

RESOLUTION NO. R-2024- 0208

RESOLUTION APPROVING ZONING APPLICATION PDD-2023-00853  
(CONTROL NO. 2006-00017)  
an Official Zoning Map Amendment  
APPLICATION OF 7501 S Sr7 LLC, Cypress Polo Club LLC  
BY Urban Design Studio, AGENT  
(Verdura Farms 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 PDD-2023-00853, the application of 7501 S Sr7 LLC & Cypress Polo Club LLC, by Urban Design Studio, Agent, 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 96.14 acres was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2024;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application PDD-2023-00853, the application of 7501 S Sr7 LLC & Cypress Polo Club LLC, by Urban Design Studio, Agent, 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 96.14 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 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter 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 Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- 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 February 22, 2024.

Filed with the Clerk of the Board of County Commissioners on February 22, 2024.


This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2024-00001.


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

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, 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 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 FEET TO THE POINT OF BEGINNING.

BEING ONE AND THE SAME PARCEL AS:

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, 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 DEGREES 15'28" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 12, A DISTANCE OF 1,283.97 FEET; TO THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 03'29" WEST, A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 00 DEGREES 25'52" EAST A DISTANCE OF 1,304.45 FEET; THENCE SOUTH 89 DEGREES 31'54" EAST, A DISTANCE OF 1,328.14 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12; THENCE NORTH 00 DEGREES 15'26" (DEED) NORTH 15'24" (MEASURED) WEST ALONG SAID NORTH-SOUTH 1/4 LINE, A DISTANCE OF 1,315.47 (DEED) 1337.18 (MEASURED) FEET TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 1,742,522.923 SQFT (40.003 ACRES) MORE OR LESS AND IS SITUATED IN

SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.  
TOGETHER WITH

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR STATE ROAD 7 DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 16, BLOCK 44, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC MARKING THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°05'04" EAST, A DISTANCE OF 1.716 METERS (5.63 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2525; THENCE NORTH 00°54'56" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 177.026 METERS (580.79 FEET); THENCE NORTH 00°39'09" WEST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 671.71 METERS (2,203.77 FEET); THENCE SOUTH 89°20'51" WEST ALONG A LINE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AND THE POINT OF BEGINNING; THENCE SOUTH 88°11'37" WEST, A DISTANCE OF 48.169 METERS (158.03 FEET); THENCE NORTH 00°39'09" WEST, A DISTANCE OF 201.296 METERS (660.42 FEET) TO A POINT ON THE NORTH LINE OF SAID TRACT 16; THENCE NORTH 88°14'04" EAST ALONG SAID NORTH LINE, A DISTANCE OF 48.168 METERS (158.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441); THENCE SOUTH 00°39'09" EAST ALONG SAID

WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 201.261 METERS (660.31 FEET) TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 2,479,043.845 SQFT (56.911 ACRES) MORE OR LEES AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, THENCE SOUTH 01°03'36" EAST ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 12, A DISTANCE OF 1284.91 FEET TO THE NORTHEAST CORNER OF TRACT 79, OF THE UNRECORDED PLAT OF HERITAGE FARMS AND ALSO BEING THE POINT OF BEGINNING. THENCE SOUTH 88°14'43" WEST ALONG THE NORTH LINES OF TRACTS 79 AND 76 OF SAID PLAT, A DISTANCE OF 1332.11 FEET TO THE NORTHWEST CORNER OF TRACT 76 OF SAID PLAT. THENCE SOUTH 01°13'57" EAST ALONG THE WEST LINE OF TRACTS 76 AND 75, A DISTANCE OF 1304.47 FEET TO A POINT ON THE WEST LINE OF TRACT 75 OF SAID PLAT. THENCE NORTH 88°43'46" EAST A DISTANCE OF 1328.09 FEET TO A POINT OF THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 12. THENCE NORTH 01°03'36" WEST ALONG SAID QUARTER LINE OF SECTION 12 A DISTANCE OF 1315.74 FEET TO THE POINT OF BEGINNING.

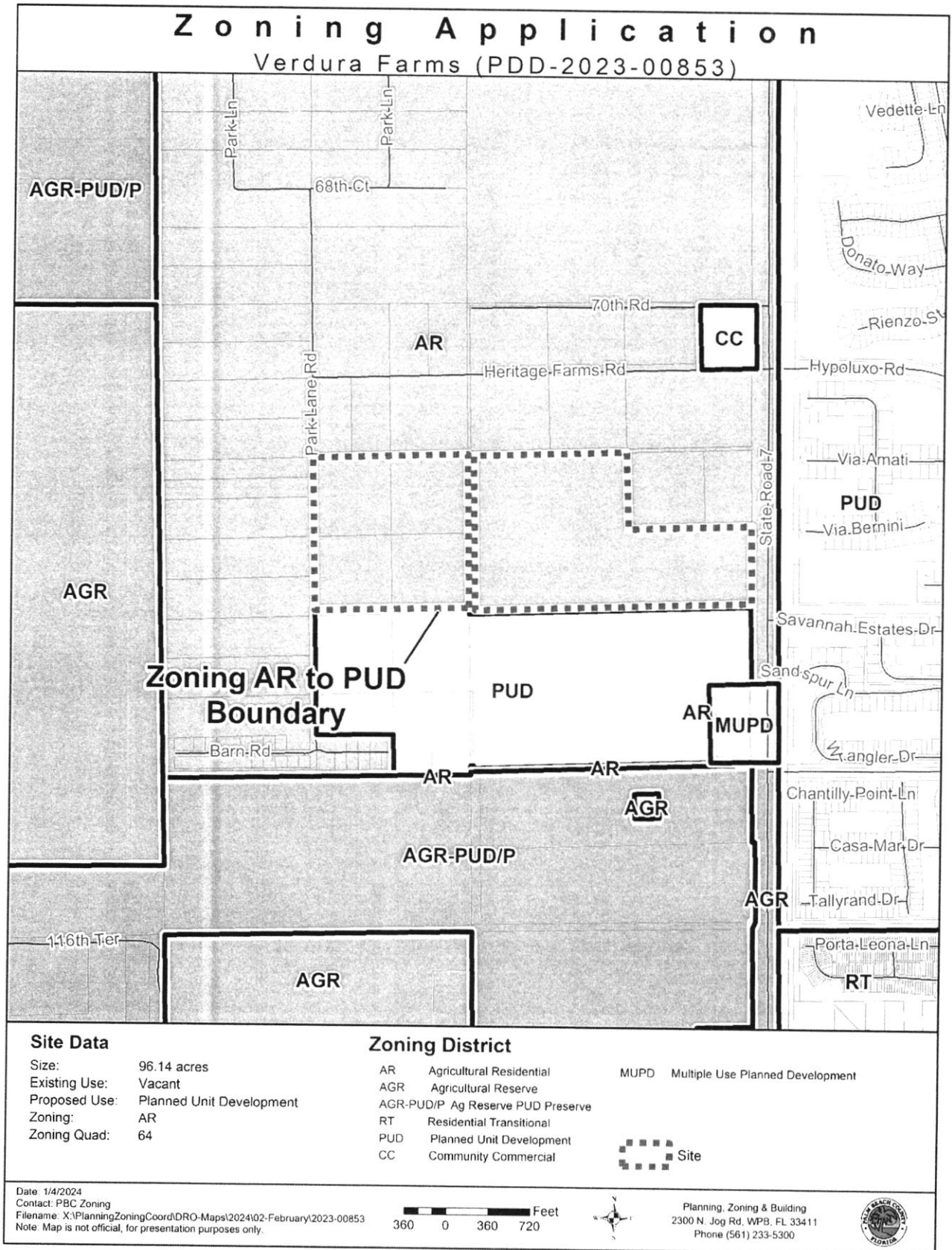
TOGETHER WITH:

TRACTS 11 THROUGH 16, BLOCK 44, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 53, INCLUSIVE, ON FILE IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA.

COMMENCE AT THE NORTH QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST, THENCE SOUTH 01°03'36" EAST ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 12, A DISTANCE OF 1269.31 FEET TO A POINT ON WEST RIGHT OF WAY FOR LAKE WORTH DRAINAGE DISTRICT CANAL S-8, AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE NORTH 88°15'00" EAST A DISTANCE OF 50.74 FEET TO THE EASTERLY RIGHT OF WAY OF SAID CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 AND ALSO THE NORTH LINE OF A 30.00' PLATTED ROAD AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE SOUTH 01°03'36" EAST ALONG SAID CANAL RIGHT OF WAY A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF SAID PLATTED ROAD AND THE POINT OF BEGINNING. THENCE CONTINUING SOUTH 01°03'36" EAST ALONG SAID EASTERLY CANAL RIGHT OF WAY A DISTANCE OF 1324.05 FEET TO THE NORTH LINE OF A 30.00 FOOT PLATTED ROAD AS RECORDED IN PLAT BOOK 2, PAGE 45 AND ALSO BEING THE NORTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-19W CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505. THENCE NORTH 88°10'36" EAST ALONG THE NORTH LINE OF SAID 30.00 FOOT PLATTED ROAD A DISTANCE OF 2378.16 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY ON STATE ROAD 7, AS SHOWN IN F.D.O.T. MAP SECTION 93210-2525 PAGE 10 OF 32. THENCE NORTH 00°39'05" WEST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 660.68 FEET TO A POINT ON THE NORTH LINE OF TRACT 16, BLOCK 44 OF PLAT BOOK 2, PAGE 45. THENCE SOUTH 88°12'36" WEST ALONG THE NORTH LINE OF TRACTS 16 AND 15, A DISTANCE OF 1061.78 FEET TO THE SOUTHEAST CORNER OF TRACT 11, BLOCK 44. THENCE NORTH 01°47'36" WEST ALONG THE EAST LINE OF TRACT 11, A DISTANCE OF 661.09 FEET TO THE NORTHEAST CORNER OF TRACT 11, BLOCK 44. THENCE SOUTH 88°15'00" WEST ALONG THE NORTH LINE OF TRACTS 11 AND 12, A DISTANCE OF 1312.61 FEET TO THE POINT OF BEGINNING.

LAND HEREON CONTAINS 4,187,755.538 SQFT (96.138 ACRES) MORE OR LEES AND IS SITUATED IN SECTION 12, TOWNSHIP 45 SOUTH, RANGE 41 EAST IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **PDD- Residential Planned Development District**

##### **ALL PETITIONS**

1. The approved Preliminary Master Plan and Subdivision Plan dated January 31, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

##### **ENGINEERING**

1. 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. 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. (BLDGPM: MONITORING - Engineering)

3. 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. (BLDGPM: MONITORING - Engineering)

4. The Property owner shall construct a right turn lane north approach on SR-7 and a 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 and 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 from FDOT this construction/modification shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

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

5. The Property Owner shall remove the existing left turn lane north approach and close the median opening on SR-7, approximately 1200 ft south of Hypoluxo Rd, as required by the FDOT.

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 for this construction shall be obtained 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)

## 6. Landscape Within the Median of State Road 7

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of State Road 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit, or as approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy, or as approved by the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit, or as approved by the County Engineer. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan or a corridor proposed to be added to the OTIS Master Plan and shall be based on the project's front footage along State Road 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

7. 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 plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

## **ENVIRONMENTAL**

1. 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)

2. None of the landscape material to be planted and/or maintained shall be on the 2019 Florida Invasive Species Council FISC list of Invasive Plant Species, as periodically amended. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. 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. (BLDGPM/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to the 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)

#### **LANDSCAPE - PERIMETER**

1. The expanded landscape buffer along the western 2,644 linear feet of the north property line shall be a minimum 100 feet in width, except where adjacent to the existing wetland, and shall include the required Type 3 Incompatible Buffer or Compatibility Buffer per ULDC Art. 7. (BLDGPMT/DRO: ZONING – Zoning)

2. Per FLUE Policy 1.4.1.b-7, the site shall provide an expanded minimum 50-foot buffer along the western property line. This expanded buffer shall include the required 20-foot Right of Way buffer. (BLDGPMT/DRO: ZONING - Zoning)

#### **PARKS**

1. Per U.L.D.C Article 5, Permits for no more than 58 dwelling units shall be issued for this development until the required improved recreation area has been constructed in its entirety and opened for use by the development's homeowners, unless a phasing plan for the completion of the required recreation is agreed to and approved by the Parks and Recreation Department (BLDGPMT: MONITORING - Parks and Recreation)

#### **PLANNING**

1. Per LGA 2024-001, condition 1: Residential Dwelling units shall be limited to a maximum of 145 units with no further density increases permitted through density bonus programs. (ONGOING: PLANNING - Planning)

2. Per LGA-2024-001, condition 2: The Zoning Development Order shall require a minimum of 10% of the total dwelling units to be provided as offsite workforce housing units, through the Offsite Construction/ Same Developer option of the Workforce Housing Program (WHP). The workforce housing units are subject to the applicable requirements of the WHP in Article 5.G.1 of the ULDC. (ONGOING: PLANNING - Planning)

3. The subject Development Order for the 145 for sale units with a 15-unit Workforce Housing Program (WHP) obligation are calculated based on the conditions within LGA-2024-001. The WHP units will be provided off site as stipulated in condition 2 of LGA 2024-001. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (ONGOING: PLANNING - Planning)

4. Per Art. 5.G.1.C.4.b.; Should any required WHP units be provided offsite as rentals, the WHP obligation shall be 1.5 times the obligation. (ONGOING: PLANNING - Planning)

5. The subject site Verdura PUD, Control 2006-017 via application PDD-2023-853 is sending the WHP obligation for 15 units to The Cottage District in the City of Boynton Beach as for sale units. Should the receiving site be relocated to another site, all applicable documents and plans shall be updated to reflect the new location. (ONGOING: PLANNING - Planning)

6. Prior to the issuance of the first residential Building Permit, the Property Owner shall submit all contracts or related agreements for any off-site option evidencing site control and necessary approvals, and these shall be approved by the County Administrator, or designee. (BLDGPMT: MONITORING - Planning)



7. 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 for the receiving site of the workforce housing obligation, and a Notice of Disposition for the subject site, in a form acceptable to the Palm Beach County Attorney. (BLDGPMPT: MONITORING - Planning)

8. Prior to the release of fifty percent of the residential Building Permits(73rd du) on Verdura PUD (C#2006-17), Certificates of Occupancy shall be issued for a minimum of fifty percent (8du) of the required WHP units to be constructed off-site at the Cottage District Project in the City of Boynton Beach. (BLDGPMPT: MONITORING - Planning)

9. Prior to the release of eighty five percent of the residential Building Permits(124th du) on Verdura PUD (C#2006-17), all 15 of the required WHP units to be constructed off-site at the Cottage District Project, in the City of Boynton Beach, must receive certificates of occupancy. (BLDGPMPT: MONITORING - Planning)

10. The subject site is limited to the following per FLUE Policy 1.4.1-b of the Trotting Center Overlay: a maximum overall density of 2 units per acre, a minimum 20% of the residential development area to be a minimum of 0.5 acres in size and expanded buffers along the edges of the Overlay boundaries, to be planted with native vegetation (ONGOING: PLANNING - Planning)

11. Prior to issuance of the first residential 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 in the perimeter buffer. (BLDGPMPT: 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 1.92 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 February 26, 2026 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 FD&O), 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 site 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 August 29, 2025 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 August 29, 2025 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 off-site 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.

(ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

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 Emergency Access Easement shown on the Master Plan to the south 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 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 29, 2025 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)

#### **SCHOOL BOARD**

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

##### "NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

## **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

## **DISCLOSURE**

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