

RESOLUTION NO. R-2023-0412

RESOLUTION APPROVING ZONING APPLICATION DOA-2022-01119
(CONTROL NO. 1973-00215)
a Development Order Amendment
APPLICATION OF Briana Howard, Capital Benenson, Fairways Llc
BY WGINC, AGENT
(Southampton 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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA-2022-01119 the Application of Briana Howard, Capital Benenson, Fairways LLC, by WGINC, Agent, for a Development Order Amendment to modify the Master Plan and Site Plan; add land area, units, and access points; and to modify Conditions of Approval on 80.98 acres was presented to the Board of County Commissioners at a public hearing conducted on September 28, 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 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 DOA-2022-01119, the Application of Briana Howard, Capital Benenson, Fairways LLC, by WGINC, Agent, for a Development Order Amendment to modify the Master Plan; add land area, units, and access points; and to modify Conditions of Approval on 80.98 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 September 28, 2023, 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 Marino and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on September 28, 2023.

Filed with the Clerk of the Board of County Commissioners on October 17th, 2023

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: SOUTH HAMPTON PUD

PARCELS 1 AND 2 OF " REFLECTION BAY, PARCEL 1 A T.N.D., AND PARCEL 2 A P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 37, "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT PARCEL 119, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6956 AT PAGE 685, AND ALSO LESS PARCEL 120, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6950 AT PAGE 1635, BOTH OF SAID PUBLIC RECORDS.

ALSO DESCRIBED AS FOLLOWS:

PARCELS 1 AND 2 OF "REFLECTION BAY, PARCEL 1 A T.N.D., AND PARCEL 2 A P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124 AT PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TOGETHER WITH A PORTION OF TRACT 37, "CENTURY VILLAGE PLAT NO. FOURTEEN", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGES 156 AND 157, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE NORTH 89°57'11" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 525.00 FEET; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID TRACT 37, A DISTANCE OF 564.58 FEET; THENCE SOUTH 89°21'34" WEST, A DISTANCE OF 27.24 FEET; THENCE NORTH 79°19'50" WEST, A DISTANCE OF 61.19 FEET; THENCE SOUTH 89°21'34" WEST, A DISTANCE OF 84.61 FEET; THENCE SOUTH 70°55'28" WEST, A DISTANCE OF 37.95 FEET (THE PREVIOUS FOUR COURSES BEING COINCIDENT WITH THE NORTH LINE OF PARCEL 119 ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6956 AT PAGE 685 OF SAID PUBLIC RECORDS); THENCE SOUTH 89°21'34" WEST, ALONG THE NORTH LINE OF PARCEL 119, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6956 AT PAGE 685, AND ALSO THE NORTH LINE OF PARCEL 120, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6950 AT PAGE 1635, BOTH OF SAID PUBLIC RECORDS, A DISTANCE OF 660.03 FEET; THENCE NORTH 89°57'11" WEST, ALONG THE SOUTH LINE OF SAID TRACT 37, A DISTANCE OF 434.57 FEET; THENCE NORTH 78°38'35" WEST, A DISTANCE OF 61.19 FEET; THENCE NORTH 89°57'11" WEST, A DISTANCE OF 84.61 FEET; THENCE SOUTH 71°36'43" WEST, A DISTANCE OF 37.95 FEET (THE PREVIOUS THREE COURSES BEING COINCIDENT WITH THE NORTH LINE OF PARCEL 119, ACCORDING TO THE FINAL JUDGMENT INCLUDING FEES AND COSTS, AS RECORDED IN OFFICIAL RECORDS BOOK 6956 AT PAGE 685 OF SAID PUBLIC RECORDS); THENCE NORTH 00°00'00" EAST, ALONG THE WEST LINE OF SAID TRACT 37, A DISTANCE OF 310.00 FEET; THENCE SOUTH 89°57'00" EAST, ALONG THE NORTH LINE OF SAID TRACT 37, A DISTANCE OF 120.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 477.41 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 1,022.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 450.00 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 572.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 319.85 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 25°55'24" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00

FEET AND A CENTRAL ANGLE OF 44°37'43", A DISTANCE OF 440.09 FEET; THENCE NORTH 76°45'00" WEST, ALONG A LINE NON-RADIAL TO THE LAST AND NEXT DESCRIBED CURVES, A DISTANCE OF 227.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 66°24'52" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 20°40'18", A DISTANCE OF 122.67 FEET; THENCE SOUTH 76°45'00" EAST, ALONG A LINE NON-RADIAL TO THE LAST AND NEXT DESCRIBED CURVES, A DISTANCE OF 227.22 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS NORTH 82°56'53" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 565.00 FEET AND A CENTRAL ANGLE OF 07°03'07", A DISTANCE OF 69.54 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 655.00 FEET; THENCE NORTH 78°41'24" WEST, A DISTANCE OF 229.46 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 35.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1290.82 FEET AND A CENTRAL ANGLE OF 08°34'42", A DISTANCE OF 193.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 720.41 FEET AND A CENTRAL ANGLE OF 17°09'24", A DISTANCE OF 215.72 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1290.82 FEET AND A CENTRAL ANGLE OF 08°34'42", A DISTANCE OF 193.26 FEET TO THE POINT OF TANGENCY; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 506.00 FEET; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 55.15 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 313.11 FEET; THENCE SOUTH 13°29'45" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 367.23 FEET; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 16.97 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 344.74 FEET; THENCE SOUTH 13°29'45" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 367.23 FEET; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 16.97 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 671.66 FEET TO THE POINT OF BEGINNING (THE PREVIOUS 28 COURSES BEING COINCIDENT WITH THE BOUNDARIES OF SAID PARCELS 1 AND 2 AS SHOWN ON SAID PLAT)

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 80.982 ACRES (3,527,561 SQUARE FEET), MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

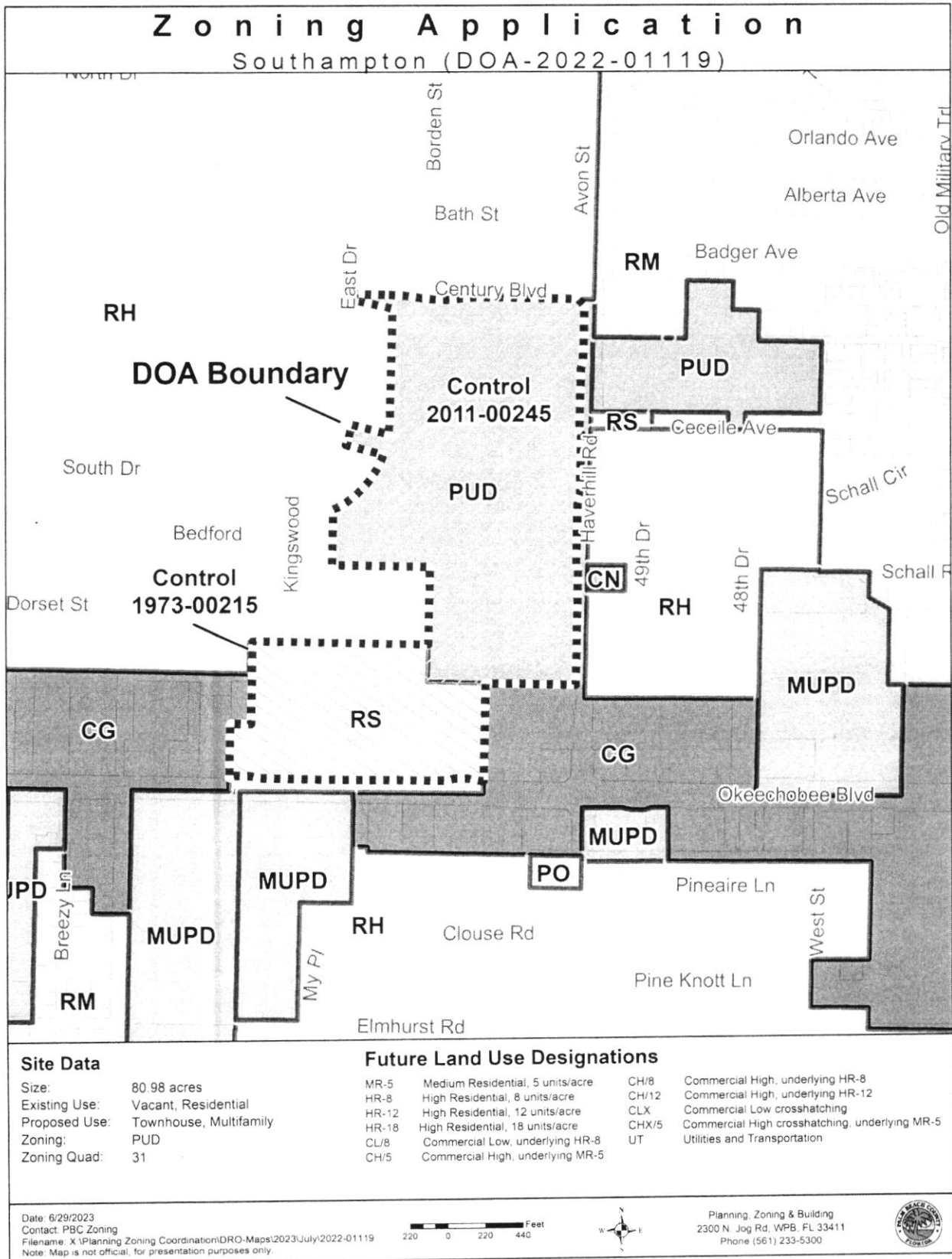


EXHIBIT C

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-0207 (Control 1973-00215) and R-2021-1174 (Control 2011-00245), 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: ZONING - Monitoring)

2. The approved Preliminary Master Plan is dated March 27, 2023. 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)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2013-207, Control No.1973-00215, which currently states:

Prior to final approval by the Development Review Officer, the Property Owner/applicant shall execute a Unity of Control binding the owner of Tract 36 and the adjacent Planned Unit Development (Control 2011-245) to maintain the property as open space or a golf course in compliance with all applicable maintenance requirements of the Palm Beach County Unified Land Development Code. (DRO/ONGOING: ZONING - County Attorney)

Is hereby deleted. [REASON: This was satisfied and no longer applicable]

4. The PZB Executive Director may initiate a Monitoring Status Report to the Board of County Commissioners for non-compliance with maintenance of Tract 36. (ONGOING: MONITORING - Zoning) (Previous ALL PETITIONS Condition 4 of Resolution R-2013-207, Control No.1973-00215)

5. Correction of the Legal Description- In rezoning the previously omitted 4.6 acre hiatus there was a seventy (70) foot discrepancy in the legal description and this has been corrected by the project's surveyor. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 7 of Resolution R-2013-207, Control No.1973-00215)

6. Previous ALL PETITIONS Condition 8 of Resolution R-2013-207, Control No.1973-00215, which currently states:

The 12.55 acres of Tract 36 within the South Hampton PUD shall be prohibited from filing an application with the County to allow for development of the site, unless it is in compliance with All Petitions Conditions 9. (ONGOING: ZONING - Monitoring)

Is hereby deleted. [REASON: This was satisfied and no longer applicable. TND was replaced by R-2021-1174.]

7. Previous ALL PETITIONS Condition 9 of Resolution R-2013-207, Control No.1973-00215, which currently states:

The Property Owner of the Traditional Neighborhood Development (TND), Application 2011-01203, shall submit a golf course plan to the United Civic Organization (UCO) and the Delegates Assembly of Century Village by August 28, 2013. UCO and the Delegates Assembly of Century Village shall have sixty (60) days to approve this Plan. Otherwise,

Tract 36 shall be maintained as open space to be maintained by the Property Owner of the TND. (DATE: MONITORING - Zoning)

Is hereby deleted. [REASON: No longer applicable]

ALL PETITIONS -POD B

8. Previous ALL PETITIONS Condition 10 of Resolution R-2013-207, Control No.1973-00215

At time of final approval by the Development Review Officer (DRO), the Property Owner shall submit a Security Plan to the Zoning Division. The Plan shall be reviewed and approved by the Palm Beach County Sheriff's Office prior to final approval by the DRO. (DRO: SHERIFF'S OFFICE - Zoning)

Is hereby deleted. [REASON: No longer applicable]

ENGINEERING

1. Deleted by resolution R-2013-207 (Previous ENGINEERING Condition 1 of Resolution R-2013-207, Control No.1973-00215)

2. Access to Fairway Street normally requires a fifty (50) foot right-of-way under the new subdivision regulations. The County Engineer's office has agreed to the provision of twenty nine (29) feet of road right-of-way for Fairway Street based upon other engineering alternative solutions which the developer was able to provide. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2013-207, Control No.1973-00215)

3. Deleted by resolution R-2013-207 (Previous ENGINEERING Condition 3 of Resolution R-2013-207, Control No.1973-00215)

ENGINEERING-POD B

4. 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, 2025, 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)

5. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Haverhill Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

b. Upon issuance of 50% of the Certificate of Occupancy (CO) for the project, a signal warrant study will be conducted by the County within 90 days. If the warrant study shows traffic from the development meets 65% of the minimum traffic volume signal warrant, then the Property Owner shall be required to build underground components of the traffic signal within 180 days of the request by the County Engineer. The Property Owner shall notify the County Traffic Division as soon as 50% of the COs have been issued. (BLDGPMT/CO: MONITORING - Engineering)

c. In order to request release of the surety for the traffic signal at the above intersection, 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 intersection. The Traffic Division shall have 24 months from receipt of this notice to conduct the signal warrant study. If the signal is warranted and the underground components have already been built from the previous condition, then the

Property Owner shall be required to complete the construction of the full signal within 180 days (or as approved by the County Engineer) of the request by the County. Upon final inspection and acceptance of the completed signal by the County, the surety amount shall be returned to the Property Owner. If the signal is not warranted, then the County shall return the balance of the surety after using portion of it to remove the underground components of the signal, if it had already been installed from the previous condition. If the signal is not warranted and the underground components of the signal have not been built from the previous condition, then the surety shall be returned to the Property Owner. 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: MONITORING - Engineering)

6. The Property Owner shall construct an exclusive left turn lane south approach on Haverhill Road at the Project entrance road.

This turn lane shall be a minimum 250 feet in length plus 50 foot paved taper or as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

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

7. 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)

8. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater 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 any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (DRO: ENGINEERING - Engineering)

9. The Property Owner shall construct a right turn lane north approach on Haverhill Road at the project entrance. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

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

10. 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, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty

deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's entrance road. 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 the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. 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 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 (BLDG/PMT/ONGOING: MONITORING - Engineering)

11. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

12. 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 Haverhill Road along the property frontage; 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. (BLDG/PMT: MONITORING - Engineering)

13. Previous ENGINEERING Condition 1 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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

a. No Building Permits for the site may be issued after December 31, 2025, 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)

Is hereby deleted. [REASON: Superseded by new condition]

14. Previous ENGINEERING Condition 2 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Haverhill Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. Upon issuance of 50% of the Certificate of Occupancy (CO) for the project, a signal warrant study will be conducted by the County within 90 days. If the warrant study shows traffic from the development meets 65% of the minimum traffic volume signal warrant, then the Property Owner shall be required to build underground components of the traffic signal within 180 days of the request by the County Engineer. The Property Owner shall notify the County Traffic Division as soon as 50% of the COs have been issued. (BLDGPM/CO: MONITORING - Engineering)

c. In order to request release of the surety for the traffic signal at the above intersection, 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 intersection. The Traffic Division shall have 24 months from receipt of this notice to conduct the signal warrant study. If the signal is warranted and the underground components have already been built from the previous condition, then the Property Owner shall be required to complete the construction of the full signal within 180 days (or as approved by the County Engineer) of the request by the County. Upon final inspection and acceptance of the completed signal by the County, the surety amount shall be returned to the Property Owner. If the signal is not warranted, then the County shall return the balance of the surety after using portion of it to remove the underground components of the signal, if it had already been installed from the previous condition. If the signal is not warranted and the underground components of the signal have not been built from the previous condition, then the surety shall be returned to the Property Owner. 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: MONITORING - Engineering)

Is hereby deleted. [REASON: Superseded by new condition]

15. Previous ENGINEERING Condition 3 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The Property Owner shall fund the construction plans and the construction to create an exclusive left turn lane south approach on Haverhill Road at the Project entrance road. This turn lane shall be a minimum 250 feet in length plus 50 foot paved taper or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering)

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

Is hereby deleted. [REASON: Superseded by new condition]

16. Previous ENGINEERING Condition 4 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM/ENGINEERING - Monitoring)

Is hereby deleted. [REASON: Superseded by new condition]

17. Previous ENGINEERING Condition 5 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater 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 the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering)

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

Is hereby deleted. [REASON: Superseded by new condition]

18. Previous ENGINEERING Condition 6 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The Property Owner shall construct a right turn lane north approach on Haverhill Road at the project entrance.

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

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

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

Is hereby deleted. [REASON: Superseded by new condition]

19. Previous ENGINEERING Condition 7 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's entrance road. This right of way shall be south of the existing right turn lane right-of-way dedication and include the curb ramp on the south side of the entrance road, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. 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 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. (BLDGPM/ONGOING: MONITORING - Engineering)

Is hereby deleted. [REASON: Superseded by new condition]

20. Previous ENGINEERING Condition 8 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Superseded by new condition]

21. Previous ENGINEERING Condition 9 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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 Haverhill Road along the property frontage; 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. (BLDGPM/ONGOING: MONITORING - Engineering)

Is hereby deleted. [REASON: Superseded by new condition]

ENVIRONMENTAL

1. Previous ENVIRONMENTAL Condition 1 of Resolution R-2013-207, Control No.1973-00215, which currently states:

Prior to the final approval by the Development Review Officer, the Property Owner of the Traditional Neighborhood District shall conduct contamination testing, the amount of test sites shall be twice the amount recommended under the Best Management Practices for contamination testing. (DRO: ERM- ERM)

Is hereby deleted. [REASON: No longer applicable]

2. All mitigation plantings shall be planted on-site or as approved by ERM in writing. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to the final approval by the Development Review Officer, the plans shall reflect the Tree Preservation Areas adjacent to Lake No. Three (3) (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. 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)

5. Prior to the issuance of the excavation permit and/or the storm water management system permit, the applicant shall provide documentation to ERM that the area(s) of the proposed excavation(s) and the surrounding 300 feet thereof does not contain any known contaminants that exceed state clean-up levels, as regulated by FDEP. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

6. The Official Record Book and Page for the Restrictive Covenant Agreement for the littoral areas shall be referenced on the plat. (PLAT/TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

7. Prior to the final approval by the DRO, the dispositions for the specimen-sized Live Oak and Strangler Fig (i.e., Tree #1331 and Tree #1569, respectively) shall be identified to be preserved in place and the developer shall take the necessary precautions to ensure the long-term survival of the species. (DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

8. Prior to the approval of the Final Master Plan by the DRO, the site configuration must be designed in a manner to maximize tree preservation and incorporate the native specimen-sized trees. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

9. Prior to the approval of the Final Master Plan by the DRO, ERM shall review and approve the vegetation disposition chart to ensure maximum preservation efforts-and that the site design incorporates native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

10. 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(s). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

11. 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 perpetuit (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

12. Prior to the issuance of any residential building permit, the applicant shall provided a copy of the Soil Remediation Implementation Report and the FDEP Technical Compliance Letter to ERM for review be submitted to the Department of Environmental Resources Management (ERM). (BLDGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

13. Previous ENVIRONMENTAL Condition 1 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The specimen-sized Live Oak and Strangler Fig (i.e., Tree #1331 and Tree #1569, respectively) shall be preserved in place and remain in perpetuity. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

Is hereby deleted. [REASON: Superseded by new condition.]

14. Previous ENVIRONMENTAL Condition 2 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to the approval of the Final Master Plan by the DRO, the site configuration must be designed in a manner to maximize tree preservation and incorporate the native specimen-sized trees. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

Is hereby deleted. [REASON: Superseded by new condition.]

15. Previous ENVIRONMENTAL Condition 3 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to the approval of the Final Master Plan by the DRO, ERM shall review and approve the vegetation disposition chart to ensure maximum preservation efforts and that the site design incorporates native vegetation. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

Is hereby deleted. [REASON: Superseded by new condition.]

16. Previous ENVIRONMENTAL Condition 4 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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

Is hereby deleted. [REASON: Superseded by new condition.]

LANDSCAPE - GENERAL-POD A

1. Buffer on the West side of the property - fifteen (15) feet of the normal twenty-five (25) foot buffer surrounding the planned unity development (assuming that the twenty-five (25) feet of the additional buffer are allocated for internal usable open space was waived by the department because the link-up with the existing Fairway Street in Century Village property could not be relocated. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2013-207, Control No.1973-00215)

LANDSCAPE - GENERAL-POD B

2. Prior to final approval by the Development Review Officer, the Master Plan shall be modified as follows:

The northern 1,665 feet of the west buffer shall be revised to provide for a 22.5 ft. wide, Type 3 Incompatibility Buffer, excluding the Neighborhood Park (see Site Design Condition

6). In addition to the required buffer, an 8 ft. high decorative wall shall be placed within the buffer, a minimum of 15 ft. setback from the west property line.

The west buffer (adjacent to the 4-story structures located in the south-west corner of the subject site) shall be revised to provide for a 32.5 ft. wide, Type 3 Incompatibility Buffer. In addition to the required buffer, an 8 ft. high decorative wall shall be placed within the buffer, a minimum of 25 ft. setback from the west property line.

A maintenance easement 10 ft. wide shall be provided on the west side of the buffer for maintenance purposes for Century Village. No plantings shall be provided within this easement area. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2021-1174, Control No.2011-00245)

LANDSCAPE - PERIMETER-POD B

1. A minimum of seventy five percent of all (new and replacement) trees to be planted in the west landscape buffers shall be upgraded to fourteen feet in height at installation. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2021-1174, Control No.2011-00245)

LIGHTING-POD B

1. Prior to final approval by the Development Review Officer, the Applicant shall submit a Regulating Plan for review and approval providing a detail of the decorative lighting to be provided at the development entrance and all streets 50 ft. in width or greater. Lighting shall be directed downward, using lighting intensity that reduces glare on the adjacent residential homes. (BLDGPMT/DRO: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2021-1174, Control No.2011-00245)

PLANNING POD B

1. The subject request for 621 Townhouse units with a 24 unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be for-sale units in the Low and Moderate 1 income categories and will be provided onsite. No density bonus was utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

2. 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. (BLDGPMT: MONITORING - Planning)

3. Prior to the release of the 311th Building Permit (311 units), Fifty percent of WHP units (12) must receive Certificates of Occupancy(CO). (BLDGPMT: MONITORING - Planning)

4. Prior to the release of the 528th Building Permit (528 units), All WHP units (24) must receive Certificates of Occupancy(CO). (BLDGPMT: MONITORING - Planning)

5. Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards, such as compatible exteriors and the provision of a dry model. (BLDGPMT: MONITORING - Planning)

6. The Developer shall notify the Planning Division and the Department of Housing and Economic Development (DHED) at the commencement of sales. (ONGOING: PLANNING - Planning)

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

8. Prior to the approval of the first ZAR or issuance of the 311th (50%) Certificate of Occupancy (CO), whichever occurs first, the site plan shall be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to the Planning Division. (BLDGPMT: MONITORING - Planning)

9. Previous PLANNING Condition 1 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The subject request for 707 units with a 31 unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be for-sale and will be provided onsite. No density bonus was utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

Is hereby deleted. [REASON: Superseded by new conditions.]

10. Previous PLANNING Condition 2 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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. (BLDGPMT: MONITORING - Planning)

Is hereby deleted. [REASON: Superseded by new conditions.]

11. Previous PLANNING Condition 3 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to the release of the 354th Building Permit (354 units), Fifty percent of WHP units (16) must receive certificates of occupancy. (BLDGPMT: MONITORING - Planning)

Is hereby deleted. [REASON: Superseded by new conditions.]

12. Previous PLANNING Condition 4 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to the release of the 601st Building Permit (601 units), All WHP units (31) must receive certificates of Occupancy. (BLDGPMT: MONITORING - Planning)

Is hereby deleted. [REASON: Superseded by new conditions.]

13. Previous PLANNING Condition 5 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards, such as compatible exteriors and the provision of a dry model. (BLDGPMT: MONITORING - Planning)

Is hereby deleted. [REASON: Superseded by new conditions.]

14. Previous PLANNING Condition 6 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

The developer shall notify Planning and DHES at the commencement of sales. (ONGOING: PLANNING - Planning)

Is hereby deleted. [REASON: Superseded by new conditions.]

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 1.62 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 22, 2025 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 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 FDO 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 FDO. 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 24, 2025. 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 24, 2025. 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 ULDC.

SCHOOL BOARD

1. Previous SCHOOL BOARD Condition 1 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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)

Is hereby deleted. [REASON: Superseded by new Condition.]

2. Previous SCHOOL BOARD Condition 2 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

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.

Is hereby deleted. [REASON: Superseded by new Condition.]

3. 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)

4. The Property Owner shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the age restricted portion of the community no later than six (6) months after Final DRO Approval. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney and a copy of the recorded document shall be sent to the School Board's Planning and Intergovernmental Relations Department. (DRO: COUNTY ATTORNEY - School Board)

SITE DESIGN-POD A

1. West building corner side yard setback - The setback from the property line on the west boundary would normally be a twenty-five (25) foot buffer, fifty (50) feet right-of-way for Fairway Street, and a thirty (30) foot side corner yard setback for a total of one hundred five (105) feet from the west property line. This setback was amended due to the existing link-up with Fairway Street mentioned above. However, all yard setbacks were maintained. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2013-207, Control No.1973-00215)

2. Rear setback line for the west building from the Northwest property corner - this setback is thirty-five (35) feet and Century Village added additional property to the PUD legal description to accommodate this setback. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2013-207, Control No.1973-00215)

3. Previous SITE DESIGN Condition 4 of Resolution R-2013-207, Control No.1973-00215, which currently states:

Parking requirements - The parking stalls shown on the Century Village plan were substandard and were altered to insure the two hundred (200) square feet of parking (10 feet x 20 feet). In addition, the parking ratio was re-evaluated and proper parking spaces were shown on the master land use plan. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Deleted to meet current ULDC standards]

4. East Boundary setback would include a twenty five (25) foot buffer and a twenty five (25) foot rear setback for a recreational building for a total of fifty (50) feet. In addition, the east building would have to be set back twenty five (25) feet for a buffer and sixty five (65) feet for a parking lot which includes the side corner setback of thirty five (35) feet. Century Village eliminated the laundry and recreational building and met all required setbacks. (ONGOING: ZONING - Zoning) (Previous Condition 6 of Letter dated October 9, 1973, of Resolution R-1973-815, Control No. 1973-215) (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2013-207, Control No.1973-00215)

SITE DESIGN-POD B

5. Previous SITE DESIGN Condition 2 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to final approval by the Development Review Officer, the applicant shall submit a Street Layout Plan for review and approval. The Plan shall be in accordance with the requirements of the Technical Manual and Art. 3.E.1.C.2.a.5. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: (no longer applicable)]

SITE DESIGN

6. Previous SITE DESIGN Condition 6 of Resolution R-2021-1174, Control No.2011-

00245, which currently states:

All crosswalks within the development area shall be a minimum of 4 feet in width and shall be made of decorative pavers or concrete, or similar paving treatment. (TC: ZONING - Zoning)

Is hereby deleted. [REASON: (deleted to meet ULDC standards)]

7. Previous SITE DESIGN Condition 7 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

All Townhouses shall be limited to a maximum of 25 feet in height, as defined in Art. 1.C.4.C.1, Building Height. (ONGOING/TC: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: (no longer applicable)]

8. Previous SITE DESIGN Condition 8 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to final approval by the Development Review Officer, a Neighborhood Park shall be provided for on the Final Master Plan within the Reflection Bay development area. The Neighborhood Park shall meet the requirements of Table 3.E.2.D, PUD Property Development Regulations. A Final Regulating Plan shall be provided that identifies the amenities for a Neighborhood Park consistent with Art. 3.E.2.B.2.c, Neighborhood Park. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: (no longer applicable)]

SITE DESIGN-POD B

9. Previous SITE DESIGN Condition 4 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to final approval by the Development Review Officer, the Applicant shall modify the Neighborhood Park along the west property line and relabel as Open Space. An 8 ft. Compatibility Buffer shall be placed along the north, south and west property line of this relabeled Open Space area that ties into the 22.5 ft. wide Type 3 Incompatibility Buffer that will be provided along the west property line, exclusive of the Neighborhood Park area. (BLDG/PMT: ZONING - Zoning)

Is hereby deleted. [REASON: (no longer applicable)]

10. Previous SITE DESIGN Condition 3 of Resolution R-2021-1174, Control No.2011-00245, which currently states:

Prior to final approval by the Development Review Officer, the Applicant shall provide a Regulating Plan identifying two plazas, each being a minimum of 2,500 square feet in area. Each plaza must be a minimum of 50 feet in width. Each plaza shall include a seating area and canopy tree a minimum of 16 ft. in height. An existing canopy tree(s) may be relocated to the plazas to meet the canopy tree requirement. Each plaza must include a shade structure for the seating area. In addition to the required plazas, three additional focal points shall be provided around the development area, consistent with Art. 3.E. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: (no longer applicable)]

11. Previous SITE DESIGN Condition 5 of Resolution R-2021-1174, Control No.2011-00245

The overall residential development shall be required to provide the following:

a. A minimum of fifteen percent (15%) of all townhouse lots shall be a minimum of twenty-two (22) feet in width;

- b. A maximum of eighty-five percent (85%) of all residential lots shall be eighteen (18) feet in width; and,
- c. A minimum of 2 (two) elevation types per townhouse lot size listed in a. and b. shall be provided.

Is hereby deleted. [REASON: No longer applicable]

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)

DISCLOSURE

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