

RESOLUTION NO. R-96-255

RESOLUTION APPROVING ZONING PETITION Z95-19  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF LEVITT HOMES  
BY ROBERT A. BENTZ, AGENT  
JONES 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 295-19 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 1996; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z95-19, the petition of Levitt Homes by Robert A. Bentz, agent, for an Official Zoning Map Amendment (Z) from AR to PDD for a Planned Unit Development (PUD) 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 January 25, 1996, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 22, 1996.

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

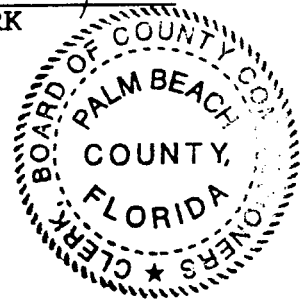


EXHIBIT A

LEGAL DESCRIPTION

PARCELS OF LAND LYING IN SECTIONS 33 AND 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AND SECTION 4, TOWNSHIP 46 SOUTH, RANGE 42 EAST PALM BEACH COUNTY FLORIDA, A PORTION THEREOF LYING WITHIN THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID PARCELS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

TRACTS 17 THROUGH 30 INCLUSIVE, BLOCK 57 AND TRACTS 65 THROUGH 69 INCLUSIVE, TRACTS 89 THROUGH 104 INCLUSIVE, AND TRACTS 121 THROUGH 128 INCLUSIVE, BLOCK 58 ALL OF THE SAID PLAT OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, LESS THE NORTH 38 FEET OF SAID TRACT 19, BLOCK 57 AND LESS THE WEST 30 FEET OF SAID TRACTS 89, 104 & 121, BLOCK 58

TOGETHER WITH TRACT 70, BLOCK 58 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3, LESS THE WEST 30 FEET THEREOF.

TOGETHER WITH THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 53 FEET AND THE EAST 80 FEET THEREOF.

TOGETHER WITH THAT 30 FOOT STRIP LYING BETWEEN TRACTS 21 THROUGH 24, BLOCK 57 AND TRACTS 25 THROUGH 28, BLOCK 57, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 25 FOOT STRIP LYING WEST OF TRACTS 20, 21, 28 AND 29, BLOCK 57, INCLUDING THAT 25 FOOT STRIP LYING WEST OF THE 30 FOOT STRIP BETWEEN TRACTS 21 AND 28, BLOCK 57, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 25 FOOT STRIP LYING EAST OF TRACTS 17, 24, 25 AND 50, BLOCK 57, INCLUDING THAT 25 FOOT STRIP LYING EAST OF THE 30 FOOT STRIP BETWEEN TRACTS 24 AND 25, BLOCK 57, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 30 FOOT STRIP LYING BETWEEN TRACTS 89, 90 & 91, BLOCK 58 AND TRACTS 102, 103 & 104, BLOCK 58, LESS THE WEST 30 FEET THEREOF, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 15 FOOT STRIP LYING NORTH OF AND ABUTTING TRACT 101, BLOCK 58, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 15 FOOT STRIP LYING SOUTH OF AND ABUTTING TRACT 92, BLOCK 58, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 30 FOOT STRIP LYING BETWEEN TRACTS 93 THROUGH 96, BLOCK 58 AND TRACTS 97 THROUGH 100, BLOCK 58, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THAT 25 FOOT STRIP LYING EAST OF AND ABUTTING TRACTS 65, 96, 97 AND 128, BLOCK 58, INCLUDING THAT 25 FOOT STRIP LYING EAST OF THE 30 FOOT STRIP BETWEEN TRACTS 96 AND 97, BLOCK 58, THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THAT PORTION AS DESCRIBED IN OFFICIAL RECORDS BOOK 3475, PAGES 1102-1103 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, CONVEYED TO LAKE WORTH DRAINAGE DISTRICT.

SAID LANDS CONTAINING 304.889 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

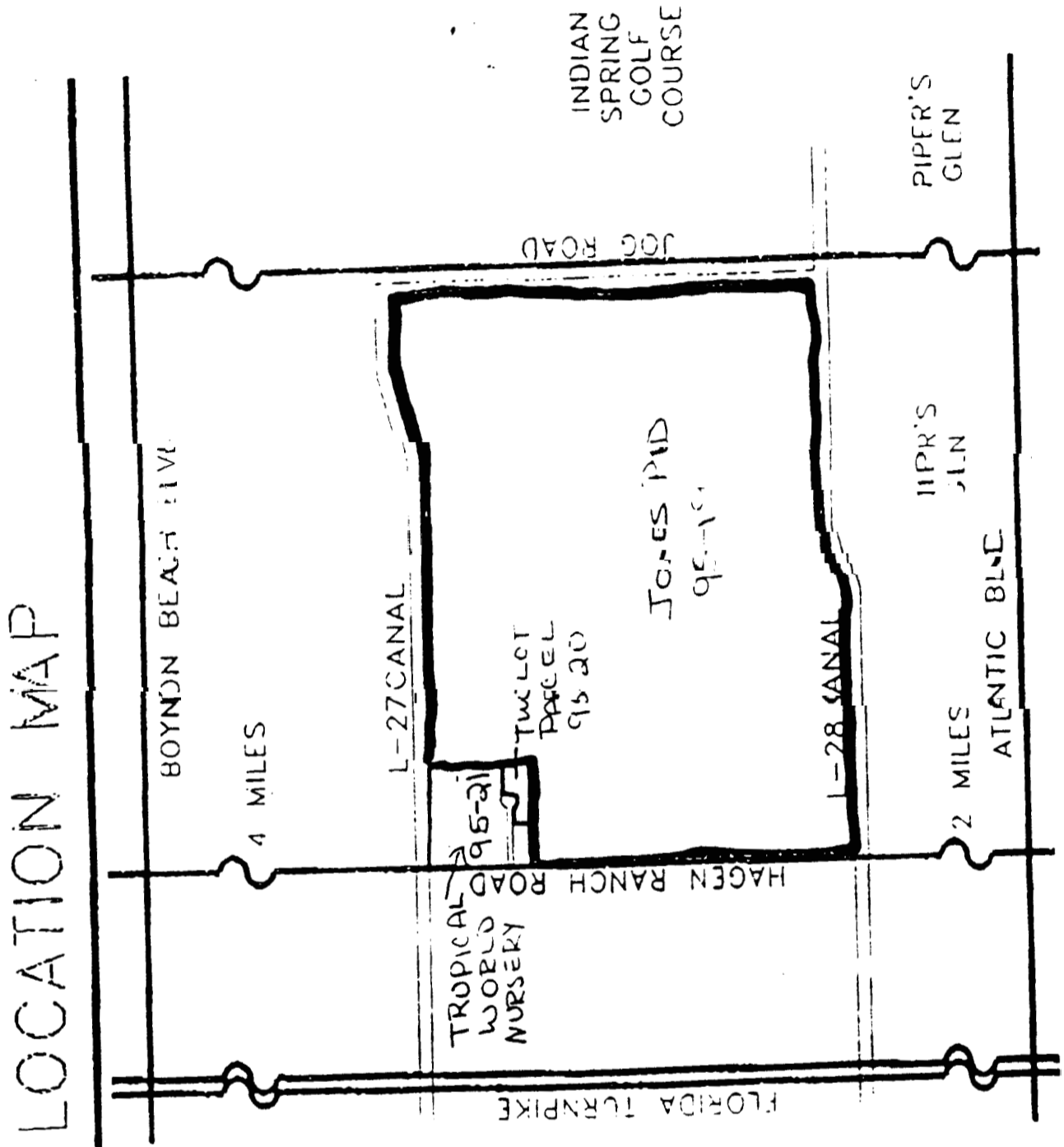


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING

1. All trees required within the fifteen (15) foot Type D Buffer along Hagen Ranch Road and the twenty (20) foot Type C Buffer along Jog Road shall meet the following minimum standards at time of 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)
2. Installation of the trees required under Condition A.1. shall be completed prior to the issuance of the first Certificate of Occupancy within the adjacent residential pod. (CO: LANDSCAPE - Zoning)

B. LWDD

1. Prior to the recordation of the first plat, petitioner shall record an Easement or Quit Claim Deed, whichever the owner prefers, for the right-of-way for Lateral Canal No. 27 (L-27) as follows;

The north 70' of Tracts 65 to 70 inclusive, Block 58, Palm Beach Farms Company Plat No. 3 recorded in P.B. 2 Pages 45 to 54 inclusive; That portion of the 50' platted road and/or canal right-of-way lying between Blocks 57 and 58 bounded on the north by the easterly extension of the north line of Tract 65, Block 58 and on the south by a line 70' south of the extension of said north line; The north 70' of Tracts 17, 18 and 20, Block 57 of said Palm Beach Farms Company Plat No. 3; The south 32' of the north 70' of Tract 19, said Block 57; That portion of the 25' platted road and/or canal right-of-way lying east of Block 57 bounded on the north by the easterly extension of the north line of Tract 17, Block 57 and on the south by a line 70' south of the extension of said north line; A triangular portion of the northwest corner of the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 34, Township 45S, Range 42E to be determined by survey; and, The south 7' of the north 60' of the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 34, Township 45S, Range 42E, lying east of the above triangular parcel. (PLAT: ENG - LWDD)

2. Prior to the recordation of the first plat, petitioner shall record an Easement or Quit Claim Deed, whichever the owner prefers, for the right-of-way for Lateral Canal No. 28 (L-28) as follows;

A triangular parcel in the southeast corner of Tract 128, Block 58, Palm Beach Farms Company Plat No. 3, record in P.B. 2, Pages 45-54 inclusive; The south 20' of Tracts 29 and 30, Block 57, Palm Beach Farms Company Plat No. 3 lying east of the above triangular parcel; and, The south 45' of the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 34, Township 45S, Range 42E. (PLAT: ENG - LWDD)

C. PREM

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by January 5, 1997 for a 6.19 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FDO), and the County Attorney's office. 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. 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. The appraisal to be obtained by 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., as it would apply to the civic site.
  - b. 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 after receiving Board approval.
  - c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
  - d. 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:
    - 1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
    - 2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
  - e. 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.
  - f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
  - g. 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 certified survey of the proposed civic site by October 5, 1996. 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 October 5, 1996. 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.
  - c. 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) .
  - d. Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
  - e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING - PREM)

4. Prior to October 5, 1996, the petitioner shall exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage. 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. 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 6.8.B.6.a(2). (DATE: MONITORING - PREM)

D. PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted within 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. (20: ZONING - Eng)
3. The petitioner shall construct an eight (8) foot bike/pedestrian path along the internal collector road in lieu of constructing a street bike lane. (CO: ENG)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (CO: ENG)
5. All property included within 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 my portion of the property included in the Planned Unit Development (PUD), and assessment of all members of the master association for the cost of maintaining the PUD's common areas.

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

6. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access on or adjacent to the subject property in a location and manner acceptable to the Palm Beach County School Board, Palm Tran and County Engineer. A bus stop, if required, shall include, at a minimum, covered shelter, pedestrian access, bicycle access, and bicycle rack. (DRC: ZONING - School Board / Eng / Planning)
7. If the petitioner decides to "cash-out" the 6.19 axe civic parcel in accordance with Condition C. 4, the pod shall be designated as a residential or recreational pod. No access for a private civic parcel shall be permitted from Jog Road. (DRC: ZONING)



8. If the joint operation of the two golf courses (proposed Jones PUD 9 hole golf course and existing Pipers Glen/Westchester PUD 18 hole golf course) is dissolved, the Jones PUD will be required to provide 36 parking spaces for the 9 hole golf course within the Jones PUD. (DRC: ZONING)

E. ENGINEERING

1. Prior to issuance of a building permit 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. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING - Eng)

2. The Property owner shall construct a left turn lane, north approach on Hagen Ranch Road at the project's entrance onto Hagen Ranch Road.

This construction shall be concurrent with the construction of the projects entrance roads 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit (excluding dry models). Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng).

3. The property owner shall fund the construction of a right turn lane, north approach and left turn lane, south approach on Jog Road at the project's entrance road onto Jog Road. The construction for these turn lanes shall be completed by the Palm Beach County concurrent with widening of Jog Road. These cost shall include, but are not limited to, utility relocations. Funding for the construction of these turn lanes shall be completed within 60 days of request for payment by the County. (ONGOING: ENG)

4. On or before June 1, 1997, 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 these easements of Jog Road and Hagen Ranch Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be No less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and

conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (DATE: MONITORING - Eng).

5. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 95-19, to be paid at the time of issuance of the Building Permit presently is:
  - a. \$990.00 per approved multi-family retirement unit (6 trips per dwelling unit X \$165.00 per trip)
  - b. \$1,320.00 per approved single-family retirement unit (8 trips per dwelling unit X \$165.00 per trip)
  - c. \$18,590.00 for the proposed 9 hole public golf course (338 trips X \$55.00 per trip) (BLDG PERMIT: IMPACT FEE COORDINATOR).

Credit for the Fair Share Impact Fee shall be given for the design and the right-of-way acquisition of Jog Road.

6. Developer shall provide within sixty (60) days of Developer's Project Development Order (March 25, 1996) an irrevocable surety in a form acceptable to the County Attorney in the amount of Five Hundred Thousand Dollars (\$500,000) to be used by County to fund the preparation of construction plans for the Jog Road Section. County shall be authorized to draw against this surety in any amount necessary to fund the actual cost of the construction plan preparation for the Jog Road Section by giving thirty (30) days prior written notice to Developer of the County's intention to draw funds against the surety. All residual funds not used by County for construction plan preparation shall be available to County for right-of-way acquisition or road construction associated with the Jog Road Section. (DATE: MONITORING - Eng)
7. For right-of-way acquisition purposes, Developer shall further provide within six (6) months of the effective date of Developer's Project Development Order (July 25, 1996) an additional irrevocable surety in a form acceptable to the County Attorney in the amount of One Million Dollars (\$1,000,000) to County for County's use in purchasing Jog Road Section right-of-way or roadway drainage area acquisition phase. County shall be authorized to draw against this surety in any amount necessary to fund the actual cost of the right-of-way or roadway drainage area by giving thirty (30) days prior written notice to Developer of the County's intention to draw funds against the surety. County agrees to only draw against such surety in accordance with a schedule directly related to County's actual need for such funds,

but in no event shall the County be liable for failure to use such funds within the thirty (30) days. Any residual funds not required for right-of-way and drainage area acquisition shall be available to County for road construction associated with the Jog Road Section.  
(DATE: MONITORING - Eng)

8. For actual road construction purposes, Developer shall provide to County within six (6) months of the effective date of Developer's Project Development Order (July 25, 1996) and an additional irrevocable surety in a form acceptable to County Attorney in the sum of One Million Dollars (\$1,000,000) for use by County in construction of the Jog Road Section. County shall be authorized to draw against this surety in any amount necessary to fund the actual cost of the construction of the Jog Road Section by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the surety. County agrees to only draw against such surety in accordance with a schedule directly related to the County's actual need for such funds, but in no event shall the County be liable for failure to use the funds within the thirty (30) days. This funding commitment by Developer shall be in the form of an interest-free loan which shall be repaid by County Developer. In the event that there are any unused funds or uncalled surety amounts in the Jog Road Section account form the One Million Five Hundred Thousand Dollars (\$1,500,000) provided by Developer in Conditions E-6 and E-7 above, all such funds shall be utilized by County for the Jog Road Section concurrent with the payment by Developer to County of the interest-free loan payment in this condition. (DATE: MONITORING - Eng)
9. Developer shall provide prior to recordation of the first plat a Declaration of Restrictive Covenants in recordable form acceptable to the County Attorney, limiting the Project to a retirement community development as described in the Developer's traffic impact study and relied upon by the County Engineering Department in evaluating the traffic impacts from the Project. (PIAT: ENG)
10. The Property owner shall fund the construction of the entire pedestrian pathway along Hagen Ranch Road from the south right of way line of the LWDD L-30 north to the north right of way line of the LWDD L-28 Canal. In addition, the property owner shall fund one half of the cost of the construction of the pedestrian pathway along Hagen Ranch Road from the north right of way line of the LWDD L-28 north to the south property line of the Lake Worth Drainage District L-27 Canal. The combined funding for this pedestrian pathway shall be completed on or before July 15, 1996. 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)
11. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be required to L&I following phasing schedule:
  - a. Building Permits for more than 239 single family dwelling units shall not be issued until construction has begun the widening of Jog Road as a 4 lane section from Boynton Beach Boulevard to Hypoluxo Road, plus the appropriate paved tapers.  
(BLDG PERMIT: MONITORING - Eng)

- b. Building Permits for more than 325 single family dwelling units shall not be issued until construction has begun the widening of Jog Road as a 6 lane section from Boynton Beach Boulevard to Lake Ida Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
  - c. Building Permits for more than 384 single family dwelling units shall not be issued until construction has begun for the construction of a west approach dual left turn lanes on Boynton Beach Boulevard at Jog Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
  - d. Building Permits for more than 477 single family dwelling units shall not be issued until construction has begun for west approach right turn lane and a south approach dual left turn lanes at Boynton Beach Boulevard and El Clair Ranch Road, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
  - e. The number and type of building permits issued may be adjusted by the County Engineering based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of request. (BLDG PERMIT: MONITORING - Eng)
  - f. Should any of the construction above not be assured prior to July 5, 1996 then this property owner shall post the required surety with the Office of the County Engineer, Land Development Division, on or before July 5, 1996. Should surety be required the amount shall be 110% of the cost of required improvements based upon a Certified Cost Estimate provided by the Developer's Engineer. (DATE: MONITORING / ENG)
12. Prior to DRC approval of the Master Plan, the property owner shall submit and receive approval for a conceptual drainage plan from the Director of the Land Development Division. This conceptual drainage plan shall include the requirement for this project to convey drainage easement(s) to Palm Beach County for Hagen Ranch Road and Jog Road. (DRC: ENG)
13. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (PIAT: ENG)
14. LANDSCAPE WITHIN MEDIAN
- a. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for approval to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the

plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (TC: ENG)

- b. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain health plant material. All landscape material shall be installed concurrent with the improvements with the first plat. (ENG)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)
15. Prior to recordation of the first plat the property owner shall cash out for the proposed civic site subject to the approval of PREM. (PLAT: ENG - Prem)
16. The entrance to the project from Hagen Ranch Road shall be closed to vehicular traffic from 6 PM to 8 AM. (ONGOING: ENG - Prem)
17. Property owner shall negotiate in good faith a contract for a proportionate share of the cost of operation and maintenance of Mass Transit generated by this projects identifiable impacts. This condition shall remain in effect until January 25, 1997. (DATE: ENG)

F. WATER UTILITIES

1. The Developer will be required to extend along Hagen Ranch Road, a 20" W.M. to Canal L-27. (BLDG PERMCT: WATER UTILITIES)
2. The Developer will be required to extend a min. 12" W.M. from Hagen Ranch Road to Jog Road. (BLDG PERMIT: WATER UTILITIES)
3. Prior to final site plan certification, the Developer will be required to dedicate two (2) 40' X 60' raw water well sites located near Jog Road with all necessary utility and access easements as required by Turnpike Aquifer Protection Overlay District Ordinance (TAP-0). The Site Selection shall comply with the Wellfield Protection Ordinance and must be approved by P.B.C. Water Utilities Department. (DRC: WATER UTILITIES)
4. The water and sewer design within Pod "D" will include a gravity sewer extension to serve Petition 95-21. The water utility design shall be shown on the site plan and submitted to P.B.C. Water Utilities Department for review and approval prior to Development Review Committee approval. (DRC: WATER UTILITIES)

G. COMPLIANCE

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

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)