

RESOLUTION NO. R-2014-0561

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2013-02925  
(CONTROL NO. 2003-00011)  
a Development Order Amendment  
APPLICATION OF Colony At Lake Worth, LLC  
BY Land Design South, Inc., AGENT  
(Colony at Lake Worth PUD)

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

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

WHEREAS, Zoning Application ABN/DOA-2013-02925 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/DOA-2013-02925, the petition of Colony At Lake Worth, LLC, by Land Design South, Inc., agent, for a Development Order Amendment (DOA) to reconfigure the Master Plan; re-designate units from Multi-family to Townhomes; to reduce the number of overall units from 221 to 191; and to modify/delete Conditions of Approval (Landscape, Planned Unit Development, Planning) in Resolution R-2011-0569 in the Planned Unit Development (PUD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a

part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on April 24, 2014.

Filed with the Clerk of the Board of County Commissioners on April 25th, 2014.

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

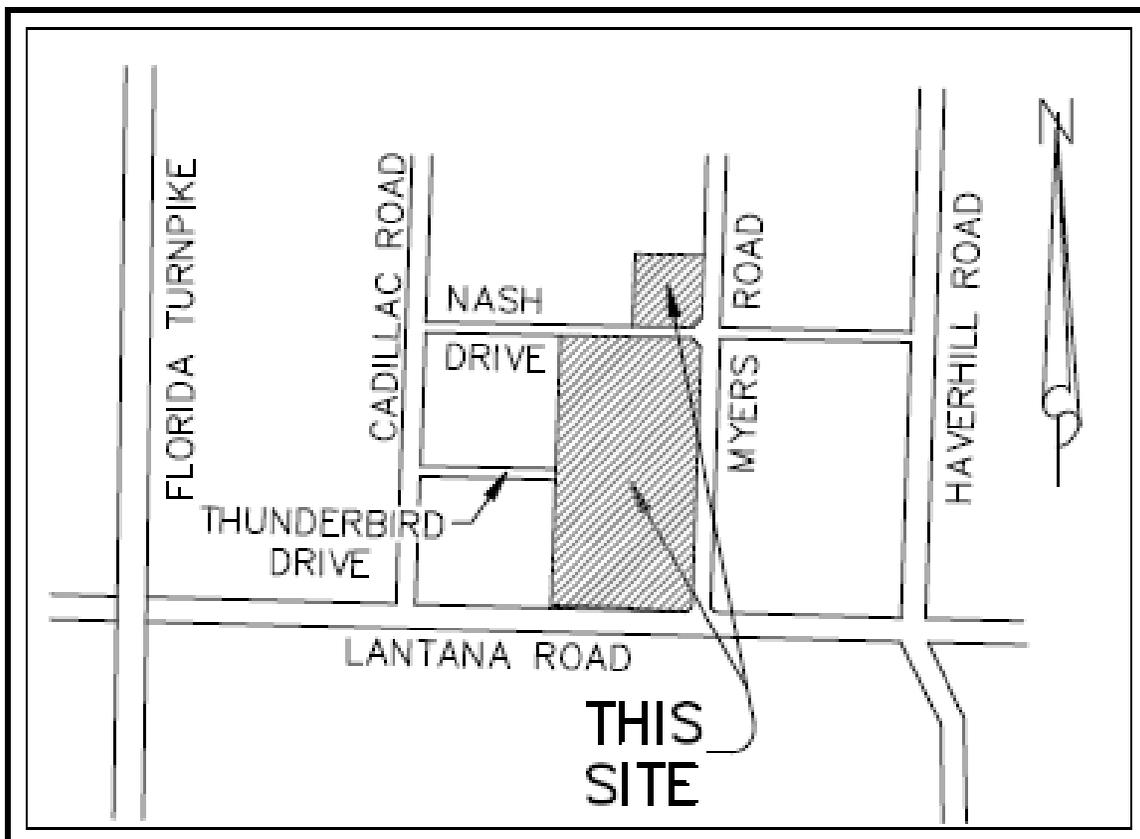


EXHIBIT A

LEGAL DESCRIPTION

Colony at Lake Worth PUD, as recorded in Plat Book 113, Pages 69-72 of the Public Records of Palm Beach County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2011-569, Control No.2003-00011, which currently states:

The approved Preliminary Master Plan is dated March 16, 2011. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

##### Is hereby amended to read:

The approved Preliminary Master Plan is dated February 13, 2014. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS condition 2 of Resolution R-2011-569, Control No.2003-00011, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions Nos. R-2004-0158 and R-2008-1707 (Control 2003-011), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

##### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2011-0569 (Control 2003-011), 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS condition 3 of Resolution R-2011-569, Control No.2003-00011, which currently states:

All Transfer of Development Rights (TDR) Conditions of Approval of Resolution Nos. R-2004-0159 and R-2008-1708 (Control 2003-011), shall remain in full force and effect.

##### Is hereby amended to read:

All Transfer of Development Rights (TDR) Conditions of Approval of Resolution No. R-2004-0159 shall remain in full force and effect. (ONGOING: MONITORING - Zoning)

##### ENGINEERING

1. Prior to DRO approval of the Preliminary Development Plan, the existing road right of way for Thunderbird Drive through this site shall be abandoned by the Board of County Commissioners. (Previous ENGINEERING condition 1 of Resolution R-2011-569, Control No.2003-00011) (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

2. Prior to the issuance of a building permit the Property Owner shall convey to Palm

Beach County Land Development Division by warranty deed an additional 1 feet of right of way for Lantana Road (55 feet from center line). This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips” where appropriate as determined by the County Engineer. 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. The Grantor further warrants 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 Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (Previous ENGINEERING condition 2 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

3. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the projects entrance road. This right of way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips” where appropriate as determined by the County Engineer. 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. The Grantor further warrants 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 Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (Previous ENGINEERING condition 3 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

4. The Property owner shall construct a right turn lane east approach on Lantana Road at the Projects Entrance Road.

a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: MONITORING - Engineering)

b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) (Previous ENGINEERING condition 4 of Resolution R-2011-569, Control No.2003-00011)

5. Previous ENGINEERING condition 5 of Resolution R-2011-569, Control No.2003-00011, which currently states:

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, 2013. 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)

**Is hereby amended to read:**

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 November 22, 2016. 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)

6. Prior to issuance of the first building permit, the Property Owner shall re-plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code to allow for fee simple subdivision of land. (BLDGPM: MONITORING - Engineering)

7. The Property Owner shall fund the construction plans and construction of Myers Road from Lantana Road to north of the entrance road to be consistent with Palm Beach County standards for a sixty (60) foot wide right of way local street, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

8. The Property Owner shall extend the existing east approach left turn on Lantana Road at Cadillac Drive and existing west approach left turn lane on Lantana Road at Myers Road as per the County standards or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

## **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. (Previous ENVIRONMENTAL condition 1 of Resolution R-2011-569, Control No.2003-00011) (ONGOING: ERM - ERM)

2. An upland set-aside preserve equal to or greater than 1.92 acres shall be depicted on the Site Plan in a location that contains the highest quality native vegetation and is approved by Environmental Resource Management (ERM). (Previous ENVIRONMENTAL condition 2 of Resolution R-2011-569, Control No.2003-00011) (ONGOING: ERM - ERM)

3. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant or Plat, shall be approved by ERM prior to final site plan approval. (Previous ENVIRONMENTAL condition 3 of Resolution R-2011-569, Control No.2003-00011) (DRO: ERM - ERM) [Note: COMPLETED]

## **LANDSCAPE - GENERAL**

1. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit a Landscape Plan and/or an Alternative 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-2011-569, Control No.2003-00011) (DRO: LANDSCAPE - Zoning)

2. Fifty-percent (50%) of trees to be planted in the perimeter buffer of the Development Area (Multi-family units) shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: LANDSCAPE - Zoning)

3. Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2011-569, Control No.2003-00011, which currently states:

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 twenty two (22) feet in height. Along the west facades of Buildings 10 and 11, palm height shall be a minimum of twenty-two (22) feet for screening of the windows; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements.

**Is hereby amended to read:**

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 twenty two (22) feet in height; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM: LANDSCAPE - Zoning)

4. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: LANDSCAPE - Zoning)

5. Field adjustment of berms, walls and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (Previous LANDSCAPE - GENERAL condition 5 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: LANDSCAPE - Zoning)

6. Preservation areas may be excluded from perimeter landscape buffer planting subject to the following:

- a. Prior to final Development Review Officer (DRO) site plan approval, the applicant/property owner shall provide to the Landscape Section for review and approval a set of plans pursuant to Landscape Condition 1. These plans shall demonstrate that the preserve area and other existing vegetation on site will meet or exceed the required perimeter landscaping; and,
- b. the applicant/property owner shall meet with Landscape Section staff on site to ensure that the maximum amount of existing native vegetation is incorporated into the final site

design. (Previous LANDSCAPE - GENERAL condition 6 of Resolution R-2011-569, Control No.2003-00011) (DRO: LANDSCAPE - Zoning )

7. Six (6) months following the issuance of the Notice of Intent to Construct (NIC) for the Type II Excavation (Lake), the property owner shall complete the installation of the six (6) foot wall and two (2) foot berm within the north and west perimeter of the site. Clearing of the site prior to this is restricted to the southeast corner of the site for the sales trailer and sales model buildings. (Previous LANDSCAPE - GENERAL condition 7 of Resolution R-2011-569, Control No.2003-00011) (ONGOING: MONITORING - Environmental Resource Management)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE DEVELOPMENT AREA (LANTANA ROAD FRONTAGE)**

8. In addition to Code requirements, landscaping and buffering along the south property line of the development area, for the proposed multi-family units shall be upgraded to include:

- a. a continuous two and one half (2.5) foot high berm measured from top of curb;
- b. a six (6) foot high concrete wall shall be located on the plateau of the berm. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (Previous LANDSCAPE - PERIMETER condition 8 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH 1,273 FEET OF THE EAST PROPERTY LINE OF THE DEVELOPMENT AREA (FRONTAGE OF MYERS ROAD)**

9. In addition to Code requirements, landscaping and buffering along the south 1,273 feet of the east property line of the development area, for the proposed multi-family units shall be upgraded to include:

- a. a six (6) foot high concrete wall. Both side(s) of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property; and,
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation (Previous LANDSCAPE - PERIMETER condition 9 of Resolution R-2011-569, Control No.2003-00011) (BLDGPM: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE DEVELOPMENT AREA (NASH TRAIL FRONTAGE)**

10. In addition to Code requirements, landscaping and buffering along the north property line (excluding the east 55 feet of the north property line and the west 283 feet of the north property line) of the development area (south side of Nash Trail), for the proposed multi-family units shall be upgraded to include:

- a. a minimum seventy two (72) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides;

c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (Previous LANDSCAPE - PERIMETER condition 10 of Resolution R-2011-569, Control No.2003-00011) (BLDGPMPT: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING-LANDSCAPING ALONG THE EAST 55 FEET OF THE NORTH PROPERTY LINE OF THE DEVELOPMENT AREA (NASH TRAIL FRONTAGE)**

11. In addition to Code requirements, landscaping along the east 55 feet of the north property line of the development area (Nash Trail frontage) shall be upgraded to include:

- a. a minimum thirty-two (32) foot wide landscape buffer strip abutting the south side of Nash Trail. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides;
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the required wall. Pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (Previous LANDSCAPE - PERIMETER condition 11 of Resolution R-2011-569, Control No.2003-00011) (BLDGPMPT: LANDSCAPE - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH 265 FEET OF THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA (ABUTTING RESIDENTIAL AND AGRICULTURAL PROPERTIES)**

12. Previous LANDSCAPE - PERIMETER condition 12 of Resolution R-2011-569, Control No.2003-00011, which currently states:

In addition to Code requirements, landscaping and buffering along the north 265 feet of the west property line of the development area (abutting residential and agricultural properties) shall be upgraded to include:

- a. a minimum sixty (60) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides; and,
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (CO: LANDSCAPE Zoning) (CO: LANDSCAPE - Zoning)

**Is hereby deleted.** [REASON: Not applicable to current plan.]

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE DEVELOPMENT AREA (EXCLUDING THE NORTH 265 FEET) (ABUTTING RESIDENTIAL, AGRICULTURAL AND UNDEVELOPED PROPERTIES)**

13. Previous LANDSCAPE - PERIMETER condition 13 of Resolution R-2011-569, Control No.2003-00011, which currently states:

In addition to Code requirements, landscaping and buffering along the west property line (excluding the north 265 feet of the west property line) of the development area, proposed multi-family units shall be upgraded to include:

- a. a minimum total of thirty (30) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides; and,
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation.

**Is hereby amended to read:**

In addition to Code requirements, landscaping and buffering along the west property line (excluding the north 265 feet of the west property line) of the development area, proposed multi-family units shall be upgraded to include:

- a. a minimum total of fifteen (15) foot wide landscape buffer strip;
- b. a minimum two (2) foot high continuous berm with a minimum six (6) foot high concrete wall, located on the plateau of the berm, providing a minimum of eight (8) feet height, except in the areas where the utility easements transverse the buffer, this shall include an 8 foot high opaque fence. The wall shall be given an architectural finish on both sides; and,
- c. one (1) pine tree for each thirty (30) linear feet of the property line with a maximum spacing of forty (40) feet between clusters, alternating on both sides of the wall. If pines are being used, pines shall be planted in clusters of five (5) to seven (7) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation. (BLDG/PMT: LANDSCAPE - Zoning)

**LIGHTING**

1. All outdoor lighting used to illuminate the subject property and identification signs 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. (Previous LIGHTING condition 1 of Resolution R-2011-569, Control No.2003-00011) (BLDG PERMIT/ONGOING: BUILDING DIVISION - Code Enforcement)

2. All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty-five (65) feet from the north and west property lines. (Previous LIGHTING condition 2 of Resolution R-2011-569, Control No.2003-00011) (BLDG PERMIT: BUILDING DIVISION - Building Division)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous LIGHTING condition 3 of Resolution R-2011-569, Control No.2003-00011) (ONGOING: CODE ENF - Zoning)

**PALM TRAN**

1. 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 Preliminary Development Plan and/or final site plan prior to the final approval of the DRO. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. (Previous PALM TRAN condition 1 of Resolution R-2011-569, Control No.2003-00011) (DRO: PALM TRAN - Palm Tran)

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 is required. (Previous PALM TRAN condition 2 of Resolution R-2011-569, Control No.2003-00011) (PLAT: ENG-

Palm Tran)

## **PLANNED DEVELOPMENT**

1. Previous PLANNED DEVELOPMENT condition 1 of Resolution R-2011-569, Control No.2003-00011, which currently states:

Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pedestrian pathway within the 20-foot wide lake maintenance easement of the 1.81-acre lake tract, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the lake tract. A minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and Engineering Department. These shade structures shall be a minimum of one hundred and twenty (120) square feet each and shall include bench(es) and trash receptacle(s).

### **Is hereby amended to read:**

Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pedestrian pathway within the 20-foot wide lake maintenance easement and adjacent to the bulkhead where there is no lake maintenance easement, of the 2.11-acre lake tract, subject to approval by the County Engineer. The pathway shall be continuous around the entire perimeter of the lake tract. A minimum of two (2) gazebos or shade structures/trellis shall be provided in the general vicinity of the pathway, to be placed in a location acceptable to the Zoning Division and Engineering Department. These shade structures shall be a minimum of one hundred and twenty (120) square feet each and shall include bench(es) and trash receptacle(s). (DRO: ZONING - Engineering)

2. Previous PLANNED DEVELOPMENT condition 2 of Resolution R-2011-569, Control No.2003-00011, which currently states:

Prior to final Development Review Officer (DRO) approval, the Preliminary Master Plan shall be amended to indicate a minimum five (5) foot wide meandering pathway through each of the lakefront open space areas as shown on the Preliminary Master Plan dated September 11, 2008. These pathways shall provide an uninterrupted connection between the pedestrian sidewalk system on the property and the pedestrian pathway required per PUD Condition 7. These pathways shall not be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: No longer applicable based on current plan.]

3. Prior to the issuance of a Certificate of Occupancy (CO) for the 110th unit, the property owner shall mulch or pave all pedestrian pathways and install all gazebos, shade structures/trellis, benches and trash receptacles required per PUD Condition 1. (Previous PLANNED DEVELOPMENT condition 3 of Resolution R-2011-569, Control No.2003-00011) (CO: MONITORING - Landscape)

4. 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

recording of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (Previous PLANNED DEVELOPMENT condition 4 of Resolution R-2011-569, Control No.2003-00011) (PLAT: COUNTY ATTORNEY - Zoning)

5. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of a commercial stable and horse breeding farm and a private club adjacent to the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 8, 2005, and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (Previous PLANNED DEVELOPMENT condition 5 of Resolution R-2011-569, Control No.2003-00011) (DATE: MONITORING - Zoning)

6. Access to the site by all construction traffic shall be from Lantana Road and the segment of Myers Road from Lantana Road to Nash Trail only. At no time shall construction traffic use Nash Trail to access the site. (Previous PLANNED DEVELOPMENT condition 6 of Resolution R-2011-569, Control No.2003-00011) (ONGOING: CODE ENF - Zoning)

7. There shall be no recreation areas or recreational equipment within 200 feet of the north property line. (Previous PLANNED DEVELOPMENT condition 7 of Resolution R-2011-569, Control No.2003-00011) (DRO: ZONING - Zoning)

## **PLANNING**

1. Previous PLANNING condition 1 of Resolution R-2011-569, Control No.2003-00011, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

a. Guarantees the attainability of all required workforce units, which includes all units required per Article 5.G in the ULDC and all requested TDR units, for a period of fifteen years (recurring) for-sale units and thirty years (non-recurring) for rental units. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and

b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits.

### **Is hereby amended to read:**

Prior to Release of the first Building Permit, the property owner shall record in the public records of Palm Beach County a restrictive covenant, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

a. Guarantees the attainability of all required workforce units, which includes all units required per Article 5.G in the ULDC, for a period of fifteen years (recurring) for-sale units and thirty years (non-recurring) for rental units. These units are to be distributed among the income categories consistent with the Workforce Housing requirements in Article 5.G in the ULDC; and

b. Guarantees that these units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (BLDGPM: MONITORING - Planning)

2. Previous PLANNING condition 2 of Resolution R-2011-569, Control No.2003-00011, which currently states:

Prior to final approval by the Development Review Officer (DRO), the property owner shall include notations on Master Plans and related Site Plans that the requested TDR units

have been designated as workforce housing units. Notations shall make reference to the recorded Restrictive Covenants for Workforce Housing and indicate that all the required workforce units are subject to the Restrictive Covenants and shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households. (DRO: PLANNING - Planning)

**Is hereby deleted.** [REASON: : No longer applicable]

3. Previous PLANNING condition 3 of Resolution R-2011-569, Control No.2003-00011, which currently states:

On an annual basis, beginning March 1, 2013, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing.

**Is hereby amended to read:**

On an annual basis, beginning March 1, 2016, or as otherwise stipulated in the Declaration of Restrictive Covenants for Workforce Housing, the property owner, master homeowners association, or property owner association shall submit an annual report to the Planning Division and HCD documenting compliance with the Declaration of Restrictive Covenants for Workforce Housing. (DATE/ONGOING: MONITORING - Planning)

4. Previous PLANNING condition 4 of Resolution R-2011-569, Control No.2003-00011, which currently states:

Prior to final site plan certification by the Development Review Officer (DRO), the applicant shall submit a copy of the recorded Declaration of Restrictive Covenants for Workforce Housing units in accordance with Article 5.G. (DRO: PLANNING - Planning)

**Is hereby deleted.** [REASON: No longer applicable]

## **SCHOOL BOARD**

1. Prior to the issuance of the first Certificate of Occupancy (CO), the 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(s) shall be the responsibility of the residential property owner. (Previous SCHOOL BOARD condition 1 of Resolution R-2011-569, Control No.2003-00011) (CO: MONITORING - School Board)

2. 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). (Previous SCHOOL BOARD condition 2 of Resolution R-2011-569, Control No.2003-00011) (ONGOING: SCHOOL BOARD - School Board)

## **DISCLOSURE**

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