

RESOLUTION NO. R-2024- 0414

RESOLUTION APPROVING ZONING APPLICATION PDD-2022-01134
(CONTROL NO. 2022-00058)

an Official Zoning Map Amendment
APPLICATION OF Lornco Farms LLC, Robin Fleming, Fleming Properties LLC, Kolter Group
Acquisitions, LLC
BY Urban Design Studio, AGENT
(Lakehaven 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-2022-01134, the Application of Lornco Farms LLC, Robin Fleming, Fleming Properties LLC, Kolter Group Acquisitions, LLC, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 446.14 acres was presented to the Board of County Commissioners at a public hearing conducted on April 25, 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-2022-01134, the Application of Lornco Farms LLC, Robin Fleming, Fleming Properties LLC, Kolter Group Acquisitions, LLC, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District on 446.14 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 April 25, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

The motion was seconded by Commissioner Baxter 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 April 25, 2024.

Filed with the Clerk of the Board of County Commissioners on April 25, 2024.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2023-009 and the Privately Proposed Revision to the Unified Land Development Code No. PPR-2023-00595.

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

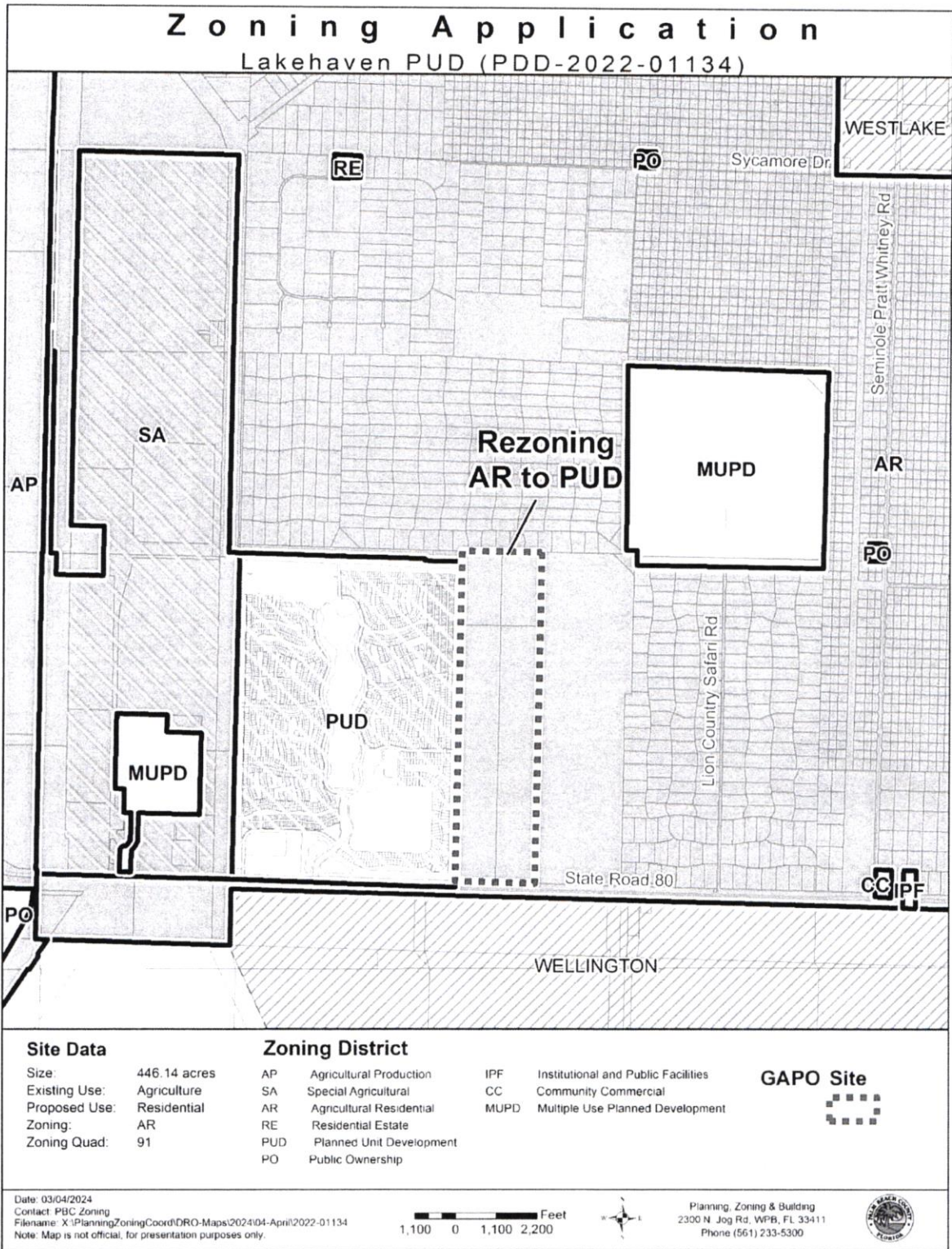
A PARCEL OF LAND LYING IN SECTION 22, 27 AND 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE SOUTH 89° 08' 03" EAST ALONG THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 780.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00° 33' 09" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 22 A DISTANCE OF 360.01 FEET; THENCE SOUTH 89° 08' 03" EAST, ALONG A LINE 360.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 2158.03 FEET; THENCE SOUTH 1° 02' 42" WEST, ALONG A LINE 2934.91 EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 9031.74 FEET; THENCE NORTH 88° 24' 56" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) PER DEPARTMENT OF TRANSPORTATION SECTION 93120-2525 DATED MAY 1984, A DISTANCE OF 2154.92 FEET; THENCE NORTH 1° 02' 36" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 3362.46 FEET; THENCE NORTH 1° 02' 42" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 5282.25 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 19433992.67 SQUARE FEET OR 446.143 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



Site Data

Size: 446.14 acres
 Existing Use: Agriculture
 Proposed Use: Residential
 Zoning: AR
 Zoning Quad: 91

Zoning District

AP	Agricultural Production	IPF	Institutional and Public Facilities
SA	Special Agricultural	CC	Community Commercial
AR	Agricultural Residential	MUPD	Multiple Use Planned Development
RE	Residential Estate		
PUD	Planned Unit Development		
PO	Public Ownership		

GAPO Site



Date: 03/04/2024
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DRO-Maps\2024\04-April\2022-01134
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building
 2300 N. Jog Rd. WPB, FL 33411
 Phone (561) 233-5300



EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District on 446.14 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 15, 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, 2030, 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. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Southern Blvd, 220 feet measured from the existing south right-of-way line of Southern Boulevard, as approved by the County Engineer. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean-up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Okeechobee Blvd 200 feet of right-of-way on an alignment approved by the County Engineer

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

appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

5. 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 Okeechobee Blvd. 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)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's 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 the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: ENGINEERING - Engineering)

7. Prior to the issuance of the first building permit and if required by the Florida Department of Transportation (FDOT), the Property Owner shall provide to FDOT, by deed, additional right of way for the construction of a right turn lane on Southern Boulevard at the both project entrance roads. These rights of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now

owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

8. The Property Owner shall construct right turn lanes, east approach on Southern Boulevard at both entrance roads.

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 the FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

9. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall close the existing eastbound left turn lane and the existing full median opening (approximately 5,700 feet east of Arden Lake Way) on SR 80, as required by the FDOT. (BLDGPMT/CO: MONITORING - Engineering)

10. The Property Owner shall construct a left turn lane west approach on Southern Boulevard at the west Project Entrance, as approved by the FDOT.

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 the FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

11. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the FDOT/County Engineer at the main full access project entrance on Southern Blvd. 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. 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 either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a copy of a formal wetland jurisdictional determination from the Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers shall be provided to the Department of Environmental Resources Management for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. 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 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)

3. Prior to the final approval by the Development Review Officer, the applicant shall demonstrate compliance with the distance criteria and construction standards identified in the ULDC, Article 4.B.10. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to Technical Compliance, the open space tract(s) that contain the tree preservation areas shall be protected by dedication on the plat and the language contained in the plat shall be reviewed and approved by ERM. (TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. 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)

6. The littoral area(s) to be depicted on the Plan(s) shall be consistent with the associated, recorded Restrictive Covenant Agreement (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

7. All proposed Type 2 Excavations shall not exceed 20 feet in depth from OWL. (BLDGPM/ DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

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

- a. tree height: fourteen (14) feet; and,
- b. credit may be given for existing or relocated trees provided they meet the Unified Land Development Code requirements. (BLDGPM/ DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

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

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. credit may be given for existing or relocated palms provided they meet current Unified Land Development Code requirements. (BLDGPM/ DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM/ DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to Final Approval by the Development Review officer, all landscape focal points shall be shown on the Regulating Plan(s), and shall be subject to review and approval by the Landscape section. (DRO: ZONING - Zoning)

5. Prior to final approval by the Development Review officer (DRO), all Site/Subdivision Plans shall indicate the landscape focal point:

- a. within the central island of any cul-de-sac or roundabout. (DRO: ZONING - Zoning)

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

- a. a minimum eight foot wide continuous band surrounding a central island within all cul-de-sacs;
- b. a minimum eight foot wide continuous band along the perimeter of all semi cul-de-sacs, medians and/or eyebrows, to be located between adjacent residential lots only;
- c. the final design and location for all decorative paving treatment shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

LANDSCAPE - INTERIOR

1. Prior to final approval by the Development Review Officer (DRO), the Master Plan and Site/Subdivision plans shall indicate a minimum of five (5) fountains as focal features within the Lake/Water Management Tracts. The location of each fountain shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

PARKS

1. Per U.L.D.C Article 5, Permits for no more than 192 dwelling units located in Pod B 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 the Parks and Recreation Department agrees to a phasing plan for the completion of the recreational facilities. (BLDGPM: MONITORING - Parks and Recreation)

2. Per U.L.D.C Article 5, No more than 11 Certificates of Occupancy shall be issued in Pod A until the required improved recreation area has been constructed in its entirety and opened for use by the development's homeowners. Unless the Parks and Recreation Department agrees to a phasing plan for the completion of the recreational facilities. (CO: MONITORING - Parks and Recreation)

PLANNING

1. Per LGA 2023-09, condition 1: Development within the residential pod shall be limited to 480 single family and 54 townhouse units. Development within the commercial pod is limited to 23,500 square feet of commercial retail and 23,500 square feet of office, or equivalent trips. (ONGOING: PLANNING - Planning)

2. Per LGA 2023-09, condition 2: The Master Plan and Subdivision Plans shall maintain the requirement for a minimum of 10% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC. (ONGOING: PLANNING - Planning)

3. Per LGA 2023-09, condition 3: The Master Plan and Subdivision Plans shall maintain a minimum 50 foot wide (inclusive of right-of-way buffers) open space trail corridor located south of the Okeechobee Boulevard right-of-way, which will link to the planned trail network in the Arden PUD to the west and provide future connection to the east. (ONGOING: PLANNING - Planning)

4. Per LGA 2023-09, condition 4: The Master Plan and Subdivision Plans shall indicate the right-of-way for the future Okeechobee Boulevard extension and vehicular/pedestrian connection to the future extension. (ONGOING: PLANNING - Planning)

5. The subject Development Order for the 534 units with a 54-unit Workforce Housing Program (WHP) obligation are calculated based on the conditions within LGA-2023-009. The WHP units will be provided on site as stipulated in condition 2 of LGA 2023-009. 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)

6. 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 Covenant for the Workforce Housing Program (WHP), in a form acceptable to the Palm Beach County Attorney. (BLDGPM: PLANNING - Planning)

7. Prior to the release of fifty percent of the market rate residential Building Permits (240 units), fifty percent of WHP units (27 units) must receive Certificates of Occupancy (CO). (BLDGPM: PLANNING - Planning)

8. Prior to the release of eighty-five percent of the market rate residential Building Permits (408 units), all WHP units (54 units) must receive Certificates of Occupancy (CO). (BLDGPM: PLANNING - Planning)

9. Prior to the release of the first residential Building Permit, the Developer shall provide documentation demonstrating compliance with the required design standards, such as but not limited to: compatible exteriors, size and number of bedrooms, installation of required appliances, and provision of a model. (BLDGPM: PLANNING - Planning)

10. The Developer shall notify the Planning Division and The Department of Housing and Economic Development (DHED) when the project commences sales. (ONGOING: PLANNING - 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 8.92 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 April 25, 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 pro-rated 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 October 25, 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 October 25, 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 westerly 80 R.O.W shown on the Master Plan to abut east side 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. 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 property owners that the community includes the public civic site and is

designed to provide future ingress and egress serving the public civic site from both of the community entryways. 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 October 25, 2025 or other date that is mutually agreeable to the Property Owner and FD&O, and then continuing until all units and the entirety of the commercial pod 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: SCHOOL BOARD - School Board)

SITE DESIGN

1. Prior to the final approval by the Development Review Officer, the Applicant shall design the site to have the front of the Townhouse dwelling units to face the north of the site, and be oriented away from the commercial Pod. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. The Property Owner shall include a disclosure statement within the project's homeowner documents and sales contracts identifying and notifying prospective property owners of the existence of active agricultural uses in the vicinity of the development. The Property Owner shall submit a copy of the homeowner's documents containing such disclosure statement as well as an affidavit of compliance to the Monitoring Section of Planning, Zoning and Building prior to the sale of the first unit and continuing annually until all units within the development have been sold or the petitioner relinquishes control to the Property Owners Association. (ONGOING: MONITORING - Zoning)

2. The Property Owner shall include a disclosure statement within the project's homeowner documents and sales contracts identifying and notifying prospective property owners of the existence of the County-owned 20 Mile Bend Public Use Development site, and that the site may include a racetrack or other use. The Property Owner shall submit a copy of the homeowner's documents containing such disclosure statement as well as an affidavit of compliance to the Monitoring Section of Planning, Zoning and Building prior to the sale of the first unit and continuing annually until all units within the development have been sold or the petitioner relinquishes control to the Property Owners Association. (ONGOING: MONITORING - Zoning)

COMPLIANCE

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

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

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

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use,

Development Order Amendment, and/or any other zoning approval; and/or

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

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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