

RESOLUTION NO. R-2018- 0803

RESOLUTION APPROVING ZONING APPLICATION EAC-2018-00409  
(CONTROL NO. 2003-00034)  
an Expedited Application Consideration  
APPLICATION OF Home Dynamics Silverleaf Llc  
BY Design and Entitlement Consultants, LLC., AGENT  
(Lantana Farms 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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application EAC-2018-00409 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2018;

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

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

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Expedited Application Consideration;

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

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

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

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application EAC-2018-00409, the Application of Home Dynamics Silverleaf Llc, by Design and Entitlement Consultants, LLC., Agent, for an Expedited Application Consideration to modify the Master Plan and Condition of Approval (Landscape), on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 24, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	- Absent
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Absent
Commissioner Paulette Burdick	- Aye
Commissioner Dave Kerner	- Absent
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 24, 2018.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2018.

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

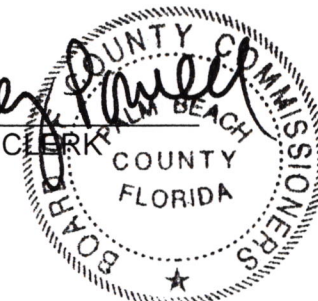


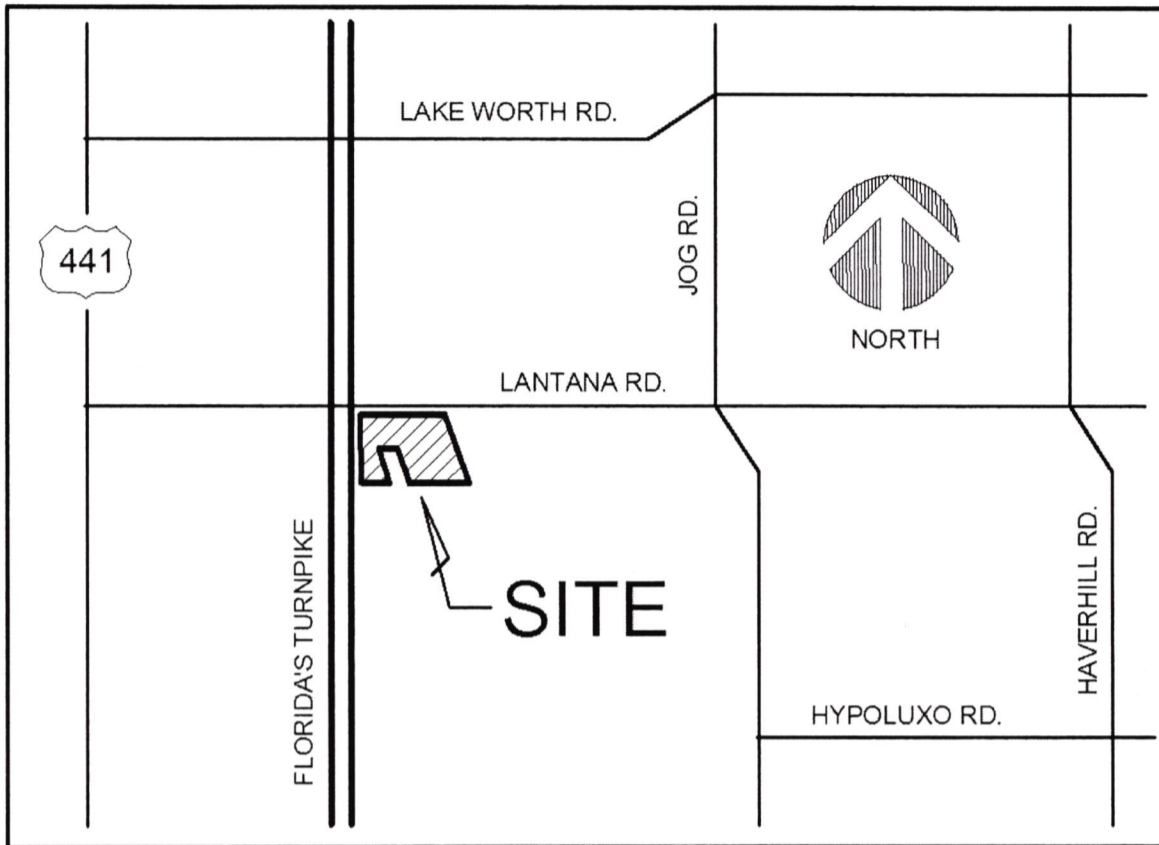
EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

ALL OF LANTANA FARMS P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124, PAGES 160 THROUGH 163 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING 39.197 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Expedited Application Consideration**

##### **ALL PETITIONS**

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Master Plan (PMP) is dated April 9, 2018. 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) (Previous ALL PETITIONS Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2015-118 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)

##### **ARCHITECTURAL REVIEW**

1. Diversity of architectural elevations and exterior color schemes for the townhouse units in Pod B shall be achieved through compliance with the following:

a. a minimum of three (3) elevations shall be required for each individual building, to be evenly dispersed amongst the units within each building. Variation in these elevations shall be achieved through the use of differing architectural details such as, but not limited to: roof treatment, stucco banding, reveals, decorative vents and louvers, columns or pilasters, and/or quoins;

b. a minimum of three (3) exterior color schemes shall be required for each individual building, to be evenly dispersed amongst the units within each building; and,

c. the entire length of the front facade of each unit shall project or be recessed a minimum distance of six (6) feet from the front facade of the adjacent unit to provide the appearance of staggered building setbacks and to achieve a varied streetscape. (BLDGPMT: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2015-118, Control No.2003-00034)

##### **ENGINEERING**

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

a. Building Permits for no more than 32 single-family dwelling units and 50 multi-family dwelling units shall be issued (max. 71 net peak hour trips) until:

1) the construction commences for Lyons Road 4 lane median divided construction from Lantana Road to Hypoluxo Road plus the appropriate paved tapers.

2) a) the construction commences for south approach dual left turn lanes at the intersection of Hagen Ranch Road at Lantana Road plus the appropriate paved tapers and receiving lanes.

b) the construction commences for an additional (third) through lane west approach at the intersection of Hagen Ranch Road at Lantana Road plus the appropriate paved tapers and receiving lanes.

[Note: COMPLETED]

b. Building Permits for no more than 43 single-family dwelling units and 50 multi-family dwelling units shall be issued (max. 82 net peak hour trips) until the construction commences for north and south approach dual left turn lanes and a second north approach through lane on Lyons Road at its intersection with Lantana Road. Intersection improvements shall also include appropriate paved tapers and receiving lanes plus the appropriate paved tapers. (BLDGPMT: ENGINEERING - Engineering) [Note: COMPLETED]

c. No Building Permits for the site may be issued after December 31, 2019. 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 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

d. The Concurrency for the project is required to be included with the adjacent MUPD parcel to the west (zoning petition PDD2003-078). The mix of allowable uses between this PUD and the adjacent MUPD may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (Previous ENGINEERING Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. Acceptable surety required for the offsite road improvements as outlined in Condition E.1.a. and E.1.b shall be posted with the Office of the Land Development Division on or before October 24, 2004.

a. This surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED]

b. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2015-118, Control No.2003-00034)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall fund the cost of signal modifications and pavement markings as determined by the County Engineer at Lantana Road and Bentbrook Boulevard. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2015-118, Control No.2003-00034)

#### 4. LANDSCAPE WITHIN THE MEDIAN OF LANTANA ROAD

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph D (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. CO: MONITORING - Eng (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]

d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED]

e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lantana Road. This payment shall be in the

amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2015-118, Control No.2003-00034)

5. Prior to issuance of the first building permit the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s) at Lantana Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2015-118, Control No.2003-00034)

#### 6. Noise Mitigation

a. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans, and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property Owner. If the State of Florida guidelines does not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation were not required under the State of Florida Guidelines at the time of the approval, and that any noise mitigation measures requested in the future will not be constructed by Palm Beach County. The Property Owner shall submit documentation of compliance on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE: MONITORING - Engineering)

b. Prior to DRO certification of the Preliminary Development Plan, the Master Plan shall be revised to reflect compliance with the approved noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: MONITORING - Engineering)

c. Construction of any sound walls and/or landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2015-118, Control No.2003-00034)

7. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2015-118, Control No.2003-00034)

8. Prior to the issuance of the first building permit, the property owner shall grant a drainage and access easement to the adjacent MUPD to the west. Location of the easement shall be approved by the County Engineer; form and content shall be approved by the County Attorney. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2015-118, Control No.2003-00034)

9. Prior to December 1, 2004, the property owner shall provide for the acquisition by funding the cost of the right-of-way and all associated costs for Lyons Road construction from Lantana Road to Hypoluxo Road plus the appropriate paved tapers as a 108-foot right-of-way within the limits referenced in the Phasing Condition above. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before December 1, 2004. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2015-118, Control No.2003-00034)

10. On or before June 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 Lyons Road 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 Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2015-118, Control No.2003-00034)

11. Prior to December 1, 2005, the property owner shall commence the construction of Lyons Road as a 4-lane facility (expandable to 6 lanes) from Lantana Road to Hypoluxo Road plus the appropriate paved tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2015-118, Control No.2003-00034)

12. The Property owner shall construct intersection improvements at Hagen Ranch Road and Lantana Road to provide for:

- south approach dual left turn lanes; and,
- signal modifications as required by the County Engineer

a. 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 (PLAT: ENGINEERING - Engineering) [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of 25 Building Permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 32 single-family dwelling units and 50 multi-family dwelling unit certificates of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2015-118, Control No.2003-00034)

13. The property owner shall construct intersection improvements at Lyons Road and Lake Worth Road to provide for a north and south approach right turn lane and a second north approach through lane. Construction shall also include all signal modifications as required by the County Engineer

a. 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. (PLAT: ENGINEERING - Engineering) [Note: COMPLETED]

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of 50 Building Permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 43 single-family dwelling units and 50 multi-family dwelling units. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2015-118, Control No.2003-00034)

14. Prior to issuance of the first building permit, the Property Owner shall plat the subject property and any residual parcels in accordance with provisions of Article 11 of the Unified Land Development Code or as approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2015-118, Control No.2003-00034)

15. Prior to the recordation of the plat, the Property Owner shall abandon the portion of the utility easement which is located on proposed Lots 122 and 127 through 131. (PLAT:



ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2015-118, Control No.2003-00034)

16. Prior to the issuance of the first Building Permit, the Property Owner shall create legal access to the out parcel shown on the Master Plan as "Remainder Lot 4 Tract 40". Access to the out parcel shall be equal to that required for access if the parcel was developed to the maximum density or intensity permitted under the Comprehensive Plan or as approved by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2015-118, Control No.2003-00034)

17. The Property Owner shall re-stripe the existing eastbound U-turn lane on Lantana Road at Bentbrook Boulevard to be a left turn lane. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2015-118, Control No.2003-00034)

18. The Property Owner shall modify the existing median openings on Lantana Road at both access points to allow left turns out of the site. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2015-118, Control No.2003-00034)

#### **ENVIRONMENTAL**

1. Provide a Phase II Audit for all portions of this petition that may have stored or utilized regulated substances currently or have in the past prior to DRO Master or Site Plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2015-118, Control No.2003-00034)

#### **LANDSCAPE - GENERAL**

1. 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. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:

a. Palm heights: twelve (12) feet clear trunk;

b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,

c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2015-118, Control No.2003-00034)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights.

Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. This condition does not apply where a single row of shrub or hedge material is required on one or both sides of a wall or fence. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2015-118, Control No.2003-00034)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2015-118, Control No.2003-00034)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees, unless specified herein. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2015-118, Control No.2003-00034)

6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2015-118, Control No.2003-00034)

7. 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: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD), AND BOTH SIDES OF LANTANA ROAD**

8. Landscaping and buffering along the north property line fronting Lantana Road, and both sides of the project's Lantana Road entrance drive shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree for each twenty-five (25) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-2-E CANAL AND FLORIDA'S TURNPIKE)**

9. Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2015-118, Control No.2003-00034, which currently states:

Landscaping and buffering along the west property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade;
- c. an eight (8) foot high opaque concrete screen panel wall or meet the minimum

requirements of FDOT, whichever is more restrictive. The wall or FDOT sound barrier shall be located on the plateau of the berm;

- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall or sound barrier; and,
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall or sound barrier.

**Is hereby amended to read:**

Landscaping and buffering along the west property line shall be upgraded to include:

- a. twenty-five (25) foot wide landscape buffer strip;
- b. a continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade;
- c. an eight (8) foot high opaque concrete screen panel wall or meet the minimum requirements of FDOT, whichever is more restrictive. The wall or FDOT sound barrier shall be located on the plateau of the berm;
- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the wall or sound barrier; and,
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall or sound barrier. (DRO-BLDGPMT: ZONING/BUILDING Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING LWDD E-2-E CANAL AND FLORIDA'S TURNPIKE)**

10. The following landscaping requirements shall be installed on the interior side of the required wall or sound barrier:

- a. one (1) flowering tree planted for each fifty (50) linear feet of the property line;
- b. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- c. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 10 of Resolution R-2015-118, Control No.2003-00034)

11. Along the exterior side of the required wall or sound barrier, the property owner shall install a continuous row of thirty (30) inch high shrub or hedge material between all trees, to be maintained at a minimum height of fortyeight (48) inches at maturity. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 11 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST 200 FEET OF THE SOUTH PROPERTY LINE (ABUTTING LWDD L-16 CANAL)**

12. Landscaping and buffering along the west 200 feet of the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous berm with a minimum height of three and one-half (3.5) feet measured from finished grade;
- c. an eight (8) foot high opaque concrete screen panel wall or meet the minimum requirements of FDOT, whichever is more restrictive. The wall or FDOT sound barrier shall be located on the plateau of the berm. The exterior side of the wall or FDOT sound barrier 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, to be planted on both sides of the wall or FDOT sound barrier;
- e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, to be planted on both sides of the wall or FDOT sound barrier;

- f. one (1) flowering tree planted for each fifty (50) linear feet of the property line, to be planted on both sides of the wall or FDOT sound barrier;
- g. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation, to be planted on both sides of the wall or FDOT sound barrier; and,
- h. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be planted on both sides of the wall or FDOT sound barrier. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 12 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF POD A AND THE EAST 298 FEET OF THE SOUTH PROPERTY LINE**

13. Landscaping and buffering along the south property line of Pod A and the east 298 feet of the south property line abutting the LWDD L16 Canal shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous one and one-half (1.5) foot high berm measured from finished grade;
- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 13 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING WOODLAND CREEK SUBDIVISION)**

14. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a six (6) foot high opaque wood fence;
- c. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation, to be planted on the exterior side of the fence;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be planted on the exterior side of the fence; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, to be planted on the interior side of the fence. (BLDGPM: LAKE CLARKE - Zoning) (Previous LANDSCAPE - PERIMETER Condition 14 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING WOODLAND CREEK SUBDIVISION)**

15. Planting requirements for the east property line may be modified subject to approval of an Alternative Landscape Plan (ALP). The ALP shall be approved by the Landscape Section prior to final approval by the DROA comply with all ULDC requirements, and shall show:

- a. incorporation of existing Areca palm hedge;
- b. a minimum twelve (12) foot high, continuous, visually opaque screen of Areca palm hedge along the entire east property line, or a greater height if necessary to establish uniformity with existing hedge. The hedge shall be maintained at a minimum height of

twenty (20) feet at maturity; and,

c. a six (6) foot high opaque wood fence, to be located on the interior (west) side of the Areca palm hedge. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 15 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH, EAST AND WEST PROPERTY LINES (ABUTTING LOT 4, TRACT 40)**

16. Landscaping and buffering along the south, east and west property lines (abutting Lot 4, Tract 40) shall be upgraded to include:

a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;

b. a continuous two (2) foot high berm measured from finished grade;

c. a six (6) foot high opaque fence shall be located on the plateau of the berm;

d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and,

e. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 16 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST (617.96 FEET AND WEST (610.27) FEET PROPERTY LINES (ABUTTING LOT 4, TRACT**

17. The following landscaping requirements shall be installed on the interior side of the required fence:

a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) 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 twenty-four (24) inches at installation. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 17 of Resolution R-2015-118, Control No.2003-00034)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST (617.96) FEET AND WEST (610.27) FEET PROPERTY LINES (ABUTTING LOT 4, TRAC**

18. Along the exterior side of the required fence, the petitioner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches at maturity. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 18 of Resolution R-2015-118, Control No.2003-00034)

**LIGHTING-(PRIVATE CIVIC TRACT, ALL RECREATION AREAS, AND PROJECT ENTRANCES)**

1. All outdoor lighting used to illuminate the private civic tract, recreation areas, and project entrances shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2015-118, Control No.2003-00034)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2015-118, Control No.2003-00034)

**PALM TRAN**

1. Prior to Plat Recordation or Issuance of the first Building Permit, whichever shall occur first, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved

by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. (PLAT: PALM-TRAN - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Master/Site Plans prior to the final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM-TRAN - Palm-Tran) (Previous N Condition 1 of Resolution R-2015-118, Control No.2003-00034)

3. Prior to the issuance of the first building permit or recordation of the plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDGPMPT: PALM-TRAN - Palm-Tran) (Previous N Condition 2 of Resolution R-2015-118, Control No.2003-00034)

4. Prior to the issuance of a building permit for the 25th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the property owner. (BLDGPMPT: PALM-TRAN - Palm-Tran) (Previous PALM TRAN Condition 4 of Resolution R-2015-118, Control No.2003-00034)

5. Prior to issuance of the first Certificate of Occupancy, the property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. (CO: PALM-TRAN - Palm-Tran) (Previous N Condition 3 of Resolution R-2015-118, Control No.2003-00034)

#### **PLANNED DEVELOPMENT**

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. Street trees shall be required within the street tracts 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, forty (40) feet in width or greater; b. along both sides of all internal PUD streets, fifty (50) feet in width or greater; and, c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2015-118, Control No.2003-00034)

3. Prior to final approval by the DRO, the PDP/site plan(s) shall be amended to indicate decorative paving treatment (pre-cast concrete paver blocks, brick pavers or stamped concrete) for the following areas:

a. at all internal intersections and extending a minimum distance of thirty (30) feet along the adjacent roadway surfaces;

b. within all roundabouts, excluding areas reserved for medians and landscape islands;

c. all pedestrian walkways at street crossings; and, d. this treatment shall be applied to the entire paved surface of the required areas. (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2015-118, Control No.2003-00034)

4. Prior to final approval by the DRO, the Master/Subdivision Plan(s) shall be amended to indicate the following:

a. a fountain within the 6.45-acre lake tract; and,  
b. a landscape and/or architectural focal feature, subject to approval by the Architectural Review Section, at the terminus of all dead-end streets that do not include provisions for future cross access to an adjacent property. (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2015-118, Control No.2003-00034)

5. Prior to final approval by the DRO, the PDP/site plan(s) shall be revised to indicate recreation amenities within the 0.74-acre recreation area . Amenities shall include pedestrian benches, trash receptacles, and a minimum of one (1) of the following: tot lot; gazebo; fitness station; rest station; or a similar amenity, subject to Zoning Division approval. These areas and amenities shall have a direct connection to the pedestrian system on the property and shall not be located within land areas designated for drainage, storm-water management or other utility purposes. The required amenities shall be installed prior to the issuance of a Certificate of Occupancy (CO). (DRO: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2015-118, Control No.2003-00034)

6. Drainage easements shall not be permitted along the rear yards of back-to-back units. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2015-118, Control No.2003-00034)

7. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (BLDGPM: BUILDING DIVISION - Zoning) (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2015-118, Control No.2003-00034)

8. 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; and,
- d. a restriction limiting each townhouse unit in Pod B that contains only two (2) parking spaces to a maximum of two (2) vehicles per dwelling unit. Vehicles shall be parked or stored only within the spaces provided by each individual unit. (ONGOING/PLAT: ENGINEERING - Zoning) (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2015-118, Control No.2003-00034)

#### **PLANNING**

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to DES and a copy of a receipt for that payment to the Planning Division in the amount of \$163,000 (2 units at \$81,500 per WHP unit). (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 6 of Resolution R-2015-118, Control No.2003-00034)

#### **SCHOOL BOARD**

1. 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) (Previous SCHOOL BOARD Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10-foot by 15-foot 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) (Previous SCHOOL BOARD Condition 2 of Resolution R-2015-118, Control No.2003-00034)

### **SITE DESIGN**

1. Prior to the issuance of the first Certificate of Occupancy (CO), if legally attainable, the portion of the existing twenty (20) foot wide ingress/egress access easement that is located adjacent to the proposed civic and recreation tracts shall be abandoned; relocated to coincide with proposed internal right-of-ways, as permitted under the deed for the remainder of lot 4, tract 40; or relocated to an alternative location that is acceptable to both the Zoning Division and the County Engineer. (TC: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. Prior to final approval by the Development Review Officer (DRO), the Preliminary Master and Subdivision Plan(s) shall include a notation indicating that homes located on lots 10 through 30, as shown on the conceptual site plan dated November 20, 2014 shall be limited to one (1) story. This notation shall also be reflected on the recorded plat. (DRO: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2015-118, Control No.2003-00034)

3. Prior to the issuance of a building permit, the property owner or developer shall install a minimum six (6) foot high temporary security fence or similar barrier along the entire eastern boundary of the site abutting Woodland Creek subdivision. This barrier shall be removed and replaced with the opaque wood fence required by Condition J.1 (BLDG/PMT: ZONING - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2015-118, Control No.2003-00034)

### **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: ZONING - Zoning) (Previous COMPLIANCE Condition 1 of Resolution R-2015-118, Control No.2003-00034)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing



- Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning) (Previous COMPLIANCE Condition 2 of Resolution R-2015-118, Control No.2003-00034)

**DISCLOSURE**

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