

RESOLUTION NO. R-2021-1397

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2021-00442
(CONTROL NO. 1997-00078)
a Development Order Amendment
APPLICATION OF Temple Shaarei Shalom, Inc.
BY Land Research Management, Inc., AGENT
(Temple Shaarei Shalom)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/DOA/CA-2021-00442 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 2021;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Application ABN/DOA/CA-2021-00442, the Application of Temple Shaarei Shalom, Inc., by Land Research Management, Inc., Agent, for a Development Order Amendment to modify the Master Plan; and, to add uses, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 29, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Abs
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 29, 2021.

Filed with the Clerk of the Board of County Commissioners on September 29th, 2021.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

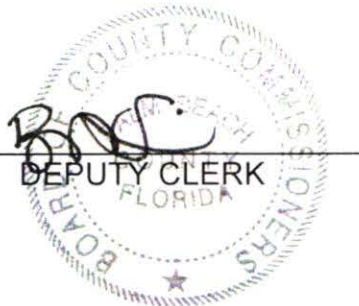


EXHIBIT A

LEGAL DESCRIPTION

PORTIONS OF TRACTS 8 THROUGH 16 AND PORTIONS OF THAT CERTAIN 30 FOOT ROAD RIGHT OF WAY LYING BETWEEN TRACTS 8 AND 9, BLOCK 49, PALM BEACH FARMS CO. PLAT NO. 3, SECTIONS 20 AND 21, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 21, SAME BEING THE CENTERLINE OF HAGEN RANCH ROAD AS SHOWN ON ABERDEEN-PLAT NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 55, PAGES 11 – 22 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2202.00 FEET (A RADIAL LINE TO SAID POINT BEARS NORTH 89°59'27" EAST); THENCE SOUTHERLY ALONG SAID CENTERLINE AND SAID ARC THROUGH A CENTRAL ANGLE OF 02°04'55" AN ARC DISTANCE OF 80.02 FEET TO A LINE BEING 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 49; THENCE SOUTH 89°52'23" WEST ALONG SAID PARALLEL LINE, 40.03 FEET TO THE POINT OF BEGINNING, SAME BEING THE WESTERLY RIGHT OF WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 9904, PAGES 855 THROUGH 857, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAME BEING A POINT ON THE ARC OF AN ON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2162.00 FEET (A RADIAL LINE TO SAID POINT BEARS SOUTH 88°00'19" EAST); THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID ARC THROUGH A CENTRAL ANGLE OF 03°00'40" AN ARC LENGTH OF 113.62 FEET; THENCE THE FOLLOWING SEVEN (7) COURSES CONTINUING ALONG WESTERLY RIGHT OF WAY LINE OF SAID HAGEN RANCH ROAD ACCORDING TO OFFICIAL RECORD BOOK 9904, PAGES 860 THROUGH 862, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; (1) NORTH 84°59'39" WEST, 12.00 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2150.00 FEET, (A RADIAL LINE TO SAID POINT BEARS SOUTH 84°59'39" EAST); (2) SOUTHERLY THROUGH A CENTRAL ANGLE OF 08°47'39" AN ARC LENGTH OF 330.00 FEET; (3) SOUTH 59°48'58" WEST, 50.37 FEET; (4) NORTH 74°10'04" WEST, 37.1 FEET; (5) SOUTH 15°49'56" WEST, 80.00 FEET; (6) SOUTH 74°10'04" EAST, 51.68 FEET, (7) SOUTH 30°06'32" EAST, 48.68 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2240.00 FEET (A RADIAL LINE TO SAID POINT BEARS NORTH 76°03'26" WEST); THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID HAGEN RANCH ROAD ACCORDING TO OFFICIAL RECORD BOOK 9904 PAGES 855 THROUGH 857 AND OFFICIAL RECORD BOOK 9904, PAGES 848 THROUGH 850, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SOUTHERLY THROUGH A CENTRAL ANGLE OF 13°44'31" AN ARC LENGTH OF 537.24 FEET TO A LINE BEING 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 9 THROUGH 16; THENCE SOUTH 89°03'43" WEST ALONG SAID PARALLEL LINE, 2575.44 FEET TO A LINE BEING 55.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 16; THENCE NORTH 00°56'17" WEST ALONG SAID PARALLEL LINE, 1215.00 FEET A LINE BEING 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 49; THENCE NORTH 89°03'43" EAST ALONG SAID PARALLEL LINE, 67.53 FEET; THENCE SOUTH 00°00'04" EAST ALONG SAID PARALLEL LINE, 61.90 FEET; THENCE NORTH 89°52'23" EAST ALONG SAID PARALLEL LINE, 2639.14 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PARCEL OF LAND LYING IN SECTIONS 15, TOWNSHIP 45 SOUTH, RANGE 42 EAST BEING A PORTION OF PLAT NO. 1 LE CHALET (P.U.D.) AS RECORDED IN PLAT BOOK 31, PAGES 166 AND 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID PLAT NO. I LE CHALET; THENCE NORTH 0020'28" EAST ALONG THE WEST BOUNDARY LINE OF SAID PLAT FOR 571.34 FEET TO THE NORTH BOUNDARY LINE OF SAID PLAT; THENCE NORTH 7909'19" EAST ALONG SAID NORTH BOUNDARY LINE OF SAID PLAT, 1978.50 FEET; THENCE SOUTH 0022'58" EAST FOR 472.44 FEET; THENCE SOUTH 8937'02" WEST FOR 104.50 FEET; THENCE SOUTH 0022'58" EAST FOR 440.24 FEET TO THE SOUTH BOUNDARY OF SAID PLAT; THENCE SOUTH 8903'47" WEST ALONG SAID SOUTH BOUNDARY LINE FOR 1848.41 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION OF SECTION 16, TOWNSHIP 45 SOUTH, RANGE 42 EAST ALSO KNOWN AS TRACT "V", ABERDEEN-PLAT NO. 24, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, PAGES 174-180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH TUSCANY-PARCEL "D", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGES 167-170, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTIONS 15 AND 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST.

TOGETHER WITH TUSCANY-PARCEL "C", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGES 79-82, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTIONS 21 AND 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST.

TOGETHER WITH TRACTS SAND IO, BLOCK 48, PALM BEACH FARMS CO. PLAT NO. 3, SECTION 22, TOWNSHIP 45 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54 OF THE PUBLIC OF PALM BEACH COUNTY, FLORIDA. SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A NET AREA OF 247.340 ACRES (10,774,141 SQUARE FEET)

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

N.T.S.

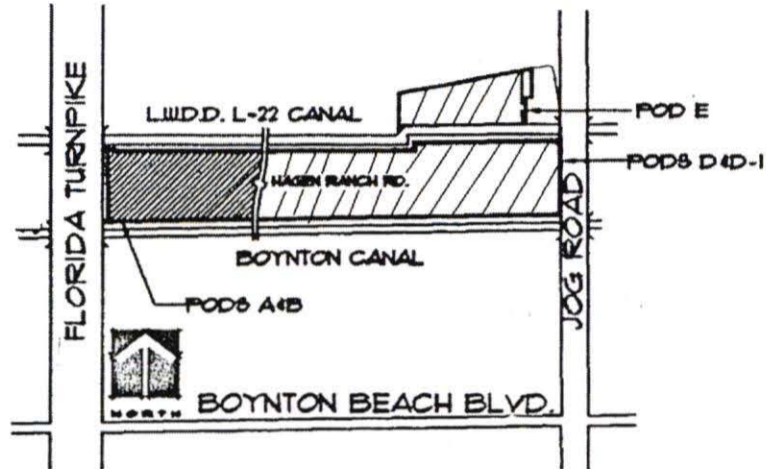


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2007-1431, Control No.1997-00078, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1576 (Petition DOA1997-078B), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-1431(Control 1997-00078), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2007-1431, Control No.1997-00078, which currently states:

Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved preliminary site plan is dated May 14, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated July 12, 2021 and the Civic Parcel Preliminary Site Plan is dated July 26, 2021. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet Conditions of Approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

3. Prior to Final DRO certification of the site plan, the petitioner shall submit architectural elevations for the bridge (cross-over LWDD Canal L-12) to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

BUILDING AND SITE DESIGN-(4.41 ACRE CIVIC SITE ONLY)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Prior to final DRO certification of the site plan, the petitioner shall submit architectural elevations to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, All heights shall be measured from finished grade to highest point. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

4. All ground mounted air conditioning and mechanical equipment including satellite dishes, 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: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

DUMPSTER-(4.41 ACRE CIVIC SITE ONLY)

1. At the time of Final Site Plan approval the dumpster will be relocated to the loading area vicinity of the Site Plan dated May 14, 2007. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous DUMPSTER Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

ENGINEERING

1. Off site turn lane requirements:

The Property owner shall construct dual left turn lanes west approach on Boynton Beach Boulevard at Hagen Ranch Road.

a) This construction shall be concurrent with the six laning of Boynton Beach Boulevard by this property owner as provided for in the conditions below. 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.

b) Construction shall be completed concurrent with the six lane completion of Boynton Beach Boulevard. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. TPS Requirements:

The Property owner shall fund the construction plans for Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate tapers. Funding of these construction plans shall be approved by the County Engineer based upon the cost estimate by the Developer's Engineer and approved by the County Engineer. This funding shall also include any right-of-way costs and Plan Review Costs by Palm Beach County. Funding shall be completed on or before June 1, 2000. 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. The Property owner shall fund the construction of Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon the approved construction plans. Funding shall be completed on or before September 1, 2001. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

4. The Property owner shall construct the following intersection improvements at the intersection of Hagen Ranch Road and Boynton Beach Boulevard:

- a) dual left turn lanes north approach,
- b) dual left turn lane south approach,
- c) right turn lane east approach, Note: This turn lane is anticipated to be completed by another developer (Jones PUD)

A) This construction shall be concurrent with the improvements to Hagen Ranch Road Construction by Palm Beach County. 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 the acquisition of any additional right of way. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

5. Phasing Requirements:

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 596 dwelling units shall not be issued until construction has begun for Hagen Ranch Road as a 5 lane facility from Boynton Beach Boulevard to Lake Ida Road plus the appropriate paved tapers. County/developer construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

b) Building Permits for more than 341 dwelling units shall not be issued until construction has begun for dual left turn lanes and a right turn lane east approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by another developer. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

c) Building Permits for more than 366 dwelling units shall not be issued until construction has begun for Jog Road as a 6 lane section from Boynton Beach Boulevard to Woolbright Road. County Construction Fiscal year 97/98. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

d) Building Permits for more than 447 dwelling units shall not be issued until construction has begun for Boynton Beach Boulevard as a 6 lane facility from Jog Road to Hagen Ranch Road County. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

e) Building Permits for more than 609 dwelling units shall not be issued until construction has begun for dual left turn lanes north approach and south approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

f) Building Permits for more than 613 dwelling units shall not be issued until construction has begun for Gateway Boulevard as a 4 lane section from Jog Road to Military Trail plus the appropriate paved tapers. Construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

g) Building Permits for more than 631 dwelling units shall not be issued until construction has begun for an additional through lane north and south approach, and an additional right turn lane south approach at the intersection of Jog Road and Boynton beach Boulevard. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

h) Building Permits for more than 747 dwelling units shall not be issued until construction has begun for an additional through lane on the north and south approach at the intersection of Jog Road and Woolbright Road. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

Acceptable surety shall be posted with the Office of the County Engineer on or before August 26, 1998 for any of the above road improvements identified above and not defined as "assured construction". Surety shall be in the amount of 110% shall be based upon a certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS - maximum 6 month time extension) (DATE: MONITORING-Eng)

Note: Surety was submitted.

The mix of allowable uses 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. (REVISED TRAFFIC STUDY: MONITORING - Eng) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road right-of-way. 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 heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) [COMPLETE]

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or 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 healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) [COMPLETE]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDGPERMIT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2007-1431, Control No.1997-00078)

7. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE

Prior to site plan approval for POD A, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (DRO/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2007-1431, Control No.1997-00078)

8. The Property owner shall construct a left turn lane south approach on Hagen Ranch Road at the entrance to the 4.41 acre Civic Site.

a) This construction shall be concurrent with the paving and drainage improvements for the civic site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for the 4.41 acre civic site. (BLDG PERMIT: MONITORING-Eng)

c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the 4.41 acre civic site. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous

ENGINEERING Condition 8 of Resolution R-2007-1431, Control No.1997-00078)

9. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Gateway Blvd. 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/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2007-1431, Control No.1997-00078)

10. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed in that area within Pod E for an expanded intersection at Gateway Blvd. and Jog Road prior to the issuance of the first Building Permit or prior to April 1, 2001 whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 "Corner Clips" where appropriate as determined by the County Engineer. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2007-1431, Control No.1997-00078)

11. Prior to technical compliance for the first plat the property owner shall convey a temporary construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2007-1431, Control No.1997-00078)

12. The Property owner shall construct concurrent with the project's entrance onto Gateway Boulevard a left turn lane east approach on Gateway Blvd. at the project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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)

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2007-1431, Control No.1997-00078)

13. LANDSCAPE WITHIN THE HAGEN RANCH ROAD ROUNDABOUT

a. Prior to June 1, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to upgrade the landscaping within the existing roundabout at Hagen Ranch Road and the project's entrance road. This permit, to be completed by the property owner, shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing 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 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. (DATE: MONITORING-Eng)

b. All required median landscaping, including an irrigation system if required, shall be installed at

the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. This maintenance shall also include the existing and proposed landscape material within the roundabout at Hagen Ranch Road and the project's entrance road. All existing and proposed landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association including the roundabout at Hagen Ranch Rd. & project entrance road. 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 prior to April 1, 2002. (DATE: MONITORING-Eng)

c. If the County does not assume maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to prior to April 1, 2001. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2007-1431, Control No.1997-00078)

14. CUTOUT" LANDSCAPE STRIPS WITHIN THE JOG ROAD CONCRETE MEDIAN

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the proposed concrete median of Jog Road Right-of-Way from NW 22nd Avenue to the projects south property line of the PUD. As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and plantings are permitted, the Landscape Material within the concrete cutouts shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

b. All required median landscaping, including an irrigation system if required, the cost of Cutting out the concrete median and the installation of the Landscape material shall be funded at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or 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 healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2007-1431, Control No.1997-00078)

15. Prior to master plan approval of the final subdivision plan a Restrictive Covenant shall be filed in the Public Records limiting occupancy of the dwelling units within the PUD to an "adult community." This Restrictive Covenant shall be subject to the approval of the County Attorney. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2007-1431, Control No.1997-00078)

16. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after July 26, 2010. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2007-1431, Control No.1997-00078)

17. Previous ENGINEERING Condition 17 of Resolution R-2007-1431, Control No.1997-00078, which currently states:

Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Hagen Ranch Road to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

Is hereby amended to read:

Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along Hagen Ranch Road, a minimum of 10 feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: MONITORING - Engineering)

18. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

LANDSCAPE - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING-ALONG THE NORTH PROPERTY LINE (SOUTH OF LWDD L-22 CANAL), THE SOUTH PROPERTY LINE (ALONG BOYNTON CANAL) AND THE 613 FEET OF THE WEST PROPERTY LINE (ALONG POD E)

2. Landscaping and buffering along the north property line (south of LWDD L-22 canal), the south property line (along Boynton Canal) and the north 613 feet of the west property (along Pod E) shall include:

- a. a minimum ten (10) foot wide landscape buffer strip shall be provided
- b. one (1) canopy tree planted every twenty (20) feet on center; and
- c. 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,

d. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING FOR BOTH SIDES OF HAGEN RANCH ROAD FRONTAGE, EAST PROPERTY LINE (JOG ROAD FRONTAGE) AND NORTH PROPERTY LINE ALONG GATEWAY BOULEVARD

3. Landscaping and buffering for both sides of Hagen Ranch Road frontage, east property line (Jog Road frontage) and the north property line along Gateway Boulevard shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No reductions 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 planted every thirty (30) feet on center; and
- d. 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 not supersede the requirement for a canopy tree in that location; and
- e. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. A minimum of fifty percent (50%) of the shrub or hedge material shall be installed on the plateau of the berm. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE WEST PROPERTY LINE (FLORIDA TURNPIKE)

4. Landscaping and buffering along the west property lines shall be upgraded to include:

- a. A minimum twenty five (25) foot wide landscape buffer strip. No reductions shall be permitted ; and
- b. An undulating three (3) foot high berm measured from top of curb; and
- c. One (1) canopy tree planted every thirty (30) feet on center; and
- d. 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 not supersede the requirement for a canopy tree in that location; and
- e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of thirty six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE NORTH PROPERTY LINE (LWDD L-22 CANAL) (4.41 ACRE CIVIC SITE ONLY)

5. Landscaping and buffering along the north property line shall be upgraded to include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. one (1) canopy tree planted every thirty (30) 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 not supersede the requirement for a canopy tree in that location; and
- d. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (4.41 ACRE CIVIC SITE ONLY)

6. Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a minimum one and half (1.5) foot continuous berm;
- c. one (1) canopy tree planted every thirty (30) feet on center; and
- d. 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 not supersede the requirement for a canopy tree in that location; and,
- e. twenty-four (24) inch high shrub or hedge material to be planted on the plateau of the berm. Shrubs and hedges shall be spaced no more than twenty-four (24) inches on center at installation and to be maintained at a minimum height of fifty-four (54) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 6 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE WEST PROPERTY LINE ADJACENT TO THE MULTI-PURPOSE ROOM AND OFFICE BUILDING ADDITION (4.41 ACRE CIVIC SITE ONLY)

7. Screening consisting of a minimum of 18 Sabal Palms having a clear trunk of a minimum of 12 feet shall be planted in the vicinity of the western landscape buffer, outside the utility easement at a maximum of 8 feet on center on the inside of the screen wall in order to screen the adjacent property owners for the 121 foot length of the 18,342 square feet multi-purpose room and office building addition. (CO: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 7 of Resolution R-2007-1431, Control No.1997-00078)

LIGHTING-(4.41 ACRE CIVIC SITE ONLY)

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

2. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

4. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with ULDC requirements. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

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 Palm Tram. (DRO: PALM TRAN – Palm Tran) [Note: COMPLETED] (Previous MASS TRANSIT Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

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 Tram, and County Engineer prior to issuance of a building permit for 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/PMT: PALM TRAN – Palm Tran) [Note: COMPLETED] (Previous MASS TRANSIT Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.

a. Minimum parcel size shall be seven thousand five hundred (7,500) square feet exclusive of easements.

b. Minimum parcel width shall average seventy five (75) feet with no dimension less than fifty (50) feet.

c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet.

d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the development.

(ONGOING: PARKS AND RECREATION - Land Development) (Previous PARKS Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the PUD. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 1, 1999, for a 4.41 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. 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 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., 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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. The property owner shall provide the County with a certified survey of the proposed civic site by March 1, 1999. 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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by March 1, 1999. 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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

4. Prior to March 1, 1999, 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. 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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.16.c(1) of the ULDC, subject to approval by the County Engineer. (ONGOING: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Street trees shall be planted within or adjacent to rights-of-way of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (ONGOING: ZONING - Engineering) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

4. Prior to Final Site Plan certification by the Development Review Committee (DRC), the site plan shall be amended to show decorative pavement at T-intersection areas in Pod E. (DRO: DEVELOPMENT REVIEW OFFICER - Zoning) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

5. 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 within residential Pods D1 and E. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity 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. (DRO/ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations Administrative Deviation or Flexible Regulations Pods

Front Setback 22.5-feet All Pods

Lot Coverage - ZLL 55% All Pods

Lot Coverage - SF 44% Pod B only (ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 6 of Resolution R-2007-1431, Control No.1997-00078)

7. No rear, side interior or side corner setback reductions shall be permitted unless as permitted

by the ULDC. (DRO/ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 7 of Resolution R-2007-1431, Control No.1997-00078)

8. Drainage easements shall not be permitted along the rear yards of back-to-back units in Pods E and D1. (DRO/ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 8 of Resolution R-2007-1431, Control No.1997-00078)

9. 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. (BLDGPMT/PLAT: MONITORING - County Attorney) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 9 of Resolution R-2007-1431, Control No.1997-00078)

SIGNS

1. Entrance wall signs fronting on Jog Road, Hagen Ranch Road and Gateway Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 60 square feet;
- c. Maximum number of signs - one pair on each road frontage; and
- d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

SIGNS-(4.41 ACRE CIVIC SITE ONLY)

2. Freestanding signs fronting on Hagen Ranch Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. No off-premise signs or relocated billboards shall be permitted on the site. (DRO/ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

USE LIMITATIONS-(4.41 ACRE CIVIC SITE ONLY)

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 11:00 p.m., excluding holiday services. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (DRO/ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.