, 749 P-74-87(A) 19890426	(W) R-90-841, 842 P-87-140(A) 19900522	
(BR) R-89-1161, 1152 19890613	(BV) R-90-860, 861 P-82-133	

87-112
 OCT 21 1998
 FILE COPY

ANNEX	
(7) ORD. 88-37 19881003	G.A.
(8) ORD. 91-03 19910603	G.A.
(9) ORD. 91-06 19910715	G.A.
(10) GREENACRES 94-01	
(11) GREENACRES 94-02	

EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-1177 (Petition 87-112(E)), R-96-1178 (Petition 87-112(F)), Resolution R-97-2086 (Petition 87-112(G)), and Resolution R-98-0560 (Petition 87-112(G)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.8 of Resolution R-97-2086, Petition DOA87-112(G) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August **20, 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**.

Is hereby amended to state:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved master plan is dated October 21, 1998. **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)

3. Access to the golf course maintenance facility shall be gated and shall not provide through traffic for any residential units within the PUD except for the purposes of maintenance of the Golf Course. (Previously Condition A.2. of Resolution R-97-2086, Petition DOA87-112(G). (ONGOING: CODE ENF)

4. 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 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-97-2086, Petition DOA87-112(G) (ONGOING: CO ATTY)

B. 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. (Previously Condition C.I of Resolution R-97-2086, Petition DOA87-112(G)(UTILITIES)

C. LANDSCAPING - STANDARD

1. **All** trees required to be planted on site within the undeveloped portions of the PUD, except on individual residential lots, as of the date of adoption of this resolution 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. (Previously Condition D.I of Resolution R-97-2086, Petition DOA87-112(G) (CO: LANDSCAPE - Zoning)

D. LANDSCAPING AND SITE DESIGN PARCEL 19

1. Condition F.1. of Resolution R-97-2086, Petition DOA87-112 which currently states:

Landscaping and buffering within the required right-of-way buffer along Haverhill Road, and Lantana Road adjacent to Parcel **19**, shall be upgraded to include:

- a. One **(1)** canopy tree planted every thirty (30) feet on center.
- b. One **(1)** palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location.
- c. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches.

Is hereby modified to state

Landscaping and buffering within the required right-of-way buffer along Haverhill Road, and Lantana Road adjacent to Parcel 19, shall be upgraded to include:

- a. One (1) canopy tree planted every twenty-five (25) feet on center.
- b. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location.
- c. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- d. Thirty (30) inch high shrub or hedge material installed on the plateau of the berm where feasible, 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 - Zoning)

2. Foundation plantings or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;

- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
3. The exterior elevations of all residential buildings shall provide variety and visual interest by incorporating all of the following items:
- a. Varied roof lines within the same building. **All** roof lines shall not run in continuous place for more than one hundred fifty (150) feet without offsetting or jogging the roof plan. The jog shall be a minimum of five (5) feet in depth;
 - b. Varied window treatments (i.e. transoms, glass block, window types, trims, etc.);
 - c. Contrasting shapes and forms within the building mass including off setting of vertical or horizontal planes;
 - d. Focal points or points of interest (i.e. cupolas, loggias, entrances, vertical elements, chimneys, etc.); and
 - e. Varied architectural details (i.e. columns, pilasters, vents decorative trims and moldings, stucco or horizontal banding, decorative railings decorative accent tiles, etc.). (DRC: ZONING - Bldg)

E. ENGINEERING

1. Prior to technical compliance for the first **plat** adjacent to the Haverhill Road Entrance, the property owner shall convey to the Land Development Division by road right of way warranty deed, additional right of way for the construction of a right turn lane on Haverhill Road at the projects entrance road onto Haverhill Road. This right of way shall be a minimum of **280** feet in length with a taper length of **50** feet or as approved by the County Engineer. **The Property Owners** shall provide sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (Previously Condition E. 1. of Resolution R-97-2086, Petition DOA87-112(G) (TC: ENG)
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 has commenced on the following roads:
 - 1) Hypoluxo Road from Congress Avenue to **1-95** is widened to at least four lanes (scheduled for **FY 87/88** by County).
Note: construction has been completed.
 - 2) Lantana Road from Congress Avenue to **1-95** is widened to six lanes (scheduled for **FY 87/88** by County).
Note: construction has been completed.
 - 3) Tenth Avenue North from Military Trail to Jog Road is widened to four lanes (scheduled for **FY 87/88** by County).
Note: construction has been completed.

- 4) Jog Road from Lake Worth to Purdy Lane is widened to four lanes (scheduled to **FY 87/88** by County).
Note: construction **has** been completed.
 - 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).
Note: construction **has** been completed.
- b. **PHASE I:** Building permits for no more than **88** dwelling **units** shall not be issued 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).
Note: construction **has** been completed.
 - c. **PHASE II:** Building permits for no more than **104** dwelling **units** shall not be issued until construction for the widening of Military Trail as a minimum of four lanes from Melaleuca Lane to **Lake** Worth Road has commenced (scheduled for **FY 88/89** by County).
Note: construction **has** been completed.
 - d. **PHASE III:** Building permits for no more than **132** dwelling **units** shall not be issued until construction for the widening of **Jog** Road as a minimum of four lanes from Melaleuca Lane to Lake Worth Road has commenced (scheduled for **FY 90/91** by County).
Note: construction **has** been completed.
 - e. **PHASE IV:** Building permits for no more than **163** dwelling units shall not be issued 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).
Note: construction **has** been completed.
 - f. **PHASE V:** Building permits for no more than **181** dwelling units shall not be issued until construction for the widening of **Jog** Road as a minimum of four lanes from Lantana Road to Melaleuca Lane has commenced (scheduled for **FY 89/90** by the Developer).
Note: construction **has** been completed.
 - g. **PHASE VI:** Building permits for no more than **187** single family dwelling units shall not be issued until construction for the widening of Jog Road from Boynton Beach Boulevard to Hypoluxo Road as a minimum of four lanes has commenced (scheduled for **FY 95/96** by County).
Note: Construction **has** been completed.
 - h. **PHASE VII:** Building permits for no more than **217** dwelling units shall not be issued until construction for the widening of Lantana Road from Military Trail to Jog Road as a minimum of four lanes has commenced by other developer (scheduled for **FY 89/90** by other Developer).
Note: construction **has** been completed.

- I. PHASE VIII:** Building permits for no more than **286** dwelling units shall not be issued until construction for the widening of Military 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 FY 88/89 by FDOT).
Note: construction has been completed.
- j. PHASE IX:** Building permits for no more than **656** dwelling units shall not be issued 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).
Note: construction has been completed.
- k. PHASE X:** Building permits for no more than **893** single **fam**ily units shall not be issued until the construction for the widening of Gateway Boulevard from Lawrence Road to Congress Avenue as a minimum of four lanes has commenced.
Note: construction has been completed.
- l. PHASE XI:** Building permits for no more than **986** dwelling units shall not be issued 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).
Note: construction has been completed.
- m. PHASE XII:** Building permits for no more than **1096** dwelling units shall not be issued until construction for the widening of **Jog** Road from Hypoluxo Road to Lantana Road as a minimum of four lanes has commenced (scheduled for FY **89/90** by **other** Developer).
Note: construction has been completed.
- n. PHASE XIII:** Building permits for no more than **1340** single family dwelling units shall not be issued until the construction for **the** widening of Gateway Boulevard from Military Trail to **Lawrence** Road as a minimum of four lanes has commenced.
Note: construction has been completed.
- o. PHASE XIV:** Building permits for no more than **1416** single family dwelling units shall not be issued until construction **has** commenced for the widening of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a minimum of four lane median divided section.
- p. PHASE XV:** Building permits for no more than **1442** single family dwelling units shall not be issued until the construction for the widening of Melaleuca Lane from Haverhill Road to Military Trail as a minimum of four lanes has commenced (scheduled for **FY** 97/98 by County).
- q. PHASE XVI:** Building permits for no more than **1449** dwelling units shall not be issued 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).
Note: construction has been completed.

- r. PHASE XVII: Building permits for no more than **1456** single family dwelling units shall not be issued until construction for the widening of Lantana Road from Military Trail to Congress Avenue as a minimum of six lanes, including carrying the six lanes through the intersections of both ends of the road segment, has commenced (scheduled for FY 96/97).
- s. PHASE XVIII: Building permits for no more than **1456** dwelling units shall not be issued until construction for the widening of Hypoluxo Road from Jog Road to Military Trail as a minimum of four lanes has commenced (scheduled for FY **89/90** by another Developer).
Note: construction has been completed.
- t. PHASE XIX: Building permits for no more than **1456** single family dwelling units shall not be issued until construction has commenced for the following intersection improvements at the intersection of Lantana Road and Congress Avenue:
 - (1) three thru lanes east and west approaches
 - (2) separate right turn lane east approach
- u. PHASE XX: Building permits for no more than **1456** single family dwelling units shall not be issued until the construction for the construction of Haverhill Road from Lantana Road to the Lake Worth Drainage District L-17 Canal as a minimum of **two** lanes has commenced. (scheduled by the developer).
- v. PHASE XXI: Building permits for no more than **1594** single family dwelling units shall not be issued until the construction has commenced for the widening of Jog Road from Lake Worth Road to Forest Hill Boulevard as a minimum of six lanes.
Note: construction is now complete.
- w. PHASE XXII: Building permits for no more than **1700** single family dwelling units shall not be issued until the construction for widening of Lawrence Road from Hypoluxo Road to Gateway Boulevard as a minimum of four lanes has commenced (scheduled for FY 97/98 by County).
- x. PHASE XXIII: Building permits for no more than **1700** dwelling units shall not be issued until construction for the widening of Melaleuca Lane from Military Trail to Congress Avenue as a minimum of four lanes has commenced (scheduled for FY **90/91** by County).
Note: Construction has been completed

- y. PHASE XXIV: Building permits for no more than **1703 single** family dwelling units shall not be issued until the construction for the widening of Congress Avenue from Gateway Boulevard to Hypoluxo Road as a minimum of six lanes has **commenced** (scheduled for FY 97/98 by County).
- z. PHASE XXV: Building permits for no more than **1703 single** family dwelling units shall not be issued until the construction has commenced for the following intersection improvements; at the intersection of Congress Avenue and Lake Worth Road:
 - (1) dual left turn lanes west approach
 - (2) separate right turn lanes south approach
- aa. PHASE XXVI: Building permits for no more than **1856** single family dwelling units shall not be issued until construction for the widening of Lantana Road from **Jog** Road to Hagen Ranch Road as a minimum of four lanes has commenced.

Note: construction has been completed.

- bb. PHASE XXVI: Building permits for no more than **1856** single family dwelling units shall not be issued until the construction has commenced for the following intersection improvement; at the intersection of Hypoluxo Road and Jog Road:

- (1) Dual left turn lanes on north, south, east and west approaches. (BLDG PERMIT: MONITORING- Eng)

Note: Construction has been completed

The construction listed in subparagraphs **k, n, p, r, v, w, y, and aa** above are scheduled as a part of Palm Beach County's **Five-Year** Road Program and are 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 in accordance with Article **XV** of the ULDC. (ENG)

The number of dwelling units referred to as the maximum for **each** phase is based on external trip impact of the project. If dwelling units other than single family units are constructed in the project, an equivalency analysis can be undertaken by the property owner to show that the external traffic impacts of the project associated with **each** phase shall not be **exceeded**. (Previously Condition **E.2** of Resolution **R-97-2086**, Petition DOA87-112(G) (ENG).

- 3. The property owners shall provide permitted construction plans' or update the existing construction plans for the six-laning of **Hypoluxo** Road from Congress Avenue to **1-95**. 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.3** of Resolution **R-97-2086**, Petition DOA87-112(G)

Note: Construction has been completed by others.

4. a. The property owner shall prepare the construction plans for the four-laning of Lantana Road from Hagen Ranch Road to Lyons Road plus the appropriate paved tapers. These plans shall include a design alternative for the four-laning from Hagen Ranch Road to Grand Lacuna Boulevard. Funding for the preparation of these design plans shall come from the surety posted for this project. These construction plans shall be completed prior to January 1, 1997. (Previously Condition E.4.a. of Resolution R-97-2086, Petition DOA87-112(G) (DATE: MONITORING - Eng)
- b. The property owner 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 E.4.b. of Resolution R-97-2086, Petition DOA87-112(G)
Note: Condition 36 has been complied with.
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 cost for the preparation of these construction plans has been established to be \$104,460. Funding for these construction plans shall come from the surety posted for this project. (Previously Condition E.5. of Resolution R-97-2086, Petition DOA87-112(G) (NOTE REFER TO SURETY CONDITION ENGINEERING E15)
[Complete]
6. The property owners shall let the contract for the construction of Hypoluxo Road as a six-lane divided road from Congress Avenue to 1-95 prior to issuance of building permits for 674 units or prior to June 1, 1991 whichever first occurs. (Previously Condition E.6. of Resolution R-97-2086, Petition DOA87-112(G) Note: This condition has been completed by others.
7. a. The property owners shall fund the construction of Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard as a four-lane divided roadway including all appropriate paved taper. A cost estimate from the Developer's Engineer, approved by the Roadway Production Division, shall be submitted to the Land Development Division prior to January 1, 1997. (Previously Condition E.7.a. of Resolution R-97-2086, Petition DOA87-112(G) (DATE: MONITORING - Eng)
[Complete]
- b. Funding for this construction shall be made available on or before October 1, 1998. It is the intent of Palm Beach County to accomplish this construction and to coordinate this construction with the construction of improvements to other sections of Lantana Road. Funding for this construction shall come from the surety posted by this project. Upon receipt of these funds, Palm Beach County shall proceed directly to bid this construction, it is the intent that Palm Beach County will commence construction

on ore before October 1, 1998.(Previously Condition E.7.b.of R-97-2086, Petition DOA87-112(G) (DATE: MONITORING- Eng) [Complete]

- c. **If Palm Beach County has not commenced construction of the subject section when the project reaches 1416 single family building permits, the limitation of the number of building permits identified in condition number E2 may be adjusted 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 (Previously Condition E.7.c.of Resolution R-97-2086, Petition DOA87-112(G) (ONGOING: ENG) [Complete]**
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 1456 single family dwelling units or prior to January 1, 1998, whichever first occurs. Funding for this construction shall come from the surety posted by this project. The construction of this roadway segment shall be accomplished by Palm Beach County. (Previously Condition E.8. of Resolution R-97-2086, Petition DOA87-112(G) (DATE/BLDG PERMIT: MONITORING-Eng) [Complete]
9. 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. 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.(Previously Condition E.9. of Resolution R-97-2086, Petition DOA87-112(G) (ZONING)
Note: Condition complete.
10. The property owners shall:
 - i. fund the construction plans, and,
 - ii. fund the preparation of all right-of-way acquisition documents and acquisition of any necessary right-of-way, and,
 - iii. fund the construction for the following intersection improvements:
 - a) At the intersection of Lantana Road and Military Trail:
 - (1) on the east and west approaches:
 - three thru lanes
 - dual left turn lanes
 - separate right turn lane
 - b) At the intersection of Lantana Road and Congress Avenue:
 - (1) on the east and west approaches:
 - three thru lanes
 - dual left turn lanes
 - (2) on the east approach:
 - separate right turn lane

- c) If the intersection improvements at Lantana Road and **Congress Avenue** are constructed by 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 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. (Previously Cond. E.I.O. R-97-2086, Petition DOA87-112(G) (ENG)) [Complete]
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**, and 8 as well as the intersection improvements in **Condition #10**. (Prev. Condition E. II. R-97-2086, Pet. DOA87-112(G) (ENG)) [Complete]
12. Palm Beach County will acquire any additional right-of-way needed for the road segments to be constructed in **Condition Nos. 7** and 8 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** prior to December 1, 1996. (Previously Condition E.12. of R-97-2086, Petition DOA87-112(G) (DATE: MONITORING - Eng)) [Complete]
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.13. of R-97-2086, Petition DOA87-112(G) (ENG)) [Complete]
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. 4a, 4b, 5, 7a, 7b, 8, 10a, 10b and 16** against the existing **traffic** impact fee and also against any increase in the Fair Share Fee, should the "Fair Share Contribution for Road Improvements **Ordinance**" be amended. Upon receipt of surety required for **Condition Nos. 4a, 4b, 5, 7a, 7B, 8, 10a, 10b and 16**, the project shall be considered bonded and no impact fees shall be due while the surety is in effect. (Previously Condition E.14. R-97-2086, Petition DOA87-112(G) (IMPACT FEE COORDINATOR)).
15. a. The property owner shall provide surety in the amount of 110% of the approved estimated cost for the offsite improvements listed in **Condition #4, 5, 7, 8, 10, 11, 12, 16 and 33**. An estimated **cost** for the construction of these improvements shall be prepared by the property owner's Engineer and submitted to the County Engineer prior to September 1, 1996. This estimated cost estimate shall be

reviewed and approved by the County Engineer.
(DATE: MONITORING- Eng) [NOTE: completed for 1997]

- b. The property owner shall provide to the County Engineer an annual updated approved Engineer's cost estimate for **all** conditions referenced in 15.A on an annual basis beginning September 1, 1996.
(DATE: MONITORING- Eng) [NOTE: completed for 1997]
 - c. The amount of surety provided to Palm Beach County, referenced in 15A. above, shall be updated based upon **final** construction drawings and appraisals on an annual **basis**, beginning December 1, 1996. (Previously Condition E.15. of R-37-2086, Petition DOA87-112(G) (DATE: MONITORING- Eng)
16. 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) prior to the issuance of 1456 building permits but no sooner than commencement of construction of six **lanes** on Lantana Road from Military Trail to Congress Avenue but not **later** than October 1, 1998 unless it is determined by the County **Engineer** that extending the timeframe would not cause the project to violate traffic performance standards. Construction shall be 2-lane compatible with a 5-lane ultimate section on an 80 foot right-of-way (including bridge over the L-17 canal) construction plans shall include a **5-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.16. of Resolution R-97-2086, Petition DOA87-112(G) (BLDG PERMIT/DATE: MONITORING-Eng) [Complete]
17. If 90% of the 2,360 building permits have not been issued by December 31, 1999, 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.17. of Resolution R-97-2086, Petition DOA87-112(G) (DATE: MONITORING-Bldg/Eng)
18. The project shall have an access with a minimum of an 80 foot **right-of-way** onto Haverhill Road. (Previously Condition E.18. of Resolution R-97-2086, Petition DOA87-112(G) (DRC: ENG)
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; and,
- 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. (DATE: [now past due]); (Previously Condition E.19. of Resolution R-97-2086, Petition DOA87-112(G) MONITORING - Eng)

Note: Data Base Indicates compliance with 19a, 19b, 19c, 19d, and 19e and 19 f. [All complete]

- 20. In the event that the property owners of **Falls** Country Club and **Smith** Dairy DR 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 stormwater 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. (Previously Condition E.20. of Resolution R-97-2086, Petition DOA87-112(G) (ONGOING: ENG) [NOTE: completed for Jog Road])
- 21. 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 **87-112(E)**, to be paid at the time of issuance of the Building Permit presently is:
 - a. \$3,707,550 for the residential portion
(22,470 trips x \$165 per trip)
 - b. \$40,205 x the non-residential portion
(731 trips x **\$55** per trip) (BLDG PERMIT: IMPACT FEE COORDINATOR) (Previously Condition E.21. of Resolution R-97-2086, Petition DOA87-112(G).
- 22. The property owner shall report to Palm Beach County on the number of building permits issued for the six (**6**) months and the cumulative total issued for the subject property. (Previously Condition E.22. of Resolution R-97-2086, Petition DOA87-112(G) (DATE: MONITORING- Eng)

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 Commissioners 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.23. of Resolution R-97-2086, Petition DOA87-112(G) (ONGOING: ENG) [Complete]
24. **No** dwelling units shall access directly onto the internal **roadways** shown on the master plan. (Previously Condition E.24. of Resolution R-97-2086, Petition DOA87-112(G) (DRC: ENG)
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.25. of Resolution R-97-2086, Petition DOA87-112(G) (ONGOING: ENG)
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 as provided in the Palm Beach County Thoroughfare Plan. (Previously Condition E.26. of R-97-2086, Petition DOA87-112(G) (ONGOING: ENG / PARK & REC)
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.26.a. of Resolution R-97-2086, Petition DOA87-112(G) (DRC: ENG) [Complete]
28. Property owner shall construct at the project's entrance on Hypoluxo Road:
1. left turn lane, north approach;
 2. right turn lane, north approach;
 3. right turn lane, east approach;
 4. right turn lane, west approach.
- The project's Hypoluxo Road entrance shall be constructed by **March 31, 1997**. (Previously Condition E.27. of Resolution R-97-2086, Petition DOA87-112(G) (DATE: MONITORING - Eng)
29. Property owner shall construct at the project' entrance on Jog Road:
1. dual left turn lanes on the north approach concurrent with the construction of dual left turn lanes on the south approach by the Smith Dairy development or when the project reaches **2088** single family dwelling units, whichever shall first occur;
 2. right turn lane, south approach;
 3. left turn lane, east approach;

4. right turn lane, east approach. (Previously Condition E.28. of Resolution R-97-2086, Petition DOA87-112(G)).(BLDG PERMIT: MONITORING - Eng)
30. Property owner shall construct at the Lantana Road and Haverhill Road intersection:
- a) dual left turn lanes east approach
 - b) right turn lane west approach
 - c) left turn lane south approach
 - d) right turn lane south approach (Previously Condition E.29. of Resolution R-97-2086, Petition DOA87-112(G))(ENG)

31. LANDSCAPE WITHIN MEDIAN

- a. Prior to May 15, 1996, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of

- Hypoluxo Road
- Lantana Road

Funds expended by the Developer for this landscaping installation shall, at a minimum, be equal to the cost of the construction of the grade separated golf cart crossing originally required by the developer. Final costs shall be based upon a certified cost estimate from the Developer's Engineer and approved by the County Engineer.

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. All landscaping installation requirements shall be subject to the standards as set forth by the Streetscape Standards. All landscaping maintenance, shall be the requirement of Winston Trails PUD and shall be subject to the standards as set forth by the Streetscape Standards.

(DATE: MONITORING - Eng.) (Note- condition complete)

- b. Any funds not expended on the Hypoluxo Road and Lantana Road landscaping may be by the property owner for matching funds to a Beautiful Palm Beaches Grant to enhance the landscaping along Jog Road adjacent to the project.
- c. Any remaining funds after B above shall be contributed to Palm Beach County for use to enhance the proposed landscaping for the County Park dedicated to the County by Winston Trails. The total funds, in an amount approved by the County Engineer, shall be submitted to the Land Development Division for distribution to the Parks and Recreation Department. These funds shall be submitted to the Land Development Division prior to December 1, 1998. No administrative extensions will be granted to this condition. (DATE: MONITORING - Eng.)

- d. **All** required median landscaping including an irrigation system, if required, shall be at the property owners expense. **All** 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. **All** landscape material shall be installed prior to December 1, 1998.
- e. 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)(Previously Condition E.30.e. of Resolution R-98-560, Petition CR87-112(G))

32. Signalization

The Property Owners shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- a) Project entrance road and Hypoluxo Road
- b) Project entrance road and Jog Road [NOTE: complete]
- c) Project entrance road and Haverhill Road
- d) Haverhill Road and Lantana Road

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (Previously Condition E.31. of Resolution R-97-2086, Petition DOA87-112(G)(ONGOING: ENG - Bldg))

33. Property owner shall construct at the intersection of Haverhill Road and the project entrance:

- a) left turn lane west approach
- b) right turn lane west approach
- c) right turn lane north approach
- d) left turn lane south approach

The project entrance shall intersect Haverhill Road approximately one-half mile south of Lantana Road. (Previously Condition E.32. of Resolution R-97-2086, Petition DOA87-112(G)(ENG))

34. The property owner shall not be required to fund the design, right-of-way, or construction costs associated with improvements which Palm Beach County may deem appropriate to include in road construction projects which are required of the property owner in the above conditions. (Previously Condition E.33. of Resolution R-97-2086, Petition DOA87-112(G)(ONGOING: ENG))

35. Prior to Master Plan approval of Zoning Petition 87-112(F), the property owner shall:

- a. revise the existing concurrency on file with the Zoning Division to reflect the deletion of the proposed land uses and the new mix

of single family multi family dwelling units as requested by the property owner. (Previously Condition E.34.c. of Resolution R-97-2086, Petition DOA87-112(G) (DRC: CONCURRENCY- Eng)[NOTE: Completed]

- b. relocate the project entrance onto Haverhill Road to the location which was shown on the Master Plan for Zoning Petition Number **87-112(E)**. (Previously Condition E.34.b. of Resolution R-97-2086, Petition DOA87-112(G) (DRC: ENG) [NOTE: Completed]

F. LANDSCAPING ALONG ALL PROPERTY LINES

1. **Prior to Site Plan Review Certification the master plans 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 Landscaping Buffer No. 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 G.1. of Resolution R-97-2086, Petition DOA87-112(G). (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 G.2. of R-97-2086, Petition DOA87-112(G). (ZONING)

G. 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 bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (Previously Condition H.1 of Resolution R-97-2086, Petition DOA87-112(G) (DRC: ZONING - School Board/ Eng/ Planning)

H. PARKS

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 Site "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 1.1 of Resolution R-97-2086, Petition DOA87-112(G). (PARKS)
2. The westerly flow of Lantana Road's positive outfall for discharge to **the E-3 Canal** is intended to serve as a temporary water **management** condition, until such time as the Developer has received all **necessary** approvals from appropriate state and local **government agencies/municipalities**, permitting the portion of the **easement** designed for **water** retention (from Lantana Road's positive outfall) to be incorporated into the water management works and 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 1.2 of R-97-2086, Petition DOA87-112(G). (PARKS/ ENG)
3. In the event the Developer has not secured the approvals required in **the** section, upon Developer's receipt of written notice from the **County** of its intention to initiate construction of improvements 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 E-3 Canal**. Subsequent to construction of the Underground Drainage System, the Developer shall backfill any remaining portions 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 **13** of Resolution R-97-2086, Petition DOA87-112(G). (PARKS/ENG)
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 **E-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 **14** of R-97-2086, Petition DOA87-112(G) . (PARKS/ ENG)
5. Prior to certification, the Master Plan shall be amended to indicate **7.0** acres of **on-site** Homeowners Association Recreation Areas. (Previously Condition **15** of Resolution R-97-2086, Petition DOA87-112(G)
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 16 of Resolution R-97-2086, Petition DOA87-112(G). (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 1.7 of Resolution R-97-2086, Petition DOA87-112(G). (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 18 of Resolution R-97-2086, Petition DOA87-112(G). (PARKS)
9. 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. 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. (Previously Condition 1.9 of Resolution R-97-2086, Petition DOA87-112(G). (PARKS)
10.
 - a. The recreation requirement for Parcel 19 shall be provided within parcel 19. The amount of land area for recreation shall be based on the number of dwelling units proposed at time of DDC submittal and shall be calculated at **0.006** acres per dwelling unit.
 - b. The Parks and Recreation Department may allow reduction of the recreation land area requirement by up to twenty (25) percent when the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of this condition by a minimum of twenty five (25) percent. (Previously Condition 1.10 of R-97-2086, Petition DOA87-112(G). (DRC: PARKS)

11. In lieu of providing a pedestrian bridge to the County owned park property, the petitioner will provide internal pedestrian access that connects to the planned sidewalk for Haverhill Road. (Previously Condition 1.11 of R-97-2086, Petition DOA87-112(G). (ONGOING: PARKS))
12. Any parcel of land used to satisfy recreation requirements in Parcel 19 shall adhere to the following dimensions:
 - a. Minimum parcel size shall be seven thousand five hundred **(7,500)** square feet exclusive of easements;
 - b. Minimum parcel width shall average seventy five **(75) feet** with no dimension less than fifty (50) feet;
 - c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet; and,
 - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation **parcels'** function in the overall recreation and open space network of the development. (Previously Condition 1.12 of Resolution R-97-2036, Petition DOA87-112(G) (DRC: PARKS))

I. 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. (Previously Condition J.1 of Resolution R-97-2086, Petition DOA87-112(G) (CO: BLDG - Eng))
2. Street trees shall be planted in or adjacent to all public **rights-of-way**, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (Previously Condition J.2 of Resolution R-97-2036, Petition DOA87-112(G) (CO: LANDSCAPE - Eng))
3. Street bike lanes shall be provided in or adjacent to all public **rights-of-way** over **fifty (50)** feet in width, pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (Previously Condition J.3 of Resolution R-97-2086, Petition DOA87-112(G) (CO: BLDG - Eng))
4. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (Previously Condition J.4 of Resolution R-97-2086, Petition DOA87-112(G) (PLAT: ENG - Zoning))
5. All property included in the PUD 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. (Previously Condition J.5 of R-97-2086, Petition DOA87-112(G) (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att))

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. (Previously Condition K.1 of Resolution R-97-2086, Petition DOA87-112(G). (SWA)

K. SCHOOL BOARD

1. The petitioners 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. (Previously Condition L.1 of Resolution R-97-2086, Petition DOA87-112(G) (ONGOING: SCHOOL BOARD)
2. 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 L.2 of Resolution R-97-2086, Petition DOA87-112(G). (SCHOOL BOARD)

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;
 - d. Monument style. (Previously Condition M.1 of Resolution R-97-2086, Petition DOA87-112(G). (BLDG)

M. 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 non-compliance, 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. (Previously Condition 0.1 of Resolution R-97-2086, Petition DOA87-112(G)). (MONITORING)