

RESOLUTION NO. R-2020- 1626

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/DOA-2020-00766  
(CONTROL NO. 2005-00394)  
a Development Order Amendment  
APPLICATION OF Arden Homeowners Association, Inc., Highland Dunes Associates  
Property, LLC  
BY Urban Design Kilday Studios, AGENT  
(Arden 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 Supplement 27, have been satisfied;

WHEREAS, Zoning Application ABN/ZV/DOA-2020-00766 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 2020;

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;

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 ABN/ZV/DOA-2020-00766, the Application of Arden Homeowners Association, Inc., Highland Dunes Associates Property, LLC, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan to add land area (to match the Platted boundary) and units; reconfigure Pods D, G, H and I; and, 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 October 22, 2020, 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 McKinlay 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 Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Mary Lou Berger	-	Absent
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 22, 2020.

Filed with the Clerk of the Board of County Commissioners on November 4th, 2020

This Resolution shall not become effective unless or until the effective date of Large-Scale Future Land Use Atlas Amendment No. LGA-2021-00003.

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

(OVERALL P.U.D.)

PARCEL 2:

THE SOUTH 360 FEET OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 240 FEET OF THE SOUTH 360 FEET OF SAID SECTION 21; ALSO THE NORTH 50 FEET OF THE SOUTH 120 FEET OF THE EAST 220 FEET OF SAID SECTION 21.

PARCEL 3:

THE SOUTH 360 FEET OF THE WEST 780 FEET OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 290 FEET OF THE SOUTH 360 FEET OF THE WEST 780 FEET OF SAID SECTION 22.

PARCEL 4:

THE WEST 780 FEET OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

ALL OF SECTION 28, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 8:

ALL OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

PARCEL 9:

THAT PART OF THE WEST 780 FEET OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF STATE ROAD 80 RIGHT-OF-WAY.

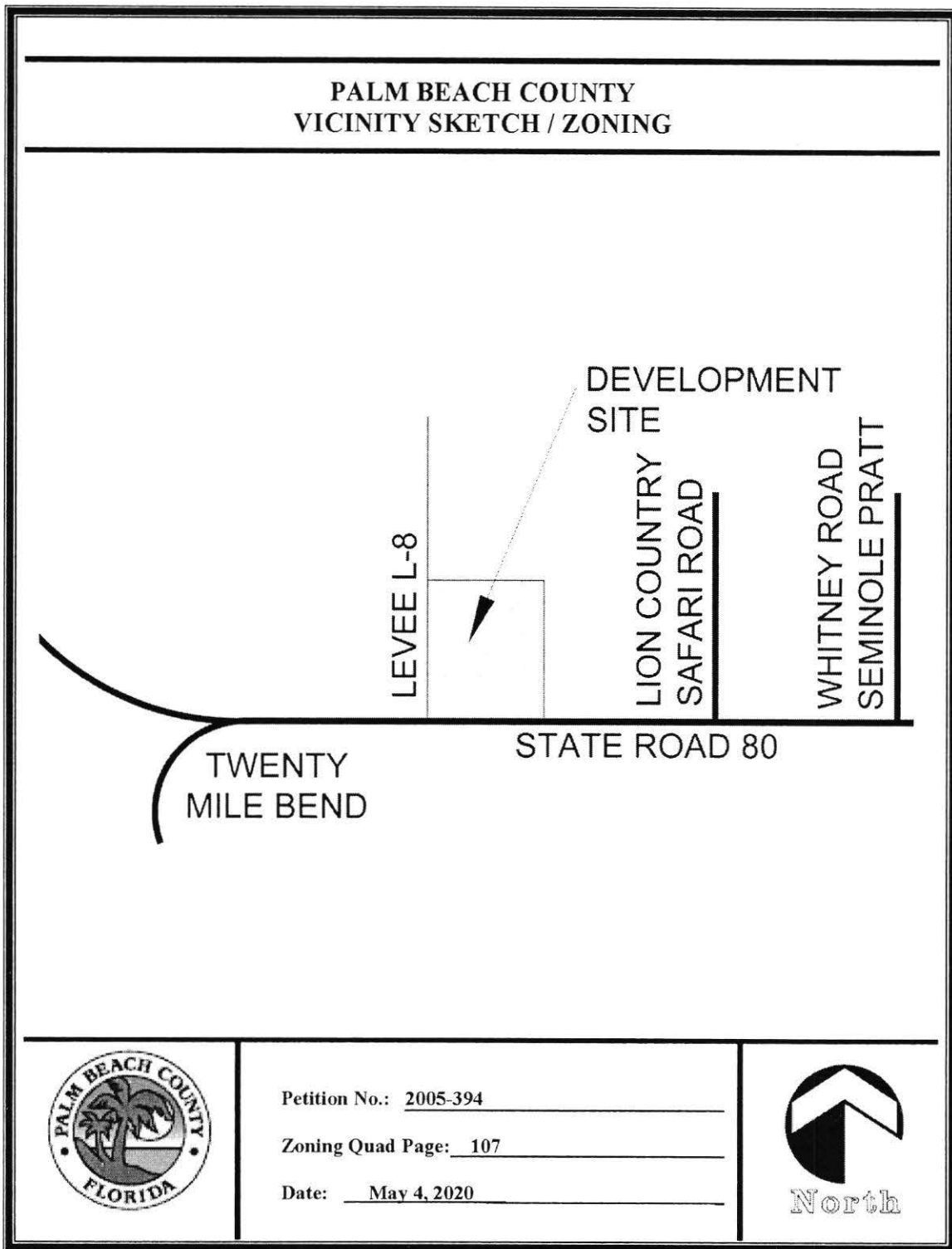
LESS AND EXCEPTING FROM PARCELS 2, 5 AND 8, THAT PORTION WHICH LIES WITHIN THAT STRIP OF LAND WHICH LIES 46.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY RIGHT OF WAY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT L-8 CANAL AS PER THE RIGHT OF WAY MAP FOR SAID L-8 CANAL, DWG "L-8-1", AND DATED MAY 8, 1950 AND PROVIDED TO THIS OFFICE BY THE SOUTH FLORIDA WATER MANAGEMENT DEPARTMENT OF SURVEY.

THE ABOVE DESCRIBED PARCELS OF LAND NOW KNOWN AS:

ARDEN P.U.D. PLAT I, AS RECORDED IN PLAT BOOK 122, PAGES 32 THROUGH 51, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1209.978 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment (Planned Development District)**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2013-1528, Control No.2005-00394, which currently states:

The approved Preliminary Master Plan is dated May 24, 2013. 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)

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

The approved Preliminary Master Plan is dated July 13, 2020. 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. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-1528 (Control 2005-00394), 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)

##### **ENGINEERING**

1. Previous ENGINEERING Condition 1 of Resolution R-2013-1528, Control No.2005-00394, which currently states:

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

No Building Permits for the site may be issued after December 31, 2021. 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 - ENG)

##### **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 December 31, 2032, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Previous ENGINEERING Condition 2 of Resolution R-2013-1528, Control No.2005-00394, 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 more than 276 single family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$3,073,307, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Big Blue Trace to Palms West Parkway from a 4-lane divided highway to a 6-lane divided highway, including a sidewalk on at least the north side or as otherwise required by the Florida Department of Transportation and County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the change, expressed as a percentage, between the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes and 2012 cost of \$2,358,114. (BLDGPM: MONITORING - Engineering)

B. No building permits for more than 596 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,150,294, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Forest Hill Boulevard / Crestwood Boulevard to Cypress Head Avenue from a 6-lane divided highway to an 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the change, expressed as a percentage, between the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes and the 2012 cost of \$2,358,114. (BLDGPM: MONITORING - Engineering)

C. No building permits for more than 636 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$688,981, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Cypress Head Avenue to Royal Palm Beach Boulevard from a 6-lane divided highway to an 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the change, expressed as a percentage, between the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes and the 2012 cost of \$2,358,114. (BLDGPM: MONITORING - Engineering)

D. No building permits for more than 752 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,713,470, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Binks Forest Drive to Big Blue Trace from a 4-lane divided highway to a 6-lane divided highway, including a sidewalk on at least the north side or as otherwise required by the Florida Department of Transportation and County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the change, expressed as a percentage, between the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes and the 2012 cost of \$2,358,114. (BLDGPM: MONITORING - Engineering)

E. No building permits for more than 910 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$143,954, which represents the Property Owner's proportionate

share of adding a third left turn lane, east approach on Southern Boulevard at Forest Hill Boulevard / Crestwood Boulevard. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. (BLDGPM: MONITORING - Engineering)

F. No building permits for more than 1,665 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$37,415, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Palms West Parkway to Forest Hill Boulevard / Crestwood Boulevard from a 6-lane divided highway to a 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. (BLDGPM: MONITORING - Engineering)

G. No building permits for more than 1,815 single family dwelling units, 120 multi-family dwelling units, a 970 student elementary school and 50,000 SF of specialty retail (or development generating an equivalent number of external AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$18,947, which represents the Property Owner's proportionate share of adding a third left turn lane, north approach on Royal Palm Beach Boulevard at Southern Boulevard. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. (BLDGPM: 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 more than 276 single family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$3,073,307, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Big Blue Trace to Palms West Parkway from a 4-lane divided highway to a 6-lane divided highway, including a sidewalk on at least the north side or as otherwise required by the Florida Department of Transportation and County Engineer. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the change, expressed as a percentage, between the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes and 2012 cost of \$2,358,114. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

B. No building permits for more than 596 single family dwelling units and 120 multi family dwelling units (or development generating an equivalent number of external PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,150,294, which represents the Property Owner's proportionate share of the widening of Southern Boulevard from Forest Hill Boulevard / Crestwood Boulevard to Cypress Head Avenue from a 6-lane divided highway to an 8-lane divided highway. This proportionate share amount may be applied toward construction of this improvement or one or more other improvements that will benefit mobility in the area impacted by the project, as determined by the County Engineer. The County Engineer shall also have the authority to require the amount be adjusted to reflect updates in projected costs. Such updates will be based on the change, expressed as a percentage, between the most recent FDOT "Generic Cost Per Mile Model" amount for a rural divided arterial being widened from four to six lanes and the 2012 cost of \$2,358,114. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

C. No building permits for more than 1,252 single family dwelling units, 120 multi-family dwelling units, and 29,000 sf of specialty retail(or development generating more than 735 PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$259,261. (BLDGPM: MONITORING -



Engineering)

D. No building permits for more than 1,270 single family dwelling units, 120 multi-family dwelling units, and 29,000 sf of specialty retail (or development generating more than 744 PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$199,092. (BLDGPMT: MONITORING - Engineering)

E. No building permits for more than 1,308 single family dwelling units, 480 multi-family dwelling units, and 37,000 sf of specialty retail(or development generating more than 882 AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$3,221,078. (BLDGPMT: MONITORING - Engineering)

F. No building permits for more than 1,329 single family dwelling units, 480 multi-family dwelling units, and 37,000 sf of specialty retail(or development generating more than 893 AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$4,330,962. (BLDGPMT: MONITORING - Engineering)

G. No building permits for more than 1,388 single family dwelling units, 576 multi-family dwelling units, and 40,000 sf of specialty retail(or development generating more than 959 PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$487,734. (BLDGPMT: MONITORING - Engineering)

H. No building permits for more than 1,407 single family dwelling units, 576 multi-family dwelling units, and 40,500 sf of specialty retail(or development generating more than 970 PM peak hour inbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$3,090,384. (BLDGPMT: MONITORING - Engineering)

I. No building permits for more than 1,473 single family dwelling units, 576 multi-family dwelling units, and 42,000 sf of specialty retail(or development generating more than 587 PM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$541,532. (BLDGPMT: MONITORING - Engineering)

J. No building permits for more than 1,626 single family dwelling units, 576 multi-family dwelling units, and 46,000 sf of specialty retail (or development generating more than 635 PM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$188,924. (BLDGPMT: MONITORING - Engineering)

K. No building permits for more than 1,630 single family dwelling units, 576 multi-family dwelling units, and 46,000 sf of specialty retail (or development generating more than 1,090 AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment in the amount of \$432,437. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall construct:

- i. one left turn lane, west approach on Southern Boulevard at the project's east entrance;
- ii. one right turn lane, east approach on Southern Boulevard at the project's east entrance;
- iii. three left turn lanes and one right turn lane, north approach on the project's east entrance at Southern Boulevard; and
- iv. one right turn lane, east approach on Southern Boulevard at the project's west entrance.

All 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.

A. Prior to the issuance of the first building permit, permits required by the Florida Department of Transportation for construction in i , ii, iii, and iv shall be obtained . (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

B. Prior to the issuance of the first Certificate of Occupancy, construction for the improvements in i, ii, iii, and iv shall be completed. (CO: MONITORING - Engineering)

[Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2013-1528, Control No.2005-00394)

4. Previous ENGINEERING Condition 4 of Resolution R-2013-1528, Control No.2005-00394, which currently states:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- i. Project's east entrance and Southern Boulevard; and
- ii. Project's entrance and the future east west road along the project's north property line.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation.

A. Building Permits for more than 276 dwelling units shall not be issued until the Property Owner provides acceptable surety for i above to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

B. Building Permits for more than 910 dwelling units shall not be issued until the Property Owner provides acceptable surety for ii above to the Traffic Division in an amount as determined by the Director of the Traffic Division. The number of building permits allowed prior to the posting of surety may be raised at the discretion of the County Engineer. (BLDG PERMIT: MONITORING-Eng)

C. In order to request release of the surety for the traffic signal at the above intersections, 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 the intersections. 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

**Is hereby amended to read:**

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- i. Project's east entrance and Southern Boulevard; and
- ii. Project's entrance and the future east west road along the project's north property line.

Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation.

A. Building Permits for more than 276 dwelling units shall not be issued until the Property Owner provides acceptable surety for i above to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: LAND DEVELOPMENT - Engineering) [Note: COMPLETED]

B. Building Permits for more than 910 dwelling units shall not be issued until the Property Owner provides acceptable surety for ii above to the Traffic Division in an amount as determined by the Director of the Traffic Division. The number of building permits allowed prior to the posting of surety may be raised at the discretion of the County Engineer. (BLDGPMT: MONITORING - Engineering)

C. In order to request release of the surety for the traffic signal at the above intersections, 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 the intersections. 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: LAND DEVELOPMENT - Engineering)

5. Concurrent with recording of the first plat, the Property Owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owner's road right of way for:

- i. the future east west road along the project's north property line;
- ii. east project entrance on Southern Boulevard, and;
- iii. west project entrance on Southern Boulevard.

Construction within these easements shall conform to Palm Beach County Standards. (PLAT: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2013-1528, Control No.2005-00394)

6. Prior to issuance of the first building permit, the Property Owner shall convey a temporary roadway construction easement along the future east west road along the project's north property line and for Southern Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2013-1528, Control No.2005-00394)

7. Prior to the issuance of the first building permit, the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Southern Boulevard and the future east west road along project's north property. Limits shall be along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2013-1528, Control No.2005-00394)

8. Prior to issuance of the first building permit, or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Land Development Division a road right of way warranty deed and all associated documents as required by the County Engineer for the future east west road along the project's north property, 200 feet in width. 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. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2013-1528, Control No.2005-00394)

9. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Southern Boulevard, 220 feet north of the south R/W line on an alignment approved by the FDOT or 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. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2013-1528, Control No.2005-00394)

10. Prior to issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane, west approach on the future east west road along the project's north property at the project's entrance road. This right of way shall be a minimum of 280 feet in 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, 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. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal

sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2013-1528, Control No.2005-00394)

11. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT) by deed:

- i. additional right of way for the construction of a right turn lane, east approach on Southern Boulevard at the project's east entrance; and
- ii. additional right of way for the construction of a right turn lane, east approach on Southern Boulevard at the project's west entrance.

This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. The right of way should be continued across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, which may include at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2013-1528, Control No.2005-00394)

12. On or before December 31, 2018, the Property Owner place clean acceptable fill within the right of way for the future east west road along the project's north property line sufficient to raise the elevation of this future road to within 6 inches of the 25 year, 3 day storm event in the manner and location as required by the County Engineer. The limits of this additional fill shall be along the project frontage of this road. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2013-1528, Control No.2005-00394)

### 13. LANDSCAPE WITHIN THE MEDIAN OF SOUTHERN BOULEVARD

The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners' approval. Median landscaping installed by 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. Prior to the issuance of the first building permit, the necessary permit(s) for this landscaping and irrigation shall be applied for. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

B. Prior to the issuance of the first certificate of occupancy, all installation of the landscaping and irrigation shall be completed. (CO: MONITORING - Engineering) [Note: COMPLETED]

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: ENGINEERING - 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 Southern Boulevard. 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) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2013-1528, Control No.2005-00394)

14. Prior to issuance of the 1,001st Certificate of Occupancy, the Property Owner shall receive approval for and complete construction of a sidewalk along the project's frontage on the north side of Southern Boulevard. (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2013-1528, Control No.2005-00394)

15. In recognition that construction prices may change over the life of the project, the proportionate share payments included in Engineering condition #2 above shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING - Engineering)

16. A maximum of 1,480 single family units, 120 multi-family low rise units, and 35,000 square feet of commercial uses (or a combination of land uses that produce equivalent number of trips) shall be built before December 31, 2024. (BLDGPM/DATE: MONITORING - Engineering)

## **LANDSCAPE - GENERAL**

1. At time of submittal for final master plan approval by the Development Review Officer (DRO), the property owner shall submit an Alternative Landscape Plan to the Landscape Section for all perimeter landscape buffers. The Plan(s) shall be generally consistent with



the Preliminary Regulating Plan dated May 24, 2013. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2013-1528, Control No.2005-00394)

2. A minimum of seventy-five (75%) percent of the canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet; and,
- b. credit may be given for existing or relocated trees provided they meet the Unified Land Development Code requirements. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2013-1528, Control No.2005-00394)

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current Unified Land Development Code requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2013-1528, Control No.2005-00394)

4. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2013-1528, Control No.2005-00394)

5. Prior to Final Approval by the Development Review Officer, all landscape focal points shall be shown on the Regulating Plan(s), and shall be subject to review and approval by the Landscape Section. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2013-1528, Control No.2005-00394)

6. Prior to final approval by the Development Review Officer (DRO), all site/subdivision plans shall indicate a landscape focal point:

- a. within a central island of any cul-de-sac or roundabout;
- b. within any eyebrow island or similar median;
- c. in the vicinity of the road frontage of any T-intersection open space; and,
- d. at the terminus of any dead-end street. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2013-1528, Control No.2005-00394)

7. Prior to final approval by the Development Review Officer (DRO), the site/subdivision plans shall indicate additional decorative paving treatment (pre-cast concrete paver blocks or stamped concrete) as follows:

- a. a minimum eight (8) foot wide continuous band surrounding a central island within all cul-de-sacs;
- b. a minimum eight (8) foot wide continuous band along the perimeter of all semi cul-de-sacs, medians and/or eyebrows, to be located between adjacent residential lots only;
- c. at the intersections of the internal 80-foot wide right-of-way and all access points to each pod; and,
- d. the final design and location for all decorative paving treatment shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 7 of Resolution R-2013-1528, Control No.2005-00394)

#### **LANDSCAPE - INTERIOR**

8. Prior to final approval by the Development Review Officer (DRO), the master plan and site/subdivision plans shall indicate a minimum of two (2) fountains as focal features within the 96.51-acre lake management tract. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning) [Note:

COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2013-1528, Control No.2005-00394)

9. Prior to final approval by the Development Review Officer (DRO), the subdivision and regulating plans shall indicate upgraded recreation amenities within the required neighborhood park of each residential pod. These additional amenities shall:

- a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface. This pathway shall have a direct connection to the primary sidewalk system within each residential pod;
- b. include a minimum of four (4) pedestrian benches;
- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola, loggia), tot lot, fitness station, rest station, or similar recreation amenity. (DRO: ZONING - Parks and Recreation) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2013-1528, Control No.2005-00394)

10. Prior to final approval by the Development Review Officer (DRO), the Preliminary Subdivision and Regulating Plan shall indicate the following amenities adjacent to the internal eight (8)-foot wide asphalt pedestrian path as indicated in the Preliminary Regulating Plan dated May 24, 2013.

- a. a minimum of one (1) pedestrian bench for each six hundred and sixty (660) feet linear feet of the path with a maximum spacing of eight hundred (800) feet between each bench;
- b. a minimum of one (1) trash receptacle adjacent to each alternating pedestrian bench;
- c. a minimum of one (1) canopy tree spaced a maximum distance of fifty (50) feet on center, to be planted alternating on both sides of the path; and,
- d. a minimum of one (1) freestanding light fixture with a maximum height of twelve (12) feet and a maximum spacing of one-hundred (100) feet on center, alternating on each side of the sidewalk. Alternatively, lighted bollards spaced a maximum distance of fifty (50) feet on center and located on alternating sides of the path shall be provided. Lighting shall be located adjacent to the sidewalk. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 10 of Resolution R-2013-1528, Control No.2005-00394)

11. Prior to final approval by the Development Review Officer (DRO), the master plan and site/subdivision plans shall indicate a flow way overlook area (i.e. Focal Point FP-1) within the open space area located at the southeast corner of Pod D and north of FP3. This overlook area shall have a direct connection to the primary sidewalk system on the property. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 11 of Resolution R-2013-1528, Control No.2005-00394)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST 1650 FEET OF THE SOUTH PROPERTY LINE (FRONTAGE OF SOUTHERN BOULEVARD ABUTTING THE 39.88 ACRE CIVIC PARCELS)**

12. In addition to the Code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:

- a. a minimum twenty-five foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a minimum one (1) to three (3) foot high undulating berm with an average height of two (2) feet OR a continuous two (2) foot high berm subject to the Alternative Landscape Plan approval; and,
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 12 of Resolution R-2013-1528, Control No.2005-00394)

13. Prior to final approval by the Development Review Officer (DRO), the master, site/subdivision, regulating and landscape plans shall indicate the following amenities within the meandering 50-foot wide trail corridor (17.71-acre public civic site):

- a. a minimum twelve (12) foot wide meandering, stabilized pathway for the entire duration of the trail corridor;

- b. a minimum of one (1) shade structure (pavilion) in the vicinity of each intersection with a pathway providing access to the trail corridor, for the entire duration of the trail corridor. Each structure shall have minimum dimensions of ten (10) feet in width, eight (8) feet in depth, and nine (9) feet of unobstructed clearance;
- c. a minimum of two (2) pedestrian benches and one (1) trash receptacle adjacent to each shade structure; and,
- d. the final design for this trail corridor shall be subject to review and approval by the Development Review Officer and Landscape Sections. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 13 of Resolution R-2013-1528, Control No.2005-00394)

#### **PARKS-PARKS AND RECREATION EASEMENT**

1. Upon request by the Parks and Recreation Department, the Property Owner or Property Owners' Association shall provide a temporary construction easement as well as a permanent 150 square foot access easement in the general vicinity of the southeast, southwest, northeast, northwest corners of the site in a location and elevation acceptable to the Parks and Recreation Department. This easement is required in order to accommodate a future pedestrian and/or wildlife land bridge across Southern Boulevard to connect to a future wildlife corridor and/or trail system located south of Southern Boulevard as identified in the future. (ONGOING: PARKS AND RECREATION - Parks and Recreation) (Previous PARKS Condition 1 of Resolution R-2013-1528, Control No.2005-00394)

#### **PARKS-DONATION OF LAND**

2. Prior to final approval by the Development Review Officer (DRO), the Master Plan shall be amended to reflect the voluntary dedication of an additional 0.8 acre to the proposed 24.22-acre Public Civic Pod, for a total of not less than 25 acres exclusive of the 15.66-acre Public Civic Pod/school site. (DRO/ONGOING: PARKS AND RECREATION - Parks and Recreation) [Note: COMPLETED] (Previous PARKS Condition 2 of Resolution R-2013-1528, Control No.2005-00394)

#### **PARKS**

3. Upon mutual agreement between the Parks and Recreation Department and the property owner/property owners' association, a perpetual easement shall be granted or property conveyed on the west side of Via Napoli in the general vicinity of the southwest corner of the site. This easement/property is intended to accommodate future vehicular and pedestrian improvements in conjunction with a trailhead. Following such easement or conveyance, all improvements shall be subject to approval by the DRO and without need for a Development Order Amendment (DOA) to accommodate such improvements within a landscape buffer or open space tract. (ONGOING: PARKS AND RECREATION - Parks and Recreation) (Previous PARKS Condition 3 of Resolution R-2013-1528, Control No.2005-00394)

#### **PLANNED DEVELOPMENT-PUD POA DOCUMENTS**

1. Prior to the recordation of the first plat, all property included in the legal description of the application 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 first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2013-1528, Control No.2005-00394)



## **PLANNED DEVELOPMENT**

2. The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement identifying and notifying of the existence of commercial excavation, a future electric power generation facility, regional water management reservoirs and facilities, and active agricultural uses in the vicinity of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on October 1, 2015 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (DATE: MONITORING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2013-1528, Control No.2005-00394)

## **PLANNING**

1. Previous PLANNING Condition 1 of Resolution R-2013-1528, Control No.2005-00394, which currently states:

Per LGA-2004-047; ORD2004-066, the subject site shall be limited to a maximum of 2,000 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of Planned Unit Development (PUD)-Commercial.

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

Per LGA 2021-003, condition 1: The subject site shall be limited to a maximum of 2,420 dwelling units and a minimum of 30,000 square feet and a maximum of 50,000 square feet of PUD-Commercial. (ONGOING: PLANNING - Planning)

2. Per LGA-2004-047; ORD2004-066, the applicant shall provide and indicate on the master plan a 50 foot wide open space trail corridor for the entire northern and western boundaries of the property that can link to the planned trail network. In addition, a Planned Unit Development (PUD) buffer shall be required to utilize the Rural Tier Unified Land Development Code (ULDC) landscape buffer requirements for compatibility purposes. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2013-1528, Control No.2005-00394)

3. Per LGA 2021-003, condition 2: A maximum of 1,480 single family dwelling units, 120 multi-family units, and 35,000 square feet of commercial uses (or a combination of land use that produces equivalent number of trips) shall be built before December 31, 2024. (BLDG/PMT/DATE: MONITORING - Planning)

4. The subject site shall comply with the Workforce Housing requirements stipulated within LGA 2021-003, condition 7. (ONGOING: PLANNING - Planning)

5. Per LGA 2021-003, condition 8: The sixty (60) workforce housing units approved prior to the adoption of this ordinance shall not apply toward the minimum number of workforce units within LGA 2021-003, condition 7. (ONGOING: PLANNING - Planning)

6. Prior to Final approval by the Development Review Officer (DRO), the site plans and justification shall be amended to be consistent with LGA 2021-003 conditions, as approved by the Board of County Commissioners. (DRO: PLANNING - Planning)

7. The request for 334 additional units, are subject to the WHP code in effect after October 2019, and the adopted conditions contained within amendment LGA 2021-003. (ONGOING: PLANNING - Planning)

8. Prior to the issuance of the 2,167th Residential Building Permit (50% of the 334 units in Phase 3, subject to the new code), the applicant shall submit payment to Department of Housing and Economic Sustainability (DHES) and a copy of a receipt for that payment to the Planning Division in the amount of \$100,000 (TH) per required WHP unit as approved by the BCC at adoption. (BLDG/PMT: MONITORING - Planning)

9. Prior to the issuance of the 2,001st Building Permit, (the first Building Permit within

Phase 3 for the additional 334 units), the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants for the additional WHP units in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPMT: MONITORING - Planning)

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

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 24.2 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by April 22, 2015. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.

2) As easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such

clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

Property Owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2013-1528, Control No.2005-00394)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 23, 2015. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2013-1528, Control No.2005-00394)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 23, 2015. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

1) EPA's National Priorities list (NPL)

2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)

3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.



e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2013-1528, Control No.2005-00394)

4. The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2013-1528, Control No.2005-00394)

### **SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2013-1528, Control No.2005-00394)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10 feet by 15 feet school bus shelters shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the school bus shelters 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 shelters shall be the responsibility of the residential property owner. (CO: MONITORING - School Board) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 2 of Resolution R-2013-1528, Control No.2005-00394)

### **SITE DESIGN-PHASE 3 NEIGHBORHOOD PARKS**

1. At the time of final approval by the Development Review Officer of the Final Subdivision Plan, the Regulating Plan shall reflect the layout of the Neighborhood Parks for the exclusive use by the residents. (DRO: ZONING - Zoning)

### **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.