

RESOLUTION APPROVING ZONING PETITION EAC93-54(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GOLDEN LAKE HOUSING ASSOC. INC.
BY ROBERT BENTZ, AGENT
(TECHNOLOGY PARK PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC93-54(A) was presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, **Supplementary** Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development **Order** Amendment has a concurrency **determination** and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental **impacts**, including but not limited to water, **air**, stormwater management, wildlife, vegetation, wetlands and ~~the~~ **natural functioning of the environment**.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article **5** of the Palm Beach County Unified Land Development Code requires that ~~the~~ **action** of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF **PALM BEACH COUNTY**, FLORIDA, that Zoning Petition EAC93-54(A), the petition of Golden Lake Housing Assoc. Inc., by Robert Bentz, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to Modify/delete Conditions **A.6** (General), **B.1** (Building and Site Design), **H.3**, **I.1.b**, **1.1.c**, **1.3**, **J.1.b**, **J.1.c**, **J.3**, **K.1.a**, **K.1.b**, **K.1.c** and **K.1.d** (Landscaping) of Resolution R-94-786 on a parcel of land legally described in **EXHIBIT A**, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as **EXHIBIT B**, attached hereto and made a part hereof, **was** approved on April **24**, 1997, subject to the conditions of approval described in **EXHIBIT C**, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon **dedared** that the resolution was duly passed and adopted on April **24**, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

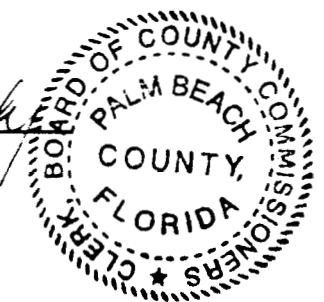


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

TRACT 2, BLOCK 4, LESS THE WEST 8 FEET THEREOF, AND ALSO LESS THE NORTH 300 FEET OF THE WEST 660.02 FEET THEREOF, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

SKEES ROAD ADDITIONAL RIGHT OF WAY

THE EAST 7 FEET OF THE WEST 15 FEET OF TRACT 2, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, EXCEPTING THE NORTH 300 FEET AND THE SOUTH 175 FEET THEREOF, AND

DWIGHT ROAD ADDITIONAL RIGHT OF WAY

THE NORTH 25 FEET OF TRACT 2, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, EXCEPTING THE WEST 660 FEET AND THE EAST 768 FEET THEREOF.

MID LESS THE FOLLOWING:

THE RIGHT-OF-WAY FOR JOG ROAD AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 7071, PAGES 990 THROUGH 993, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALL THAT PART OF SAID TRACT 2, BLOCK 4, LYING NORTHERLY AND EASTERLY OF SAID RIGHT OF WAY FOR JOG ROAD.

AND LESS THE FOLLOWING:

1. PARCEL OF LAND LYING IN TRACT 2, BLOCK 4, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

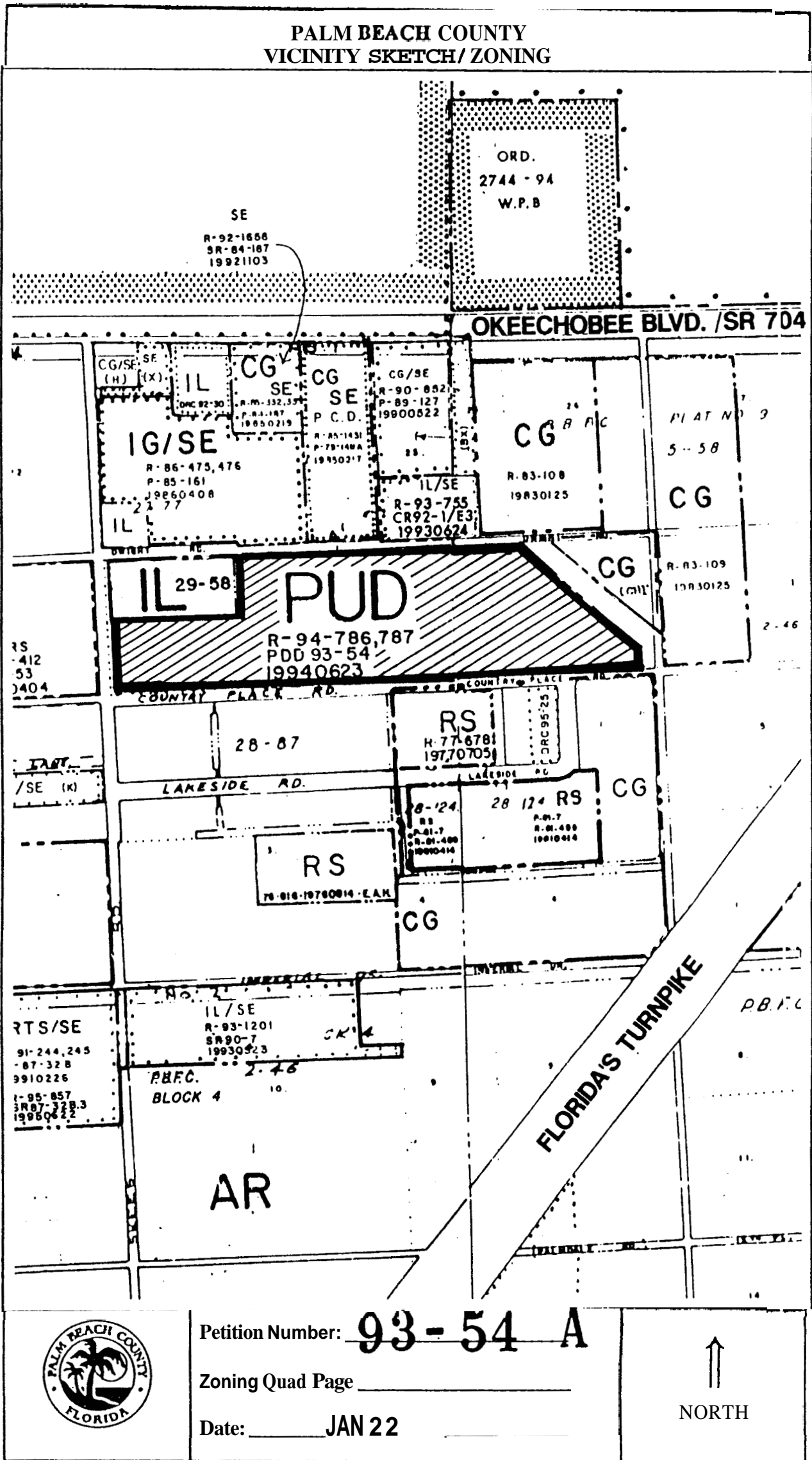
COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 2, THENCE, NORTH 89°03'43" EAST, ALONG THE SOUTH LINE OF TRACT 2, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING THE HEREIN DESCRIBED PARCEL OF LAND.

THENCE, NORTH 00°56'50" WEST A DISTANCE OF 57.00 FEET, THENCE, SOUTH 45°56'34" EAST, A DISTANCE OF 45.26 FEET TO A POINT OF THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTRY PLACE ROAD (80' WISE), THENCE, SOUTH 89°03'43" WEST, A DISTANCE OF 25.00 FEET; THENCE, SOUTH 00°56'50" EAST, A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH LINE OF TRACT 2; THENCE SOUTH 89°03'43" WEST ALONG THE SOUTH LINE OF TRACT 2, A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.01 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: **93-54 A**

Zoning Quad Page _____

Date: **JAN 22**



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A ALL PETITIONS

1. Condition **A.1** of Resolution R-94-786, Petition 93-54, which currently states:

To ensure the proposal complies with the ULDC, the petitioner shall, prior to ~~April 1, 1996~~, or the issuance of the Certificate of Occupancy (CO) for the 300th dwelling unit, whichever occurs first, amend the Preliminary Development Plan to include a minimum of two unit types or obtain a variance from the Board of Adjustment. In the event the ULDC is revised to delete the requirement for PUD's to provide a minimum of two unit types, the petitioner shall be relieved of this condition. (MONITORING/BLDG - Zoning)

Is hereby **deleted**.

2. Street lights a maximum of twenty-five (25) feet in height, measured from the finished grade to the highest point, shall be installed along all platted access tracts, easements, and right-of-ways. Light fixtures shall be directed away from residences. (ZONING - Eng) (Previously Condition **A.2** of Resolution R-94-786, Petition 93-54)
3. Street trees shall be planted no more than fifty (50) feet on center along both sides of all streets within all platted right-of-ways, access tracts, and easements that are interior to the PUD, subject to approval by the County Engineer. All required landscaping shall be installed prior to release of the performance bond or issuance of a certification of completion, whichever occurs first, for the road intended to be landscaped. (ENG) (Previously Condition A 3 of Resolution R-94-786, Petition 93-54)
4. All utilities shall be underground pursuant to Article 6.8.23.d(5) of the Palm Beach County Unified Land Development Code. (ZONING / ENG) (Previously Condition A.4 of Resolution R-94-786, Petition 93-54)
5. All outdoor lighting, except street lights, shall be a maximum of twenty (20) feet in height, measured from the finished grade to the highest point, of low intensity, shielded and directed down and away from adjacent residential properties and streets. (BLDG / CODE ENF) (Previously Condition **A.5** of Resolution R-94-786, Petition 93-54)
6. Condition **A6** of Resolution R-94-786, Petition 93-54 which currently states:

Property owner shall provide manned security between sundown until sunup seven (7) days a week. (CODE ENF)

Is hereby deleted.

7. Property owner shall provide **24** hour on site manned property management. (CODE ENF) (Previously Condition A.7 of Resolution R-94-786, Petition 93-54)
8. **All** previous conditions of approval applicable to the subject property, as **contained** in Resolutions R-94-786 (Petition 93-54), have been **consolidated** as **contained** herein. The **petitioner shall** comply with **all** previous conditions of approval and deadlines previously established by Section **5.8** of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
9. Development of **the** site is limited to the uses and site design approved by the Board of County Commissioners. The approved plan is dated **March 6, 1997**. **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

1. Condition B.1 of Resolution R-94-786, Petition 93-54 which currently states:

To ensure shade is provided along all pedestrian and bicycle paths, one (1) shade tree, shall be planted along both sides of all circulation systems. Trees shall be planted a maximum of thirty (30) feet on center. All required trees shall be planted concurrent with the land development improvements and shall be indicated in the regulating plan prior to certification by the Development Review Committee (DFC). (ZONING / BLDG)

Is hereby deleted.
2. The maximum height of all structures shall be **two (2) stories**. (BLDG) (Previously Condition B.2 of Resolution R-94-786, Petition 93-54)
3. Access to the site shall be limited to Jog Road, unless required by a public safety agency. In the event a public safety agency **requires** emergency access **to** Skees Road, a "break away barrier" **acceptable to the requiring agency shall be installed. (FIRE - Bldg) (Previously Condition B.3 of Resolution R-94-786, Petition 93-54)**
4. **All** structures along the south and west property line abutting Country Place Road and Skees Road shall have a minimum setback **of fifty (50) feet, measured from the interior edge of the required buffer. (ZONING / BLDG) (Previously Condition B.4 of Resolution R-94-786, Petition 93-54)**

C. PLANNING

1. Condition C.1 of Resolution R-94-786, Petition 93-54, ~~which~~ currently states:

The proposed lake (water management tract) on the portion of the site south of the Cooper Oil Facility, shall be located as indicated on the Preliminary Development Plan (PDP) dated May 25, 1994. (PLANNING)

Is hereby amended to read:

The proposed dry retention area on the portion of the site south of the Cooper Oil Facility, shall be located as indicated on the Preliminary Development Plan (PDP) dated March 6, 1997. (PLANNING)

2. Prior to **final DRC** certification, the required increased landscaping along the south property line **as** required by Condition K.1 (Petition PDD93-54) shall **be** shown on the site plan. (DRC: **PLANNING**)

D. **HEALTH**

1. **No** septic tank shall be permitted on this site. **All** existing on site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH) (Previously Condition D.1 of Resolution R-94-786, Petition 93-54)
2. **No** well shall be permitted on the site to provide potable water. **All** existing on site potable water supply systems must be **abandoned** in accordance with Palm Beach County **ECR-II**. (HEALTH) (Previously Condition **D.2** of Resolution R-94-786, Petition 93-54)
3. Prior to the issuance of the first building permit, the Palm Beach County Health Unit (PBCHU) and Department of **Environmental Resource Management (ERM)** shall issue determinations that the subject property is free and clear of all environmental hazards. (Previously Condition D.3 of Resolution R-94-786, Petition 93-54)

E. **ENGINEERING**

1. The property **owner** has voluntarily agreed, prior to January 1, 1995, to convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Dwight Road, 40 feet from **centerline** along **the** project's entire frontage, free of all encumbrances **and** encroachments. 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 "Safe Sight Corners" where appropriate at intersections **as** determined by **the** County Engineer. (**MONITORING/Eng**) (Previously Condition **E.1** of Resolution R-94-786, Petition 93-54)
2. The property owner shall convey, prior to January 15, 1994, to the Land Development Division the following site related road **right-of-way** dedications. Road rights-of-way shall be free of all encumbrances and encroachments. 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 **&** encroachments. Right of way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by **the** County Engineer.
 - a) the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 130 feet.

- b) **the construction of a Bus transit stop subject to approval by the County Engineer (MONITORING - Eng) (Previously Condition E.2 of Resolution R-94-786, Petition 93-54)**
3. **Prior to January 1,1995, or prior to the issuance of the first Building Permit, whichever occurs first, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Dwight Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Dwight Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention and detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (MONITORING/BLDG - Eng) (Previously Condition E.3 of Resolution R-94-786, Petition 93-54)**
 4. **The Property owner shall construct:**
 - a) **Separate right turn lane north approach on Jog Road at the projects entrance road.**
 - b) **Bus transit stop subject to approval by the County Engineer.**

The construction of these improvements 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 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. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG / Eng) (Previously Condition E.4 of Resolution R-94-786, Petition 93-54)

5. **The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$265,650 (1610 trips X \$165.00 per trip). (IMPACT FEE COORD) (Previously Condition E.5 of Resolution R-94-786, Petition 93-54)**
6. **The Developer shall install signalization, if warranted as determined by the County Engineer, at Jog Road and the projects entrance road. Should signalization not be warranted after 36 months of the final Certificate of Occupancy this property owner shall be relieved from this condition (ENG/BLDG) (Previously Condition E.6 of Resolution R-94-786, Petition 93-54)**

F. LANDSCAPE WITHIN MEDIAN

1. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Jog Road. When permitted by Palm Beach County Department of Engineering and Public Works, landscapings shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown or field collected and transplanted from the project site.
 - b. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with the Site Plan certification (BLDG - Eng) (Previously Condition F.1 of Resolution R-94-786, Petition 93-54)
2. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed prior to July 1, 1995 (MONITORING - Bldg) (Previously Condition F 2 of Resolution R-94-786, Petition 93-54)
 3. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit to reflect this obligation. Maintenance shall be in accordance with the issued permits (BLDG - Co Atty) (Previously Condition F.3 of Resolution R-94-786, Petition 93-54)

G. PREM

1. ~~To ensure compliance with the civic site requirements of the ULDC the petitioner shall:~~

~~a. Convey by Statutory Warranty Deed to the Palm Beach County~~

~~following conditions prior to deed conveyance. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~b. Developer to provide the BGC with a Warranty Deed by October 1, 1994 for the .575 acre Civic site, in a location and form acceptable to Facilities, Planning, Design & Construction Department (FPD&C) and the County Attorney's Office. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed. (MONITORING - PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~c. Developer to provide a title policy insuring marketable title to Property & Real Estate Management Department's (PREM) and Palm Beach County for a dollar value based on current market appraisal of the proposed Civic site. The appraisal to be their discretion to release all or part of the Declarations of Covenants and Conditions of the PUD as it would apply to the Civic site. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~d. 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 BGC approval. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~e. Developer to provide the County with a certified survey of the proposed Civic site; survey to reflect the boundary and topographical areas of the site. Surveyor to use the following criteria:~~

~~1. a Boundary Survey as prescribed by F.A.C. 21HH.6.~~

~~2. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.~~

~~3. The survey should include location of any proposed water retention areas that will border the Civic site.~~

~~4. The survey shall be subject to the County's approval for the location of any proposed or existing easements within the proposed Civic site. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~f. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

2. ~~Developer shall provide all retention, detention and drainage required for any future development of the proposed Civic site by the County. The Developer agrees to:

 - a. ~~The discharge of surface water from the Civic site into the Developer's water retention basins.~~
 - b. ~~An easement across Developer's property from the proposed Civic site to the retention basins, if required. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~~~

3. ~~The developer shall allow the County to perform any on-site inspections deemed appropriate to support the acquisition of the Civic Site. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

4. ~~The Petitioner shall provide PREM with an Environmental Assessment of the proposed Civic site prior to conveyance of the warranty deed. 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, if any, of the proposed Civic Site. Also, the review of the neighboring property that borders the proposed Civic Site. Records to review but not limited to are: Palm Beach County Environmental Resources Management Dept. (PBGERM) and the Florida Department of Environmental Regulation (FDER). The assessment to reflect if the proposed Civic Site or any bordering property is on any of the following lists: EPA's National Priorities List (NPL), Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA), 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. ~~Perform on-site survey to describe site conditions and to identify potential areas of contamination.~~
 - e. ~~Review of Wellfield Protection Zone maps to determine if property is located in a wellfield zone. (MONITORING / PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

5. ~~Developer shall prepare civic site to buildable grade, under the direction of Facilities, Planning & Design Department. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~6. Developer shall provide water and sewer stubbed out to the property line. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

~~7. At the County's option, exchange the required on-site dedication of land (by fee simple title) for cash of equal value or land off-site of equal acreage. In addition, should the off-site land option be chosen, each condition listed in (1-11) above will also apply, and should the land off-~~

~~shall contribute cash equal to the difference in values. Valuation of the land shall be subject to the County appraisal process and be at the cost of the petitioner. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of Section 6.8-B6a(2)(a)(i) of the ULDC. (PREM) (Deleted by Resolution R-96-1743, CR93-54/G1b)~~

H. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5" 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. (BLDG - Zoning) (Previously Condition H.1 of Resolution R-94-786, Petition 93-54)

2. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (BLDG - Zoning) (Previously Condition H.2 of Resolution R-94-786, Petition 93-54)

3. The required hedge, berm and fence along the north, south and west property lines shall be continuous without any interruptions. (CO: BLDG / LANDSCAPE) (Previously Condition H.3 of Resolution R-94-786, Petition 93-54)

4. Prior to certification of a Preliminary Development Plan by the Development Review Committee (DRC), the petitioner shall submit and receive approval of detail landscape sections for the required buffers. (ZONING) (Previously Condition H.4 of Resolution R-94-786, Petition 93-54)

5. All chain link fences installed in the perimeter landscape buffers or to satisfy conditions of approval shall be black vinyl coated. (CO: LANDSCAPE - Zoning)

I. LANDSCAPE ALONG NORTH PROPERTY LINE (ABUTTING TRI COUNTY CONCRETE FACILITY)

1. Condition I.1 of Resolution R-94-786, Petition 93-54 which currently states:

To mitigate impacts from surrounding non-residential areas, landscaping and buffering along the north property line (abutting Dwight Road and adjacent to the Tri County Concrete facility to a point 100 feet east of the facility) shall be upgraded to include:

- a. A minimum one hundred **(100)** foot wide landscape and preserve buffer strip;
- b. The petitioner shall improve a minimum of twenty five **(25)** feet of the required buffer with a continuous six **(6)** foot high berm and a continuous minimum six **(6)** foot high fence on top of the berm; and,
- c. The following landscaping requirements shall be installed on the exterior side of the required fence:
 1. A double row of canopy consisting of one **(1)** canopy tree planted every twenty **(20)** feet on center in each row. Trees shall be staggered;
 2. One **(1)** palm tree or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center; and,
 3. Forty-two **(42)** 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 six **(6)** feet in height and to be installed adjacent to the fence.

The above buffer requirements shall be installed prior to issuance of the first building permit. (BLDG - Zoning)

... is hereby amended to read: .

LANDSCAPE ALONG NORTH PROPERTY LINE (ABUTTING TRI COUNTY CONCRETE FACILITY)

1. To mitigate impacts from surrounding non-residential areas, landscaping and buffering along the north property line (abutting Dwight Road adjacent to the Tri County Concrete facility to a point 100 feet east of the facility) shall be upgraded to include:
 - a. A minimum one hundred (100) foot wide landscape and preserve buffer strip;
 - b. The petitioner shall improve a minimum of thirty six **(36)** feet of the required buffer with a continuous undulating berm from four **(4)** to six **(6)** feet high and a continuous minimum six (6) foot high fence on the inside edge of the berm; and,
 - c. The following landscaping requirements shall be installed on the exterior side of the required berm:
 1. A single row of trees consisting of one (1) canopy tree planted every thirty (30) feet on center; and
 2. Thirty (30) inch high shrub, understory or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of six (6) feet and to be installed on top of the berm.
 - d. The following landscape requirements shall be installed on the interior side of the berm:

1. A single row of canopy ~~trees~~ consisting of one (1) tree planted every thirty (30) feet on center.
- e. The above **buffer** requirements ~~shall be~~ installed prior to issuance of the **first** certificate of occupancy. (CO: LANDSCAPE)
2. **To** mitigate impacts from surrounding non-residential uses, the petitioner shall, prior to certification of the Preliminary **Development** Plan by the Development Review Committee, submit a survey ~~of~~ all trees within the required one hundred **(100)** foot perimeter buffer, **All** existing trees ~~within~~ the required **preserve** portion of the buffer ~~shall~~ be preserved. (**ZONING**) (Previously Condition **12** of Resolution R-94-786, Petition **93-54**)
3. **Condition 13** of Resolution R-94-786, Petition **93-54**, which currently **states**:

To mitigate impacts ~~to~~ from surrounding non-residential uses, the petitioner shall supplement the existing vegetation within the **required** buffer by planting canopy trees acceptable to the Zoning Division. The buffer shall be supplemented to eliminate any voids in tree spacing and establish a maximum tree spacing ~~of~~ thirty **(30)** feet on center. ~~This~~ landscaping shall be installed prior ~~to~~ issuance of the **first certificate** of occupancy ~~or~~ completion. (**BLDG/ZONING**)

~~is~~ hereby deleted.

J. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING COOPER OIL, SKEES ROAD AND REMAINDER OF DWIGHT ROAD)

1. Condition **J.1** of Resolution R-94-786, Petition **93-54** which currently **states**:

To mitigate impacts from surrounding non-residential **areas**, landscaping and buffering along the north and west property **lines** (abutting the Cooper Oil site) shall **be** upgraded to include:
 - a. **A** minimum fifty **(50)** foot wide landscape and preserve **buffer** strip;
 - b. The petitioner shall improve a minimum of twenty five **(25)** feet of the required buffer with a continuous minimum six **(6)** foot high berm and a continuous minimum six **(6)** foot high fence on top of the berm; and,
 - c. The following landscaping requirements shall be installed on the exterior side of the fence:
 1. **A** double row of canopy **trees** consisting of one **(1)** canopy tree planted every twenty **(20)** feet on center in each **row**. Trees shall be staggered;
 2. One **(1)** native palm tree ~~or~~ pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center; and,

3. **Forty-two (42)** 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 **six (6)** feet in height and to be installed adjacent to the fence.

The above buffer requirements shall be installed prior to issuance of the first building permit. (BLDG - Zoning)

Is hereby amended to read:

1. To mitigate impacts from surrounding non-residential areas, landscaping and buffering along the north and west property lines (abutting the Cooper Oil site, Skees Road and the remainder of Dwight Road) shall be upgraded to include:
 - a. A minimum fifty (50) foot wide landscape and preserve buffer adjacent to Cooper Oil and minimum thirty six (36) foot wide landscape and preserve buffer along Skees Road and Dwight Road;
 - b. The petitioner shall improve the required buffers with a continuous undulating berm from four **(4)** to six (6) feet high and a continuous minimum six **(6)** foot high fence on the inside edge of the berm; and,
 - c. The following landscaping requirements shall be installed on the exterior side of the berm:
 1. A single row of trees consisting of one (1) canopy tree planted every thirty (30) feet on center;
 2. Along Skees Road Only: One additional **(1)** native palm or pine tree with a minimum caliper of eight **(8)** inches for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and,
 3. Thirty (30) inch high shrub, understory or hedge material spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of six (6) feet and to be installed on top of the berm.
 - d. The following landscape requirements shall be installed on the interior side of the berm;
 1. A single row of trees consisting of one **(1)** canopy tree planted every thirty (30) feet on center. 50% of the required canopy trees may be replaced with a group of three (3) or more palm or pine trees, each with a minimum caliper of eight **(8)** inches.
 - e. The above buffer requirements shall be installed prior to issuance of the first certificate of occupancy. (CO: LANDSCAPE)
2. To mitigate impacts from surrounding non-residential uses, the petitioner shall, prior to certification of the Preliminary Development Plan by the Development Review Committee, submit a survey of all trees within the required fifty **(50)** foot perimeter buffer. All existing trees within the required preserve portion of the buffer shall be preserved. **(ZONING)** (Previously Condition J.2 of Resolution R-94-786, Petition 93-54)

3. Condition **J.3** of Resolution R-94-786, Petition 93-54, which currently states:

To mitigate impacts to from surrounding non-residential uses, the **petitioner** shall supplement the existing vegetation within the required buffer by planting canopy trees acceptable to the Zoning Division. The buffer shall be supplemented to eliminate any voids in tree spacing and establish a maximum tree spacing of thirty (30) feet on center. This landscaping shall be installed prior to issuance of the first certificate of occupancy or completion. (BLDG/ZONING)

Is hereby deleted.

K. LANDSCAPING ALONG SOUTH PROPERTY LINE (COUNTRY PLACE ROAD)

1. Condition **K1** of Resolution R-94-786, Petition 93-54, which currently states:

To mitigate impacts on surrounding residential areas, landscaping and buffering along the north, south and west property lines (abutting Dwight Road east of Tri-County Concrete, Country Place Road and Skees Road) shall be upgraded to include:

- a. A minimum ~~thirty~~ six (36) foot wide landscape buffer strip;
- b. A continuous minimum six (6) foot high berm and a continuous minimum six (6) foot high fence on top of the berm; and,
- c. The following landscaping requirements shall be installed on the exterior side of the berm and fence:
 1. A double row of canopy trees consisting of one (1) canopy tree planted every twenty (20) feet on center in each row. Trees shall be staggered;
 2. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and,
 3. Forty-two (42) 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 six (6) feet in height and to be installed adjacent to the fence.
- d. The following landscape material shall be installed on the interior side of the required fence:
 1. One (1) canopy tree planted every twenty (20) feet on center. Trees shall be staggered with the vegetation on the exterior side of the fence.

The above buffer requirements shall be installed prior to issuance of the first building permit. (BLDG - Zoning)

Is hereby amended to read:

1. To mitigate impacts on adjacent residential areas, landscaping and buffering along the *south* property line along Country Place Road across from lots 1-9 in the Lakewood Ranches Subdivision, 5 residential lots located in Plat No. 2 (Tract U) of the Palm Beach Industrial Park, and drainage easement between Tracts U and V,) shall be upgraded to include:
 - a. A minimum thirty six (36) foot wide landscape buffer strip;
 - b. A continuous minimum six (6) foot high berm and a continuous minimum six (6) foot high fence on the inside edge of the buffer and,
 - c. The following landscaping requirements shall be installed on the exterior side of the berm:
 1. A double row of canopy trees consisting of one (1) canopy tree planted every twenty (20) feet on center in each row. Trees shall be staggered;
 2. A group of three (3) or more palm or pine trees, each with a minimum caliper of eight (8) inches, may supersede the requirement for 25% of the canopy trees required above; and,
 3. Thirty (30) inch high shrub, understory or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of six (6) feet in height and to be installed on top of the berm.
 - d. The following landscape material shall be installed on the interior side of the required berm:
 1. One (1) canopy tree planted every thirty (30) feet on center. 50% of the required canopy trees may be replaced with a group of three (3) or more palm or pine trees, each with a minimum caliper of eight (8) inches.
 - e. The above buffer requirements shall be installed prior to issuance of the first certificate of occupancy. (CO: LANDSCAPE)

L. ERM

1. To ensure compliance with the ULDC, no excavation or dewatering activity below one (1) foot above the wet season water table shall be permitted within three hundred (300) feet of any contaminated property without prior approval from the Department of Environmental Resources Management. (ERM) (Previously Condition L.1 of Resolution R-94-786, Petition 93-54)
2. A Landscape Plan shall be submitted to The Zoning Division and the Department of Environmental Resources Management and approved by both agencies prior to DRC site plan certification. The plan shall incorporate native trees and vegetation that can be presently found in the buffer areas and shall include details to ensure their preservation. (DRC: ERM)

M. CONCURRENCY

1. Prior to certification of the Preliminary Development Plan by the Development Review Committee (DRC), the petitioner shall amend the concurrency reservation to delete the commercial square footage associated with the property east of Jog Road. (CONCURREIJCY) (Previously Condition M.1 of Resolution R-94-786, Petition 93-54)

N. SCHOOL BOARD

1. Prior to site plan certification, the petitioner shall demonstrate that they have met with School Board staff and discussed the potential of entering into an agreement to help achieve racial balance and allow the children who reside within the development to attend the nearest available schools. (SCHOOL BOARD) (Previously Condition N.1 of Resolution R-94-786, Petition 93-54)

O. MONITORING

1. Condition 0.1 of Resolution R-94-786, Petition 93-54, which currently states:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee or user of the subject property; and/or
- b. The revocation of the Conditional Use and any zoning which was approved concurrently with the Conditional Use as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

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 Conditional Use, Rezoning, 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)

Is hereby amended to read:

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, 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)

2. **Prior to certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the petitioner shall pay all outstanding fees, including but not limited to any previous status reports on the subject property. (ZONING-Monitoring) (Previously Condition 0.2 of Resolution R-94-786, Petition 93-54)**