

RESOLUTION NO. R-2021- 0731

RESOLUTION APPROVING ZONING APPLICATION EAC-2021-00273  
(CONTROL NO. 1973-00036)

a Development Order Amendment Expedited Application Consideration  
APPLICATION OF Pulte Home Company, LLC  
BY WGINC, AGENT  
(Boca Lago 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 (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application EAC-2021-00273 was presented to the Board of County Commissioners at a public hearing conducted on May 27, 2021;

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

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

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment 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-2021-00273, the Application of Pulte Home Company, LLC, by WGINC, Agent, for a Development Order Amendment Expedited Application Consideration to modify Conditions of Approval, 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 27, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 27, 2021.

Filed with the Clerk of the Board of County Commissioners on June 8th, 2021.

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

Overall PUD Legal Description

REPLAT OF BOCA LAGO (P.B.30, PP.244-253), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 31, PAGES 62 THROUGH 71 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING IN SECTION 19, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 546.50 ACRES MORE OR LESS.

Affected Area Legal Description

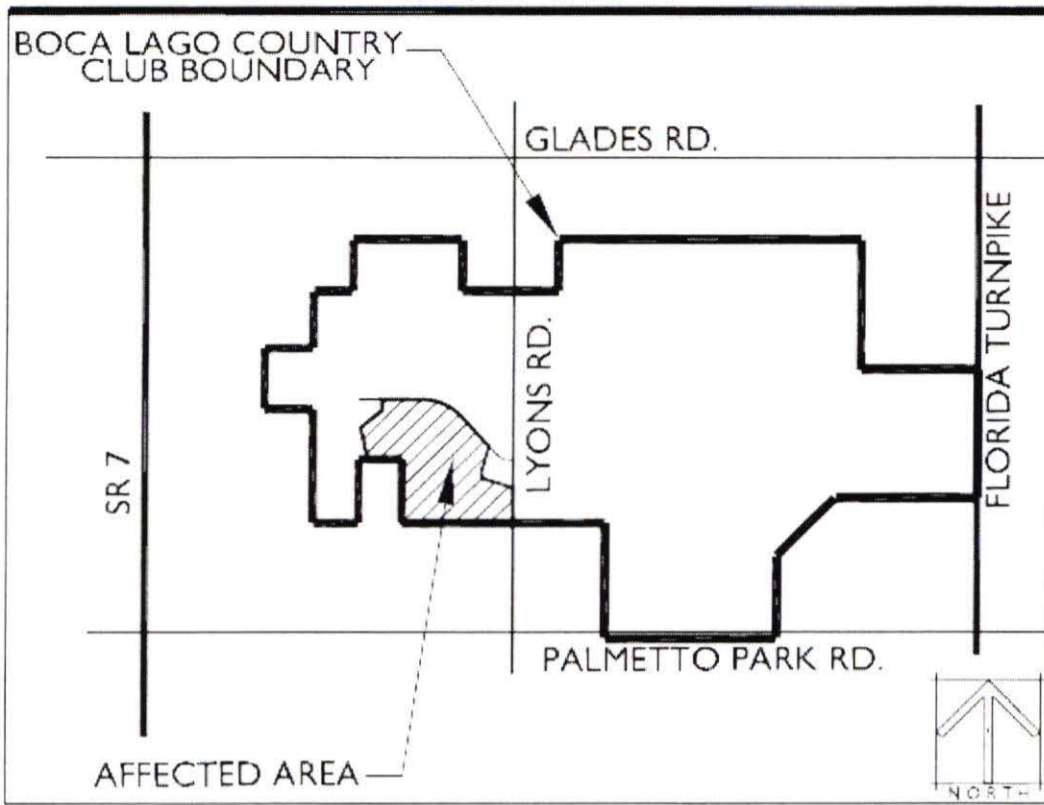
PARCELS A, C, D AND E, TRACT PA, BOCA LAGO REPLAT NO. 1 - PULTE, ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 125, PAGES 172 THROUGH 176, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 1,106,647 SQUARE FEET/25.4051 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment - Expedited Application Consideration

##### ALL PETITIONS

1. The Conditions of Approval as contained herein shall apply to Pod I only, (the Affected Area) and shall be limited to the site design approved by the Board of County Commissioners. The Preliminary Master, Regulating, Site and Subdivision Plans are dated May 10, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2016-832, Control No.1973-00036)
2. All previous conditions of approval applicable to the subject property, as contained in as contained in Resolution R-73-305 (Control No. 1973-00036) and Resolution R-2006-2334 (Control No. 1973-036), have been consolidated and contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2016-832, Control No.1973-00036)
3. Prior to final approval by the Development Review Officer for the Final Master Plan, the plan shall be revised as follows:
  - a. Remove Recreation Pods L, M, and N as they will be recreation tracts internal to Residential Pod I;
  - b. Update the PUD Land Use Mix Chart to correctly reflect the proposed/existing use percentages;
  - c. Update the Planned Development Tabular Data to correctly reflect the existing approved and proposed tabular information;
  - d. Correctly label the location of the golf course tracts in accordance with the last Development Order Application DOAW-2006-00180; and,
  - e. Update the Site Data for the Entire PUD Site to have consistent numbers between the PUD land Use Chart, the PDD Tabular Data and the Master Plan proposed changes. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2016-832, Control No.1973-00036)
4. Prior to final approval by the Development Review Officer for the Final Regulating Plan, the plan shall be revised as follows:
  - a. Correct the setback notation for the typical Building Detail; and
  - b. Include the landscape cross sections, plan details, and Waiver for the perimeter of Pod I and the Recreation Tracts. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 4 of Resolution R-2016-832, Control No.1973-00036)
5. Prior to final approval by the Development Review Officer for the Final Subdivision Plan, the plan shall be revised as follows:
  - a. Include the proposed and existing easements, with appropriate notations on their status or proposed status;
  - b. Provide consistent line types for Property, Tract and easements. The type of line shall be consistent with Palm Beach County Engineering Services Division CADD Standards (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 5 of Resolution R-2016-832, Control No.1973-00036)
6. Prior to final approval by the Development Review Officer for the Final Site Plan, the plan shall be revised as follows:
  - a. Provide correct notation and reference to any proposed Type I Waivers for reduction in

buffers;

b. Notate the correct Front, Side, Side Corner and Rear Setbacks and/or Separations for the Multi-family development;

c. Notation the required setbacks, perimeter landscaping, terminal, interior islands for the proposed recreation facilities;

d. Relocate/shift the proposed parking located in the Neighborhood park so that it does not conflict with circulation patterns at the intersection;

e. Include the proposed and existing easements, with appropriate notations on their status or proposed status;

f. Update the Site Data and PUD Property Development Regulations to include the information for all proposed recreation areas within Pod I; and

g. Provide consistent line types for Property, Tract and easements. The type of line shall be consistent with Palm Beach County Engineering Services Division CADD Standards. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 6 of Resolution R-2016-832, Control No.1973-00036)

7. Prior to Final approval by the DRO for the Master Plan or Site Plan, the Applicant/Property Owner shall provide a revised and updated documentation in accordance with Article 3.E.1.E.3.b Reduction of Open Space or Recreation. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 7 of Resolution R-2016-832, Control No.1973-00036)

8. Prior to a decision by the Board of County Commissioners, the Justification Statement and Visual Impact Analysis shall be revised to address the following:

a. Correctly detail the changes to the request since the April 7, 2016 Zoning Commission hearing; and,

b. revise the Justification Statement and Visual Impact Analysis to describe Tract C as Recreation- Golf Course as previously approved in Application DOAW-2006-00180. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 8 of Resolution R-2016-832, Control No.1973-00036)

9. Cypress areas to be rezoned to PC-Preservation/Conservation District or official approved alternative. [Note: COMPLETED] (Previous ALL PETITIONS Condition 9 of Resolution R-2016-832, Control No.1973-00036)

10. Site plan shall be revised to show the golf course abutting Camp Perry, and the removal of the golf course from the north west pine/cypress head. [Note: COMPLETED] (Previous ALL PETITIONS Condition 10 of Resolution R-2016-832, Control No.1973-00036)

## **ENGINEERING**

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

a. No Building Permits for the site may be issued after December 31, 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) (Previous ENGINEERING Condition 1 of Resolution R-2016-832, Control No.1973-00036)

2. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for:

Lyons Road, 55 feet, measured from centerline of the proposed right of way, on an alignment approved by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the

entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County 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. 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2016-832, Control No.1973-00036)

3. Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway easement to Palm Beach County along Lyons Road. This roadway easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance a minimum of 10 feet wide, or as otherwise approved by the County Engineer. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2016-832, Control No.1973-00036)

#### 4. SIGNALIZATION - VISTA DEL LAGO AND LYONS ROAD

a. The Property Owner shall fund the cost of converting the emergency fire signal to the installation of a full signal if warranted as determined by the County Engineer at Vista Del Lago and Lyons Road. The cost of signalization shall also include all design costs and any required utility relocation. Also included in the cost of signalization shall be the total cost of materials and installation of a fiber optic underground communication cable within the right of way of Lyons Road between Boca Lago Blvd. and Palmetto Park Road to permit signal coordination of adjacent traffic signals. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]

b. Building Permits for more than 50 dwelling units shall not be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. In order to request release of the surety for the traffic signal at Vista Del Lago and Lyons Road, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2016-832, Control No.1973-00036)

5. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for Palmetto Park Road, 200 feet in width on an alignment approved by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved within ninety (90) days of a request by the County Engineer. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient

documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County 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. 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2016-832, Control No.1973-00036)

6. Condition 6 previously deleted by Resolution R-2006-2334. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2016-832, Control No.1973-00036)

7. Condition 7 previously deleted by Resolution R-2006-2334. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2016-832, Control No.1973-00036)

8. Condition 8 previously deleted by Resolution R-2006-2334. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2016-832, Control No.1973-00036)

9. Pay for the condemnation necessary to acquire additional right-of-way for Wingate Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2016-832, Control No.1973-00036)

10. Construct the additional right-of-way needed to provide for four lanes on said road. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2016-832, Control No.1973-00036)

11. The four lanes shall transverse the subject property and the parcel belonging to Real Properties, Inc., (as described in Petition #73-53) and shall terminate at Boca Raton Road West (S.R. 808). (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2016-832, Control No.1973-00036)

12. Construction of additional right-of-way to be in conjunction with Real Properties, Inc. In the event that Real Properties does not participate in the road construction, it is understood that Frankel Enterprises will complete the road widening project. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12 of Resolution R-2016-832, Control No.1973-00036)

13. Landscape Within the Median of Lyons Road.

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Lyons 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 Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.



- a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)
- c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner 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 Property Owner. The Property Owner 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 Property Owner. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]
- d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lyons 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. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2016-832, Control No.1973-00036)

14. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall indicate a temporary construction access on the site plan. This access point shall be located on Lyons Road subject to the approval of the County Engineer. All construction traffic for Housing Tract #9 shall utilize this temporary access point. (DRO: ZONING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2016-832, Control No.1973-00036)

15. Prior to the issuance of the first building permit, the Property Owner shall abandon all easements in conflict with existing or proposed improvements. (BLDGPM: MONITORING - Land Development) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2016-832, Control No.1973-00036)

16. Prior to the recordation of the plat, the Property Owner shall abandon the County's interest in the public right of way, Vista Del Lago. At the time of the abandonment, the private right of way must be maintained by a private entity. (PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2016-832, Control No.1973-00036)

17. Prior to issuance of the first building permit, the Property Owner shall reconfigure the subject property into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. This plat shall include all residual parcels created by this subdivision. (BLDGPM: MONITORING - Land Development) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2016-832, Control No.1973-00036)

18. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

- a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering)
- b. Any required drainage easements shall be dedicated in conjunction with any required lot

combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2016-832, Control No.1973-00036)

### **ENVIRONMENTAL**

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2016-832, Control No.1973-00036)

2. A draft Preserve Management Plan shall be submitted for review. The Plan shall be required to be finalized and approved by ERM with a recorded conservation easement, as approved by ERM, prior to DRO final site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2016-832, Control No.1973-00036)

### **HEALTH**

1. Prior to final approval by the Development Review Officer, the property owner shall implement site assessment and make related notification and submittals to the Florida Department of Environmental Protection (FDEP) in accordance with Rules 62-780.500 and 62-780.600, Florida Administration Code, relative to the findings of arsenic contamination on the property. Copies of all submittals to the FDEP shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2016-832, Control No.1973-00036)

2. Prior to the issuance of a building permit, the property owner shall be in receipt of a Site Rehabilitation Completion Order or a No Further Action determination from the Florida Department of Environmental Protection. (BLDGPM: MONITORING - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2016-832, Control No.1973-00036)

### **LANDSCAPE - GENERAL**

1. Prior to the issuance of a building permit, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2016-832, Control No.1973-00036)

2. A minimum of sixty (60%) percent of canopy trees to be planted in the landscape buffers, except for the landscape buffers for the south and southwest property lines, shall be native and meet the following minimum standards at installation:

a. tree height: Fourteen (14) feet and shall meet the Florida Grades and Standards. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2016-832, Control No.1973-00036)

3. All palms required to be planted on the property by this approval 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. (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2016-832, Control No.1973-00036)

4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2016-832, Control No.1973-00036)

5. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2016-832, Control No.1973-00036)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND SOUTH WEST PROPERTY LINES (ABUTTING ARBOR WOOD SUBDIVISION)**

6. Prior to the issuance of a building permit for any Multi-family buildings the south and southwest perimeter buffers shall be installed. (BLDGPMPT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2016-832, Control No.1973-00036)

**LANDSCAPE - PERIMETER-SOUTH AND SOUTHWEST PROPERTY LINES (ABUTTING ARBOR WOOD SUBDIVISION)**

7. Landscaping along the south and southwest property lines shall be upgraded to include the following:

- a. A minimum of thirty (30) foot wide buffer strip, except where the conservation easement is located;
- b. A three (3) foot high continuous berm;
- c. A six (6) foot concrete panel wall located on the plateau of the berm;
- d. One canopy tree for each twenty (20) lineal feet of the property lines. Trees shall be at a sixteen (16) foot height and shall meet Florida Grades and Standards requirements. Trees may be planted in a staggered manner to maximize the screening;
- e. A minimum of twelve (12) foot high Areca Palm, or a similar species that is acceptable to the Zoning Division, and shall be planted on both sides of the wall; and,
- f. One (1) medium shrub per four (4) lineal feet of the property lines shall be planted one side of the wall. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2016-832, Control No.1973-00036)

**LANDSCAPE - PERIMETER-WEST PROPERTY LINE ADJACENT TO RECREATION TRACT C**

8. Prior to Final Plan approval by the Development Review Officer (DRO), the Applicant/Property Owner shall revise the Site Plan and Regulating Plan to include the required 15-foot wide Type II Incompatibility Buffer. Buffer width may be reduced pursuant to the ULDC exceptions. (DRO: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2016-832, Control No.1973-00036)

**PALM TRAN**

1. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall amend the Master Plan to indicate mass transit circulation, bus access, and/or bus stops on or adjacent to the subject property (DRO: DEVELOPMENT REVIEW OFFICER - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2016-832, Control No.1973-00036)

2. Prior to Plat Recordation, 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. (PLAT: ENGINEERING - Monitoring) (Previous PALM TRAN Condition 2 of Resolution R-2016-832, Control No.1973-00036)

**PLANNING**

1. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to the Department of Economic Sustainability(DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$244,500 (3 units at \$81,500 per

WHP unit). (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2016-832, Control No.1973-00036)

### **PROPERTY & REAL ESTATE MANAGEMENT**

1. All of Palm Beach County's interest in the Boca Lago Preserve Conservation (PC) Parcels 1 to 21, which were originally dedicated to the County by Plat Book 30, pages 244-253 and replatted in Plat Book 31, pages 62-71, shall be conveyed by County Deed from Palm Beach County and accepted by the Boca Lago Country Club, Inc. prior to recordation of the first plat under application 2015-1719.

Additionally, it will be incumbent on the Developer of this project to show that Boca Lago Country Club has fee simple title to all PC areas prior to the County conveying its interest in the PC areas. The Developer also acknowledges that the Country Club must enter into a maintenance agreement with the County for PC areas 1, 2, 5-21 prior to platting this project. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2016-832, Control No.1973-00036)

### **PLANNED UNIT DEVELOPMENT**

1. Prior to recordation of the plat, all property included in the legal description of Housing Tract #9 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; and,

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 plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (ONGOING/PLAT: ENGINEERING - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 1 of Resolution R-2016-832, Control No.1973-00036)

2. Prior to plat recordation, the master association shall hold an election of its membership in the manner required by its documents to include Housing Tract #9 within the Boca Lago Associates LTD as a sub-association with all rights, benefits and obligations of membership. In the event the above election is held and does not approve inclusion of Housing Tract #9 within the Association, an independent association shall be formed for Housing Tract #9. The members of the Housing Tract #9 association shall receive the same rights, benefits and obligations as members of the Master Association except for membership. (ONGOING/PLAT: MONITORING - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 2 of Resolution R-2016-832, Control No.1973-00036)

3. Amenities shall be provided for Pod I in the following areas:

a. decorative pavement, such as precast concrete pavers or stamped concrete along the entire entrance street between Buildings 1 and the Recreation Parcel, approximately 4,800 square feet;

b. decorative pavement, such as precast concrete pavers or stamped concrete in the cul-de-sac adjacent to Buildings 2 and 33; and,

c. decorative pavement, such as precast concrete pavers or stamped concrete at the intersecting streets adjacent to Buildings 4 and 27 and at the intersecting streets adjacent to Building 5, approximately 1,200 square feet each area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 3 of Resolution R-2016-832, Control No.1973-00036)

4. Previous PLANNED UNIT DEVELOPMENT Condition 4 of Resolution R-2016-832, Control No.1973-00036, which currently states:

Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall indicate on the Site Plan a pedestrian walkway around the lake track. The walkway shall be a minimum of five (5) feet in width and shall be paved with an acceptable ADA accessible surface.

**Is hereby amended to read:**

Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the plans to indicate the pedestrian walkway and gazebos within Recreation Pod C. The walkway shall be a minimum of five (5) feet in width and shall be paved with an acceptable ADA accessible surface. (DRO: ZONING - Zoning)

5. Prior to final approval by the Development Review Officer (DRO), the site plan for Housing Tract #9 shall be revised to indicate a minimum of one (1) water fountain as a focal feature within the lake. The location of this fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 5 of Resolution R-2016-832, Control No.1973-00036)

6. Buildings 12, 13, 14, 17, 18, 21 and 22, shall be limited to one story and two units. Height shall be measured from the finished grade to the highest point of the building. (BLDG/PMT/DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 6 of Resolution R-2016-832, Control No.1973-00036)

**SCHOOL BOARD**

1. Prior to Final Site Plan certification, the applicant shall provide a "Declaration and Restrictive Covenant" which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRO: SCHOOL BOARD - County Attorney) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 1 of Resolution R-2016-832, Control No.1973-00036)

**SENIOR/ADULT ONLY COMMUNITY**

1. Starting on May 26, 2017, the property owner shall submit an annual report to the Zoning and Traffic Divisions demonstrating compliance with the adult only community requirements as documented in the restrictive covenant. (DATE: MONITORING - Zoning) (Previous SENIOR/ADULT ONLY COMMUNITY Condition 1 of Resolution R-2016-832, Control No.1973-00036)

**UTILITIES**

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) [Note: COMPLETED] (Previous UTILITIES Condition 1 of Resolution R-2016-832, Control No.1973-00036)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or

approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (ONGOING: MONITORING - Zoning)

#### **DISCLOSURE**

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