

RESOLUTION NO. R-98- 423

RESOLUTION APPROVING ZONING PETITION PDD97-95
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
PETITION OF PBCWUD
BY TIM SHARP, AGENT
(WINSBERG FARM 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 PDD97-95 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; and,

WHEREAS, ~~the~~ Board of County Commissioners has considered ~~the~~ evidence and testimony presented by the petitioner and other interested parties, the ~~re~~commendations 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 PDD97-95, the petition of **PBCWUD** by Tim **Sharp**, agent, for an Official Zoning Map Amendment (PDD) Rezoning from **AR** to 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 March 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 26, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Collier*
COUNTY ATTORNEY

BY: *Joan Sturtevant*
DEPUTY CLERK

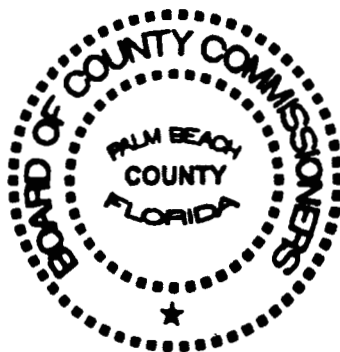


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: (NORTH RESIDENTIAL PARCEL)

A parcel of land lying within Sections 3 and 4, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the point of intersection of the Southerly right-of-way line of the Lake Worth Drainage District Right-of-way for the Canal L-29, in accordance to that Right-of-way width referred to in the Chancery No. 407, recorded in Official Records Book 6495, Page 761, Public Records of Palm Beach County, Florida and the Westerly right-of-way line of Jog Road, in accordance to those lands described in Official Records Book 5867, Page 561 through 563, Public Records of Palm Beach County, Florida; thence S 00' 33' 45" E, along said Westerly right-of-way line of Jog Road, a distance of 621.56 feet; thence S 00' 42' 29" W, a distance of 370.34 feet; thence S 06' 57' 03" W, a distance of 101.62 feet; thence S 00' 33' 45" E, a distance of 280.00 feet; thence S 54' 31' 44" W, a distance of 66.38 feet; thence N 70' 23' 51" W, a distance of 316.95 feet; thence N 71' 18' 51" W, a distance of 127.77 feet to the POINT OF BEGINNING; thence continuing N 71' 18' 51" W, a distance of 122.26 feet (the previous four courses and distances are along the Northerly right-of-way line of "Flavor Pict Road", as shown on Palm Beach County Drawing No. 88539); thence N 70' 23' 51" W, a distance of 2311.30 feet to a point of curvature; thence Northwesterly along the arc of a curve to the left having a radius of 5789.59 feet, a central angle of 4' 05' 01", an arc distance of 412.63 feet; thence S 89' 57' 59" E, along the Southerly right-of-way line of said Lake Worth Drainage District Canal Right-of-way for the Canal L-29, said Southerly right-of-way line being 42.24 feet South of and parallel with, as measured at right angles to Tract 63, Block 64, "PALM BEACH FARMS COMPANY PLAT NO. 3", as recorded in Plat Book 2, Pages 45 through 54 of said Public Records, said line according to Chancery No. 407; thence S 89' 57' 59" E along said Southerly right-of-way line, a distance of 91.15 feet to the East line of Tract 66 of said Block 64; thence N 00' 00' 20" E along said East line, a distance of 0.24 feet to a point of intersection with the Southerly right-of-way line of the Lake Worth Drainage District Canal Right-of-way, according to Chancery No. 407; thence S 89' 57' 59" E along said Southerly right-of-way line, a distance of 427.77 feet to a point of intersection with the East line of Tract 65 of said Block 64; thence S 00' 28' 31" E along said East line, a distance of 13.00 feet to a point of intersection with the Southerly right-of-way line of Lake Worth Drainage District Canal Right-of-way, according to Chancery No. 407; thence S 89' 57' 59" E along said Southerly right-of-way line, a distance of 114.43 feet to a point of intersection with a line 85.00 feet East of and parallel with, as measured at right angles to the West line of the Southwest one-quarter (SW 1/4) of said Section 3; thence N 00' 35' 26" W along said parallel line, a distance of 315.45 feet to a point of intersection with the Southerly right-of-way line of Lake Worth Drainage District Canal Right-of-way, according to Chancery No. 407, said line being 55.77 feet South of and parallel with, as measured at right angles to the North line of said Southwest one-quarter (SW 1/4) of Section 3; thence N 89' 29' 26" E along said Southerly right-of-way line, a distance of 2045.15 feet; thence S 00' 30' 34" E, a distance of 1259.60 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida.
Containing 43.08 Acres, more or less.
Subject to Easements, Restrictions, Reservations, Covenants, and Rights-of-way of Record.

TOGETHER WITH

EXHIBIT A

LEGAL DESCRIPTION

TOGETHER WITH

DESCRIPTION: (SOUTH RESIDENTIAL PARCEL)

A parcel of land lying within Sections 3 and 4, Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the point of intersection of the Southerly right-of-way line of the Lake Worth Drainage District Right-of-way for the Canal L-29, in accordance to that right-of-way width referred to in the Chancery No. 407, recorded in Official Records Book 6495, Page 761, Public Records of Palm Beach County, Florida and the Westerly right-of-way line of Jog Road, in accordance to those lands described in Official Records Book 5867, Page 561 through 563, Public Records of Palm Beach County, Florida; thence S 00' 33' 45" E along said Westerly right-of-way line of Jog Road, a distance of 621.56 feet; thence S 00' 42' 29" W, a distance of 370.34 feet; thence S 06' 57' 03" W, a distance of 101.62 feet; thence S 00' 33' 45" E, a distance of 280.00 feet; thence S 03' 25' 44" E, a distance of 240.10 feet; thence N 35' 30' 11" W, a distance of 46.43 feet; thence N 70' 23' 51" W, a distance of 410.81 feet; thence N 66' 44' 08" W, a distance of 250.51 feet; thence N 70' 23' 51" W, a distance of 1320.40 feet to the POINT OF BEGINNING (the previous four courses and distances are along the Southerly right-of-way line of "Flavor Pict Road", as shown on Palm Beach County Drawing No. 88539); thence continuing N 70' 23' 51" W, a distance of 990.91 feet to a point of curvature; thence Northwesterly along the arc of a curve to the left having a radius of 5669.58 feet, a central angle of 5' 23' 41", an arc distance of 533.81 feet; thence S 00' 00' 20" W, a distance of 1627.41 feet; thence N 89' 38' 19" E, a distance of 1456.08 feet; thence N 00' 36' 04" W, a distance of 1130.69 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida.

Containing 46.21 Acres, more or less.

Subject to Easements, Restriction?, Reservations, Covenants, and Rights-of-way of Record.

NORTH AND SOUTH PARCELS TOGETHER Containing 89.29 Acres, more or less.

EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION WINSBERG TRACT A

A parcel of land lying in **Sections 3 and 4**, Township **46 South**, Range **42 East**, **Palm Beach County**, Florida, more particularly described as follows:

BEGIN at the point of intersection of the Easterly Right-of-way line of Hagen Ranch Road according to that **Right-of-Way Deed** recorded in Official Records Book **666**, pages **48** through **49**, Public Records of Palm Beach County, Florida and the North Right-of-way line of the Lake Worth Drainage District Canal **L-30**, in accordance to **Chancery Case No. 407**, recorded in Official Records Book **6495**, page **761**, Public Records of **Palm Beach County**, Florida; Thence North **17°14'48" West**, along said Easterly Right-of-way line of Hagen Ranch Road, a distance of **53.47** feet to a point of curvature of a curve concave to the Northeast, with a Radius of **1870.08** feet; Thence Northwesterly, along the arc of said curve, a distance of **562.62** feet through a Central Angle of **17°14'15"**; Thence North **00°00'33" west**, along said easterly right-of-way line, a distance of **335.76** feet; Thence South **89°58'18" East**, **2036.53** feet; Thence South **00°00'20" West**, **417.15** feet; Thence North **89°38'19" East**, **1456.08** feet; Thence South **00°36'04" East**, **459.18** feet to the point of intersection with said North Right-of-Way line of Canal **L-30**; Thence South **89°39'21" West**, along said Northerly Right-of-Way line of Canal **L-30**, a distance of **732.58** feet to the point of intersection with the West line of said Section **3**; Thence South **00°35'26" East**, along said West line and said North Right-of-Way line of Canal **L-30**, a distance of **40.25** feet to the point of intersection with a line **100 feet** North of, as measured at right angles to, the South line of said Section **4**; Thence South **89°36'22" West**, along said parallel line and said North Right-of-Way line of Canal **L-30**, a distance of **33.83** feet to the point of intersection with the East line of **Tract 120, Block 64**, according to the **Palm Beach Farms Company Plat No. 3**, recorded in Plat **Book 2**, page **45**, Public Records of **Palm Beach County, Florida**; Thence South **00°28'31" East**, along the East line of said **Tract 120** and said North Right-of-Way line of Canal **L-30**, a distance of **10.00** feet to the point of intersection with the North line of the Lake Worth Drainage District Canal **L-30** Right-of-way line, according to Deed **Book 113, page 351**, Public Records of **Palm Beach County**, Florida; Thence South **89°36'22" West**, along said Right-of-Way line, a distance of **776.82** feet to the point of intersection with the East line of **Tract 119** of said **Block 64**; Thence North **00°23'39" West**, along the East line of said **Tract 119** and said North Right-of-way line of Canal **L-30**, a distance of **0.31** feet to the point of intersection with the Lake Worth Drainage District Canal **L-30** Right-of-Way, according to said **Chancery No. 407**; Thence South **89°36'22" West**, along said Right-of-Way line of Canal **L-30**, a distance of **660.02** feet to the point of intersection with the East line of **Tract 118**, of said **Block 64**; Thence South **00°23'38" East**, along the East line of said **Tract 118** and said North Right-of-way line of Canal **L-30**, a distance of **1.36** feet; Thence South **89°36'22" West**, along said Right-of-way line of Canal **L-30**, a distance of **660.02** feet to the point of intersection with the East line of **Tract 117** of said **Block 64**; Thence North **00°23'39" West**, along the East line of said **Tract 117** and said North Right-of-Way line of Canal **L-30**, a distance of **1.17** feet; Thence South **89°36'22" West**, along said North Right-of-Way line of Canal **L-30**, a distance of **534.73** feet to the point of intersection with the East Right-of-Way line of Hagen Ranch Road and the **POINT OF BEGINNING**.

Containing **59.43** Acres more or less.

Sheet **1 of 2** Sheets

EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION WINSBERG TRACT B

A parcel of land lying in Sections 4 , Township 46 South, Range 42 East, Palm Beach County, Florida more particularly described as follows:.

Begin at the point of intersection of the East Right-of-Way line of Hagen Ranch Road according to that Right-of-Way Deed recorded in Official Records Book 666 pages 48 through 49, Public Records of Palm Beach County, Florida and the South Right-of-Way line of the Lake Worth Drainage District Canal L-29, as referenced in Chancery Case No. 407, recorded in Official Records Book 6495, page 761, Public Records of Palm Beach County, Florida; Thence South 89°57'13" East, along said Southerly Right-of-Way line of Canal No. L-29, a distance of 305.50 feet to the East line of Tract 72, Block 64, Palm Beach Farms Company Plat No. 3, recorded in Plat Book 2, page 45 through 54, Public Records of Palm Beach County, Florida; Thence North 00°22'17" East, along the East line of said Tract No. 72 and said Southerly Right-of way line of Canal L-29, a distance of 5.28 feet; Thence South 89°57'59" East, along said Southerly Right-of-Way line of Canal L-29, a distance of 1731.35 feet; Thence South 00°00'20" West, 1292.70 feet; Thence North 89°58'18" West, 2036.53 feet to the point of intersection with said East Right-of-way line of Hagen Ranch Road; Thence North 00°00'33" West, along said East Right-of-way line 1287.68feet to the POINT OF BEGINNING.

Containing 60.41 acres more or less,

EXHIBIT A

LEGAL DESCRIPTION

LAND DESCRIPTION WINSBERG TRACT C

A parcel of land lying in Sections 3 , Township 46 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

BEGIN at the point of intersection of the Westerly Right-of-Way line of Jog Road, as shown on the Palm Beach County Right-of-Way maps with reference Drawing No. 90501-A, dated 5/90, last revisions on 11/19/91 and the Northerly Right-of-Way line of the Lake Worth Drainage District Canal L-30 Right-of-Way, in accordance to Chancery Case No. 407, recorded in Official Records Book 6495, page 761, Public Records of Palm Beach County, Florida; Thence South 89°39'21" West, along said Northerly Right-of-Way line of Canal L-30, a distance of 1889.28 feet; Thence North 00°36'04" West, 1589.87 feet to the point of intersection with the Southerly line of the Southerly proposed Right-of-Way line of Flavor Pict Road in accordance with the Palm Beach County Right-of-Way map, Drawing No. 88539, reference SFRN Project No. 88007; Thence South 70°23'51" East, along said Southerly Right-of-Way line of Flavor Pict Road, a distance of 1320.40 feet; Thence South 66°44'08" East, along said proposed Southerly Right-of-Way line of Flavor Pict Road, a distance of 250.51 feet; Thence South 70°23'51" East, along said proposed Southerly Right-of-Way line of Flavor Pict Road, a distance of 410.81 feet; Thence South 35°30'11" East, along said proposed Southerly Right-of-Way line of Flavor Pict Road, a distance of 46.43 feet to the point of intersection with said Westerly Right-of-Way line of Jog Road; Thence South 00°33'45" East. Along said Westerly Right-of-Way Right-of-Way line of Jog Road, a distance of 390.73 feet; Thence South 01°43'11" East, along said Westerly Right-of-Way Right-of-Way line of Jog Road, a distance of 470.38 feet to the **POINT OF BEGINNING.**

Containing 53.71 acres more or less.

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 site plan is dated January **29, 1998**. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: **ZONING**)

B. BUILDING AND SITE DESIGN & LIGHTING

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning - Planning)
2. The minimum setback for all residential structures adjacent to the north property line shall be forty (**40**) feet. Setbacks may include the required landscape buffer. (DRC: ZONING)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning - Planning)

C. LANDSCAPING - GENERAL

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standard; 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.
 - d. Credit may be given for existing or relocated trees provided they meet current 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 or grey wood, whichever is greater;
 - 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)

D. LANDSCAPING ALONG ALL PROPERTY LINES FOR THE CONSTRUCTED WETLANDS

1. Prior to master plan approval by the DRC the perimeter buffer area along all property lines labeled as Public Civic shall be amended to indicate a fifty **(50) foot wide Type A** preservation and mitigation landscape buffer for native vegetation protection. **The** preservation **buffer** may include the land and vegetation dedicated for the constructed wetlands. The petitioner may submit **a landscape** betterment plan as an alternative subject to approval by the Development Review Committee (DRC). (ZONING)

E. ENGINEERING

1. Prior to July 1, 1998 the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a. **Flavor** Pict Road, a total of 120 feet on an alignment approved by the County Engineer,
 - b. **Expanded** intersection right of way at Hagen Ranch Road and **F**avor Pict Road,
 - c. **Expanded** intersection right of way at Jog Road and Flavor Pict Road, **All** right of way shall **be** free of all encumbrances and encroachments. The 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. Right-of-way conveyances shall also **include** "Comer Clips" where appropriate at intersections as **determined** by **the** County Engineer. **Expanded intersections** shall be in accordance with Palm Beach County's expanded intersection detail.
 - d. **The** property owner may lease back any and all property **cont**ained in the right of way described above. The terms of the lease back **shall be** as provided for in the property owners purchase contract. (DATE: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects' Entrance Road(s). This roadway construction easement shall contain **an** isosceles trapezoid connecting the required comer clips **across** this property owners' road right of way. Construction by the applicant **within** this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
3. Prior to July 1, 1998 the property owner shall convey a temporary roadway **construction** easement along Jog Road, Hagen Ranch Road and Flavor Pict Road to Palm Beach County. Construction by the applicant **within** this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be **approved** by **the** County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

4. The property owner shall convey to the Palm Beach County Engineering Department sufficient road drainage easement(s) through the project's internal drainage system of POD's A, B, and C, to provide legal positive outfall for runoff from those segments of Hagen Ranch Road and Flavor Pict Road. Roadway limits shall be along the property frontage; and a maximum 800 feet of these adjacent roadway(s). This Easement shall be completed and executed within 60 notice by the County Engineer. 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. (ENG)
5. In order to comply with the mandatory Traffic Performance Standards the Developer shall be restricted to the following phasing schedule:
 - a. Building permits for no more than 180 multi-family housing units or 16,400 square feet of commercial (919 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Boynton Beach Boulevard to Woolbright Road.
 - b. Building permits for no more than 346 multi-family housing units or 43,300 square feet of commercial (1997 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Flavor Pict Road to Lake Ida/Sims Road.
 - c. Building permits for no more than 423 multi-family housing units or 16,400 square feet of commercial (2619 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Pipers Glen Boulevard to Flavor Pict Road.
 - d. Building permits for no more than 434 multi-family housing units or 64,800 square feet of commercial (2692 daily project trips) shall be issued until the contract has been let for the 6-lane widening of Jog Road from Woolbright Road to Pipers Glen Boulevard.
 - e. Building permits for no more than 182 multi-family housing units and 120,000 square feet of commercial (5495 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes north approach, and a separate right turn lane east approach at the intersection of Hagen Ranch Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).
 - f. Building permits for no more than 220 multi-family housing units and 120,000 square feet of commercial (5760 daily project trips) shall be issued until the construction has commenced for the intersection improvements for dual left turn lanes south approach and right turn lane west approach at the intersection of Jog Road/Boynton Beach Boulevard. (Developer to assure construction as per "h" below).
 - g. Building permits for no more than 346 multi-family housing units and 120,000 square feet of commercial (6701 daily project trips) shall be issued until construction has commenced for the 6-lane widening of Boynton Beach Boulevard from Jog Road to Hagen Ranch Road. (Developer to assure construction as per "h" below).

- h. The developer shall assure construction of improvements in **Condition No. e, f, and g**, above by having the Board **Of** County Commissioners adopt a resolution in conjunction with the final development order for this project whereby the Board would agree to include the cost of design, right-of-way acquisitions, and construction for these improvements in **fiscal** year 2002-2003 of the Palm Beach County **5-Year Road Program at the time of the next** Program adoption. These improvements shall **be included** in the **5-Year** program in such a **manner** that they may only **be** considered assured for the Winsberg **Farm** PUD and Winsberg MUPD until such time as construction has commenced on these projects or surety has been established as defined in the Traffic Performance Standards Ordinance.
- i. Prior **to** issuance of any building permits for Winsberg Farms PUD or Winsberg Farms MUPD after the date of October 1, 2002 the Developer **shall** pay all of the remaining impact fees for the **unfunded** portion **of** any of the improvements listed above, **which** have not been paid **prior** to this date. The funding of the remaining impact fees shall **be based** upon the latest approved Master Plan for the MUPD and the PUD. These Impact Fee Funds shall be used for improvements which have not been funded by some other developer prior to October 1, 2002.

The mix of allowable uses as permitted by the Zoning Division for Zoning Petition **97-95** and Zoning Petition **97-96**, listed above may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. None of the above phasing requirements shall apply for POD's **A, B, and C**. (REVISED TRAFFIC STUDY: MONITORING-Eng)

- 6. Prior **to the** issuance of 11 building permits for POD's D and E the property owner **shall** provide approved construction plans for Flavor Pict Road as a 3 lane section (expandable to six lanes) from Hagen Ranch Road to **Jog** Road plus the appropriate paved tapers. These construction plans **shall be** approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time **be** amended. **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. Turn lanes for the POD entrances, the entrance into the commercial site, and for the Hagen Ranch and **Jog** Road intersections shall be as required by the County Engineer. **No** Impact Fee credit shall be given for completion of these construction plans. (BLDG PERMIT: MONITORING - Engineering)
- 7. The Property Owner shall construct Flavor Pict Road as a 3 lane section (expandable to six lanes) from Hagen Ranch Road to **Jog** Road plus the appropriate paved tapers. This construction shall be concurrent with the platting of the residential POD's within the PUD or construction of the Commercial 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. Turn lanes for the POD entrances, the entrance into the commercial site, and for the Hagen Ranch and Jog Road intersections shall be constructed as required by the County Engineer. No Impact Fee credit shall **be** given for this construction. Construction of Flavor Pict Road may be phased as follows:

- a. If Hagen Ranch Road 5 laning adjacent to the site has been completed, then prior to the issuance of the 11th Certificate of Occupancy for any residential units the property owner shall construct Flavor Pict Road from Hagen Ranch Road to Jog Road plus appropriate turn lanes as determined by the County Engineer. (CO: MONITORING/Eng)
- b. If Hagen Ranch Road 5 laning adjacent to the site has not been completed, then prior to the issuance of the 11th Certificate of Occupancy for any residential units the property owner shall construct Flavor Pict Road from Jog Road to the POD entrance plus appropriate turn lanes as determined by the County Engineer. The Developer shall commence construction of the section from the project entrance to Hagen Ranch Road within ninety (90) days of the receipt of notification, from the County Engineer, that the Hagen Ranch Road five (5) laning adjacent to the site has been completed. Acceptable surety for the remainder of the Flavor Pict Road construction shall then be provided to the Land Development Division based upon 110% of a certified cost estimate by the Developer's Engineer and approved by the County Engineer. (CO: MONITORING/Eng)

8. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- a. Prior to issuance of the building permit for the PUD, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. 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.

The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heat-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignee or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- c. Declaration of Covenants and Restriction Documents shall **be** established or amended as required, prior to issuance ~~of~~ the 12th building permit for the PUD to reflect ~~this~~ obligation. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

- 1. Landscaping and buffering along the north property line shall include:
 - a. A minimum twenty **(20)** foot wide **landscape** buffer strip;
 - b. A minimum one to three foot high undulating berm with an average height of ~~two~~ **(2)** feet measured from ~~the~~ top of curb;
 - c. **One (1)** canopy tree planted every ~~thirty~~ **(30)** feet on center,
 - d. **One (1)** palm or pine tree for each ~~thirty~~ **(30)** linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four **(24)** inch high shrub or hedge material spaced no more than **twenty four (24)** inches on center and maintained at a minimum height of thirty six (36) inches planted on the plateau of the berm. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (INTERIOR TO THE PUD AND ABUTTING FLAVOR PICT ROAD)

- 1. Landscaping and buffering along the north and south property lines shall be upgraded to include:
 - a. A minimum twenty-five **(25)** foot wide landscape buffer strip;
 - b. A minimum one to three foot high undulating **berm** with an average height of two **(2)** feet measured from ~~the~~ top of curb;
 - c. one **(1)** canopy tree for each ~~twenty-five~~ **(25)** linear feet of frontage with a maximum spacing of forty **(40)** feet on center;
 - d. **One (1)** palm or pine tree for each ~~thirty~~ **(30)** linear feet of frontage. with a maximum **spacing** of sixty **(60)** feet ~~on~~ center between clusters. A group of three **(3)** palms shall not **be** substituted for a perimeter canopy tree; and,
 - e. Thirty **(30)** inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to **be** maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING COMMERCIAL)

- 1. Landscaping and buffering along the east property line shall **be** upgraded to include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip;
 - b. One **(1)** canopy tree planted every twenty **(20)** feet on center;
 - c. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet ~~on~~ center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
 - d. Thirty **(30)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches ~~on~~ center at installation, to be maintained at a minimum height of forty-eight **(48)** inches. (CO: LANDSCAPE)

I. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

J. MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of a building permit for more than the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

K. 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 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)
3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
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 PERMIT/ PLAT: MONITORING/ ENG - Co Att)

L. SCHOOL BOARD

1. The petitioner **shall** post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public **school** because of overcrowding, racial **balancing**, or other School Board policies. (ONGOING: SCHOOL BOARD)
2. 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**. (ONGOING: SCHOOL BOARD)

M. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied **up on** **the oral and written** representations of the petitioner both on the record and as part of the application process. Deviations from or violation of **those** representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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 majority vote of **the** Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to **the** Palm Beach County Board of Adjustment or as otherwise provided in **the** Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision **shall be by** petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)