

RESOLUTION NO. R-2023- 0376

RESOLUTION APPROVING ZONING APPLICATION EAC-2022-00852  
(CONTROL NO. 1997-00095)  
a Development Order Amendment (Expedited Application Consideration (EAC))  
APPLICATION OF Palm Beach County  
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT  
(Green Cay)

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-2022-00852 submitted on behalf of Palm Beach County, by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Agent, for a Development Order Amendment (Expedited Application Consideration) to modify the Conditions of Approval was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2023;

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

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-2022-00852, the Application of Palm Beach County, by Gentile Glas Holloway O'Mahoney & Assoc. Inc., Agent, for a Development Order Amendment (Expedited Application Consideration) to modify Conditions of Approval on 270.43 acres, 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 March 23, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 23, 2023.

Filed with the Clerk of the Board of County Commissioners on March 24, 2023.

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

ALL OF THE PLAT OF WINSBERG FARMS PUD, ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN PLAT BOOK 102, PAGES 98 THRU 100 OF THE PUBLIC RECORDS  
OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

ALL OF THE PLAT OF WINSBERG WETLAND RESTORATION PROJECT, ACCORDING  
TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 102, PAGES 93 THRU 97 OF  
THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 270.43 ACRES MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

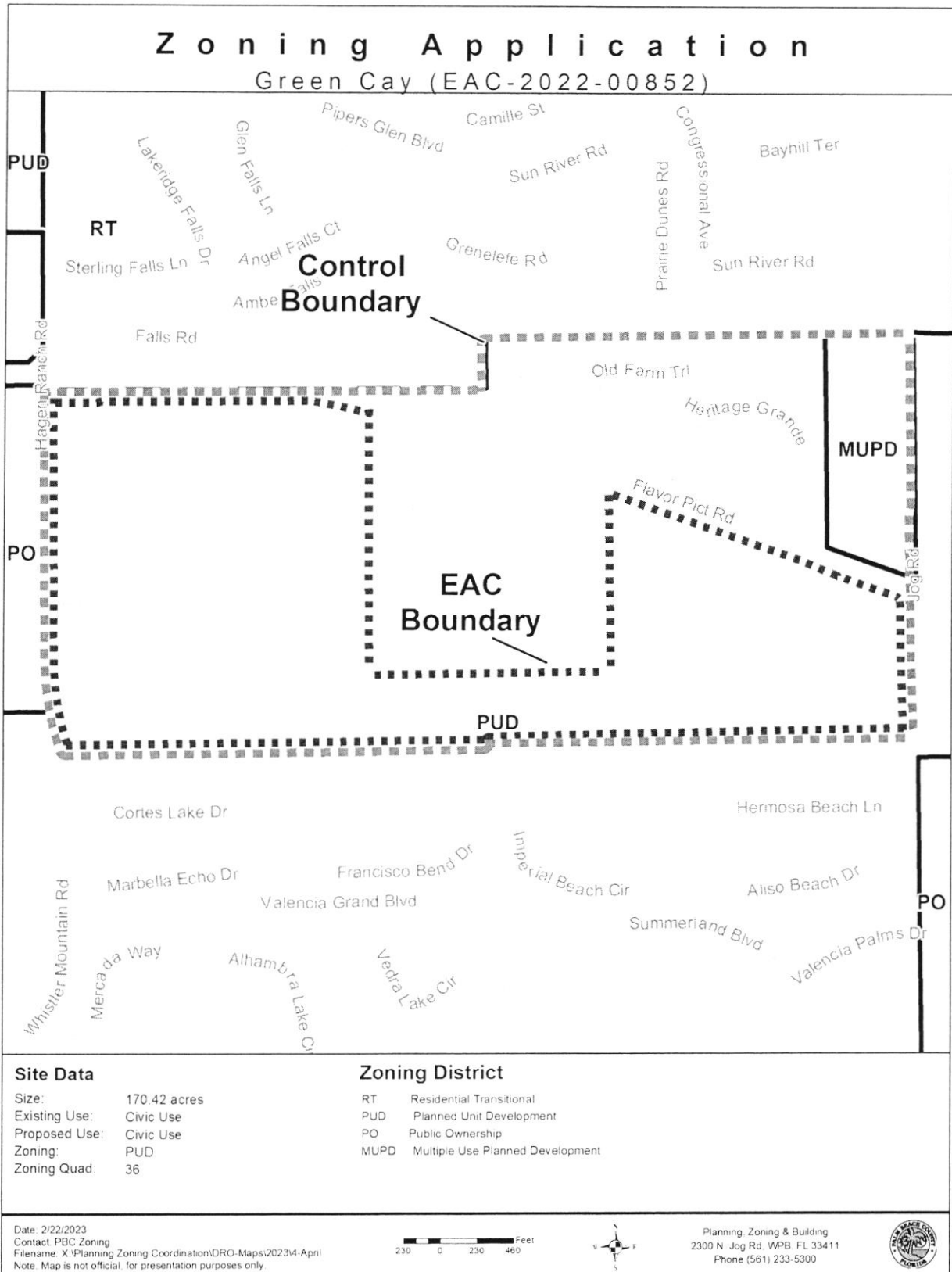


EXHIBIT C

CONDITIONS OF APPROVAL

**Development Order Amendment (Expedited Application Consideration (EAC))**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2005-1050, Control No.1997-00095, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-423 (Petition), R-98-424 (Petition 97-95), R-98-869 (Petition 97-95\*), R-00-1707 (Petition 97-95A) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E of the ULDC and the Board of County Commissioners, unless expressly modified.

**Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-1998-0423, R-1998-0424, R-1998-0869, R-2000-1707, R-2005-1050, 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2005-1050, Control No.1997-00095, which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan and master plan is dated February 11, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

**Is hereby amended to read:**

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Master Plan and Site Plan are dated August 21, 2020. 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. (DRO: ZONING - Zoning)

**BUILDING AND SITE DESIGN**

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet, except as permitted in Section 6.5.H.5 of the ULDC. (BLDG PERMIT: BLDG - Zoning/Planning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

2. The minimum setback for all residential structures adjacent to the north property line shall be forty (40) feet. Setbacks may include the required landscape buffer. (DRO: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2005-1050, Control No.1997-00095)

3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2005-1050, Control No.1997-00095)

4. All outdoor lighting used to illuminate the subject property and identification signs shall

be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG PERMIT/ONGOING: BLDG/CODE ENF - Zoning/Planning) (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2005-1050, Control No.1997-00095)

**ENVIRONMENTAL**

1. Excavation of a mined lake (water management tract) shall not be constructed within Zone 1 or 300 feet of a proposed or existing potable water supply. Separations shall be measured from the top of bank. No exfiltration trench is permitted in Wellfield Protection Zones 1 or 2. Regulated substances are prohibited in a Wellfield Zone 1. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

**LANDSCAPE - GENERAL**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2005-1050, Control No.1997-00095, which currently states:

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

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R-2000-1707, Petition 1997-95(A))

**Is hereby amended to read:**

All canopy trees required to be planted on site by this approval, except on individual residential lots and within the Type A Preservation and Mitigation Landscape Buffer of Public Civic Pods A, B and C, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2005-1050, Control No.1997-00095, which currently states:

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

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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. (CO: LANDSCAPE - Zoning) (Previous Condition D.2 of Resolution R-2000-1707, Petition 1997-95(A))

**Is hereby amended to read:**

All palms required to be planted on site by this approval, except on individual residential lots and within the Type A Preservation and Mitigation Landscape Buffer of Public Civic Pods A, B and C, shall meet the following minimum standards at installation:



- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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. (CO: LANDSCAPE - Zoning)

**LANDSCAPE - INTERIOR-LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (INTERIOR TO THE PUD AND ABUTTING FLAVOR PICT R**

1. Landscaping and buffering along the north and south property lines shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip;
- b. A minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
- c. one (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of forty (40) feet on center;
- d. One (1) palm or pine tree for each thirty (30) linear feet of frontage. with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,
- e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG ALL PROPERTY LINES FOR THE CONSTRUCTED WETLANDS**

1. Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2005-1050, Control No.1997-00095, which currently states:

Prior to master plan approval by the DRC the perimeter buffer area along all property lines labeled as Public Civic shall be amended to indicate a fifty (50) foot wide Type A preservation and mitigation landscape buffer for native vegetation protection. The preservation buffer may include the land and vegetation dedicated for the constructed wetlands. The petitioner may submit a landscape betterment plan as an alternative subject to approval by the Development Review Committee (DRC).

**Is hereby amended to read:**

Prior to Final Master Plan approval by the Development Review Officer (DRO), the Site and Regulating Plans shall be amended to comply with the revised conditions of Approval. The perimeter buffer area along all property lines labeled as Public Civic shall be amended to indicate a fifty (50) foot wide Type A preservation and mitigation landscape buffer (as required by the 1992 ULDC, Supplement 4) for native vegetation protection. The preservation buffer may include the land and vegetation dedicated for the constructed wetlands. (DRO: ZONING - Zoning)

2. The Type A Preservation and Mitigation Buffers shall be planted as follows:

- a. Width: Minimum 50 feet;
- b. Quantity Trees: Minimum 1 tree for each 400 sq. ft.;
- c. Quantity of Shrubs: 1 shrub for each 250 sq ft;
- c. Heights of Trees: Of the minimum quantity described above under b., there shall be a minimum of 1 tree for each 20 lineal feet planted at the minimum heights pursuant to Art 7.D.2.A. The remaining quantity described above under b. may be planted at varied heights;
- d. Heights of Palms: Shall be installed at the minimum heights described in Art 7.D.2.B.
- e. Heights of shrubs: Shall be a mix of small, medium, and large heights described pursuant to Art 7.D.3. (CO: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING COMMERCIAL)**

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every twenty (20) feet on center;
  - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
  - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)**

1. Landscaping and buffering along the north property line shall include:
  - a. A minimum twenty (20) foot wide landscape buffer strip;
  - b. A minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
  - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches planted on the plateau of the berm. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

**PLANNED DEVELOPMENT**

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG PERMIT - Eng) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2005-1050, Control No.1997-00095)

3. Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG PERMIT - Eng) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2005-1050, Control No.1997-00095)

4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2005-1050, Control No.1997-00095)

5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT/PLAT: MONITORING/ENG - Co Att) (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2005-1050, Control No.1997-00095)



## **SCHOOL BOARD**

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD School Board) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 1 of Resolution R-2005-1050, Control No.1997-00095)

2. The subject development shall post a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models. (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 2 of Resolution R-2005-1050, Control No.1997-00095)

## **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)

## **DISCLOSURE**

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