

RESOLUTION NO. R-99-2071

RESOLUTION APPROVING ZONING PETITION DOA80-212(H)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PIPERS GLEN LIMITED PARTNERSHIP
BY JOE LELONEK, AGENT
(PIPERS GLEN COMMERCIAL)

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 DOA80-212(H) was presented to the Board of County Commissioners at a public hearing conducted on October 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 DOA80-212(H), the petition of Pipers Glen Limited Partnership, by Joe Lelonek, agent, for a Development Order Amendment (DOA) to delete conditions in Resolution R-88-1213 and permit a single tenant user in excess of 10,000 square feet on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 28, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Allen*
COUNTY ATTORNEY

BY: *Joan Harvey*
DEPUTY CLERK

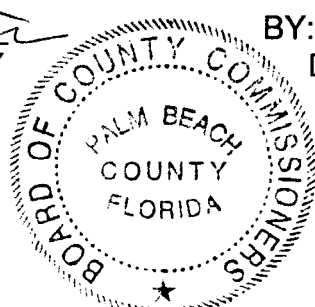


EXHIBIT A
LEGAL DESCRIPTION

Tract "Y", PIPERS GLEN **PLAT** NO. 1 (P.U.D.) according to the Plat recorded in Plat Book **43**, Page 97 through page **101**, **as** recorded in the Public Records of Palm Beach County, Florida;

Said land situate Lying and being located in Section 3, Township 46, East, Range 42 East Palm Beach County, Florida, and containing 223,709 **square** feet of 5.1356 acres more or **less**.

EXHIBIT B
VICINITY SKETCH

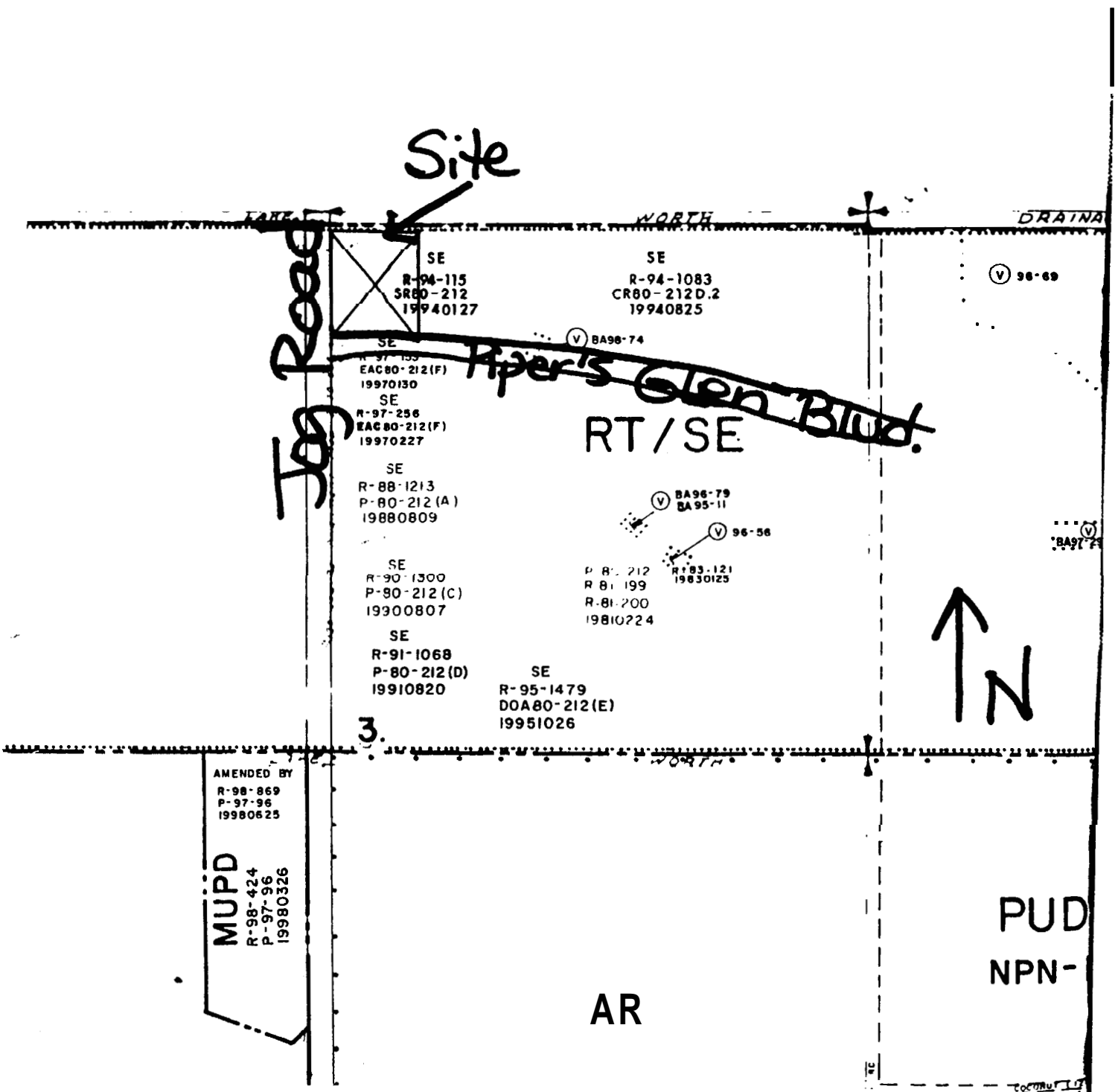


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All conditions **of** the approval **of** Petition **79-126** shall be retained with the exception **of** the **two** units per acre density limit. (Previously Condition 13 of Resolution R-81-200, Petition 80-212)

2. Condition 1 of Resolution R-88-1213, Petition 80-212(A) which currently states:

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

AND

Condition 1 of Resolution R-90-1300, Petition 80-212(C) which currently states

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

AND

Condition A.1 of Resolution R-91-1068, Petition 80-212(D) which currently states:

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

Are hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-79-915 (Petition 79-126), R-81-200 (Petition 80-212), R-83-121 (Petition 82-124), R-88-1213 (Petition 80-212(A)), R-90-1300 (Petition 80-212(C)), R-91-1068 (Petition 80-212(D)), and R-94-115 (Status Report SR80-212(D)), have been consolidated 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)

3. Condition A.2 of Resolution R-91-1068, Petition 80-212(D))

The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

Is hereby deleted: [Reason - Code Requirement]

4. Development **of** the site is limited to the uses and site design shown on the site plan approved by the Board **of** County Commissioners (Exhibit **95**). Any modifications must be approved by the Board **of** County

Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review). (Previously Condition A.3 of Resolution R-91-1068, Petition 80-212(D))

5. The unit count for Pipers Glen shall not exceed 1,946 dwelling units. The balance of the units (20) originally approved (1,966) shall be forfeited and returned to the County in a form acceptable to the Planning, Zoning and Building Department and the County Attorney. Additionally, units may not be transferred in the future from POD to POD and any units not used shall revert back to the County. (Previously Condition A.4 of Resolution R-91-1068, Petition 80-212(D))
6. Parcel **H** shall be limited to a maximum of **70** dwelling units, Parcel **I** shall be limited to a maximum of 72 dwelling units, and Parcel **F** shall be limited to a maximum of 132 dwelling units. (Previously Condition A.5 of Resolution R-91-1068, Petition 80-212(D))
7. The various owners shall comply with all previous conditions of approval, to the extent the conditions have not been satisfied, or are not expressly modified herein. The following are new or previously unsatisfied amended conditions. Any conditions of prior petitions not specifically identified as new or modified conditions shall continue in full force and effect unless satisfied. (MONITORING)(Previously Condition 1 of Resolution R-94-115, Status Report SR80-212)
8. Except as otherwise provided in this Resolution, all PUD Work required by this Resolution shall be completed by no later than February 1, 1996 (subject to delays arising from adverse weather conditions, acts of God, and other unavoidable casualties), unless otherwise specified herein. Failure to complete the PUD Work within said time frames shall subject the PUD to potential stop work orders or other sanctions as set forth in Section **5.8** of the Unified Land Development Code. (MONITORING - Engineering)(Previously Condition 10 of Resolution R-94-115, Status Report SR80-212)
9. Resolution R-97-256, Petition 80-212(F) pertaining to POD J shall remain in full force and effect. (ONGOING: MONITORING- Zoning)

B. ARCHITECTURAL CONTROL (COMMERCIAL POD/TRACT Y)

1. Similar architectural character and roof treatment shall be provided on all sides of the building(s). (BLDG PERMIT: BLDG - Zoning)
2. Loading areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. This development shall be limited to 1,327 dwelling units maximum, resulting in an ultimate gross density of **two (2)** dwelling unit per acre. (Previously Condition 22 of Resolution R-79-915, Petition 79-126)

2. All areas noted as civic sites on the revised Master Plan (Exhibit **No. 11** on file in the Department of Planning, Zoning & Building) for this development shall be dedicated to Palm Beach County without cost, for use as deemed appropriate by Palm Beach County. (Previously Condition 23 of Resolution R-79-915, Petition 79-126)
3. The area of the subject property located on Military Trail and designated as a sales office site shall be used for the sale of property and units within the project only, and shall not be converted for future commercial use at any point in the future. (Previously Condition 24 of Resolution R-79-915, Petition 79-126)
4. Petitioner shall provide legal access to the adjacent five **(5)** acre parcel owned by Donald Biele in accordance with Florida law prior to the commencement of any development on the subject site. (Previously Condition 25 of Resolution R-79-915, Petition 79-126)
5. Condition A.2 of Resolution R-91-1068, Petition 80-212(D))

Prior to master plan certification by the Site Plan Review Committee, the master plan shall be amended to indicate the following:

- a. required number of trees.
- b. acreage of each residential pod, commercial site, recreation center, and the community park on the master plan.

~~Is~~ hereby deleted. [Reason - Code Requirement]

6. Condition 3 of Resolution R-88-1213, Petition 80-212(A))

The Community Commercial Center shall not have access from Jog Road. A twenty-five **(25)** foot landscape strip shall be provided along the entire Jog Road perimeter of this commercial site. Landscaping within the strip shall satisfy the requirement of Section **500.35.E.3.a.(4)** and **(5)** (Minimum Planting Requirements and Supplemental Landscape Requirements).

~~Is~~ hereby deleted. [superceded by Condition H]

7. Condition 9 of Resolution R-88-1213, Petition 80-212(A))

Access to the Community Commercial Center located at the northwest corner of Jog Road and Pipers Glen Boulevard shall be from Pipers Glen Boulevard only.

~~Is~~ hereby deleted. [Reason - Subject of this application request]

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Certain portions of Parcels **H** and **I** are the future location of Palm Beach County wells and are to be listed as a Wellfield Protection Zone **1** and **2**. Maintenance and/or chemical storage **building(s)** shall not be located in Zone One **(1)** or Two **(2)** of the proposed wellfield. (Previously Condition B.I of Resolution R-91-1068, Petition 80-212(D))

2. Parcels **G, H, I, F** may be located in Wellfield Protection Zone 2. Sewer mains in Wellfield Protection Zone 2 are to be constructed to force main standards as outlined in Exhibit "F" of the Wellfield Protection Ordinance. Any nonresidential activities shall require to approval of the Department of Environmental Resources Management. (Previously Condition B.2 of Resolution R-91-1068, Petition 80-212(D))
3. **No** pesticides or fertilizers should be applied through aerial irrigation. (Previously Condition B.3 of Resolution R-91-1068, Petition 80-212(D))
4. All land development and construction activities within the project area must use those applicable best management practices as set forth in "Exhibit D" of the Wellfield Protection Ordinance. (Previously Condition B.4 of Resolution R-91-1068, Petition 80-212(D))

E. ENGINEERING

1. Petitioners shall convey to Palm Beach County one hundred twenty (120) feet for the ultimate right-of-way for Jog Road thru the project's limits. (Previously Condition 1 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]
2. Petitioner shall convey to Palm Beach County one hundred eight (108) feet for the ultimate right-of-way for El Clair Ranch Road thru the project's limits. (Previously Condition 2 of Resolution R-79-915, Petition 79-126)
3. Petitioner shall convey to Palm Beach County sixty (**60**) feet from the east line of Section 2, Township **46** South, Range 42 East, for the ultimate right-of-way for Military Trail. (Previously Condition 3 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]
4. Petition shall construct Jog Road to a two-lane section thru the project's limits, as approved by the County Engineer. (Previously Condition 4 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]
5. Petitioners shall construct El Clair Ranch Road to a two-lane section thru the project's limits, as approved by the County Engineer, to the north right-of-way line of the Lake Worth Drainage District L-28 Canal. Construction shall be in accordance with the construction plans approved by the County Engineer. This construction shall include an appropriate canal crossing over the Lake Worth Drainage Canal L-28 as approved by the Lake Worth Drainage District and the Office of the County Engineer. A complete set of construction plans shall be submitted to both the Lake Worth Drainage District and the County Engineer prior to June 15, 1990. All construction shall be completed prior to November 1, 1990. Acceptable surety shall be posted with the Office of the County Engineer prior to June 30, 1990. (Previously Condition 7 as amended in Resolution R-90-1300, Petition 80-212(C))
6. Petitioner shall construct a left turn lane, north approach, on Hagen Ranch Road at the project's entrance. (Previously Condition 6 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]

7. Petitioner shall construct at the intersection of the project's main road and Jog Road:
 - a. left turn lane, north approach;
 - b. left turn lane, south approach;
 - c. left turn lane, east approach;
 - d. left turn lane, west approach. (Previously Condition 7 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]

8. Petitioner shall construct at the intersection of the project's main road and **EI** Clair Ranch Road:
 - a. left turn lane, north approach;
 - b. left turn lane, east approach;
 - c. left turn lane west approach. (Previously Condition 8 of Resolution R-79-915) [NOTE: Condition has been satisfied]

9. Petitioner shall construct on Military Trail at the main road entrance:
 - a. right turn lane, north approach;
 - b. left turn lane, south approach. (Previously Condition 9 of Resolution R-79-915) [NOTE: Condition has been satisfied]

10. Petitioner shall construct the main road access at Military Trail to have one lane entering and **two** lanes exiting. (Previously Condition 10 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]

11. Petitioner shall contribute the pro rata share for the construction **of** a left turn lane, north approach on Military Trail at **S.W. 23** Avenue. (Previously Condition 11 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]

12. Petitioner shall construct a right turn lane, south approach, on Military Trail at **S.W. 23** Avenue. (Previously Condition 12 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]

13. Petitioner shall construct a left turn lane, north approach, on Military Trail at Coconut Lane. (Previously Condition 13 of Resolution R-79-915, Petition 79-126)

14. Condition 14 of Resolution R-79-915, Petition 79-126, which currently states:

 Petitioner shall align the main road and Jog Road intersections to have **two** hundred (**200**) tangents with not more than a ten (**10**) degree angle.

 Is hereby deleted. [REASON: Code Requirement]

15. Condition 15 of Resolution R-79-915, Petition 79-126, which currently states:

 Petitioner shall align the main road and **EI** Clair Ranch Road intersections to have **two** hundred (**200**) foot tangents with not more than a ten (**10**) degree angle.

 Is hereby deleted. [REASON: Code Requirement]

16. Petitioner shall signalize the intersection of the main access road and Military Trail when warranted, as determined by the County Engineer. (Previously Condition 16 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]
17. Petitioner shall signalize the intersection of the main access road and Hagan Ranch Road when warranted, as determined by the County Engineer. (Previously Condition 17 of Resolution R-79-915, Petition 79-126) [NOTE: Condition has been satisfied]
18. Petitioner shall contribute Three Hundred Sixty-Eight Thousand Three Hundred Dollars (**\$368,300.00**) towards the cost of meeting this project's direct and identifiable traffic impact, to be paid at the time of issuance of a building permit(s). This condition shall fulfill the developer's requirement according to the "Fair Share Contribution for Road Improvements" approved by the Board of County Commissioners on June **19, 1979**. (Previously Condition 18 of Resolution R-79-915, Petition 79-126)
19. The cost of implementing Conditions # **11, 12 & 13** shall be credited against the impact fee required by Condition **#18**. (Previously Condition 19 of Resolution R-79-915, Petition 79-126)
20. Petitioner shall convey to the Lake Worth Drainage District for Lateral Canal No. **28 (L-28)** the North **40.00** feet of Section **2, 46/42**; the North **40.00** feet of Section **3, 46/42**, except an irregular parcel in the NW corner of the said Section **3**; the said irregular parcel as it is shown on Sheet **94** of **240** of our Required Right-Of-Way map as recorded in the Clerk's office; and the North **35.00** feet of Tracts **1** through **8** inclusive, Block **64**, the Palm Beach Farms Company Plant **No. 3** as Recorded in Plat Book **2**, pages **45-54** inclusive.

For Lateral Canal No. **29 (L-29)**, petitioner shall convey to the Lake Worth Drainage District the South **40.00** feet of Section **2, 46/42**; and the South **40.00** feet of the NW **1/4** of Section **2, 46/42**.

For Equalizing Canal No. **3 (E-3)**, petitioner shall convey to the Lake Worth Drainage District the West **25.00** feet of the East **65.00** feet of the NE **1/4** of Section **2, 46/42**; the West **25.00** feet of the East **65.00** feet of the SE **1/4** of the SE **1/4** of the NW **1/4** of Section **2, 46/42**; and the East **25.00** feet of the West **65.00** feet of the North **120** feet of the NE **1/4** of Section **2, 46/42**.

The Lake Worth Drainage District will accept a Quit Claim Deed or an Easement (on our form), whichever the owner prefers. (Previously Condition 20 of Resolution R-79-915, Petition 79-126)

21. Condition 1 of Resolution R-81-200, Petition 80-212, which currently states:

Within ninety (**90**) days of Special Exception approval, petitioner shall convey to Palm Beach County one hundred twenty (**120**) feet for the ultimate right-of-way for Jog Road through the project's limits.

Is hereby deleted. [REASON: Duplicate condition]

22. Condition 2 of Resolution R-81-200, Petition 80-212, which currently states:
- Within ninety **(90)** days of Special Exception approval, petitioner shall convey to Palm beach County one hundred twenty **(120)** feet for the ultimate right-of-way for El Clair Ranch Road through the project's limits.
- Is hereby deleted. [REASON: Duplicate condition]
23. Condition 3 of Resolution R-81-200, Petition 80-212, which currently states:
- Within ninety **(90)** days of Special Exception approval, petitioner shall convey to Palm Beach County sixty **(60)** feet from the east line of Section 2, Township 46 South, Range 42 East for the ultimate right-of-way for Military Trail.
- Is hereby deleted. [REASON: Duplicate condition]
24. Within ninety **(90)** days of Special Exception approval, petitioner shall convey to Palm Beach County forty **(40)** feet from the east line for the ultimate right-of-way for Hagen Ranch Road. (Previously Condition 4 of Resolution R-81-200, Petition 80-212)
25. Condition 6 of Resolution R-88-1213, Petition 80-212(A), which currently states:
- Petitioner shall construct Jog Road as a two-lane section through the project's limits, as approved by the County Engineer at the time of the filing of the plats adjacent to Jog Road or when required for paved continuity for Jog Road as determined by the County Engineer whichever shall first occur.
- Is hereby deleted. [REASON: Duplicate condition]
26. Condition 6 of Resolution R-81-200, Petition 80-212, which currently states:
- Petitioner shall construct El Clair Ranch Road as a two-lane section from the proposed southern limits of construction by Indian Springs PUD to the proposed north limit of construction by Villa Delray.
- Is hereby deleted. [REASON: Duplicate condition]
27. Petitioner shall construct at the intersection of Hagen Ranch Road East the project's entrance road:
- a. left turn lane, north approach;
 - b. left turn lane, east approach
 - c. signalization when warranted as determined by the County Engineer. (Previously Condition 7 of Resolution R-81-200, Petition 80-212) [NOTE: a and b are completed.]
28. Petitioner shall construct at the intersection of El Clair Ranch Road and the project's entrance road:
- a. left turn lane, north approach;
 - b. left turn lane, south approach;
 - c. left turn lane, east approach;
 - d. left turn lane, west approach;

- e. signalization when warranted as determined by the **County** Engineer. (Previously Condition 8 of Resolution R-81-200, Petition 80-212) [NOTE: Condition has been satisfied]
29. Petitioner shall construct at the project's entrance road and Military Trail:
- a. right turn lane, north approach;
 - b. left turn lane, south approach;
 - c. one lane entering and two lanes exiting.
 - d. signalization when warranted as determined by the County Engineer. (Previously Condition 9 of Resolution R-81-200, Petition 80-212) [NOTE: Condition has been satisfied]
30. Petitioner shall construct at the project's entrance and Jog Road:
- a. left turn lane, north approach;
 - b. left turn lane, south approach;
 - c. left turn lane, east approach;
 - d. left turn lane, west approach. (Previously Condition 10 of Resolution R-81-200, Petition 80-212) [NOTE: Condition has been satisfied]
31. Petitioner shall construct at the intersection of Military Trail and S.W. **23rd** Avenue:
- a. left turn lane, north approach;
 - b. left turn lane, south approach. (Previously Condition 11 of Resolution R-81-200, Petition 80-212) [NOTE: Condition has been satisfied]
32. Petitioner shall construct at the intersection of Coconut Lane and Military Trail:
- a. left turn lane, north approach. (Previously Condition 12 of Resolution R-81-200, Petition 80-212)
33. The Lake Worth Drainage District will be required the same **rights-of-way** for Lateral Canals **No. 28** and **29** and Equalizing Canal **No. 3** as were previously set for under Zoning Petition **79-126** during the June **1979** Hearing. We will accept the right-of-way by Quit Claim **Deed** or Easement (on our form), whichever the owner prefers. (Previously Condition 14 of Resolution R-81-200, Petition 80-212)
34. Palm Beach County will acquire right-of-way (**120 feet right-of-way**) for the Military Trail four-laning between Boynton West Road and Project entrance using funds provided by the developer. Funds shall be provided to Palm Beach County as required within thirty (**30**) days of the date of request. During right-of-way acquisition, the project may proceed with a first phase not to exceed **500** units. (Previously Condition 15 of Resolution R-81-200, Petition 80-212) [NOTE: Condition has been satisfied]
35. The developer shall prepare plans to four-lane Military Trail from Boynton Road to project entrance (**2 miles +**) to County Standards (rural section, **1-5'** concrete sidewalk in right of way). Plans to be approved

by the County Engineer's office. Upon approval of plans, an additional 450 units may be approved. Plans shall be available within nine (9) months of project approval. (Previously Condition 16 of Resolution R-81-200, Petition 80-212) [NOTE: Condition has been satisfied]

36. Developers shall let to contract the four-lane construction of Military Trail between Boynton Road and the project entrance as set forth herein:
- a. developer shall award contracts for the clearing of the right-of-way for said road construction within sixty (60) days after receipt of written certification from the County that the right-of-way has been acquired. The clearing of said right-of-way shall be completed within ninety (90) days of the awarding of the contract for the clearing of the right-of-way, unless completion is prevented by circumstances beyond the control of the developer;
 - b. within Five (5) days of the completion of the clearing of the right-of-way, the developer shall notify the County of said completion so that any necessary relocation of utility lines can be undertaken by the utility companies or the County;
 - c. developer shall award the contract for the road construct required by this condition within ninety (90) days of receipt of written notice from the County that all utility line relocations have been completed. Actual road construction shall commence within fourteen (14) days after the contract has been awarded;
 - d. at the time of awarding the contract for the construction of Military Trail required by this condition, the remainder of the units authorized for construction in the project by this resolution shall be allowed to proceed to construction. In the alternative, the developer shall be entitled to proceed with the construction of said remainder of units at any time developer posts a \$2 million surety for the construction of Military Trail required by this condition. (Previously Condition 17 as modified by Resolution R-83-121, Petition 84-124) [NOTE: Condition has been satisfied]

37. Palm Beach County shall assist with utility relocation in Military Trail right-of-way. It is the intent that the developer shall not be required to bear the cost of utility relocation. (Previously Condition 18 of Resolution R-81-200, Petition 80-212)

38. Previously Condition 19 of Resolution R-81-200, Petition 80-212, which currently states:

It is agreed that any P.R.C.C. funds collected (within five (5) years of project approval) which impact the area of construction on Military Trail shall be reimbursed to this developer for any funds expended on Military Trail Construction which exceed \$1 million. The reimbursement is subject to a ruling by the County Attorney, as to its legal validity.

Is hereby deleted. [REASON: no longer required]

39. The property owner shall 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 those segments of El Clair Ranch Road, Hagen Ranch Road and Jog Road along the property frontage and for a maximum of **400** feet distance along El Clair Ranch Road, Hagen Ranch Road, and Jog Road. The drainage system within the project shall have sufficient **retention/detention** capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition 8 of Resolution R-88-1213, Petition 80-212(A))
40. Prior to July 1, 1990, 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 the construction of a right turn lane:
- a. south approach on Hagan Ranch Road at Pipers Glen Boulevard
- This right-of-way shall be a minimum of 150 feet, twelve feet in width and have a taper length of 180 feet. (Previously Condition 4 of Resolution R-90-1300, Petition 80-212(C)) [NOTE: Condition has been satisfied]
41. The developer shall install signalization if warranted as determined by the County Engineer at Piper Glen Boulevard and Hagan Ranch Road and at Jog Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition, as an alternative, prior to April 1, 1990, the developer shall escrow funds in an amount to be determined by the County Engineer for the above signalization. (Previously Condition 5 of Resolution R-90-1300, Petition 80-212(C))
42. Condition 6 of Resolution R-90-1300, Petition 80-212(C), which currently states:
- The Developer shall plat the subject property including, but not limited to, all open space and recreation areas in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
- Is hereby deleted. [REASON: Code Requirement]
43. Prior to July 1, 1991, or prior to the issuance of the first building permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for:
- a. Flavor Pict Road, 120 feet of right of way along the project's south property line on an alignment approved by the County Engineer.
- b. Sufficient right of way to provide for an "expanded intersection" right of way at the intersection of Hagen Ranch Road and Flavor Pict Road on an alignment approved by the County Engineer.

- c. Sufficient right-of-way for a right turn land on Hagen Ranch Road at Piper's Glen Boulevard. This right-of-way shall be a **minimum** of 150 feet in storage length, twelve feet in width and a taper length of 180 feet.

All free of encumbrances and encroachments. Developers 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.1 of Resolution R-91-1068, Petition 80-212(D))

44. Prior to July 1, 1991 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County a **adequate road** drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Flavor Pict Road, Jog Road El Clair Ranch Road and Hagen Ranch Road, along the property frontage and for a maximum **400** feet distance each side of the property boundary lines along Flavor Pict Road. Said easements shall be no less than **20** feet in width. The drainage system within the project shall have sufficient **retention/detention** capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road **Section(s)** of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed **drainage** easements a minimum of **24** inch closed piping system and appropriate **wingwall** or other structures. Elevation and location of all construction shall be approved by the County Engineer. (Previously Condition E.2 of Resolution R-91-1068, Petition 80-212(D))
45. Piper's Glen PUD shall include in all written solicitations, advertisements, inducements, and other methods or attempts to encourage any person to purchase a legal or equitable interest in property which is the subject of this petition (or amendment **hereto**) a disclosure statement identifying all planned roadways within or adjacent to the petition property which are included in the County's Thoroughfare Plan or Five Year Road Program. These shall include Jog Road, El Clair Ranch Road, and Flavor Pict Road. (Previously Condition E.3 of Resolution R-91-1068, Petition 80-212(D))
46. The developers shall submit plans and construction berm and landscape buffers adjacent to the Flavor Pict Road Right-of-way subject to approval by the County Engineer and the Palm Beach County Zoning Department. Plans shall be submitted prior to site plan approval for **POD G** and construction shall be concurrent with paving and drainage improvements for **POD G**. Maintenance of this Landscape area shall be the responsibility of the Home Owners Association. (Previously Condition E.4 of Resolution R-91-1068, Petition 80-212(D))
47. Funding, based upon a certified cost estimate from the developer's engineer and subject to approval by the County Engineer for the canal crossing of the LWDD-28 Canal on **El Clair Ranch Road**, shall be

provided to the County prior to June 13, 1991. No building permits shall be issued until these funds are provided to the County. Upon receipt of these funds Palm Beach County shall construct the canal crossing. (Previously Condition E.5 of Resolution R-91-1068, Petition 80-212(D))

48. Prior to or as part of the platting of Parcel H, the owner of parcel H shall provide written confirmation to the County Engineer that the owner has provided Palm Beach County Water Utilities with a required wellfield site on Parcel H. The wellfield site shall be conveyed either by easement or dedicated by Plat (as determined by Palm Beach County Water Utilities Department) and shall be in a form acceptable to the Palm Beach County Water Utilities Department. The area of the wellfield site shall not exceed forty (40) by sixty (60) feet and a twenty (20) by twenty (20) area within the forty (40) by sixty (60) foot area shall be fenced. The wellfield area, except the fenced area, may overlap the community park area required in condition D.2.a. No structure or plants larger than shrubs shall be permitted in the wellfield site. The well head shall be located no closer than one hundred feet (100') from any existing water body or the forty-two inch (42") force main on the east side of Hagen Ranch Road, nor any closer than three hundred feet (300') from a future water body. The location of and access to the wellfield site shall be coordinated with the Palm Beach County Water Utilities Department prior to site plan certification for Parcel H. No plat shall be approved for Parcel H without the wellfield site being established. This Condition shall apply only to Parcel H and shall be binding upon the owner of Parcel H, its successors and assigns. This Conditions shall not affect the development or conveyance of, or issuance of development orders for, any other property in the PUD. (Condition E.6 as amended by Resolution R-94-115, Status Report 80-212)
49. a. By no later than July 1, 1994 in coordination with the County Engineer, the parcel owners shall provide for signalization of the intersection of Pipers Glen Boulevard and El Clair Ranch Road, and for the relocation of the existing at grade golf cart crossing of El Clair Ranch Road to the signalized intersection. (MONITORING- Eng)
- b. Adequate and sufficient surety, as required by the County Engineer, shall be posted to cover the cost of the signalization by no later than May 1, 1994. This surety shall also provide for appropriate signalization at the existing golf cart crossing of Pipers Glen Boulevard between Parcels A-1 and A-2 as determined to be necessary by the County Engineer. (MONITORING- Eng) (Condition E.7 as amended by Resolution R-94-115, Status Report 80-212)
50. The existing bridge crossing the E-3 Canal shall be modified by the Developer to meet the existing standards of the County Engineer prior to January 1, 1992. (Previously Condition E.8 of Resolution R-91-1068, Petition 80-212(D))

51. All surety as required by the County Engineer, to provide for the construction/completion of the segment of Pipers Glen Boulevard from Jog Road through to Hagan Ranch Road shall be posted based upon an engineer's certified cost estimate to complete the roadway pursuant to minimum county standards. This surety shall be posted no later than May 1, 1994. (Condition E.9 as amended by Resolution R-94-115, Status Report 80-212)
52. There shall be no further final plat approvals within the PUD (except for the proposed replat of a portion of Southpointe Plat NO. 2) until such time as the "PUD Work" (i.e. all remaining infrastructure improvements required by the conditions of approval of this and prior resolution;) is completed or adequate and sufficient sureties are posted for completion of such improvements. The cost of constructing the PUD Work shall be shared among the owners of all unplatted parcels within the PUD west of Jog Road as set forth in that certain Inter-Developer Agreement entered into between the various property owners dated January 24, 1994. Property owners will be permitted to independently file and process applications for plats of their separate parcels. However, pursuant to the terms of the Inter-Developer Agreement, as agreed to by the owners of the unplatted parcels within the PUD located west of Jog Road and as set forth in that certain Inter-Developer Agreement entered into between the various property owners within the PUD located west of Jog Road, an application for plat approval shall not be considered for any parcel west of Jog Road until evidence of payment of the particular owner's share of the costs for the PUD Work, in the form of a receipt signed by the designated escrow agent (as provided for in paragraph 5 of the Inter-Developer Agreement), is presented to the Land Development Division of the County Engineer's Office. The affected property owners have acknowledged that the County Engineer is authorized to rely solely upon the receipt signed by the designated escrow agent under the Interdeveloper Agreement (currently being Chicago Title Insurance Company) as evidence of compliance with this condition. The County Engineer is not required to make any further inquiries concerning the parties' compliance with the Agreement. Palm Beach County shall have no liability whatsoever for any parcel owner's failure to perform its obligations under the Inter-Developer Agreement. (ENG)
53. a. No later than June 1, 1994, the parcel owners shall ensure that the portions of El Clair Ranch Road, Jog Road and Pipers Glen Boulevard previously constructed within the PUD shall be improved to previously approved plans and standards of Palm Beach County, so that these road segments may be delivered to the County for maintenance. (MONITORING - Eng) (Previously Condition 7.a of Resolution R-94-115, Status Report SR 80-212)
- b. Unless the work is completed by, or sureties for this work are submitted by, May 1, 1994, no submittals for plat technical compliance shall be accepted by the County Engineer's Office, except for the proposed replat of a portion of Southpointe Plat No. 2 (Parcel A2.a). For purposes of this condition, adequate surety shall be 110% (one hundred ten percent) of a professional engineer's certified cost estimate for the described work. The engineer's certified cost estimate shall be submitted to the

County Engineer's Office by no later than March 1, 1994. (ENG)
(Previously Condition 8 of Resolution R-94-115, Status Report SR80-212)

54. **The western segment of Piper's Glen Boulevard within the PUD, between Jog Road on the east and Hagen Ranch Road on the west, which previously was planned as a public roadway, shall be built and maintained by the owners of the unplatted parcels within the PUD located west of Jog Road (except Westchester Golf & Country Club Association) and their successors in interest as a restricted access private roadway. (ENG)** (Previously Condition 9 of Resolution R-94-115, Status Report SR80-212)
55. The Property owner shall construct a left turn lane west approach on Pipers Glen Boulevard at the projects entrance road.
- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring- Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
56. **LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS**
- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way for the proposed commercial site and zoning petition DOA80-212(H) and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscape 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 landscape material, installation, and maintenance requirements shall be subject to the standards 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. (BLDG PERMIT: 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 petitioner and its successors, heirs or assignees or only established Property Owner's Association and/or Homeowner'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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

57. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF JOG ROAD

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Jog Road Right-of-Way contiguous to the frontage for the proposed commercial site, zoning petition DOA80-212(H). As part of this permit process, the property owner shall enter into a Right of Way concrete median cutout; Landscape and paver block Installation including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material shall be funded at the property owner's expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, or assignees or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation system to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (ENG)

- c. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation prior to issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

58. Unless the cost of a right turn lane into the site from Jog Road is prohibitive, as determined by the County Engineer, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. Right-of-way dedication shall be recorded prior to the issuance of a building permit. 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. If the right turn lane for the site is required, the site plan for the subject parcel shall be amended accordingly. (BLDG PERMIT: MONITORING-Eng)

59. If this right turn lane is required by the County Engineer as outlined in the condition above, the Property owner shall construct this right turn lane north approach on Jog Road at the projects entrance road.
- A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations. (ONGOING-Eng)
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. HEALTH

1. Condition 4 of Resolution R-88-1213, Petition 80-212(A))

Since sewer service is available to the property, septic tank shall not be approved for use on said property.

AND

- Condition 5 of Resolution R-88-1213, Petition 80-212(A))

Since water service is available to the property, a well shall not be approved for use on said property.

AND

- Condition 2 of Resolution R-90-1300, Petition 80-212(C))

Sewer service is available to the property. Therefore, **no** septic tank shall be permitted on the site.

AND

- Condition 3 of Resolution R-90-1300, Petition 80-212(C))

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

AND

- Condition C.I of Resolution R-91-1068, Petition 80-212(D))

Sewer service is available to the property. Therefore, **no** septic tank shall be permitted on the site.

AND

Condition C.21 of Resolution R-91-1068, Petition 80-212(D))

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Are hereby deleted. [Reason - Code Requirement]

2. **No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 F.A.C. (Previously Condition C.3 of Resolution R-91-1068, Petition 80-212(D))**
3. **The developer shall indicate appropriate well sites on the master plan subject to approval by the Water Utilities Department and the Department of Environmental Resources Management. (Previously Condition C.4 of Resolution R-91-1068, Petition 80-212(D))**

G. LANDSCAPING ALONG EAST PROPERTY LINE (ADJACENT TO RESIDENTIAL) COMMERCIAL TRACT ONLY

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. Continuous two (2) foot high berm with the height of berm measured from the top of curb;
 - c. One (1) tree for each fifteen (15) linear feet of property line with a maximum spacing of twenty (20) feet on center;
 - d. The petitioner shall install a six (6) foot high opaque concrete wall along the east property line. The wall shall be located on the plateau of the berm and continue to the twenty five (25) feet setback north of the Pipers Glen Boulevard right of way. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)

H. LANDSCAPING ALONG WEST PROPERTY LINE (JOG ROAD FRONTAGE) COMMERCIAL TRACT ONLY

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum twenty-five (25) feet wide landscape buffer with a maximum five (5) feet overlap in the existing fifteen (15) utility easement for an overall thirty (30) feet;
 - b. A minimum two (2) foot undulating berm, measured from the top of the curb;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,
 - e. Twenty-four (24) 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. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (PIPER'S GLEN FRONT PAGE) COMMERCIAL TRACT ONLY

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip with a five (5) feet overlap in the utility easement for an overall twenty (20) feet;
 - b. Continuous two (2) foot high berm with the height of berm measured from the top of curb;
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,
 - e. 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. (CO: LANDSCAPE)

J. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO LWDDI -28 CANAL) COMMERCIAL TRACT ONLY

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip with a five feet overlap in the utility easement for an overall fifteen (15) feet;
 - b. Continuous two (2) foot high berm with the height of berm measured from the top of curb;
 - c. The petitioner shall install a six (6) foot high green vinyl coated chain link fence along the north property line. The fence shall be located on the plateau of the berm and continue to the twenty five (25) feet setback east of the Jog Road right of way.
 - d. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
 - e. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of sixty (60) feet between clusters. A grouping of three or more palms or pine trees may supersede the requirement for a canopy tree in that location.
 - f. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/DRC: LANDSCAPE - Zoning)

K. PARKING (COMMERCIAL TRACT ONLY)

1. No overnight parking of any vehicle or trucks shall be permitted. (ONGOING: CODE ENF)

L. PARKS AND RECREATION

1. **Prior to site plan certification, the petitioner shall have received verification from the Parks and Recreation Department that the Master Plans satisfies all recreational requirements of the Subdivision Code and required Improvements Regulations, Ordinance #90-8.** (Previously Condition D.I of Resolution R-91-1068, Petition 80-212(D))

- 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; revocation of any concurrency; 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. (MONITORING)

- b. the revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. a requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

AND

Condition G.2 of Resolution R-91-1068, Petition 80-212(D))

As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for an developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Are hereby amended to read:

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

2. The Master Plan shall be amended to indicate the following:
- a. a notation that in lieu of the previously shown 11 acre community park site, the recreational area requirements for all remaining PODS shall be met on a Plat by Plat basis, throughout the PJD. As 3.56 acres of recreational area are planned or currently exist within Parcels A-1, A-2, A-3, B and C, the remaining 7.44 acres of recreational area shall be distributed among the currently unplatted development pods west of Jog Road as follows:

<u>Parcel</u>	<u>Recreational Area</u>
D	1.34
E	1.39
F	.95
G	1.99
H	.88
I	<u>.89</u>
Total:	7.44 acres

The tabular data shown on the Master Plan shall be amended to reflect the foregoing allocations and separate notations shall be placed on the Master Plan in each pod showing recreation area required by this conditions for each pod. The Master Plan shall further be amended to relabel the 12.3 acre tract currently designated as "Community Recreation Center" to "Golf Club". (PARKS & RECREATION)(Condition 2.a as modified by Resolution R-94-115, Status Report SR80-212)

- b. the tabular data should be corrected to reflect amended overall recreational acreage. (Previously Condition D.2 of Resolution R-91-1068, Petition 80-212(D))
3. a. On or before March 27, 1994, the owner of Parcel H (former Civic Site) and the future Flavor Pict Road right of way shall deliver to Palm Beach County Land Development Division a road right of way warranty deed for the Flavor Pict Road right-of-way, free of all encumbrances. The owner of the future Flavor Pict right-of-way shall provide Palm Beach County with sufficient documentation acceptable to the County Right of Way Acquisition Section to ensure that the right-of-way is free of all encumbrances and encroachments.
- b. Within six months of completion of Pipers Glen Boulevard between Jog Road through to Hagen Ranch Road so as to provide access to Parcel H, or upon the conveyance of Parcel H or submittal of an application to plat Parcel H, whichever shall first occur, the owner of Parcel H shall pay to Palm Beach County Three Hundred Fifty Thousand Three Hundred Fifty Dollars (\$350,350.00) for the "cash-out" of the former Civic Site. "Completion" for purposes of this Condition shall mean Palm Beach County acknowledging completion under Article 8 of the Unified Land Development Code of construction of Pipers Glen Boulevard as described above, and Palm Beach County providing the owner of Parcel H and Richard W. Carlson, Jr.

alleviating some of the development's school impact. (Previously Condition 21 of Resolution R-79-915, Petition 79-126)

2. The petitioner shall include in all sales and promotional literature and agreements for purchase information that children in the development may be bused because of School Board policies regarding overcrowding, racial imbalancing or other policy matters. This documentation shall be update on an annual basis. (Previously Condntion F.1 of ResolutionR-91-1068, Petition 80-212(D))
3. **No** residential building permits may be issued until the developer and the School Board review and approve in writing a racial balance agreement which will assure a public school student membership generated by the development which achieves School Board racial balance goals. (Previously Condition F.2 of ResolutionR-91-1068, Petition 80-212(D))

N. SIGNS (COMMERCIAL POD/TRACT Y)

1. Freestanding signs fronting on Pipers Glen Boulevard shall be limited as follows:
 - a. Maximum number of signs - two (2); and
 - b. Location-
 - 1) one to be located within thirty (30) feet of entrance on Pipers Glen Boulevard
 - 2) one to be located at the intersection of Jog Road and Pipers Glen Boulevard (CO: BLDG)

O. USE LIMITATIONS (COMMERCIAL TRACT, TRACT Y)

1. Delivery or unloading activities, including trash removal, shall be prohibited between the hours of 7:00 p.m. to 9:00 a.m. (ONGOING: CODE ENF)
2. Hours of operation shall be from 6 am to 10 p.m. (ONGOING: CODE ENF)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of those representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Condition 8 of Resolution R-90-1300, Petition 80-212(C))

As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:

- a. the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or

written notice of same by certified mail, return receipt requested. The owner of Parcel H shall prepare, execute and deliver in escrow to an escrow agent mutually acceptable to the County Attorney and the owner of Parcel H a statutory warranty deed to Palm Beach County for Parcel H.

- c. The escrow agent shall be selected and an escrow agreement shall be entered into by and between Palm Beach County, the owner of Parcel H, and the escrow agent by no later than March 31, 1994. Any costs and expenses of said escrow shall be borne by the owner of Parcel H. The deed shall be held in escrow pursuant to the terms of this resolution. In the event the funds required to be paid to Palm Beach County under Conditions 3.b are not timely paid, the deed for Parcel H shall be delivered to Palm Beach County upon Palm Beach County's demand and presentation to the escrow agent of evidence that payment has not been timely made. Condition 3.b shall apply to Parcel H only and be binding upon the owner of Parcel H, its successors and assigns. Condition 3.b shall not affect the development or conveyance of, or issuance of development orders for, any other property in the PUD. Upon satisfaction of Conditions 3.a and 3.b as determined by the County Attorney and County Engineer, Palm Beach County shall execute and record a release of Conditions 3.a and 3.b (ENGINEERING)
- d. The owner of Parcel G shall provide a twenty-five (25) foot buffer with a minimum of a three (3) foot berm along the Flavor Pict Road right-of-way adjacent to Parcel G. Landscaping in the buffer along the Flavor Pict Road right-of-way adjacent to Parcel G shall be in accordance with the requirements of Section 6.8.A.23 of the Unified Land Development Code and shall include a continuous hedge ultimately maintained at a minimum height of six (6) feet above the top of the berm to achieve an opaque buffer. This condition shall apply only to Parcel G and shall be binding upon the owner of Parcel G, its successors and assigns. This condition shall not affect the development or conveyance of, or the issuance of development orders of, any other property in the PUD. (Condition D.3 as amended by Resolution R-94-115, Status Report 80-212)

4. The developer shall indicate the recreation requirement of each Pod within the development in compliance with the Zoning Code Section 500.21.J on the site plan prior to Site Plan Certification. (Previously Condition D.4 of Resolution R-91-1068, Petition 80-212(D))

M. SCHOOL BOARD

1. Petitioner shall enter into a formal contact with the School Board of Palm Beach County to contribute four tenths (4/10) of one percent (1%) of the selling price of each residential dwelling unit in this planned unit development on a one time initial sales basis. However, if an ordinance dealing with this subject matter is adopted, this condition will be superseded by that ordinance; except that regardless of the form or status of any ordinance, this development shall be required to provide as a minimum the above 4/10ths of 1% of the initial sales price toward