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**WHEREAS**, the Town Council has received and reviewed an application from Pulte Home Company LLC ("Applicant") to develop a parcel of property approximately 4.70 acres in size, as more particularly described in Exhibit "A" attached hereto and incorporated herein ("Property"), as a Planned Unit Development special exception to be known as The Dunes at Juno Beach ("Project"); and

**WHEREAS**, having considered the recommendation of the Planning and Zoning Board, the Town Council has determined that the application meets all applicable Comprehensive Plan and Town Code requirements, including Section 34-93 of the Town Code of Ordinances, and seeks to approve a site plan and Planned Unit Development special exception for the construction of seven (7) three-story buildings with forty (40) townhome units in accordance with the development plans submitted to the Town; and

**WHEREAS**, the Town Council determines that the approval of this Resolution is in the best interests of the residents of the Town of Juno Beach.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, as follows:**

**Section 1.** The foregoing recitals are hereby ratified as true and correct and are incorporated herein.

**Section 2.** The Town Council hereby approves a site plan and Planned Unit Development special exception for seven (7) three-story buildings with forty (40) townhome units for a project to be known as The Dunes at Juno Beach on property more particularly described in Exhibit "A" attached hereto and incorporated herein. The Town

Council approves the use of the PUD standard modification option to allow for a maximum building dimension of 154 feet (the Code maximum is 150 feet) and a minimum building separate of 22.5 feet (the Code minimum is 30 feet). The site plan and Planned Unit Development shall be constructed in accordance with the most recent development plans submitted by the Applicant and on file with the Town.

**Section 3.** The Town Council's approval of the site plan is expressly subject to the following conditions:

1. The Applicant shall adhere to the conditions of approval provided by the Loxahatchee River District and the Town of Jupiter Water Utilities.
2. The Applicant shall submit final civil engineering and utility/water management plans to the Town Engineer and the appropriate utility providers for review and approval prior to any land clearing or grading activities. The Applicant shall obtain all necessary surface water management permits, water use permits and NPDES permits from the appropriate governmental agencies and shall adhere to all requirements thereof. All necessary easements shall be subject to all requirements and conditions imposed by such agencies.
3. To the extent not already in existence, the Applicant shall execute appropriate Development Agreements with utility service providers to reserve water and wastewater service capacity prior to the filing of any building permit application.
4. The Applicant shall adhere to the Town's Community Appearance Standards, as set forth in Section 34-1302 through 34-1307 of the Town's Code of Ordinances. If these standards cannot be met, the Applicant shall supply the Town with the necessary funds to provide the required infrastructure and incorporate such standards. The amount necessary to meet these standards shall be reviewed and approved by the Town Engineer. All areas of landscaped open space or improvements along any vehicular or pedestrian access, as well as maintenance of slope, vegetation, and walkways associated with this project shall be perpetually and appropriately maintained by the Applicant and its successors in interest.
5. The Applicant shall submit architectural elevations for any accessory structures to the Planning and Zoning Director for review and approval prior to the filing of any building permit application.
6. The Applicant shall post sufficient surety for all infrastructure and landscaping improvements by letter of credit, surety bond, or some other

adequate form of surety approved by the Town Attorney prior to any land clearing activities or the filing of any building permit application. The Town Engineer and the Planning and Zoning Director shall determine the appropriate amount of such surety. Additionally, the Applicant shall provide the required deposit for site plan and project review/approval (\$2,000.00) in accordance with Town policies and procedures.

7. The Applicant shall screen all utility/mechanical equipment features as required by Section 34-908 of the Town Code of Ordinances.
8. The Applicant shall minimize all off-site lighting impacts to adjacent properties to the north, south, east, and west sides of the project. Light emitted from exterior light fixtures should be downward directed and full cut-off to minimize light pollution that may negatively affect wildlife in the adjacent natural area and to eliminate, to the extent possible, sky glow caused by light that may be emitted or reflected in an upward direction. Additionally, the use of warmer color lamps/lights with limited amount of shorter wavelength light (blue-violet) is recommended. These guidelines are consistent with those of the Florida Fish and Wildlife Conservation Commission (FWCC), the Palm Beach County Department of Environmental Resources Management (ERM) and DarkSky International, a non-profit organization on light pollution.
9. In accordance with Section 34-1332 of the Town Code of Ordinances, approval of the Project shall be valid for two years from the date of such approval. If the Applicant has not commenced development within two years, this approval shall become null and void. For the purposes of this condition, "commencement and development" shall mean receipt of a validly issued building permit and first building inspection approval for a minimum of one principal structure or completion of twenty-five percent (25%) of the total cost of the infrastructure (water, sewer, roads, and drainage) on the site. Infrastructure costs for the project shall be reviewed and approved by the Town Engineer prior to final approval if the engineering plans.
10. As required by Section 6-24 of the Town Code of Ordinances (Amendments to Chapter 1 of the Florida Building Code), a building permit for a project larger than 10,000 square feet in size or greater shall become invalid unless the work authorized by such permit is commenced and completed within thirty-six (36) months after the issuance of permit.
11. The property shall be replatted and the plat shall be recorded prior to the issuance of any building permit for vertical construction. The plat shall

1 include all required easements, including the easement providing Palm  
2 Beach County's Department of Environmental Resources access to the  
3 Juno Dunes Natural Area, and the use of the sixty-nine (69) parking spaces  
4 for the benefit of Juno Square Plaza.  
5

6 12. The Applicant shall include within the Homeowner's (or Property Owner's)  
7 Association ("HOA") documents language that specifies the maintenance  
8 responsibility for the parking area (69 total parking spaces) that are part of  
9 the shared parking agreement with Juno Square LLP, Juno Square Plaza.  
10 The applicant shall submit all HOA documents to the Town Attorney for  
11 review and approval prior to building permit submission for vertical  
12 construction. These documents must be approved and recorded prior to the  
13 issuance of the first Certificate of Occupancy, and the Applicant shall bear  
14 the costs of legal review.  
15

16 13. The Applicant shall first complete perimeter screening of the construction  
17 site to maintain acceptable visual impacts during the construction phase of  
18 the Project and shall comply with all OSHA and other applicable minimum  
19 safety requirements for perimeter treatments during demolition activities  
20 and throughout the construction of the Project.  
21

22 14. Prior to the issuance of any land development or land clearing permit, the  
23 Applicant shall commission a gopher tortoise survey meeting all Florida Fish  
24 and Wildlife Conservation Commission requirements and take all remedial  
25 actions, if any, required as a result of the survey.  
26

27 15. In accordance with Section 34-1084 of the Town Code of Ordinances, the  
28 Applicant shall notify the Town three (3) weeks prior to the removal of native  
29 vegetation from the Property.  
30

31 16. The Applicant shall meet the Florida Department of Environmental  
32 Protection ("FDEP") standards for Best Management Practices for  
33 Stormwater, Erosion and Sedimentation Control.  
34

35 17. The Applicant shall adhere to the Town's Construction Site Standards, as  
36 set forth in Section 6-109 of the Town Code of Ordinances, included but not  
37 limited to, conditions of the Right-of-Way, parking of vehicles within the site  
38 or on the adjacent Right-of-Way, proposed road closures, wind mitigation,  
39 and erosion control, screening of toilet facilities, and use of generators and  
40 temporary power.  
41

42 18. All areas of landscaped open space or improvements along any vehicular  
43 or pedestrian access, as well as maintenance of slope, vegetation and

walkways associated with the Project (including the right-of-way), shall be perpetually and appropriately maintained at all times by the Applicant and its successors in interest, including the successor Homeowner's (or Property Owner's) Association ("HOA"). The maintenance of landscape material below or near power lines shall be the responsibility of the Applicant and its successors in interest. The Applicant shall submit all HOA documents to the Town Attorney for review and approval prior to building permit submission for vertical construction. These documents must be approved by the Town Attorney and recorded prior to the issuance of the first Certificate of Occupancy, and the Applicant shall bear the costs of legal review.

19. The Applicant shall use Donald Ross Road, U.S. Highway One, and the easternmost entrance of Floral Drive as means of ingress and egress to the construction site. No construction vehicles shall use the roads (Cocoanut Avenue, Oleander Avenue, or Park Street) within the New Palm Beach Heights neighborhood.
20. The Applicant shall conduct construction vibration monitoring if the Town's Building Official and/or Code Enforcement Officer deem it necessary in order to meet and enforce Section 12-2(e) of the Town Code of Ordinances.
21. Prior to the Town Council meeting, the Applicant shall submit an updated landscape plan addressing Palm Beach County Department of Environmental Management ("PBC ERM") comments regarding the location of a vinyl fence located in the eastern boundary outside of the access easement granted to PBC ERM, and the replacement of existing vegetation at the south end of the access easement with a native species that is satisfactory to PBC ERM and the Town.
22. The Applicant shall provide written confirmation from Juno Square LLP, owners of Juno Square Plaza, that it will be responsible for the ongoing maintenance of proposed landscape improvements within their property.
23. The Applicant shall adhere to Section 12-127 of the Town Code, Permissible Time for Construction Activity. Due to the proximity of single-family homes, there shall be no deviation from the standard construction hours of Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 9:00 a.m. and 5:30 p.m.
24. In granting this approval, the Town Council relied upon the oral and written representations of the Applicant both on the record and as part of the application process and such representations shall be binding on the

Applicant and are expressly incorporated into this Resolution. Any deviations from such representations will be addressed in accordance with Sections 34-34 and 34-35 of the Town Code of Ordinances.

25. The Applicant shall provide all approved plans in digital form prior to the filing of any building permit application.
26. As an additional public benefit and as volunteered by the Applicant, the Applicant shall, prior to the issuance of the final certificate of occupancy, complete all of the improvements as indicated in the Site Plan and rendering drawings for the Juno Square Plaza. These shall include, but are not limited to, replacing the roof with a metal roof, adding metal awnings with louvers, replacing the railings/fencing, and repainting the buildings to match the architectural style of the Dunes at Juno Beach residential project.
27. Prior to the issuance of any building permit for vertical construction, the Applicant shall revise the site plan to include two benches and trash receptacles on the U.S. Highway One perimeter of the project, north of Floral Drive, and submit the revised plan for the review and approval by the Director of Planning and Zoning.
28. Prior to the issuance of any building permit for vertical construction, the Applicant shall revise the site plan to include one dual, Level 2, EV charging station within the shared parking area in the southeast corner of the project and submit the revised plan for review and approval by the Director of Planning and Zoning.
29. The Applicant shall obtain Town Council approval for the color palette for both the Dunes at Juno Beach residential project and the renovations to Juno Square Plaza referenced in Condition No. 26 above prior to the issuance of any building permit for vertical construction.
30. As an additional public benefit and as offered by the Applicant during the course of the public hearing, the Applicant shall contribute toward the cost of capital improvements to Kagan Park in the amount of \$100,000.00. The Applicant shall pay the entire amount at the time building permit fees for the infrastructure permit are due. These funds shall be expended only for the improvements of Kagan Park.
31. As an additional public benefit and as offered by the Applicant during the course of the public hearing, the Applicant shall underground the power lines along U.S. Highway One from the south end of the subject property to Donald Ross Road, pending approval from Florida Power and Light (FPL)

1 and the owner of Juno Square Plaza.  
2

3 32. Prior to the issuance of any building permit for vertical construction, the  
4 Applicant shall revise the landscape plan to include four (4) additional Royal  
5 Palms on Donald Ross Road (Juno Square Plaza parking lot landscape  
6 islands) and submit the revised plan for review and approval by the Director  
7 of Planning and Zoning.  
8

9 33. Prior to the issuance of any building permit for vertical construction, the  
10 Applicant shall revise the landscape plan to include additional Royal Palms  
11 along the U.S. Highway One landscape buffer and submit the revised plan  
12 for review and approval by the Director of Planning and Zoning.  
13

14 34. Prior to the issuance of any building permit for vertical construction, the  
15 Applicant shall revise the landscape plan to include additional Live Oak  
16 trees adjacent to the Environmental Sensitive Lands and submit the revised  
17 plan for review and approval by the Director of Planning and Zoning.  
18

19 35. Prior to the issuance of any building permit for vertical construction, the  
20 Applicant shall revise the landscape plan to include foundation planting on  
21 the west side of the proposed six-foot concrete slip panel wall located  
22 immediately west of the 17 parking spaces that serve as additional parking  
23 for the Juno Square Plaza and submit the revised plan for review and  
24 approval by the Director of Planning and Zoning.  
25

26 36. Prior to the issuance of any building permit for vertical construction, the  
27 Applicant shall revise the landscape plan to increase the height of the trees  
28 between Juno Square Plaza and Building #6, Building #7 and the shared  
29 parking area within the subject property and submit the revised plan for  
30 review and approval by the Director of Planning and Zoning.  
31

32 37. Prior to the issuance of any building permit for vertical construction, the  
33 Applicant shall revise the landscape plan to replace Coconut Palms with  
34 Sylvester Palms at possible locations and submit the revised plan for review  
35 and approval by the Director of Planning and Zoning.  
36

37 38. Prior to the issuance of any building permit for vertical construction, the  
38 Applicant shall revise the landscape plan to provide additional landscape to  
39 create a heavier/denser screening on Donald Ross Road and submit the  
40 revised plan for review and approval by the Director of Planning and Zoning.  
41

42 39. Prior to the issuance of any building permit for vertical construction, the  
43 Applicant shall revise the landscape plan to increase the heights of the

1 berm(s) located on Donald Ross Road and U.S. Highway One to the  
2 maximum extent feasible and submit the revised plan for review and  
3 approval by the Director of Planning and Zoning.  
4

- 5 40. As offered by the Applicant during the course of the public hearing, the HOA  
6 documents shall include a restriction on the rental of individual units (once  
7 per year for a minimum of 210 days). As set forth in condition 12 above,  
8 the HOA documents must be approved and recorded prior to the issuance  
9 of the first certificate of occupancy and the Applicant shall bear the cost of  
10 legal review.  
11

12 **Section 4.** Should the Applicant fail to meet the conditions of approval set forth  
13 in Section 3 of this Resolution, this approval shall be revoked and no additional work shall  
14 proceed on site until such time as this Resolution is renewed or amended by the Town  
15 Council. The conditions of approval shall be binding on the Applicant and its successors  
16 and assigns and violation of such conditions shall constitute a violation of the  
17 development approval, which may be enforced by the Town as set forth in the Town Code  
18 of Ordinances or as otherwise authorized by law.  
19

20 **Section 5.** All resolutions or parts of resolutions in conflict with this Resolution  
21 are hereby repealed to the extent of such conflict.  
22

23 **Section 6.** This Resolution shall become effective immediately upon adoption.  
24

25 RESOLVED AND ADOPTED this 25<sup>th</sup> day of September, 2024.  
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29 \_\_\_\_\_  
30 Peggy Wheeler, Mayor

31 ATTEST:  
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33   
34 \_\_\_\_\_  
35 Caitlin Copeland-Rodriguez, MMC  
36 Town Clerk  
37

38 APPROVED AS TO FORM AND  
39 LEGAL SUFFICIENCY:  
40

41   
42 \_\_\_\_\_  
Leonard G. Rubin, Town Attorney