

RESOLUTION NO. R-2023- 0237

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD-2022-01281
(CONTROL NO. 1983-00017)
an Official Zoning Map Amendment
APPLICATION OF Zuckerman Homes
BY WGINC, AGENT
(Trotting Center)

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 ABN/PDD-2022-01281, submitted on behalf of Zuckerman Homes, by WGINC, Agent, for a Development Order Abandonment to abandon a horse breeding and training farm, including accessory buildings and structures, and an on-site water and sewage treatment plant, and for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2023;

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 ABN/PDD-2022-01281, the Application of Zuckerman Homes, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 105.98 acres,

on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Braxter moved for the approval of the Resolution.

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

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

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

Filed with the Clerk of the Board of County Commissioners on February 27th, 2023.

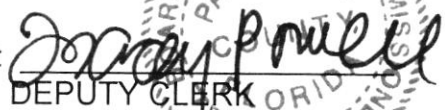
This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2023-00012.

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

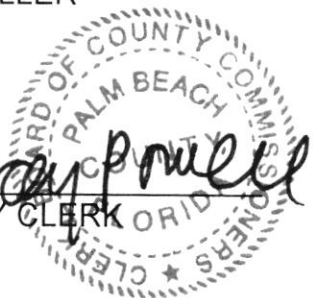


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION PUD

PARCEL A:

PARCEL ONE: LOTS 17 TO 23, INCLUSIVE, BLOCK 44, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THAT PART OF LOT 17 CONVEYED FOR ROAD PURPOSES IN DEED BOOK 636, PAGE 96, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS THAT PROPERTY CONTAINED IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 4515, PAGE 1335, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 17, BLOCK 44, PALM BEACH FARMS COMPANY PLAT 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN WESTERLY ALONG THE NORTH LINE OF LOT 17, A DISTANCE OF 28.28 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS NOW LAID OUT AND IN USE; THENCE CONTINUE WESTERLY ALONG SAID NORTH LINE OF LOT 17, A DISTANCE OF 165.00 FEET; THENCE RUN SOUTHERLY ALONG A LINE PARALLEL WITH AND 240.00 FEET WEST OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 7, A DISTANCE OF 660.23 FEET TO THE SOUTH LINE OF SAID LOT 17; THENCE RUN EASTERLY ALONG SAID SOUTH LINE OF LOT 17 A DISTANCE OF 165.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7; THENCE NORTHERLY ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 A DISTANCE OF 660.23 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

THE SOUTH 677.10 FEET OF THE EAST 321.66 FEET OF THE NORTH 1/2 (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL THREE:

THE WEST HALF (W 1/2) OF TRACT 82 OF THE UNRECORDED PLAT OF HERITAGE FARMS IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE WEST HALF (W 1/2) OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00° 15' 28" EAST ALONG THE EAST LINE OF THE SAID WEST HALF (W 1/2) A DISTANCE OF 3315.33 FEET, THENCE SOUTH 88° 55' 17" WEST A DISTANCE OF 331.50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 88° 55' 17" WEST A DISTANCE OF 331.50 FEET; THENCE SOUTH 00° 20' 40" EAST A DISTANCE OF 706.40 FEET; THENCE NORTH 89° 46' 02" EAST A DISTANCE OF 331.0 FEET; THENCE NORTH 00° 18' 04" WEST A DISTANCE OF 711.29 FEET TO THE POINT OF BEGINNING; SUBJECT TO EASEMENT OVER THE EAST 35 FEET THEREOF.

ALSO, THE EAST HALF (E 1/2) OF TRACT 82 IN THE UNRECORDED PLAT OF HERITAGE FARMS IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST HALF (W 1/2) OF SAID SECTION 12; THENCE ON AN ASSUMED BEARING OF S 00° 15' 28" E ALONG THE EAST LINE OF THE SAID WEST HALF (W 1/2) A DISTANCE OF 3315.33 FEET TO THE POINT OF BEGINNING; THENCE S 88° 55' 17" W, 331.50 FEET; THENCE S 00° 18' 04" E, 711.29 FEET TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 12; THENCE N 89° 46' 02" E ALONG THE SAID SOUTH LINE A DISTANCE OF 331.00 FEET TO THE EAST LINE OF THE SAID WEST HALF (W 1/2); THENCE N 00° 15' 28" W ALONG THE SAID EAST LINE A DISTANCE OF 716.18 FEET TO THE POINT OF

BEGINNING, LESS THE SOUTH 677.10 FEET OF THE EAST 321.66 FEET OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 12.

PARCEL B:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST BEING ALL OF TRACTS 74, 75, 76, 79, 80, 81 THE SOUTH 1/2 OF TRACT 65 AND A PORTION OF TRACT 73 OF THE UNRECORDED PLAT OF HERITAGE FARMS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE ON AN ASSUMED BEARING OF SOUTH 00° 15' 28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1283.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 03' 29" WEST A DISTANCE OF 1332.10 FEET; THENCE SOUTH 00° 25' 52" EAST A DISTANCE OF 169.54 FEET; THENCE SOUTH 89° 02' 48" WEST A DISTANCE OF 1331.59 FEET TO THE WEST LINE OF SAID SECTION 12; THENCE SOUTH 00° 36' 16" EAST ALONG SAID WEST LINE A DISTANCE OF 169.80 FEET; THENCE NORTH 89° 02' 07" EAST A DISTANCE OF 1331.08 FEET; THENCE SOUTH 00° 25' 52" EAST A DISTANCE OF 2034.42 FEET; THENCE NORTH 89° 20' 39" EAST A DISTANCE OF 662.50 FEET; THENCE NORTH 00° 20' 40" WEST A DISTANCE OF 343.96 FEET; THENCE NORTH 88° 55' 17" EAST A DISTANCE OF 663.00 FEET TO THE SAID EAST LINE OF THE WEST 1/2 OF SECTION 12; THENCE NORTH 00° 15' 28" WEST ALONG SAID EAST LINE A DISTANCE OF 2031.36 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING: A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING THE SOUTH 1/2 OF TRACT 65 OF THE UNRECORDED PLAT OF HERITAGE FARMS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER 1/4 CORNER OF SAID SECTION 12, THENCE ON AN ASSUMED BEARING OF SOUTH 00° 15' 28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1283.97 FEET (DEED) (1285.30 FEET SURVEY); THENCE SOUTH 89° 03' 29" WEST, A DISTANCE OF 1332.10 FEET; THENCE SOUTH 00° 25' 52" EAST, A DISTANCE OF 169.54 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 89° 02' 48" WEST, A DISTANCE OF 1331.59 FEET TO THE WEST LINE OF SAID SECTION 12; THENCE SOUTH 00° 36' 16" EAST ALONG SAID WEST LINE, DISTANCE OF 169.80 FEET; THENCE NORTH 89° 02' 07" EAST, A DISTANCE OF 1331.08 FEET; THENCE NORTH 00° 25' 52" WEST, A DISTANCE OF 169.54 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THE FOLLOWING: A PARCEL OF LAND IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 76, 79 AND A PORTION OF TRACTS 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE FARMS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH QUARTER CORNER (N 1/4) OF SAID SECTION 12; THENCE ON AN ASSUMED BEARING OF SOUTH 00° 15' 28" EAST ALONG THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF SAID SECTION 12, A DISTANCE OF 1283.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 03' 29" WEST, A DISTANCE OF 1332.10 FEET; THENCE SOUTH 00° 25' 52" EAST, A DISTANCE OF 1304.45 FEET; THENCE SOUTH 89° 31' 54" EAST, A DISTANCE OF 1328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00° 15' 26" WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1315.47 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THOSE PORTIONS OF THAT 25 FOOT RIGHT OF WAY TO BE ABANDONED LYING WEST OF AND ADJACENT TO THOSE PORTIONS OF BLOCK 44 DESCRIBED ABOVE.

ALSO DESCRIBED AS

BEING A PORTION OF LOTS 17 THROUGH 20, INCLUSIVE, BLOCK 44 AND ALL OF LOTS 21, 22 AND 23, BLOCK 44 AND A PORTION OF THAT 25 FOOT RIGHT-WAY LYING WEST OF BLOCK 44, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, TOGETHER WITH ALL OF TRACTS 74, 81, 82 AND A PORTION OF TRACTS 73, 75 AND 80 OF THE UNRECORDED PLAT OF HERITAGE FARMS, TOGETHER WITH A PORTION OF THE 25-FOOT WIDE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ON A GRID BEARING OF N23°02'56"W, A DISTANCE OF 1538.97 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23, BLOCK 44 AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF A 30-FOOT WIDE ROADWAY, AS SHOWN ON SAID PALM BEACH FARMS COMPANY PLAT NO. 3, AND THE WESTERLY PROLONGATION THEREOF, S88°06'42"W, A DISTANCE OF 2,037.86 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 21, BLOCK 44; THENCE N01°03'36"W ALONG SAID WEST LINE, A DISTANCE OF 24.53 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT ABANDONED RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORD BOOK 6014, PAGE 1243 OF SAID PUBLIC RECORDS; THENCE S88°58'39"W ALONG SAID SOUTH LINE, A DISTANCE OF 25.00 TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID 25 FOOT RIGHT-OF-WAY LYING WEST OF BLOCK 44; THENCE S01°03'36"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF 80-FOOT WIDE LAKE WORTH DRAINAGE DISTRICT CANAL S-8 EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 5415, PAGE 1834 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINE, S88°58'39"W, A DISTANCE OF 661.79 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID 80-FOOT WIDE LAKE WORTH DRAINAGE DISTRICT CANAL S-8 EASEMENT AND TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 82 OF HERITAGE FARMS UNRECORDED PLAT; THENCE ALONG SAID WEST LINES, N01°08'48"W, A DISTANCE OF 362.07 FEET; THENCE S88°32'31"W, A DISTANCE OF 662.50 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 12; THENCE ALONG SAID WEST LINE, N01°14'00"W, A DISTANCE OF 1,069.05 FEET; THENCE N88°43'46"E, A DISTANCE OF 1,328.07 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 80 AND TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST HALF OF SAID SECTION 12; THENCE ALONG EAST LINE OF SAID TRACTS 80 AND 81 AND SAID EAST LINE OF WEST HALF OF SECTION 12, S01°03'36"E, A DISTANCE OF 52.75 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTH LINE OF SAID LOT 20, BLOCK 44; THENCE N88°10'36"E ALONG SAID NORTH LINE AND THE NORTH LINE OF SAID LOTS 19, 18, AND 17 BLOCK 44, A DISTANCE OF 2,421.69 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF US 441 (STATE ROAD 7), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 9310-2525, SHEETS 9 AND 10, DATED SEPTEMBER 22, 1993 AND AS RECORDED IN OFFICIAL RECORD BOOK 4515, PAGE 1335 OF SAID PUBLIC RECORDS; THENCE S00°39'06"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 620.26 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 17, BLOCK 44; THENCE S88°07'52"W ALONG SAID SOUTH LINE, A DISTANCE OF 364.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 23, BLOCK 44; THENCE S01°58'10"E ALONG THE EAST LINE OF SAID LOT 23, BLOCK 44, A DISTANCE OF 661.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,616,363 SQUARE FEET/105.9771 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

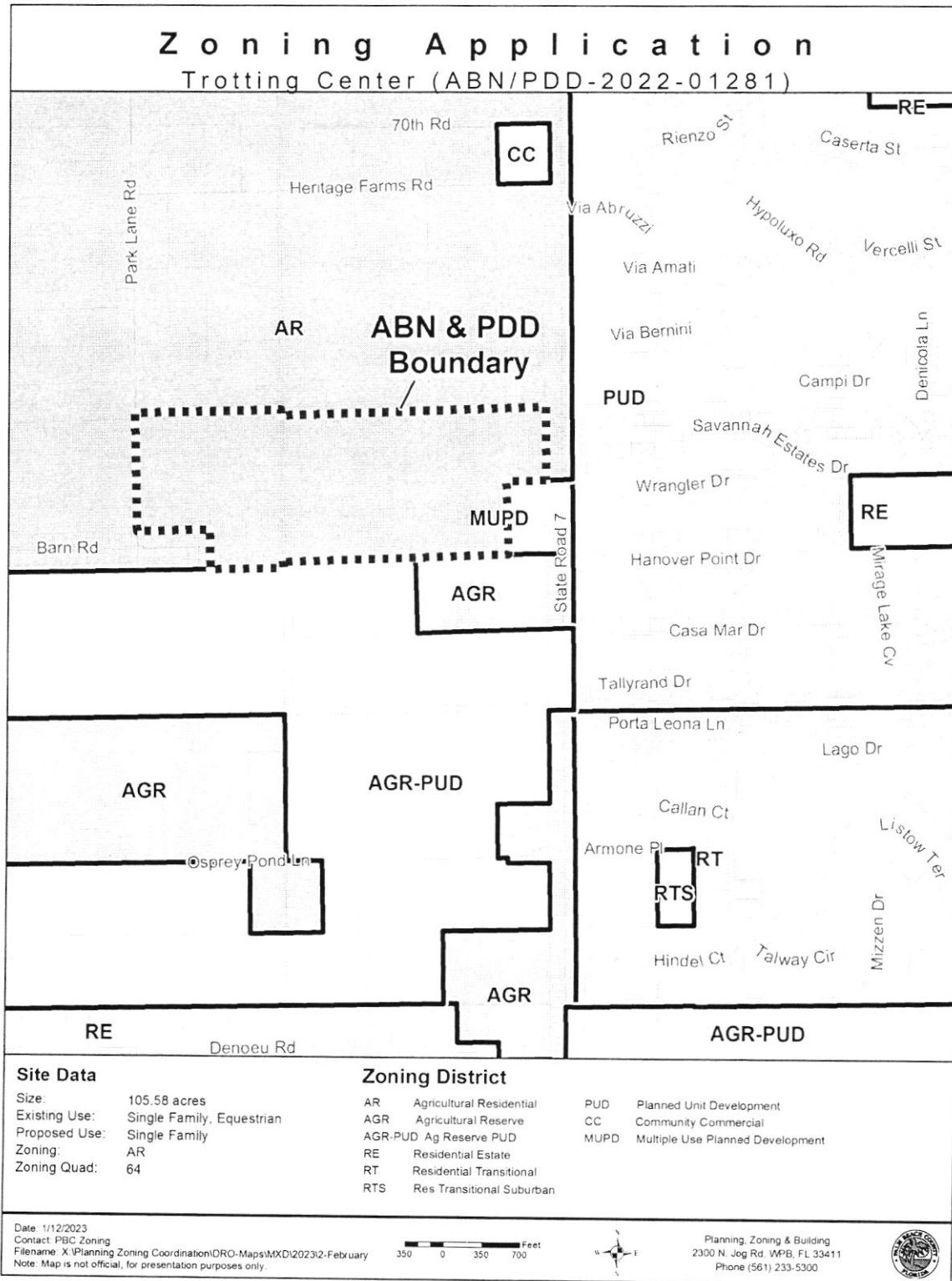


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Master Plan dated December 15, 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 or the Zoning Commission. (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, 2027, 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. If a direct connection to SR-7 from the civic site will be proposed, then a new FDOT driveway pre-approval letter must be obtained prior to Final Site Plan approval for the civic site. (DRO: ENGINEERING - Engineering)

3. The Property Owner shall maintain/modify the exiting right turn lane north approach on SR-7 and existing left turn lane south approach on SR-7 at project entrance. The length of these turn lanes shall be as required by the FDOT at permit approval.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT this construction/modification, if required by the FDOT, shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction/modification, if required by the FDOT, shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

4. 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. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPMT: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all public easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's storm water management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final

approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDG/PMT/PLAT: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to Final Approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM). If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. All mitigation plantings shall be planted on-site or as approved by ERM. (VEG/PMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to the final approval by the DRO, The applicant shall provide a copy of a wetland jurisdictional determination from the Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. Prior to the final approval by the Development Review Officer, the Plans shall be revised to indicate an access easement with a minimum width of 10 feet to the Tree Preservation Area located at the south east portion of the project. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

6. The understory within the native tree preserve area shall be restored and reestablished with native species typically found in its respective land cover classification and/or as approved ERM, and shall remain in perpetuity. (ONGOING/VEG/PMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

7. Prior to the final approval by the Development Review Officer, the applicant shall provide (1.) a wildlife survey and (2.) an environmental assessment to address the species of concern, and federally and state-listed species indicated in the letter received from the Florida Fish and Wildlife Conservation Commission, dated January 10, 2023 (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

8. Prior to the commencement of any clearing, grading, filling, or site development, the applicant shall conduct species-specific survey(s) that utilize the approved protocols and recommended methodologies by the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC), if required by the applicable regulatory authority and shall coordinate with the appropriate regulatory authority, e.g., FWC, USFWS. (BLDG/PMT/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PARKS

1. No more than 66 residential building permits shall be issued until the recreational improvements have been completed in their entirety and are open for use and accessible to the residents, unless a phasing plan for completion of the required recreation area is agreed upon and approved by the Parks and Recreation Department. (BLDG/PMT:

MONITORING - Parks and Recreation)

PLANNING

1. Per LGA 2023-12, condition 1. Residential dwelling units shall be limited to a maximum of 166 units with no further density increases permitted through density bonus programs. (ONGOING: PLANNING - Planning)
2. Per LGA 2023-12, condition 2. The zoning development order shall require a minimum of 10% (17 units) of the total dwelling units to be provided as offsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC. (ONGOING: PLANNING - Planning)
3. The request for a maximum of 166 units was calculated based on the 105.977-acre site with the proposed LR-2 Future Land Use Designation via LGA-2023-12. The Workforce Housing Program (WHP) obligation is subject to condition 2 of the ordinance which requires that 10% (17 units) of the total dwelling units be provided for the WHP obligation and that the units are to be provided offsite. (ONGOING: PLANNING - Planning)
4. Prior to final approval by the Development Review Officer (DRO), all-applicable conditions shall be applied consistent with the WHP disposition that is adopted by the BCC and all plans and 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 approval by the Development Review Officer (DRO), all-applicable documentation regarding the offsite WHP choice shall be submitted and all applicable conditions shall be applied. (DRO: PLANNING - Planning)
6. Once a subdivision plan is submitted it shall depict the area attributed to Policy 1.4.1.b.6 requiring 20% of the land area to be 0.50-acre lots. (ONGOING: PLANNING - Planning)
7. Prior to issuance of the Building Permit, the Property Owner shall submit the Landscape Plans and a plant species list, with prior approval from the Planning and Zoning Divisions, which shall be consistent with FLUE Policy 1.4.1.b-7 and 8, in effect at the time of BCC adoption, for expanded buffers and utilization of 100% native vegetation. (BLDGPM: MONITORING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. Platting & Deed.

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 2.11 acre public civic site (net usable area - including minimum required perimeter landscape buffers), in a location and form acceptable to Facilities Development & Operations Department (FD&O) by August 23, 2024 or other date that is mutually agreeable to the Property Owner and FD&O. 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 (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 site 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) An 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 FD&O Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FD&O. The buildable grade elevation required will generally be the highest crown of road adjacent to the civic site, unless otherwise determined by PREM. Proposed County Critical Care facilities may require higher elevations as determined by County, at County's sole discretion. Property Owner to provide: 1) In-place density test (density requirements as determined by PREM), 2) Soil placement monitoring report, 3) Test of materials used in the soil placement monitoring report, 4) Final survey to include topo results.

i) Water, Sewer and Reclaim Water

Property Owner to provide water, sewer, reclaim water stubbed out to the property line and other required utilities as determined by PREM.

j) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed Civic Sites to available retention basins, if requested by PREM.

(DATE: MONITORING - Property Real Estate Management)

2. Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by February 23, 2024 or other date that is mutually agreeable to the Property Owner and FD&O. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey must meet the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in rule 5J-17.050-.052, Florida Administrative Code, pursuant to section 472.027, Florida Statutes and Countywide PPM CW0-058.

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 and the proposed drainage easement area for storm water outfall from the proposed civic site to the development's storm water management system.

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)

3. Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by February 23, 2024 or other date that is mutually agreeable to the Property Owner and FD&O. The minimum assessment of the property will be a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use. Prior use of the property (Example: Ag Production, golf course, other uses as determined by County) that creates the possibility of soil and groundwater impacts above environmental target clean up levels will require further soil and ground water investigation and testing, unless waived by County at County's sole discretion.

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. (DATE: MONITORING - Property Real Estate Management)

4. Cash-Out

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 is the more viable option and 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 the ULDC.

5. Prior to Technical Compliance of the Plat for the 80 R.O.W and intervening land area shown on the Master Plan to the north of the public civic site, the Property Owner shall grant a Perpetual Access Easement to the County in a form, manner and configuration deemed acceptable to PREM to serve the public civic site. (TC: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

6. Prior to Technical Compliance of the Plat for the 20 Access Easement shown on the Master Plan to the south of and abutting the public civic site, the Property Owner shall grant a Perpetual Access Easement to the County in a form, manner and configuration deemed acceptable to PREM and encumbering the entire Access Easement to serve the public civic site. (TC: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

7. The Property Owner shall include in homeowners documents as well as all written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying prospective homeowners that the community includes the public civic site and is designed to provide future ingress and egress serving the public civic site from both the community entryway and dedicated emergency access. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on August 23, 2024 or other date that is mutually agreeable to the Property Owner and FD&O, and then continuing until all units have been sold. (DATE: MONITORING - Property Real Estate Management)

SITE DESIGN

1. Prior to DRO approval to Preliminary Regulating Plan shall be updated to correctly label all Buffers. (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: ZONING - 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) (ONGOING: ZONING - Zoning)

DISCLOSURE

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