

RESOLUTION NO. R-2002-1967

RESOLUTION APPROVING ZONING PETITION PDD2001-076
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF G.B. ENTERPRISES OF SOUTHWEST FLORIDA
BY GEORGE GENTILE, AGENT
(JOHNSON PROPERTIES PUD)

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

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

WHEREAS, Zoning Petition PDD2001-076 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, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD2001-076, the petition of G.B. Enterprises of Southwest Florida by George Gentile, agent, for an Official Zoning Map Amendment to a Planned Development District for a rezoning from the Agricultural Residential Zoning District to the Residential Planned Unit Development District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 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: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

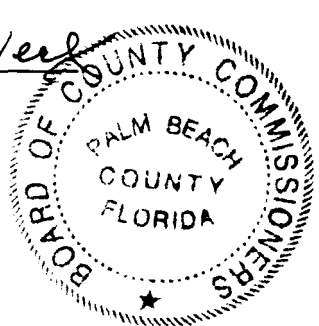


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING PORTIONS OF BLOCKS 5 AND 6, INCLUDING THE PLATTED RIGHTS-OF-WAY CONTAINED THEREIN, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF CLEARY ROAD WITH THE CENTERLINE OF WESTPORT ROAD, AS SHOWN ON WESTPORT INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 49, SAID PUBLIC RECORDS; THENCE, NORTH 89°01'06" EAST, ALONG SAID CENTERLINE OF WESTPORT ROAD, A DISTANCE OF 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID CLEARY ROAD; THENCE, NORTH 00°58'54" WEST, DEPARTING SAID CENTERLINE AND ALONG SAID EAST RIGHT-OF-WAY LINE AND THE NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 344.97 FEET TO THE SOUTH LINE OF TRACT 31, SAID BLOCK 5 AND THE POINT OF BEGINNING;

THENCE, CONTINUE NORTH 00°58'54" WEST, A DISTANCE OF 250.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 590.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'25", A DISTANCE OF 242.40 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 24°31'19" WEST, A DISTANCE OF 382.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 510.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 53°16'42", A DISTANCE OF 474.24 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 28°45'23" EAST, A DISTANCE OF 253.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 435.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°28'26", A DISTANCE OF 299.69 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 68°13'49" EAST, A DISTANCE OF 976.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°10'29", A DISTANCE OF 410.49 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 00°56'40" EAST, A DISTANCE OF 301.77 FEET TO THE NORTH LINE OF TRACT 9, SAID BLOCK 5; THENCE, NORTH 89°03'20" EAST, ALONG THE NORTH LINE OF TRACTS 9 AND 8, OF SAID BLOCK 5, A DISTANCE OF 332.16 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID TRACT 8; THENCE, SOUTH 00°57'38" EAST, ALONG THE EAST LINE OF SAID WEST HALF, A DISTANCE OF 660.84 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE, NORTH 89°03'03" EAST, ALONG THE SOUTH LINE OF TRACTS 8, 7, 6 AND 5, SAID BLOCK 5, A DISTANCE OF 2199.75 FEET TO THE WEST RIGHT-OF-WAY LINE OF JOG ROAD, ACCORDING TO THE RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 7188. PAGE 378, SAID PUBLIC RECORDS; THENCE, SOUTH 03°13'49" EAST, DEPARTING THE SOUTH LINE OF SAID TRACT 5 AND ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1385.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 33154.59; THENCE, SOUTHERLY, ALONG SAID CURVE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°36'52", A DISTANCE OF 355.54 FEET TO THE NORTHEAST CORNER OF PARCEL D1, ACCORDING TO THE RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 7188. PAGE 496, SAID PUBLIC RECORDS; THENCE, SOUTH 89°03'03" WEST, ALONG THE NORTH LINE OF SAID PARCEL D1, DEPARTING SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 443.67 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE, SOUTH 00°56'57" EAST, ALONG

EXHIBIT A

LEGAL DESCRIPTION

THE WEST LINE OF SAID PARCEL, A DISTANCE OF 250.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE, NORTH 89°02'42" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 450.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, BEING A POINT ON THE SAID WEST RIGHT-OF-WAY LINE OF JOG ROAD, SAID RIGHT-OF-WAY LINE BEING A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 33154.59 FEET AND WHOSE RADIUS POINT BEARS SOUTH 87°48'58" WEST; THENCE, SOUTHERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, DEPARTING SAID PARCEL LINE, THROUGH A CENTRAL ANGLE OF 00°02'04", A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF TRACT 36, SAID BLOCK 5; THENCE, SOUTH 89°02'42" WEST, ALONG THE SOUTH LINE OF TRACTS 36, 35, 34, 33, 32 AND 31, SAID BLOCK 5, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3908.91 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 181.79 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

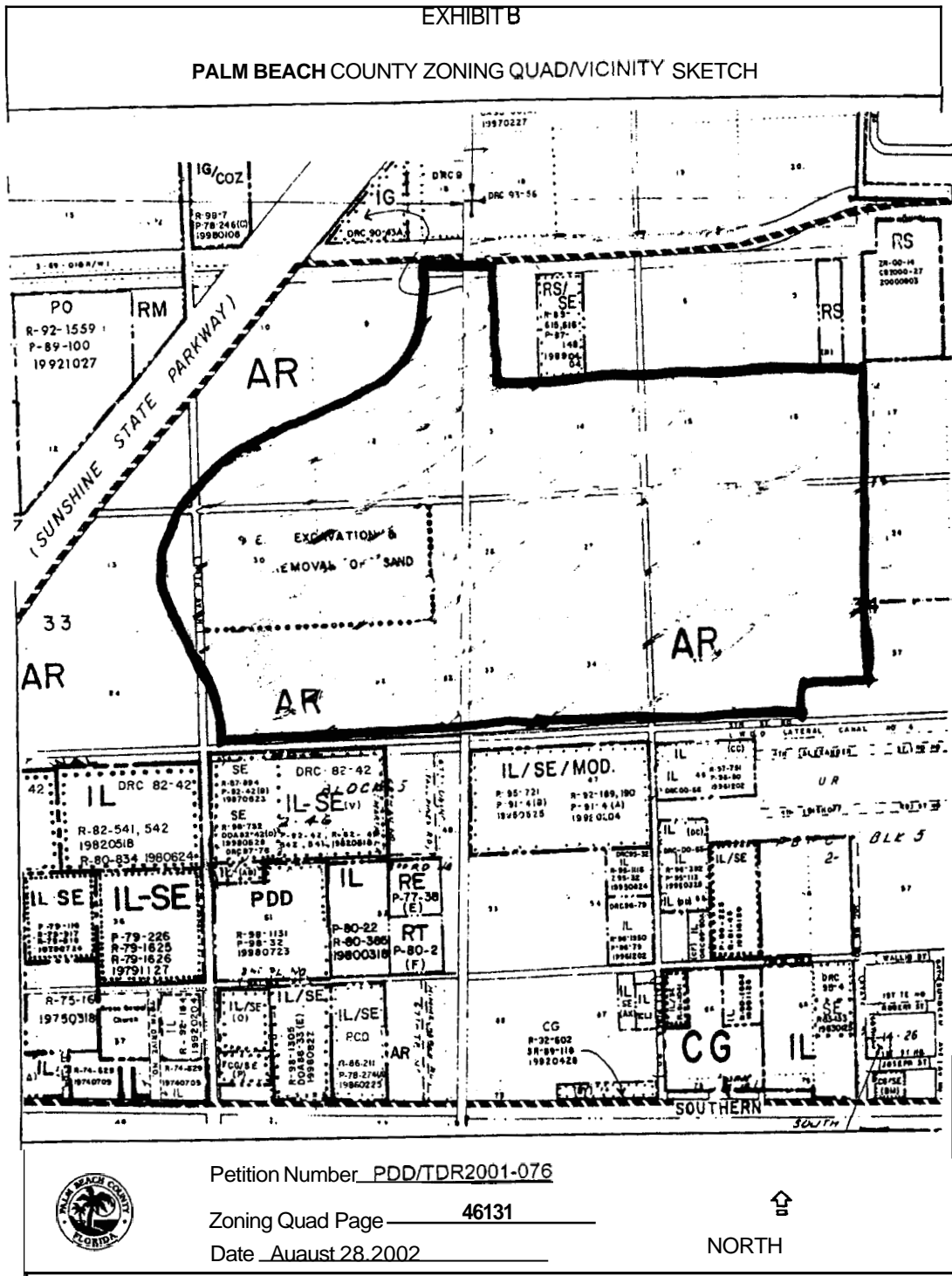


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Development (PDP) plan is dated October 10, 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)
2. Prior to final DRC certification of the site plan, the petitioner shall rezone the sending area to be consistent with the site's future land use designation. (DRC:Zoning-Zoning)
3. Prior to final DRC certification of the site plan, the petitioner shall revise the concurrency application to reflect a total of 460 dwelling units. (DRC:Zoning-Zoning)

B. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM-ERM)

C. LANDSCAPING - STANDARD

1. A minimum of seventy-percent (70%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub;
 - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall; and

- e. a minimum of fifty (50) percent of the shrub materials shall be native species. (CO: LANDSCAPE-Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
 5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
 6. Field adjustment of berm location may be permitted for transverse of utility easement or pedestrian walkways or to accommodate existing vegetation. (CO: LANDSCAPE - Zoning)
- D. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF JOG ROAD)
1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line, Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to November 15, 2003 or prior to the issuance of a 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 additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer as well as the approval of the Lake Worth Drainage District to accommodate right of way for the LWDD L3 Canal. 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. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to November 15, 2003 or prior to the issuance of a building permit whichever shall first occur the property owner shall obtain from the adjacent MUPD parcel to the west a road right-of-way warranty deed for the construction of a right turn lane on Belvedere Road at Cleary Road. This right-of-way shall be a minimum of 340 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 as well as the approval of the Lake Worth Drainage District to accommodate right of way for the LWDD L3 Canal. 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. (DATE/BLDG PERMIT: MONITORING-Eng)

3. The Property owner shall construct the following improvements:
 - a. Cleary Road as a 3 lane section, collector Street Standards from the project's entrance onto Cleary Road, north to Belvedere Road. Construction shall also include all applicable regulation requirements for drainage and stormwater runoff for that portion of Cleary Road being constructed by this property owner.
 - b. Right turn lane west approach on Belvedere Road at Cleary Road.
 - c. Lengthen the existing left turn lane east approach on Belvedere Road at Cleary Road to provide for a minimum length of 345 feet with the final geometrics of the median opening to be approved by the County Engineer.
 - d. Right turn lane north approach on Jog Road at the project's entrance road.
 - e. Median modifications on Jog Road at the project's entrance to provide for a left turn lane south approach at the project's entrance road.
 - i. This construction shall be concurrent with issuance of Building Permits 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. (BLDG PERMIT: MONITORING-Eng)
 - ii. 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)
 - iii. Construction identified in a, b, and c, shall be completed (open to traffic) prior to the issuance of the 101st building permit. (BLDG PERMIT: MONITORING-Eng)
 - iv. Construction identified in, d, and e shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. The Property owner shall construct the following improvements:
 - a. Cleary Road as a 3 lane section, collector Street Standards from the project's entrance onto Cleary Road, south to a point 280 feet south of the entrance into POD B, of Johnson MUPD's entrance onto Cleary Road. Construction shall also include all applicable regulation requirements for drainage and stormwater runoff for that portion of Cleary Road being constructed by this property owner.
 - b. Cleary Road as a 2 lane section, collector Street Standards from a point 280 feet south of the entrance into POD B, of the Johnson MUPD's entrance onto Cleary Road, south to the LWDD L-4 Canal plus the appropriate paved tapers from the 2 lane section to the 3 lane section. This will then provide paved access for Cleary Road from Southern Boulevard to Belvedere Road. This construction shall also include an appropriate bridge/culvert over the LWDD L-4 Canal. Construction shall also include all applicable regulation requirements for drainage and stormwater runoff for that portion of Cleary Road being constructed by this property owner.

- c. Left turn lane north approach on Cleary Road at Southern Boulevard.
- d. Pedestrian pathway on Cleary Road from Southern Boulevard north to the north right of way line of the LWDD L-4 Canal.

Construction for the above improvements shall be completed prior to the issuance of the 351st Building Permit. (BLDG PERMIT: MONITORING-Eng)

5. Acceptable surety for:

- the design; Construction Engineering and Inspection Costs and construction of Cleary Road from the project's entrance onto Cleary Road, south to the LWDD L-4 Canal
- Left turn lane north approach on Cleary Road at Southern Boulevard.
- Pedestrian pathway on Cleary Road from Southern Boulevard north to the north right of way line of the LWDD L-4 Canal

Shall be posted with the Office of the **Land Development Division** prior to the issuance of the 101st building permit. Surety for this construction shall be based upon a Certified Cost Estimate provided by the Developer's Engineer.

At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. (BLDG PERMIT: MONITORING-Eng)

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

- a. Belvedere Road and Cleary Road
- b. Jog Road and Project's Entrance Road

Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. No Building Permits shall be issued until the developer provides acceptable surety to the County Engineer for the installation of these signals. (BLDG PERMIT: MONITORING-Eng).

7. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Cleary Road and Southern Boulevard.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. Building Permits for more than 100 building permits shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. (BLDG PERMIT: MONITORING-Eng).

8. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 129 single family dwelling units shall not be issued and no building permits for the civic site shall be issued until the contract has been awarded for the construction of Belvedere Road from Jog Road to Drexel Road. Construction shall be as a 6-lane divided cross section plus the appropriate paved tapers or the adoption of a CRALLS designation. (BLDG PERMIT: MONITORING-Eng)

- b. Building Permits for more than 202 single family dwelling units shall not be issued and no building permits for the civic site shall be issued until the contract has been awarded for the construction of Belvedere Road from Haverhill Road to Drexel Road. Construction shall be as a 6-lane divided cross section plus the appropriate paved tapers or the adoption of a CRALLS designation. (BLDG PERMIT: MONITORING-Eng)
- c. Building Permits for more than 215 single family dwelling units shall not be issued and no building permits for the civic site shall be issued until the contract has been awarded for the construction of Southern Boulevard from the Florida's Turnpike to Haverhill Road as an 8-lane divided cross section plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- d. Building Permits for more than 249 single family dwelling units shall not be issued and no building permits for the civic site shall be issued until the contract has been awarded for the construction of Belvedere Road from Haverhill Road to Military Trail. Construction shall be as a 6-lane divided cross section plus the appropriate paved tapers or the adoption of a CRALLS designation. (BLDG PERMIT: MONITORING-Eng)
- e. Building Permits for more than 324 single family dwelling units shall not be issued and no building permits for the civic site shall be issued until the contract has been awarded for the construction of Southern Boulevard from Congress Avenue to Haverhill Road as an 8-lane divided cross section plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- f. Building Permits for more than 360 single family dwelling units shall not be issued and no building permits for the civic site shall be issued until the contract has been awarded for the construction of Southern Boulevard from SR 7 to the Florida Turnpike as an 8-lane divided cross section plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
- g. The subject site shall not have a unified plan of development with the adjacent Industrial development in accordance with the definition of "project" in Section 15 (I) B of the ULDC. (DRC: ENG)
- h. No Building Permits for the site may be issued after December 31, 2006. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

If a CRALLS designation is not approved for Belvedere Road from Jog Road to Military Trail then this property owner shall provide acceptable surety required for the offsite road improvements for Belvedere Road as outlined in Condition a, b, and d above shall be posted with the Office of the **Land Development Division** on or before March 26, 2003. Surety shall be in the amount of 110% of a Cost Estimate based on Preliminary Plans available for this section of roadway with the surety amount to be approved by the County Engineer. This surety shall then be adjusted within 30 days of final approved construction plans. (TPS - Maximum 6 month time extension) (DATE: MONITORING-Eng)

- 9. If a CRALLS designation is not approved for Belvedere Road from Jog Road to Haverhill Road then this property owner shall:

- a. Fund the construction plans for Belvedere Road as a 6 lane median divided section from Jog Road to Haverhill Road plus the appropriate paved tapers. Funding for these construction plans shall be completed on or before April 1, 2003. (DATE/MONITORING-Eng)
 - b. The property owner shall fund acquisition of Belvedere Road right-of-way and all associated costs as referenced in the Condition above and shall provide surety acceptable to the Office of the County Engineer and County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before August 1, 2003. Notification by the developer shall be given to the **Land Development Division**. Funding limits shall be from Jog Road to Military Trail and shall be 110 feet in width. (DATE:MONITORING-Eng)
 - c. The property owner shall fund the construction of Belvedere Road as a 6 lane median divided section from Jog Road to Haverhill Road plus the appropriate tapers. Funding for this construction shall be completed on or before April 1, 2004. All canal crossings within the project limits shall be constructed to their ultimate configuration. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE:MONITORING-Eng)
10. The Property Owner shall accept the maintenance of the county owned retention pond on Jog Road adjacent to the site. The required landscape buffer adjacent to the Palm Beach County retention pond may be incorporated into the required PUD landscape buffers. An agreement between Palm Beach County and the Developer of this PUD identifying the maintenance, landscaping and insurance provisions shall be in place prior to issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng).

11. **LANDSCAPE WITHIN MEDIAN OF BELVEDERE AND JOG ROAD**

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of both Belvedere Road and Jog Road.

This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING- Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO:MONITORING-Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County install trees, irrigation, and sod under it's OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners

approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner,

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Jog Road and Belvedere Road. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

F. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF CLEARY ROAD)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a continuous, minimum two (2) foot high berm measured from top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.
(CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINES (ABUTTING RESIDENTIAL AND ABUTTING CANAL/INDUSTRIAL)

1. Landscaping and buffering along the north property lines (except for the Belvedere Road frontage) shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a continuous two and one half (2.5) foot high berm measured from top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
 - e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE AND THE 332 FEET OF THE NORTH PROPERTY LINE (ABUTTING CANAL/INDUSTRIAL AND FRONTAGE OF BELVEDERE ROAD)

1. Landscaping and buffering along the south property line and the 332 feet of the north property line (adjacent to Belvedere Road) shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
 - b. a continuous two and one half (2.5) foot high berm measured from top of curb;
 - c. a six (6) foot high opaque concrete wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. one (1) canopy tree for each twenty (20) linear feet of the property line to be planted alternating on both sides of the wall;
 - e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and to be planted alternating on both sides of the wall. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on both sides of the required wall:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE-Zoning)

I. MASS TRANSIT

1. Prior to the recordation of the first plat, the property owner shall convey to Palm Beach County an easement for a bus stop, subject to the approval of Palm Tram. (PLAT: MONITORING – Palm Tram)
2. This easement shall be recorded as a separate instrument prior to Technical Compliance of the first plat. Additionally, the petitioner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. The location of the easement shall be shown on the site plan prior to final certification by the Development Review Committee. (TC: PALM TRAM – Palm Tram)
3. Prior to the issuance of the building permit for the 100th unit, the developers shall construct a Palm Tram approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and alighting area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the property owner. (BLDG. PERMIT: MONITORING-Eng)

J. PLANNED UNIT DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)

2. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:
 - a. along one side of all internal PUD streets, forty (40) feet in width or greater;
 - b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
 - c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (DRC:ZONING/ENG– Zoning/Land Dev.)
3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning)
4. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located per preliminary development plan dated October 10,2002. Such recreation uses shall have a direct connection to the pedestrian system within the project, and shall include recreation amenities such as tot lot, benches with shaded structures, gazebo, fitness station, rest station, or similar items subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRC/PLAT: ZONING-Zoning)
5. Drainage easements shall not be permitted along the rear yards of back-to-back units. (DRC: ZONING-Zoning)
6. 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 recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/ CO ATT-Zoning)
7. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING:ZONING/CO ATTY-Zoning)

K. PLANNING

1. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying future residents of the PUD, the PUD's existence in the Palm Beach International Airport Flight Path and that residents may experience some airport related noise. The developer/property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 1, 2003 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING-Planning)

2. Prior to final site plan certification by the Development Review Committee (DRC), the notation of a future vehicular access point to the parcel to the north of the site on the site plan shall be amended to read "potential vehicular and pedestrian cross access to be paved to the property line". (DRC:PLANNING-Planning)
3. Prior to the issuance of a certificate of occupancy, the petitioner shall pave a vehicular and pedestrian cross access point to the edge of the northern property line at the location shown on the final certified site plan that will read "potential vehicular and pedestrian cross access to be paved to the property line." (CO:MONITORING-Planning)

L. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed by April 1, 2004, for a net 5.46 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O). Of the 5.46 acre site, 3.62 acres is required by code and 1.82 acres will be purchased by Palm Beach County for the agreed upon price of \$145,592. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.
 - a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.
 - b. Developer to assign sufficient traffic trip capacity such that, for theoretical purposes, the traffic volume associated with a County Library facility shall be attached to the civic site and recorded on the concurrency reservation. The Developer shall request both PREM and the Traffic Division input as to the size of the theoretical ~~structure~~ which the civic site would support and the corresponding amount of trips.
 - c) All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office.
 - d) Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.
 - e) Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:
 - i. The discharge of surface water from the proposed civic site into the Developer's water retention basins.
 - ii As easement across Developer's property from the proposed civic site to the retention basins, if required.

- f) By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.
 - g) Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
 - h) Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING - PREM)
2. The property owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by January 9, 2004. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
 - b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
 - c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING - PREM)

3. The property owner shall provide PREM with an Environmental assessment of the proposed civic site by January 9, 2004. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

- e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)
4. The Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: MONITORING - PREM)

M. SCHOOL BOARD

1. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models.

"NOTICE TO HOME BUYERS/TENANTS"

A School age children may not be assigned to the public school closest to their residents. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD-SCHOOL BOARD)

2. Prior to the issuance of the first Certificate of Occupancy (CO), in front the gates of a private community, a fifty-five (55) foot radius bus turnaround and school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO:MONITORING-SCHOOL BOARD)

N. SIGNS

1. Freestanding signs fronting on Jog Road and Cleary shall be limited as follows:
- maximum sign height, measured from finished grade to highest point – six (6) feet;
 - maximum total sign face area – sixty (60) square feet;
 - maximum number of signs - one (1) pair;
 - style - monument style only; and,
 - location - within fifty (50) feet on both sides of the main access driveway. (CO: BLDG-Zoning)

— O. 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. 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)