

RESOLUTION NO. R-2015- 0370

RESOLUTION APPROVING ZONING APPLICATION W/DOA-2014-02325
(CONTROL NO. 2004-00015)
a Development Order Amendment
APPLICATION OF G. L. Homes of Boca Raton Assoc. V, Ltd.
BY G.L. Homes, AGENT
(Collier PUD)

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

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application W/DOA-2014-02325 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 2015;

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 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code 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 BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application W/DOA-2014-02325, the petition of G. L. Homes of Boca Raton Assoc. V, Ltd., by G.L. Homes, agent, for a Development Order Amendment to reconfigure the Master Plan, add units, and modify and delete Conditions of Approval (Engineering and Planned Unit Development), 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 26, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Nay
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 26, 2015.

Filed with the Clerk of the Board of County Commissioners on March 30th, 2015.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

COLLIER PUD

LEGAL DESCRIPTION:

BEING A PORTION OF TRACTS 39 AND 40, AND ALL OF TRACTS 41 AND 42, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2 OF SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND A PORTION OF SECTION 14, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 47 SOUTH, RANGE 41 EAST; THENCE SOUTH $00^{\circ}50'48''$ EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH $89^{\circ}46'38''$ WEST, ALONG A LINE 15.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 148.45 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID PARALLEL LINE, SOUTH $89^{\circ}46'38''$ WEST, A DISTANCE OF 2,478.32 FEET; THENCE NORTH $00^{\circ}51'09''$ WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH $89^{\circ}46'38''$ WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH $00^{\circ}51'09''$ WEST, ALONG THE WEST LINE OF SAID TRACTS 41 AND 42, A DISTANCE OF 659.13 FEET; THENCE NORTH $89^{\circ}47'18''$ EAST, ALONG THE NORTH LINE OF SAID TRACTS 39 AND 42, A DISTANCE OF 2,521.83 FEET; THENCE SOUTH $00^{\circ}50'48''$ EAST, ALONG A LINE 120.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 335.31 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2,023.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $09^{\circ}37'07''$, A DISTANCE OF 339.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 38.932 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

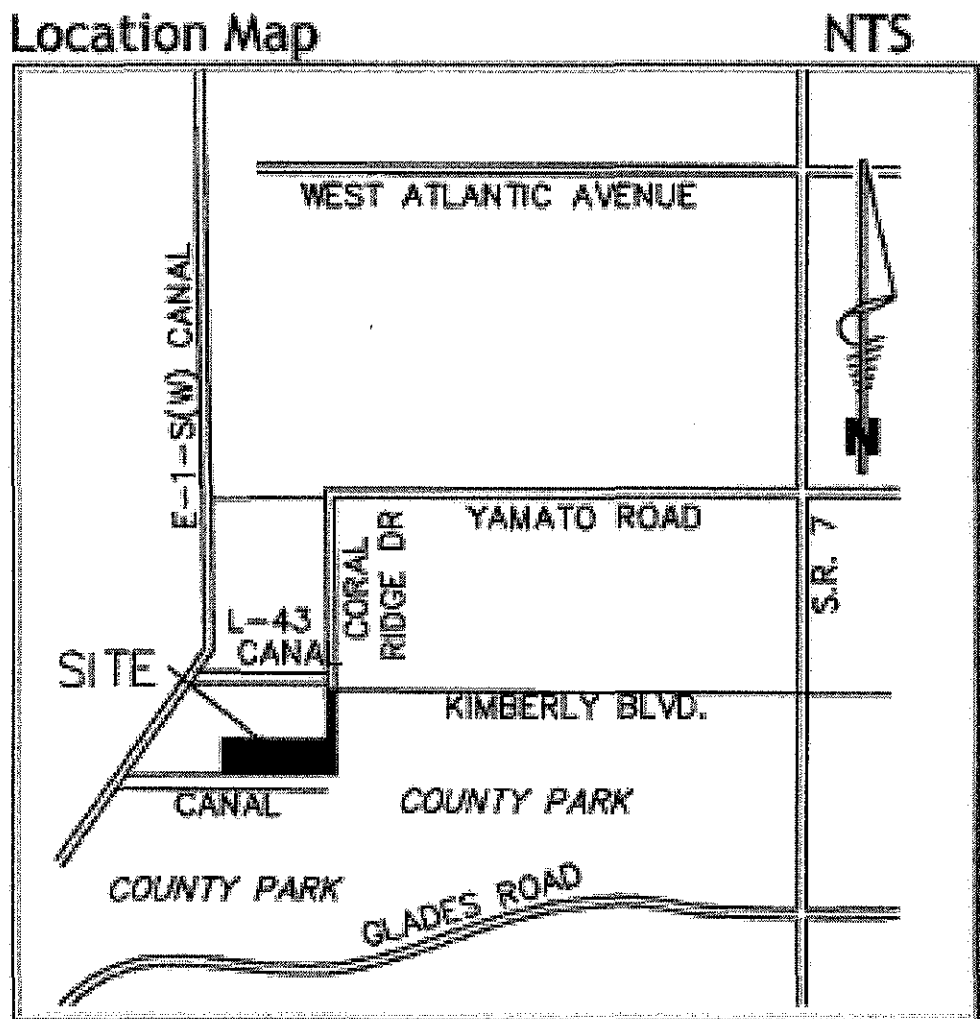


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2005-151 (Control 2004-00015), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

2. Previous A condition 1 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 25, 2004. 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.

Is hereby amended to read:

Development of the site is limited to the uses, site design, and cul-de-sac waiver, as approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated January 15, 2015. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The property owner shall provide for the acquisition funding costs of the right-of-way for Coral Ridge Drive as provided for below:

a. A minimum of 120 feet in width from the north property line of this PUD, north to the Kahn property.

b. Right of way to be acquired by this property owner from the Kahn property shall be a minimum of 79 feet in width from the proposed east right of way line.

Right of way acquisition shall be sufficient to accommodate a 2 lane section. Final alignment for the right of way shall be subject to approval by the County Engineer. Acceptable surety shall be provided to the Office of the County Engineer prior to July 1, 2005. Notification by the developer shall be given to the Land Development Division.

(DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 1 of Resolution R-2005-151, Control No.2004-00015)

2. On or before July 1, 2005, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Coral Ridge Drive, Drive a minimum of 120 feet in width from the north property line of this PUD, north to the Kahn property. Right of way to be acquired from the Kahn property shall be a minimum of 79 feet in width from the proposed east right of way line and shall be sufficient to accommodate a 2 lane section. Final alignment for the right of way shall be subject to approval by the County Engineer as referenced above, subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to the Land Development Division. [Note: COMPLETED] (Previous E condition 2 of Resolution R-2005-151, Control No.2004-00015)

3. Previous E condition 3 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The property owner shall fund the construction plans and construction of Coral Ridge Drive as a 2-lane section from the projects south property line to Kimberly Boulevard. Funding of the construction plans and construction shall be completed on or before October 1, 2005. All canal crossings within the project limits shall be constructed to their ultimate configuration.

Is hereby amended to read:

The Property Owner shall fund the construction plans and construction of Coral Ridge Drive as a 2-lane section from the projects south property line to Kimberly Boulevard. Funding of the construction plans and construction shall be completed prior to issuance of the first Certificate of Occupancy. All canal crossings within the project limits shall be constructed to their ultimate configuration. (BLDG/CO: MONITORING - Engineering)

4. Previous E condition 4 of Resolution R-2005-151, Control No.2004-00015, which currently states:

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

1. No Building Permits shall be issued until the contract has been let for the 2 lane construction of Coral Ridge Drive from the projects south property line to Kimberly Boulevard plus the appropriate paved tapers.
2. No Certificates of Occupancy shall be issued until the construction of Coral Ridge Drive from the projects south property line to Kimberly Boulevard has been completed.
3. No Building Permits for the site may be issued after September 23, 2015. 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.

Is hereby amended to read:

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

- a. No Building Permits shall be issued until a permit has been issued for the 2 lane construction of Coral Ridge Drive from the projects south property line to Kimberly Boulevard plus the appropriate paved tapers (BLDG/DATE: MONITORING - Engineering)
- b. No Building Permits for the site may be issued after December 31, 2020. 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 - Engineering)

5. Previous E condition 5 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Kimberly Boulevard and Coral Ridge Drive Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

- 1) Building Permits for more than 20 dwelling units shall not be issued until the developer provides acceptable surety to the Land Development Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDG PERMIT:

MONITORING - Eng).

Is hereby amended to read:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Kimberly Boulevard and Coral Ridge Drive. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

a. Building Permits for more than 20 dwelling units shall not be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division for the installation of this signal. (BLDGPMT: MONITORING - Engineering)

6. CONVEYANCE OF RIGHT OF RIGHT OF WAY - Coral Ridge Drive

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Coral Ridge Drive, 120 feet in width on an alignment approved by the County Engineer prior to July 1, 2005. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips". (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E condition 6 of Resolution R-2005-151, Control No.2004-00015)

7. Previous E condition 7 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The Property owner shall construct:

- A. A left turn lane north approach on Coral Ridge Drive at Kimberly Drive.
- B. A left turn lane south approach on Coral Ridge Drive at Kimberly Drive.

Is hereby amended to read:

The Property Owner shall:

- i. Restripe the north approach to provide a left turn lane and a through lane north approach on Coral Ridge Drive at Kimberly Boulevard, on an alignment as approved by the County Engineer
- ii. Construct a left turn lane east approach on Kimberly Boulevard at Coral Ridge Drive, provided the Property Owner does not need to acquire any additional right of way for this improvement
- iii. Install a sign indicating 'No Outlet' at Old Pump House Road on Coral Ridge Drive, in a location approved by the County Engineer

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.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

8. Previous E condition 8 of Resolution R-2005-151, Control No.2004-00015, which currently states:

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

- a. Permits required by Palm Beach County for the construction in A and B above shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)
- b. Construction for the improvements in A and B above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: This condition has been combined with E7.]

9. Previous E condition 9 of Resolution R-2005-151, Control No.2004-00015, which currently states:

On or before July 1, 2005, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Coral Ridge Drive along the property frontage; and up to a maximum of an additional 800 feet of the adjacent right of way. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material.

Is hereby amended to read:

On or before March 26, 2016, the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Coral Ridge Drive along the property frontage; and up to a maximum of an additional 800 feet of the adjacent right of way. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive

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

10. Previous E condition 10 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying Coral Ridge Drive as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information, which appears in written form shall appear in bold print. (The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on July 15, 2006 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association.

Is hereby amended to read:

The Property Owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying Coral Ridge Drive as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information, which appears in written form shall appear in bold print. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on March 26, 2016, and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE/ONGOING: MONITORING - Engineering)

11. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Coral Ridge Drive 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. (BLDGPM: MONITORING - Engineering) (Previous E condition 11 of Resolution R-2005-151, Control No.2004-00015)

12. Previous E condition 12 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer necessary]

13. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous E condition 13 of Resolution R-2005-151, Control No.2004-00015)

14. Prior to issuance of the first building permit, the Property Owner shall plat the subject

property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Previous B condition 1 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements.

Is hereby amended to read:

Seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip.
- c. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)

2. Field adjustment of berms and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: LANDSCAPE - Zoning) (Previous B condition 2 of Resolution R-2005-151, Control No.2004-00015)

3. Berm height shall be measured from the nearest top of the curb, the crown of the road, or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDGPM: LANDSCAPE - Zoning) (Previous B condition 3 of Resolution R-2005-151, Control No.2004-00015)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF CORAL RIDGE DRIVE)

4. Landscape width and berm requirements along the east property line shall be upgraded to include:

- a. a minimum of twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum one and a half (1.5) foot high continuous berm measured from top of curb. (CO: LANDSCAPE - Zoning) (Previous C condition 1 of Resolution R-2005-151, Control No.2004-00015)

LANDSCAPE - PERIMETER-ALONG THE NORTH, AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

5. Previous D condition 1 of Resolution R-2005-151, Control No.2004-00015, which currently states:

LANDSCAPING ALONG THE NORTH, SOUTH, AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

In addition to the ULDC landscaping requirements, landscaping along the north, south, and west property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with adjacent development.
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- d. one (1) palm or slash pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall, where applicable.
- e. along the north and west property lines, a minimum seventeen (17) foot Drainage Easement (D.E.) located on the exterior (perimeter lot line) side of the minimum fifteen (15) foot wide landscape buffer strip to provide swale drainage for the adjoining lots located on the north and west sides of the development.

Is hereby amended to read:

In addition to the ULDC landscaping requirements, landscaping along the north, 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 a half (1.5) foot high continuous berm;
- c. an eight (8) foot high opaque block wall which shall be subject to a Type II Variance approval; In the event the Type II variance is denied, a six (6) foot high opaque block wall would be required. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with adjacent development.
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
- e. one (1) palm or slash pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall, where applicable.
- f. a minimum seventeen (17) foot Drainage Easement (DE) located on the exterior (perimeter lot line) side of the minimum fifteen (15) foot wide landscape buffer strip to provide swale drainage for the adjoining lots located on the north and west sides of the development. (BLDGPM: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-ALONG THE SOUTH, PROPERTY LINE (ABUTTING BURT AARONSON REGIONAL PARK)

6. In addition to the ULDC landscaping requirements, landscaping along the south, property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum one and a half (1.5) foot high continuous berm;
 - c. a six (6) foot high opaque block wall. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with adjacent development.
 - d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall;
 - e. one (1) palm or slash pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall, where applicable.
- (BLDGPM: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-ALONG THE NORTH, SOUTH, AND WEST PROPERTY LINES

7. The following landscaping requirements shall be installed on both sides of the required wall:

- a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,

b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDGPM: LANDSCAPE - Zoning) (Previous D condition 2 of Resolution R-2005-151, Control No.2004-00015)

PARKS

1. Recreation pod - depict amenities, meet minimum site dimensions and minimum dollar amount on recreational facilities. (DRO: PARKS AND RECREATION - Parks and Recreation)

PLANNED DEVELOPMENT

1. Previous F condition 1 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Street trees shall be required within all street tracts and/or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets less than fifty (50) feet in width;
- b. along both sides of all internal PUD streets fifty (50) feet in width or greater; and,
- c. roadway cross-section sketches showing the required street trees shall be reflected on the approved Regulating Plan, as applicable. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

2. Previous F condition 2 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Master Plan/Site Plan shall be amended to indicate a minimum five (5) foot wide pedestrian pathway along the eastern side of the lake tract (Lake 4) adjacent to the recreational pod. This pathway shall have a direct connection to both the pedestrian system on the property and the adjacent recreation area. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Condition addressed under Planning]

3. Previous F condition 3 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Master Plan/Site Plan shall be amended to indicate a minimum of one (1) fountain in Lake 4.

Is hereby amended to read:

The Preliminary Master Plan shall indicate a minimum of one (1) fountain in Lake 4. (DRO: ZONING - Zoning)

4. Previous F condition 4 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Focal Point 1 as identified on the plans dated May 25, 2004 shall consist of an architectural element. Prior to final approval of the site plan by the Development Review Officer, the property owner shall submit details of this focal point to the Architectural Review Section for approval.

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO) the Preliminary Regulating Plan (PMP) shall be amended to include details of an Architectural Element for Focal Point 1 as identified on the Preliminary Master Plan dated January 15, 2015. (DRO: ZONING - Zoning)

5. A minimum of two (2) shade structures shall be provided along the mulch path within the open space adjacent to the south landscape buffer, and subject to the following requirements:

- a. each structure shall have a minimum dimensions of eight (8) feet in width and sixteen (16) feet in length;
- b. a minimum of two (2) benches shall be provided at each shade structure area;
- c. a flowering vine (bougainvillea or similar specie acceptable to the Landscape Section shall be planted at each end of the shade structure; and,
- d. prior to final site plan approval by the Development Review Officer (DRO), details of the shade structure shall be submitted for approval. (DRO: ZONING - Zoning) (Previous F condition 5 of Resolution R-2005-151, Control No.2004-00015)

6. Previous F condition 6 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Decorative pavers (stamped concrete or paving blocks) shall be provided along the internal driveway and T-intersections as indicated on the master plan dated May 25, 2004. The minimum dimension for each focal point shall be as follows:

- a. Main access point - 8,400 square feet;
- b. T-intersections - 2,300 square feet each.

Is hereby amended to read:

Decorative pavers (stamped concrete or paving blocks) shall be provided along the internal driveway and the two (2) T-intersections of Windy Forest Way as indicated on the Preliminary Regulating Plan dated January 15, 2015. (ONGOING: ZONING - Zoning)

7. Prior to the recordation of the first plat, 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 include the following:

- a. 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.
- b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
- c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD.
(PLAT: ENGINEERING - Zoning) (Previous F condition 7 of Resolution R-2005-151, Control No.2004-00015)

8. Previous F condition 8 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The property owner or developer shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective residents that the community is adjacent to a regional county park with active recreational amenities that may be subject to noise and lights from the park's existing and future recreational facilities including but not limited to water park, water ski lakes, outdoor amphitheater, ball fields, etc. Also, the homeowners documents shall include a statement that all or portions of South County Regional Park Parcel "A" will remain in an unimproved state with no regularly scheduled maintenance until such time as the park is developed in phases and open to the public. The property owner or developer shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on September

30, 2005 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association.

Is hereby amended to read:

The Property Owner or developer shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective residents that the community is adjacent to a regional county park with active recreational amenities that may be subject to noise and lights from the park's existing and future recreational facilities including but not limited to water park, water ski lakes, outdoor amphitheater, ball fields, etc. Also, the homeowners documents shall include a clearly legible statement with a minimum 12 point type, that all or portions of Burt Aaronson South County Regional Park Parcel "A" will remain in an unimproved state with no regularly scheduled maintenance until such time as the park is developed in phases and open to the public. The Property Owner or developer shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on September 30, 2015, and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (DATE: MONITORING - Parks and Recreation)

9. Previous F condition 9 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The property owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses in the vicinity of the development. This disclosure statement shall include notification as to the existence of agricultural uses, including, but not limited to, landscape nurseries, livestock, pets, and row crops; which activities, among other things, generate noise. In addition, the language shall include a statement that each lot owner acknowledges and agrees that the existing agricultural uses to the north and west of the property existing as of the date of development order issuance predate the development of the project. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on September 30, 2005 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association.

Is hereby amended to read:

The Property Owner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural uses in the vicinity of the development. This disclosure statement shall include notification as to the existence of agricultural uses, including, but not limited to, landscape nurseries, livestock, pets, and row crops; which activities, among other things, generate noise. In addition, the language shall include a statement that each lot owner acknowledges and agrees that the existing agricultural uses to the north and west of the property existing as of the date of development order issuance predate the development of the project. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on September 30, 2015 and shall continue on an annual basis until all units within the development have been sold or the property owner relinquishes control to the homeowners association. (DATE: MONITORING - Zoning)

10. Prior to final site plan approval by the Development Review Officer (DRO) the site plan shall be revised to indicate a pedestrian connection from the subject site connecting to the South County Regional Park. This pedestrian connection shall be the proposed sidewalk to be located within the right-of-way of Coral Ridge Drive. (DRO: ZONING - Zoning) (Previous F condition 10 of Resolution R-2005-151, Control No.2004-00015)

11. Prior to Final Approval by the Development Review Officer, the Subdivision and Regulating Plans shall be revised to indicate upgraded recreation amenities within the 0.92 acre neighborhood park. The additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
- b. include a minimum of two (2) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench; [adjust numbers accordingly]; and,
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity; and,
- e. details for all items indicated above shall be subject to review and approval by the Zoning Division. (ONGOING: ZONING - Zoning)

PLANNING

1. Previous G condition 1 of Resolution R-2005-151, Control No.2004-00015, which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the master plan shall include a pedestrian pathway along lake 4 and a pedestrian pathway along the recreation parcel in areas that do not front residential units.

Is hereby amended to read:

A minimum five (5) foot wide pedestrian pathway shall be located along the eastern side of Lake 4 that shall run south into the Planned Unit Development (PUD) internal recreation area and connect to the sidewalks along the PUD spine road. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Department of Economic Sustainability(DES), and provide a copy of the receipt for that payment to the Planning Division, in the amount of \$326,000 (4 units at \$81,500 per WHP unit). (BLDGPM: MONITORING - Planning)

SCHOOL BOARD

1. Previous H condition 1 of Resolution R-2005-151, Control No.2004-00015, which currently states:

The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

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

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board and the County Engineer. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner.

Is hereby amended to read:

The Property Owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

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

(ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

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) (ONGOING: ZONING - 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: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

DISCLOSURE

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