

RESOLUTION NO. R-2022- 0782

RESOLUTION APPROVING ZONING APPLICATION PDD/CA-2022-00192  
(CONTROL NO. 2021-00058)  
an Official Zoning Map Amendment  
APPLICATION OF Taheri Grandchildrens Trust, Mina Property Group LLC  
BY JMorton Planning & Landscape Architecture, AGENT  
(Reserve at Atlantic)

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

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/CA-2022-00192 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2022;

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 an Official Zoning Map 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 PDD/CA-2022-00192, the Application of Taheri Grandchildrens Trust, Mina Property Group LLC, by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) Zoning District, 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Mayor thereupon declared that the resolution was duly passed and adopted on July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA 2022-00006.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY


BY:   
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: ATLANTIC AVENUE SITE

PARCEL A:

TRACTS 5, 6, 7, 8, 25, 26, 27, AND 28, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 10 FEET OF SAID TRACTS 7 AND 8 AND LESS AND EXCEPT THE NORTH 31 FEET OF SAID TRACTS 5 AND 6.

ALSO LESS AND EXCEPT ALL THAT PORTION CONVEYED IN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 32849, PAGE 271, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT ALL THAT PORTION CONVEYED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 32914, PAGE 1379; AND QUITCLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 32914, PAGE 1797, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT ALL THAT PORTION CONVEYED IN TRUSTEE'S DEED RECORDED IN OFFICIAL RECORDS BOOK 33261, PAGE 1204, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS BEING 29.509 ACRES(1,285,397 SQ. FT.) MORE OR LESS

PARCEL B:

A PORTION OF TRACTS 25, 26, 27, AND 29, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 28; THENCE SOUTH 89 DEGREES 19 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACTS 25 THROUGH 28, A DISTANCE OF 1,309.39 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF HALF MILE ROAD, AS RECORDED IN ROAD PLAT 7, PAGE 169, OF SAID PUBLIC RECORDS; THENCE NORTH 01 DEGREE 38 MINUTES 28 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 63.54 FEET; THENCE NORTH 01 DEGREE 24 MINUTES 45 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 100 FEET; THENCE NORTH 01 DEGREE 17 MINUTE 50 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 36.14 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 199.67 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF TRACTS 25 THROUGH 28; THENCE NORTH 89 DEGREES 19 MINUTES 31 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 1,308.34 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 28; THENCE SOUTH 01 DEGREE 45 MINUTES 58 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 199.60 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING FROM ALL OF THE ABOVE:

THAT PORTION OF TRACTS 7 & 8, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF CHANCERY CASE 407, AS SHOWN ON STATE ROAD MAPS 806, SECTION #93030-2502.

AND

THAT PORTION OF TRACTS 8 & 25, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT

THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AREA AS SHOWN ON ROAD PLAT BOOK 7, PAGE 169, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS BEING 6.000 ACRES (261,360 SQ. FT.) MORE OR LESS

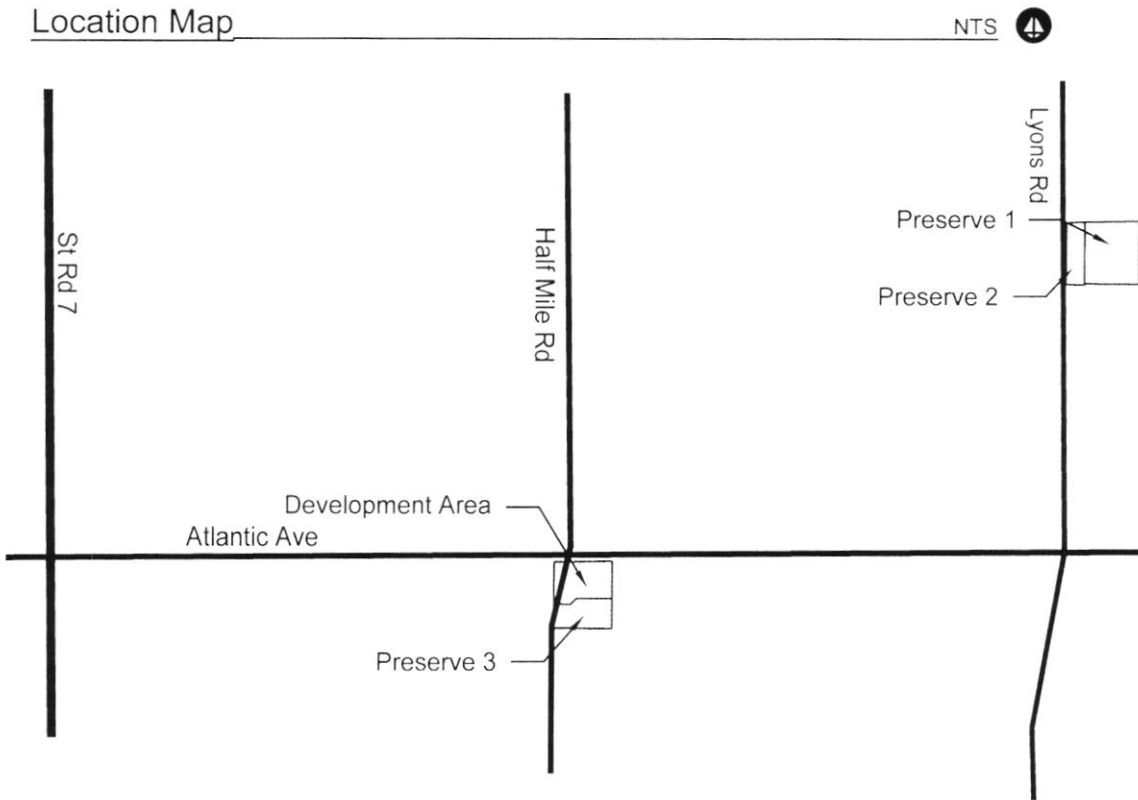
PARCELS A AND B ARE ALTOGETHER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 5, 6, 7, 8, 25, 26, 27, AND 28, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 28; THENCE SOUTH 89°19'31" WEST ALONG THE SOUTH LINE OF SAID TRACTS 25 THROUGH 28, A DISTANCE OF 1,309.39 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF HALF MILE ROAD, AS RECORDED IN ROAD PLAT BOOK 7, PAGE 169, OF SAID PUBLIC RECORDS; THE FOLLOWING FOURTEEN COURSES AND DISTANCES ARE ALONG SAID EAST RIGHT OF WAY LINE; THENCE NORTH 01°38'28" WEST, A DISTANCE OF 63.54 FEET; THENCE NORTH 01°24'45" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°17'50" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°11'00" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°46'55" WEST, A DISTANCE OF 100.01 FEET; THENCE NORTH 00°50'22" WEST, A DISTANCE OF 100.01 FEET; THENCE NORTH 00°19'25" WEST, A DISTANCE OF 100.03 FEET; THENCE NORTH 00°14'55" EAST, A DISTANCE OF 100.05 FEET; THENCE NORTH 00°04'36" EAST, A DISTANCE OF 100.05 FEET; THENCE NORTH 00°12'33" WEST, A DISTANCE OF 100.03 FEET; THENCE NORTH 02°57'31" WEST, A DISTANCE OF 100.03 FEET; THENCE NORTH 04°26'49" WEST, A DISTANCE OF 100.12 FEET; THENCE NORTH 02°12'52" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 01°38'29" WEST, A DISTANCE OF 44.52 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 22.80 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 8 AND THE SOUTH RIGHT OF WAY LINE OF ATLANTIC AVENUE, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030; THENCE NORTH 89°32'38" EAST ALONG SAID PARALLEL LINE AND ITS EASTERLY PROLONGATION AND ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 637.81 FEET TO A POINT OF INTERSECTION WITH THE WITH THE EAST LINE OF SAID TRACT 7; THENCE S01°42'02"E ALONG SAID EAST LINE, A DISTANCE OF 8.20 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 31.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 6 AND THE SOUTH RIGHT OF WAY LINE OF ATLANTIC AVENUE; THENCE N89°32'38"E ALONG SAID PARALLEL LINE AND ITS EASTERLY PROLONGATION, A DISTANCE OF 661.22 FEET TO T APPOINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 5; THENCE S01°45'58"E ALONG SAID EAST LINE AND THE EAST LINE OF SAID TRACT 28, A DISTANCE OF 1295.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,693,522 SQUARE FEET/38.878 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### EXHIBIT C-1: PDD- Residential Planned Development District

##### ALL PETITIONS

1. The approved Preliminary Site, Regulating and Master Sign Plans are dated May 12, 2022. 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)

##### ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2026, 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. The Property Owner shall fund the cost of design and construction of a left turn lane north approach on the relocated Half Mile Rd at the southern project entrance.

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 for Improvements identified above shall be obtained from Palm Beach County or the contract for construction of the relocated Half Mile Road shall be let prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

b. The turn lane shall be open the public to travel prior to the issuance of the first Certificate of Occupancy, as approved by the County Engineer. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the proposed Half Mile Road relocation. The dedication is 80 feet in width, plus any required right-of-way for the expanded intersection, on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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. Road right of way conveyances 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. The Property Owner shall provide to the Right of Way Section 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)

5. The relocated Half Mile Road project shall be built consistent with Palm Beach County standards for an 80 foot plan-collector roadway. In the event that the County is unable to construct this realigned roadway before the first CO issuance for the project, the Property Owner shall be responsible for construction of this roadway. If the Property Owner funds and constructs this roadway, which shall be open to the public, the Property Owner may receive Impact Fee credits, as approved by the County Engineer.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County or the contract for construction of the relocated Half Mile Road shall be let prior to the issuance of the first Building Permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and this part of the condition will be deemed satisfied. (BLDGPMT: MONITORING - Engineering)

b. The County Engineer shall deem the roadway safe for the public to travel prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

6. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 the proposed Half mile Road alignment with the property; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. 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 through 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)

7. Prior to the recordation of the Plat, the Property Owner shall update the site plan to reflect the expanded intersection, roadway alignment and any turn lanes. (PLAT: MONITORING - Engineering)

8. 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 Atlantic Avenue, 16 feet in width over the west approximately 640 feet and tapering down over the east approximate 660 feet on an alignment approved by the FDOT and 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 a 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. (BLDGPM: MONITORING - Engineering)

9. The Property Owner shall fund the cost of design and construction of a left turn lane east approach on Atlantic Ave at relocated Half Mile Rd.

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. If approved by the County Engineer, the construction cost for this turn lane may be impact fee creditable, provided the Property Owner funds its construction.

a. Permits required from Palm Beach County and FDOT, as applicable, for this construction shall be obtained or the contract for the construction of the turn lane shall be let, prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. The turn lane shall be open to the public for travel prior to the issuance of the first Certificate of Occupancy, as approved by the Florida Department of Transportation and the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

## **PLANNING**

1. Per LGA 2022-006 condition 1, Development of the site is limited to a total maximum net daily trips of 3,191 and a maximum net pm peak hour trips of 283, and shall include the realignment of Smith Sundry and Half Mile Roads. (ONGOING: PLANNING - Planning)

2. Per LGA 2022-006 condition 2, residential dwelling units shall be limited to a maximum of 476 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)

3. Per LGA 2022-006 condition 3, the Zoning Development Order shall require a minimum of 25% of the total dwelling units (including density bonus) to be built as Workforce Housing units. These Workforce Housing units shall be for household incomes from 60 to 120% of area median income and built onsite pursuant to the Workforce Housing Program in the ULDC. (ONGOING: PLANNING - Planning)

4. Prior to final approval by the Development Review Officer (DRO), all applicable plans, documents shall be updated to be consistent with what was adopted by the Board of



County Commissioners (BCC). (DRO: PLANNING - Planning)

5. Prior to final site plan approval by the Development Review Officer (DRO), the Applicant shall provide a Rural Parkway Landscape Plan, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs subject to approval by the Planning Division. (DRO: PLANNING - Planning)

6. Prior to final approval by the Development Review Officer (DRO), submit an AGR Rural Parkway Management Plan and AGR Preserve Management Plans to be approved by the Planning and Zoning Divisions for both the Rural Parkway and Agricultural Preserve areas. (DRO: PLANNING - Planning)

7. The Master Plans shall contain the following "Preservation Area/Proposed Uses" notes section and include the following:

a. The preservation areas shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

**PERMITTED USES:**

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

**NOT PERMITTED:**

7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.

8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO: PLANNING - Planning)

8. Prior to the recordation of the 1st Plat for the Development Area, all of the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office and the Planning Division.

a. The conservation easements for all of these preserve parcels shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division. (PLAT: MONITORING - Planning)

9. Prior to the issuance of a Building Permit for the 119th unit(25%), the Property Owner shall commence construction of the Rural Parkway. (BLDGPM: MONITORING - Planning)

10. Prior to Certificate of Occupancy for the 238th unit(50%), the Property Owner shall complete construction of the Rural Parkway. (CO: MONITORING - Planning)

11. Prior to the recordation of the 1st Plat for the Development area, the conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100-foot Lyons Road Rural Parkway Preserve

Area shall contain:

a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:

- 1) 90% percent native trees and palms, and 60 percent native shrubs for the minimum required trees, palms and shrubs;
- 2) A multipurpose path and an equestrian path;
- 3) Undulating berms, no taller than five feet;
- 4) Benches/pedestrian gathering area. At least one (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

- 1) Walls, signs;
- 2) Structures, with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.

c. The Rural Parkway easement may include:

- 1) A ten (10) foot utility easement located adjacent to Lyons Road Right of Way and a bus stop easement,
- 2) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
- 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.

e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division.  
(PLAT: MONITORING - Planning)

12. Prior to the release of the 238th (50%) Certificate of Occupancy, an "as-built" Rural Parkway Landscape Plan shall be submitted to the Planning Division. These plans may only be modified from the plans approved at Final DRO with prior written permission from Planning. (CO: MONITORING - Planning)

13. The subject request for 476 units with a 119-unit Workforce Housing Program (WHP) obligation was calculated based on Condition 3 within LGA 2022-006 requiring 25% of the total units for WHP, with the WHP units to be rental and will be provided onsite. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

14. The Developer shall notify the Planning Division and The Department of Housing and Economic Sustainability (DHES) at the commencement of leasing. (ONGOING: PLANNING - Planning)

15. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, 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. (BLDGPM: MONITORING - Planning)

16. Prior to the release of the first Building Permit, the Developer shall provide documentation demonstrating compliance with the required design standards: compatible exteriors, provision of a dry model. (BLDGPM: PLANNING - Planning)

17. Prior to the release of the 3rd Building Permit (154 units), Fifty percent of WHP units (60) must receive certificates of occupancy. (BLDGPM: MONITORING - Planning)

18. Prior to the release of the 6th Building Permit (405 units), All WHP units (119) must receive Certificates of Occupancy. All Plans and covenants must be consistent with what has been constructed, and shall be amended if necessary. (BLDGPM: MONITORING -

Planning)

19. Should more than 50% of the Building Permits be issued simultaneously, then the initial Certificate of Occupancies (CO's) that are released will be attributable to the WHP obligation. (ONGOING-PLANNING-Planning)

### **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 necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. 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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' 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 shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

### **SIGNS**

1. Prior to final Development Review Officer approval, the Applicant shall modify the Preliminary Master Sign Plan to correct the sign types. (ONGOING: 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.