

RESOLUTION NO. R-2002- 1962

RESOLUTION APPROVING ZONING PETITION DOA1995-087B  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF LAWRENCE FISHER  
BY KIM GLAS-CASTRO & BONNIE MISKEL, AGENT  
(SMITH DAIRY EAST 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 DOA1995-087B was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2002; 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 DOA1995-087B, the petition of Lawrence Fisher, by Kim Glas-Castro & Bonnie Miskel, agent, for a Development Order Amendment to delete land area 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 24, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

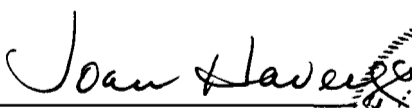
Filed with the Clerk of the Board of County Commissioners on 6 day of November, 2002.

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

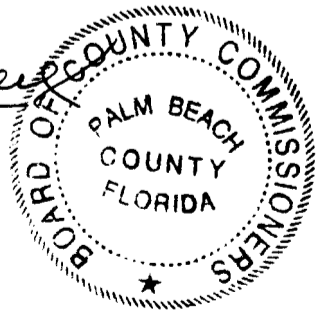


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING PART OF BLOCKS 38 AND 39, AS SHOWN ON THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9, INCLUSIVE, BLOCK 39 AS SHOWN ON THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 13, AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER (N. 1/4) CORNER OF SAID SECTION 3; THENCE SOUTH 89°15'59" WEST, ALONG THE NORTH LINE OF SECTION 3, A DISTANCE OF 40.00 FEET, THENCE SOUTH 00°47'13" EAST, A DISTANCE OF 398.98 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE WEST RIGHT OF WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 1207, PAGE 361; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, SOUTH 00°47'13" EAST, A DISTANCE OF 2315.05 FEET; THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE "FALLS COUNTRY CLUB", AS RECORDED IN PLAT BOOK 61, PAGES 177 THROUGH 179, INCLUSIVE, OF THE SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY, WESTERLY, AND SOUTHERLY LINES OF SAID "FALLS COUNTRY CLUB" THE FOLLOWING NINETEEN COURSES: THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 75.00 FEET; THENCE NORTH 00°47'13" WEST, A DISTANCE OF 75.00 FEET, THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 971.79 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1493.63 FEET AND A CENTRAL ANGLE OF 31°59'34"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 834.01 FEET; THENCE SOUTH 57°13'13" WEST, ALONG A LINE TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1142.91 FEET AND A CENTRAL ANGLE OF 29°05'50"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 580.42 FEET; THENCE SOUTH 86°19'03" WEST, ALONG A LINE TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 850.43 FEET; THENCE SOUTH 03°40'57" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 86°19'03" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 03°40'57" EAST, A DISTANCE OF 176.71 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1227.52 FEET AND A CENTRAL ANGLE OF 17°40'42"; THENCE SOUTHEASTERLY

— ALONG THE ARC OF SAID CURVE, A DISTANCE OF 378.75 FEET; THENCE SOUTH 21°21'39" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1138.37 FEET AND A CENTRAL ANGLE OF 20°20'51"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 404.27 FEET; THENCE SOUTH 01°00'48" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 610.16 FEET (THE PREVIOUS FIVE DESCRIBED COURSES BEING COINCIDENT WITH THE EAST RIGHT OF WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6342, PAGE 457); THENCE NORTH 88°59'12" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00°52'41" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89°07'19" EAST, A DISTANCE OF 412.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 10461.90 FEET AND A CENTRAL ANGLE OF 05°00'00"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 912.97 FEET; THENCE SOUTH 85°52'41" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 208.70 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID BLOCKS 38 AND 39; THENCE SOUTH 89°07'19" WEST, ALONG THE SOUTH LINE OF SAID BLOCKS 38 AND 39, A DISTANCE OF 3933.86 FEET; THENCE NORTH 00°52'41" WEST, A DISTANCE OF 629.00 FEET; THENCE SOUTH 63°39'42" WEST, A DISTANCE OF 387.65 FEET; THENCE NORTH 11°14'27" WEST, A DISTANCE OF 444.57 FEET; THENCE NORTH 31°00'37" WEST, A DISTANCE OF 350.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 915.00 FEET AND A CENTRAL ANGLE OF 14°27'13", AT WHICH POINT THE RADIUS BEARS NORTH 31°00'37" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 230.82 FEET; THENCE NORTH 44°32'10" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 579.87 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1190.00 FEET AND A CENTRAL ANGLE OF 13°44'23"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 285.37 FEET; THENCE NORTH 33°02'08" WEST, ALONG A LINE NON-RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 804.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 166.91 FEET AND A CENTRAL ANGLE OF 111°13'15"; THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 324.01 FEET; THENCE NORTH 54°15'23" WEST, ALONG A LINE NON-RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 299.35 FEET; THENCE NORTH 06°14'53" WEST, A DISTANCE OF 345.34 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 126°41'10"; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 221.11 FEET; TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF

— 305.00 FEET AND A CENTRAL ANGLE OF  $72^{\circ}07'17''$ ; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 383.92 FEET; THENCE NORTH  $48^{\circ}18'59''$  EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 17.55 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF  $28^{\circ}36'54''$ ; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 199.77 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF  $147^{\circ}15'29''$ ; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 321.27 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF  $66^{\circ}38'35''$ ; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 255.89 FEET; THENCE SOUTH  $79^{\circ}41'01''$  EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 380.20 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF  $39^{\circ}56'27''$ ; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 313.69 FEET; THENCE NORTH  $60^{\circ}22'32''$  EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 91.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF  $40^{\circ}24'58''$ ; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.27 FEET; THENCE SOUTH  $79^{\circ}12'30''$  EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 150.37 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 895.00 FEET AND A CENTRAL ANGLE OF  $08^{\circ}28'43''$ ; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 132.44 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 935.00 FEET AND A CENTRAL ANGLE OF  $08^{\circ}28'43''$ ; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 138.36 FEET; THENCE SOUTH  $79^{\circ}12'30''$  EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 468.77 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.00 FEET AND A CENTRAL ANGLE OF  $47^{\circ}00'00''$ ; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 209.18 FEET; THENCE NORTH  $53^{\circ}47'30''$  EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 58.65 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF  $60^{\circ}00'00''$ ; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 41.89 FEET; THENCE NORTH  $53^{\circ}47'30''$  EAST, ALONG A LINE NON-RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 118.84 FEET; THENCE NORTH  $23^{\circ}33'29''$  EAST, A DISTANCE OF 231.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 914.93 FEET

— AND A CENTRAL ANGLE OF  $47^{\circ}24'50''$ ; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 757.13 FEET; THENCE NORTH  $23^{\circ}51'21''$  WEST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 1017.78 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4 (THE PREVIOUS THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID HAGEN RANCH ROAD); THENCE NORTH  $89^{\circ}19'28''$  EAST ALONG SAID NORTH LINE OF SECTION 4, A DISTANCE OF 889.07 FEET; THENCE NORTH  $89^{\circ}15'59''$  EAST ALONG SAID NORTH LINE OF SECTION 3, A DISTANCE OF 2349.84 FEET; THENCE SOUTH  $00^{\circ}44'01''$  EAST 134.74 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS 231.70 FEET AND A CENTRAL ANGLE OF  $90^{\circ}03'12''$ ; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 364.17 FEET; THENCE NORTH  $89^{\circ}12'47''$  EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 104.78 FEET (THE PREVIOUS THREE COURSES BEING COINCIDENT WITH THE NORTHEASTERLY LINE OF JOURNEY'S END PLAT 2 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGES 52 - 63 PALM BEACH COUNTY RECORDS) TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1577.02 FEET (A RADIAL LINE THROUGH SAID POINT BEARS NORTH  $88^{\circ}01'38''$  EAST) AND A CENTRAL ANGLE OF  $01^{\circ}12'14''$ , THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 32.64 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE OF JOG ROAD AND POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.



## 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 Resolution R-96-0648 (Petition 95-087), 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. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary development plan is dated June 5, 2002. 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 – Zoning)

#### B. GENERAL

1. Condition A.1 of Resolution R-96-0648, Petition 95-087, which currently states

The petitioner shall comply with all applicable conditions of approval of the Development of Regional Impact development order contained in Resolution R-96-\*\*\*, as may be amended pursuant to Chapter 380, Florida Statutes.

Is hereby amended to read:

The petitioner shall comply with all applicable conditions of approval of the Development of Regional Impact development order contained in Resolution 98-1112, as may be amended pursuant to Chapter 380, Florida Statutes. (ONGOING: ZONING/MONITORING – Zoning)

#### C. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section **6.8.A.23.d(1)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG – Eng) (Previous Condition B.1 of Resolution R-96-0648, Petition 95-087)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section **6.8.A.23.d(3)** of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE – Eng) (Previous Condition B.2 Resolution R-96-0648, Petition 95-087)
3. Street bike lanes shall be provided in or adjacent to all rights-of-way more than fifty (50) feet in width, pursuant to Section **6.8.A.23.d(4)** of the ULDC, subject to approval by the County Engineer. (CO: BLDG – Eng) (Previous Condition B.3 Resolution R-96-0648, Petition 95-087)
4. All utilities shall be underground, pursuant to Section **6.8.A.23.d(5)** of the ULDC. (PLAT: ENG – Zoning) (Previous Condition 6.4 Resolution R-96-0648, Petition 95-087)



5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PRMT/PLAT: BLDG/ENG – Co Atty) (Previous Condition B.5 of Resolution R-96-0648, Petition 95-087)

D. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval, except within residential lots, shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter, shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE – Zoning) (Previous Condition C. 1 of Resolution R-96-0648, Petition 95-087)

E. ENGINEERING

1. Prior to recordation of the plat for POD "D" or "E" 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 this project's entrance road and Hypoluxo Road at this project's entrance west entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet. This additional right of way shall be free of all encumbrances and encroachments and shall include "Safe Sight Corner" 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. (PLAT: ENG – Eng) (Previous Condition E. I of Resolution R-96-0648, Petition 95-087) (Complete)
2. The petitioner shall include in the homeowners documents and all sales contracts, as well as all written sales brochures, Master Plans and related Site Plans a disclosure statement identifying Hagen Ranch Road and Hypoluxo Road as a planned thoroughfare roadway adjacent to or through this property. Information which appears in written form shall appear in bold type. The Developer/Property Owners shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The first report shall be submitted on or before December 1, 1996 and shall continue on an annual basis until all units within the development have been sold. This property shall also be appropriately signed by the developer prior to the issuance of the first building

— permit. Sign locations shall be indicated on the Master Plan and appropriate Site Plans. (DATE: MONITORING/ENG – Eng) (Previous Condition E.2 of Resolution R-96-0648, Petition 95-087)

3. All required transportation improvements are contained in Section 6 of the Conditions of Approval for Petition **DOA86-106(F)**. The petitioner shall be in compliance with all conditions of approval contained in Section 6 of the Conditions of Approval for Petition **DOA86-106(F)**. (ONGOING: ENG – Eng) (Previous Condition E.3 of Resolution R-96-0648, Petition 95-087)

4. **LANDSCAPE IN MEDIAN**

Prior to the issuance of a building permit (except for dry models), the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the median of Jog Road from Lantana Road to Hypoluxo Road. When permitted by Palm Beach County Engineering and Public Works, landscaping shall, at a minimum consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All requirements shall be subject to the standards set forth in the Street 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 owners. Alternative species other than those listed in the County Standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: ENG – Eng) (Previous Condition E.4 of Resolution R-96-0648, Petition 95-087) (Complete)

- a. All median landscaping required by the above paragraph, including an irrigation system if required, shall be installed at the property owner's expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns. 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 Jog Road on or before the issuance of a Certificate of Occupancy for anything other than dry models. (CO: ENG – Eng) (Previous Condition E.4.a of Resolution R-96-0648, Petition 95-087)

5. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Hagen Ranch Road and the projects entrance road and at Hypoluxo Road and the projects entrance roads. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (CO: ENG – Bldg) (Previous Condition E.5 of Resolution R-96-0648, Petition 95-087)

6. On or before May 15, 1996, the property owner shall convey to Palm Beach County sufficient road drainage **easement(s)** through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hypoluxo Road and Hagen Ranch Road adjacent to POD C, POD D and POD E. Also the property owner shall include in the drainage easements to Palm Beach County shall be provisions for the civic site drainage into this PUD lake system. Limits of this road drainage shall be subject to the approval of the County Engineer. Said

easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road **Section(s)** of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess **fill** material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING – Eng) (Previous Condition E.6 of Resolution R-96-0648, Petition 95-087)

F. LANDSCAPING ALONG ALL PERIMETERS

1. The perimeter buffer along the east property line, abutting Jog Road, shall be upgraded as follows:
  - a. Minimum width: fifty (50) feet;
  - b. One (1) canopy tree planted for every three hundred (300) square feet and one palm tree for every five hundred (500) square feet of buffer area;
  - c. Maximum spacing: twenty (**20**) feet on center; and,
  - d. Thirty (30) inch high shrub or hedge material spaced twenty-four (**24**) inches on center at installation. (DRC: LANDSCAPE – Zoning) (Previous Condition D.1 of Resolution R-96-0648, Petition 95-087)
  
2. The perimeter buffer along the south property line, abutting Hypoluxo Road, shall be upgraded as follows:
  - a. Minimum width: forty (40) feet;
  - b. One (1) canopy tree planted for every three hundred (300) square feet and one palm tree for every five hundred (500) square feet of buffer area;
  - c. Maximum spacing: twenty (20) feet on center; and,
  - d. Thirty (30) inch high shrub or hedge material spaced twenty-four (**24**) inches on center at installation. (DRC: LANDSCAPE – Zoning) (Previous Condition D.2 of Resolution R-96-0648, Petition 95-087)
  
3. The perimeter buffer along the east and west property line, abutting Hagen Ranch Road, shall be upgraded as follows:
  - a. Minimum width: twenty-five (25) feet;
  - b. One (1) canopy tree planted for every three hundred (300) square feet and one palm tree for every five hundred (500) square feet of buffer area;
  - c. Maximum spacing: twenty (20) feet on center; and,

- d. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (DRC: LANDSCAPE – Zoning) (Previous Condition D.3 of Resolution R-96-0648, Petition 95-087)
- 4. The petitioner shall install the entire portion of the required perimeter buffer along the entire perimeter of any development pod concurrent with the development of the pod. The entire portion of the required landscape buffer adjacent to, or a part of, any development pod that is adjacent to any right of way or perimeter shall be installed prior to issuance of the first certificate of occupancy within the affected residential pod. (CO: LANDSCAPE/BLDG – Zoning) (Previous Condition D.4 of Resolution R-96-0648, Petition 95-087)

G. HEALTH

- 1. Sewer service is available to the property, therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (ONGOING: HEALTH/CODE ENF – Health) (Previous Condition F.1 of Resolution R-96-0648, Petition 95-087)
- 2. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (ONGOING: HEALTH/CODE ENF – Health) (Previous Condition F.2 of Resolution R-96-0648, Petition 95-087)

H. UTILITIES

- 1. The petitioner shall construct a 16" water main along Hagen Ranch Road from the south property line of Smith Dairy West PUD on Hagen Ranch Road, south to the existing watermain in Hypoluxo Road. (UTILITIES) (Previous Condition G.1 of Resolution R-96-0648, Petition 95-087)

I. SIGNS

- 1. Entrance wall signs fronting on Hagen Ranch Road, Jog Road and Hypoluxo Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade - eight (8) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - two (2) per road;
  - d. Monument style. (BLDG PRMT: BLDG – Zoning) (Previous Condition H.1 of Resolution R-96-0648, Petition 95-087)

J. 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 these 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 1.1 of Resolution R-96-0648, Petition 95-087, which currently states:

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.

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.

Is hereby amended to read:

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; 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 Code Enforcement Special Master 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. (ONGOING: MONITORING – Zoning)