

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: DOA-2022-00206
Application Name: Canyon Lakes AGR-PUD
Control No./Name: 2002-00067 (Canyon Lakes)
Applicant: G L Homes of Palm Beach Associates Ltd
Owners: G L Homes of Palm Beach Associates Ltd
Agent: G L Homes - Ryan Vandenburg
WGINC - Lindsay Libes
Telephone No.: (954) 753-1730 , (561) 687-2220
Project Manager: Donna Adelsperger, Senior Site Planner

Title: a Development Order Amendment **Request:** to delete land area (19.09 acres) from an existing 517.00 acre approval; and, to modify the Master Plan for the remaining 497.92-acres

Title: Release of Conservation Easement **Request:** to allow the full release of the Conservation Easement recorded in OR 25867, Page 1437 for 19.09-acres

APPLICATION SUMMARY: The proposed requests are for the 497.92 acres Canyon Lakes AGR-PUD development. The Site was last approved by the Board of County Commissioners (BCC) on April 22, 2021.

This request is being reviewed concurrently with Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021), along with seven other Zoning Applications. The Zoning applications are contingent on the Planning application request.

The request of this application will modify the Master Plan to delete 19.09 acres of Preserve, located in the Ag Reserve Tier, named Canyon Lakes Preserve Parcel 5, and will utilize 23.866 acres of Preserve located within the Indian Trail Groves Planned Development within the Western Communities Residential Overlay (WCRO) in the Rural Tier. The deleted land area will become part of the development area of a new project called Hyder West Planned Development (ZV/PDD-2022-00143).

The Preliminary Master Plan (PMP) indicates no modifications to the Development Area, which is built out with 500 units Recreation Pods. Access to the Development Area is from Lyons Road and Acme Dairy Road. No changes are proposed to the other preserve parcels for this development..

SITE DATA:

Location:	Approximately 0.15 mile west of State Road 7/US 441, approx. 0.54 miles south of Winners Circle (affected area)
Property Control Number(s):	00-42-43-27-05-069-0012 (affected area)
Future Land Use Designation:	Agricultural Reserve (AGR)
Existing Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD)
Total Acreage:	517.001 acres (existing); 497.92 acres (proposed)
Affected Acreage:	19.09 acres (to be deleted from Canyon Lakes Preserve 2)
Tier:	Agricultural Reserve
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
BCC District	District 5, Vice Mayor Maria Sachs

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled October 5, 2023.*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD-2002-00067	Rezoning from the Public Ownership (PO)/AGR Zoning District to the AGR-PUD Zoning District to allow the development of 500 units in a 60/40 AGR-PUD	R-2003-564	April 24, 2003
BA 2003-039	Board of Adjustments approved BA-2003-039 to allow a 15-foot wide Incompatibility Buffer adjacent to the Rural Parkway; a 25-foot wide buffer adjacent to the L-25 canal to the north; and, a 5-foot compatibility buffer along the south boundary adjacent to Canyon Isles	N/A	June 19, 2003
EAC-2011-1734	To amend a Planning Condition of Approval to close a pedestrian access until the adjacent Civic site is constructed	R-2011-1845	December 1, 2011
PDD/DOA-2012-00380	an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District	R- 2012-1058	July 26, 2012
	A DOA to reconfigure the Master Plan; rezone 127.855 acres of land of Hyder Preserve to AGR/PUD and swap with 127.88 acres for J& B Tree Warehouse preserve parcel, and modify/delete Planning Conditions of Approval relating to the preserve areas	R- 2012-1059	
DOA/EAC-2018-00599	A DOA/EAC to delete Planned Development Condition of Approval (Street Trees)	R-2018-1078	July 26, 2018
PDD/DOA-2019-02394	an Official Zoning Map Amendment to allow a rezoning from the Institutional and Public Facilities (IPF) Zoning District and the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.	R-2020-1242;	August 27, 2020
	a DOA to modify the Master Plan to add and delete land area (Preserve); and, to amend Conditions of Approval	R-2020-1243	
PDD/DOA-2020-01701	an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District.	R-2021-0544	April 22, 2021
	a Development Order Amendment to modify the Master Plan to add and delete land area (Preserves); amend a recorded Conservation Easement for Preserve Area No. 2; to allow the Partial Release of the Conservation Easement for Preserve Area No. 2; and, modify Conditions of Approval	R-2021-545	

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*
 - o *Consistency with the Comprehensive Plan:* Should the BCC approve the concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021) request, then the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

- *Concurrent Land Use Amendments:* The request is an indirect participant a concurrent Comprehensive Plan Text and Future Land Use amendment (ITG AGR Exchange, LGA-2021-021). The amendment seeks to amend prior conditions from Ordinance 2016-041, modify and add policies to the Future Land Use Element and allow lands within the Western Communities Overlay (WCRO) to be utilized as regional water management purposes and offsite preservation for specific AGR-PUDs within the Agricultural Reserve Tier. The subject request seeks to utilize lands within the WCRO as offsite preservation consistent with the proposed policies. The ITG amendment was transmitted to the State by a BCC vote of 5-2 at the May 3, 2023 public hearing.

The Canyon Lakes AGR PUD was previously approved as a 60/40 AGR PUD via Resolutions R-2021-545 and R-2021-544. The requests seeks to remove 19.093acres of previously approved preserve area, replace with 23.87 acres of WCR Exchange Parcel lands, and request to release a previously recorded Agricultural Reserve Conservation Easement over the 19.093 acres. The deleted land area will become part of the development area for the new Hyder West AGR PUD (ZV/PDD-2022-143).

- *Relevant Comprehensive Plan Policies:* The following Future Land Use Element (FLUE) existing policy address the 60/40 AGR PUD requirements and new policies outline the maximum acres and units permitted to be utilized within specific AGR PUD s.

FLUE Policy 1.5.1-i.6 addresses the preserve area requirements, and states, that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified in the Thoroughfare Identification Map , and Policy 1.5.1-i. states that the request is required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area.

Therefore, the acreages of the 60/40 breakdown is as follows:

Total acreage:	521.77 acres
Less ROW:	13.20 acres
Net acreage =	508.57 acres

Net acreage x 60%: 508.57 ac x 60% = 305.144 acres (applicant proposes 308.863 acres or 60.73% of preserve which includes 21 AGR preserves (284.997 acres) and WCR Exchange Parcel preserve (23.866 acres).
 Net acreage x 40%: 508.57 ac x 40% = 203.430 acres (applicant proposes 199.711 acres in the development area or 39.27%)

The lands within the AGR have a density value of 1 unit per acre and the lands within the WCRO have a density value of 1 unit per 1.25acres, a 0.80du/ac difference. The new policies account for the necessary density conversions and memorialize the maximum units and acres permitted for the exchange. NEW FLUE Policy 1.5.1-i-1 and NEW FLUE Policy 1.11-j, both state that the Fogg North (Canyon Lakes) AGR-PUD (Control Number 2002-067) may utilize up to 23.87 acres of WCR land to satisfy 23.87 acres and 19.10 units of AGR-PUD requirements. The policy allows for the 462.51 acres to count toward the preservation requirement and 370 units to go toward the balance of available units for the project.

The total lands within the AGR for this project are 497.908acres thus yielding 498 units. The above policy permits 19 units to be utilized for the subject request. The available units for the project with the combination of AGR and WCRO units equates to the following:

Total units permitted from AGR:	498
Total units permitted from WCRO:	19
Total permitted units:	517

There is no change proposed to the previously approved 500 units with 17 units remaining.

- *Rural Parkway:* Per Transportation Element Policy 1.4-q #2, the Lyons Road segment from Atlantic Avenue to Boynton Beach Boulevard is a designated Rural Parkway. The Parkway is built and the conservation easement has been recorded via Orb16635 Pg. 86.
- *Planning Conditions:* Conditions of approval were previously applied and will be carried forward.
- *Special Overlay District / Neighborhood Plan / Planning Study Area:* The subject property is located within the boundaries of the West Boynton Area Community Plan, which is administered by the Coalition of Boynton West Residents Association (COBWRA). The subject request is not inconsistent with the neighborhood plan. The applicant was advised to meet with the neighborhood group responsible for implementing the Neighborhood Plan. No letters in support or objection have been received as of the writing of this report.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed request will be consistent with the ULDC if the Comprehensive Plan Amendment (LGA-2022-021) is approved. The amendment proposes to allow land outside of the Ag Reserve Tier to be utilized to meet the 60/40 requirements of an AGR-PUD. Under the existing ULDC language a Preserve Parcel for an AGR-PUD is required to be located within the Ag Reserve Tier within the same zoning development order. The proposed Development Order is to delete land area, for what is known as Preserve 2, encompassing 19.09-acres, which is currently under a conservation easement. The deletion of preserve land area within the AGR Tier is proposed to be replaced by utilizing 23.866-acres of the WCR Exchange Parcel lands thus allowing the AGR-PUD to comply with the 60/40 requirements of the ULDC and as described on the Preliminary Plans as Western Communities Residential Overlay (WCRO).

- **Development Area:** There will be no change to this area. The existing development area consists of one contiguous parcel that complies with the frontage requirement with frontage and access on Acme Dairy Road and Lyons Road; and consists of 199.711-acres. The overall gross Development Area for the project consists of 500 units on 199.711-acres. The development parcel is not impacted by the proposed DOA.

- **Preserve Area:** The deletion of Preserve Land is consistent with the ULDC, pursuant to the concurrent Comprehensive Plan Amendment (LGA-2022-021) amendments to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1. These proposed amendments would allow land within the WCR Exchange Parcel within the Western Communities Residential Future Land Use designation to be used as preserve parcels in lieu of land in the Agricultural Reserve Tier for seven AGR-PUD Developments (being review concurrently with this application) so that the existing development will continue to meet the 60/40 requirement. The lands are further specified as only those that are contained within the Indian Trail Groves Planned Unit Development (ITG PUD), and are identified specifically in LGA-2022-021 for Zoning application ABN/ZV/DOA/W-2022-155. This development seeks to utilize a total of 23.866-acres of ITG PUD lands which will equate to 19 units within the development. There are a total of 21 preserves that remain unaffected by this request. The lands to be deleted from this development will be used to create the development area for a new AGR-PUD to be known as Hyder West AGR-PUD (ZV/PDD-2022-00143) which will also be subject to the amendments being requested within LGA-2022-021.

c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

This application is not revising the Development Area, but is deleting a 19.09 acres of preserve area in the Ag Reserve and in exchange for the utilization of preserve in the WCRO and Indian Trails Groves PUD. The Amendment does not create any issues with compatibility or consistency with the uses and character of land in the vicinity of the proposed amendment.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

This application is not revising the Development Area, but is deleting a 19.09 acre preserve area in the Ag Reserve in exchange for the utilization of a preserve in the WCRO and Indian Trails Groves PUD. This request is contingent upon modifications to the Comprehensive Plan amendment, and if approved this amendment will not create any adverse effects, including visual impact and intensity on adjacent lands.

e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

- **Vegetation Protection:** The application request does not impact native vegetation.

- **Wellfield Protection Zone:** This property is not located within Wellfield Protection Zone.

- **Irrigation Conservation Concerns and Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

- **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The deletion of land area is contingent upon modifications to the Comprehensive Plan through the concurrent amendment. These proposed amendments would then allow for the deletion of this land area in order to develop with residential under a separate application, thus creating a new development pattern in accordance with the Comprehensive Plan amendment.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS: No comments on deletion of preserve land

DRAINAGE DISTRICT: The overall development is located within the Lake Worth Drainage District. The deletion of Preserve Land from this development will have no impact on the drainage of the developed areas. Any development of the deleted land will comply with the requirements of the District.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health.

WATER AND WASTEWATER PROVIDER: The Water and Wastewater provider for the Development area is Palm Beach County Water Utilities. The deletion of preserve land area will have no impact on the provision of water and wastewater approval for the developed areas. Any development of the deleted land will comply with these services.

FIRE PROTECTION: Staff has reviewed this application and have no comment regarding the deletion of land area.

SCHOOL IMPACTS: The School Board has no issues with the proposal.

PARKS AND RECREATION: The Parks and Recreation Department has no comment on the proposed preserve modifications

- h. **Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant has requested through a concurrent amendment to the Comprehensive Plan's Ag Reserve Tier Sub-Objective Policy 1.5.1 in LGA-2022-021. This amendment proposes to allow Preserve area located within the Indian Trail Groves Planned Development (ABN/ZV/DOA-2022-00155) within the Western Communities Residential Overlay (WCRO) in the Rural Tier to be utilized in lieu of preserve acreage within the Ag Reserve Tier. The Applicant has demonstrated the following as their changed Conditions and Circumstances: *"The removal of 19.093 acres of existing Preserve #2 will unencumber the existing 19.093 acres of Preserve #2 owned by G. L. Homes of Palm Beach Associates and utilize 23.866 acres of preserve from the WCR Exchange Bank.*

This application is part of a "bundle" of related development order applications submitted concurrently which involve the proposed "Hyder West AGR-PUD" and the "Indian Trails Grove WCR-PUD(ITG). The overall site and the property known as Hyder West is located west of State Road 7 and south of Atlantic Avenue in the Agricultural Reserve Tier. A total of 1,600 acres of land within the ITG PUD will be designated for water resources and or agricultural purposes. It will contribute to the AGR preserve area acres required within this application and for additional preservation for existing AGR PUDs utilizing land within the Hyder West property. It will allow preservation areas for the Hyder West property known as Hyder West AGR-PUD. Of the 1,600 acres that will be conveyed to PBC, the changes will authorize the overall 1,600-acres to contribute to the required preserve area for AGR PUDs (existing or proposed).

The regional benefits of this plan create 1,600 acres of land to be owned and controlled by Palm Beach County that is contiguous to the L-8, MO and M Canals, providing potential to send fresh water flows to the Loxahatchee River, Grassy Waters and the Lake Worth Lagoon, and as well as for potential water storage. This land could create a potential flow way connecting the L-8 canal to the MO Canal. The WCR Exchange Bank land is also continuous to the west to 640 acres within the PUD that has been previously committed to Indian Trail Improvement District (ITD) to increase stormwater storage for the Acreage that is adjacent to their existing +550-acre drainage impoundment area, and to the east to an additional 448.63 acres of open space designated for water resources or agriculture.

Accommodating a larger contiguous mosaic of lands for water resources and/or agriculture provides more flexibility in addressing both water management challenges, and/or supporting agricultural production in Palm Beach County. Reducing density/intensity in the ITG PUD in an area where infrastructure is minimal

in exchange for increasing density in the AGR (Hyder West AGR-PUD) where infrastructure exists is prudent long-range planning. The Canyon Lakes AGR-PUD application is one of the multiple Development Order Amendments that previously included preserve lands within the aforementioned Hyder West property.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and has determined that there is a balance between the need for change and the potential impacts generated by the Canyon Lakes AGR-PUD Development. Therefore, Staff is recommending approval of the requests subject to the Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2021-545, Control No.2002-00067, which currently states:

The approved Preliminary Master Plan is dated February 8, 2021. 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.

Is hereby amended to read:

The approved Preliminary Master Plan is dated February 21, 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)

2. Prior to submittal of the Final DRC certification of the preliminary development plan, the plan shall be revised to meet code requirements for the north, south and west buffers or seek variance relief for width reduction of the buffers from the Board of Adjustment. [NOTE: COMPLETED pursuant to BA2003-039] (DRO: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2021-545, Control No.2002-00067)

3. Prior to June 30, 2003, the Property Owner shall process a Civic Land Dedication Agreement ("Agreement") for consideration by the Palm Beach County Board of County Commissioners. The Agreement shall provide for, among other things, the offsite dedication of a 47 acre park/civic site and 10.8 acre civic site to Palm Beach County, subject to the terms and conditions of the Agreement. In the event the Agreement is (1) not approved by the Board of County Commissioners or (2) approved by the Board of County Commissioners and any of the parties terminates the Agreement under the terms and conditions of the Agreement, the Property Owner shall be required to amend the Fogg North PUD development order through the Development Order Amendment process so as to provide a 40 acre park/civic site contiguous to the County owned property subject to this petition. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2021-545, Control No.2002-00067)

4. Previous ALL PETITIONS Condition 4 of Resolution R-2021-545, Control No.2002-00067, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2020-1243 (Control 2002-00067), 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 (ULDC) and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2021-545 (Control 2002-00067), 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 (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane south approach on Lyons Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. 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 Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2021-545, Control No.2002-00067)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s) on Lyons Road and Acme Dairy Road. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2021-545, Control No.2002-00067)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Acme Dairy Road and Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2021-545, Control No.2002-00067)

4. Prior to June 1, 2004, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for:

i) Lyons Road right of way adjacent to the PUD development area:

110 feet on an alignment approved by the County Engineer.

ii) Lyons Road right of way adjacent to the PUD preservation area:

55 feet on an alignment approved by the County Engineer. This condition does not apply to the Talmo parcel fronting on Lyons Road as this parcel is not part of this petition.

iii) Acme Dairy Road right of way adjacent to or within the PUD development area and preservation area (if applicable): 80 feet on an alignment approved by the County Engineer.

iv) Flavor Pict Road right of way adjacent to or within the PUD preservation area (if applicable): 120 feet on an alignment approved by the County Engineer.

v) Sufficient right of way to provide for an expanded intersection at Flavor Pict Road and Lyons Road (if applicable).

vi) Sufficient right of way to provide the turnpike crossing on Flavor Pict Road at the Florida Turnpike (if applicable).

All right of way conveyance shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. 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 provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2021-545, Control No.2002-00067)

5. The Property owner shall construct:

i) a left turn lane north approach on Lyons Road at the Project's Entrance Road;

ii) a right turn lane south approach on Lyons Road at the Project's Entrance Road;

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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2021-545, Control No.2002-00067)

6. On or before January 1, 2004, the property owner shall convey to Palm Beach County sufficient 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:

i) Acme Dairy Road and

ii) Lyons Road

iii) Flavor Pict Road (if applicable)

Required drainage limits shall be along the property frontage; and up to a maximum of an additional 800 feet of these adjacent roadway(s). 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 retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as 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. 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.

Where portions of Acme Dairy Road, Lyons Road, and/or Flavor Pict Road are adjacent to or within the property proposed for preservation area, the property owner shall dedicate sufficient land area or easement area from the preservation area in the amount and location as required by and approved by the County Engineer to accommodate the drainage necessary for the ultimate section of these. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2021-545, Control No.2002-00067)

7. Prior to December 1, 2003, the Property owner shall commence the construction plans for Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings (culverts) within the project limits shall be constructed from right-of-way line to right-of-way line. All bridges shall be constructed to their ultimate paved configuration. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Plan costs shall be approved by the County Engineer. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2021-545, Control No.2002-00067)

8. a. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Lyons Road as a 110 foot right of way within the limits referenced in the Condition above. (DATE: MONITORING - Engineering) [Note: COMPLETED]
b. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easement/embankment easements and drainage easements for the construction of Lyons Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2021-545, Control No.2002-00067)

9. On or before, December 1, 2003, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition, and parceled right-of-way maps required for the construction of Lyons Road as referenced above subject to the approval of the County Engineer. These documents shall include a title search for a minimum of 25 years. Notification shall be given to Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2021-545, Control No.2002-00067)

10. Prior to December 1, 2004, the property owner shall commence the construction of Lyons Road as a 2 lane facility (expandable to 4 lanes) from a point 280 feet north of Boynton Beach Boulevard to the project's south property line (development area only/LWDD L-26 canal) plus the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements:

i) dual left turn lanes north approach, dual left turn lane south approach, right turn lane south approach on Lyons Road at Boynton Beach Boulevard .
ii) dual left turn lanes east approach, dual left turn lanes west approach on Boynton Beach Boulevard at Lyons Road and receiving lanes including appropriate tapers on Lyons Road on North and South departure sides of intersection. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2021-545, Control No.2002-00067)

11. Prior to June 1, 2004, the Property owner shall complete the construction plans for Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus the appropriate tapers. Included in these construction plans shall be a 280 foot left turn lane north approach plus the appropriate paved tapers on Acme Dairy Road at Boynton Beach Boulevard (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner) and a round-about at Acme Dairy Road and the projects entrance road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2021-545, Control No.2002-00067)

12. Prior to June 1, 2004, the property owner shall provide for the acquisition funding costs of the right-of-way and all associated costs for Acme Dairy Road as an 80 foot right of way within the limits as referenced in the Condition above with the exception of the left turn lane north approach on Acme Dairy Road. Acceptable surety shall be provided to the Office of the County Engineer. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before June 1, 2004. Agreements shall include but not be limited to the condemnation of all necessary right of way, temporary construction easements/embankment easements and drainage easements for the construction of Acme Dairy Road. The property owner shall not be responsible for funding the acquisition of necessary right of way, temporary construction easements/embankment easements and drainage area/easements for the construction of the left turn lane north approach on Acme Dairy Road. Notification by the developer shall be given to the Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2021-545, Control No.2002-00067)

13. On or before September 1, 2004, the property owner shall prepare and provide to the County all necessary right-of-way acquisition documents including but not limited to surveys, property owners maps, legal descriptions for acquisition and, parceled right-of-way maps required for the construction of Acme Dairy Road as referenced above subject to the approval of the County Engineer. Notification shall be given to Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2021-545, Control No.2002-00067)

14. Prior to the issuance of the 201st certificate of occupancy the property owner shall complete the construction of Acme Dairy Road as a 2 lane facility from Boynton Beach Boulevard to the project's entrance road plus a round-about at the project's entrance road and the appropriate tapers. All canal crossings within the project limits shall be constructed to their ultimate configuration. Included in this construction shall be the following turn lane improvements at the intersection of Acme Dairy Road and Boynton Beach Boulevard:

- i) left and right turn lane south approach; left turn lane east approach;
- ii) left turn lane north approach (this turn lane shall only be required to be constructed if the required right of way has been obtained by Palm Beach County at no cost to the property owner. Failure of the County to obtain the necessary right of way, inclusive of temporary construction easements, embankment easements, drainage easements, drainage areas, etc.) prior to the letting of the contract for the construction of Acme Dairy Road or September 1, 2005, which shall last occur shall relieve the property owner of having to comply with this condition. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2021-545, Control No.2002-00067)

15. The Property Owner shall fund a proportionate share of the cost of signal installation as determined by the County Engineer for signal installation if warranted as determined by the County Engineer at:

- i) Boynton Beach Boulevard and Acme Dairy Road
- ii) Lyons Road and the Project's Entrance Road
 - a. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved of this condition of approval. [Note: COMPLETED]
 - b. Building Permits for more than 200 dwelling units shall not be issued until the developer provides acceptable surety to the County Engineer for the installation of these signals. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2021-545, Control No.2002-00067)

16. The property owner shall fund a proportionate share of the cost of signal modifications as determined by the County Engineer at the intersection Boynton Beach Boulevard and Lyons Road. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications shall also include relocation of mast arms as part of the signal modifications. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2021-545, Control No.2002-00067)

17. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 81 dwelling units shall not be issued until the construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Building Permits for more than 285 dwelling units shall not be issued until construction commences for the widening of Lyons Road as a 4 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

c. Building Permits for more than 286 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 4 lane median divided section from SR 7 to the Lyons Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

d. Building Permits for more than 397 dwelling units shall not be issued until construction commences for the construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

e. Building Permits for more than 423 dwelling units shall not be issued until construction commences for the widening of Boynton Beach Boulevard as a 6 lane median divided section from Lyons Road to the Florida Turnpike plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

f. No Building Permits for the site may be issued after December 31, 2006. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2021-545, Control No.2002-00067)

18. Prior to October 24, 2003, the property owner shall provide surety for improvements identified in E17b, E17c, E17d, and E17e and E19. Surety shall include the design; right of way acquisition; and the Construction Engineering, Inspection Costs and all construction costs. At any time during the duration of the surety, the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event that such a determination is made Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work.(TPS) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2021-545, Control No.2002-00067)

19. Prior to January 1, 2007, the Property owner shall complete the funding of the construction of Lyons Road as a 4 lane median divided facility from Lantana Road to Hypoluxo Road plus the appropriate tapers. Funding shall include but not be limited to all right of way acquisition, drainage areas, temporary construction easements, and embankment costs, Construction Engineering, Inspection Costs all construction costs and a golf cart crossing for the Sherbrooke PUD. This golf cart crossing shall be subject to the requirement and approval of the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Funding amount shall be based on a cost estimate by the Developers Engineer and approved by the County Engineer. This construction shall be eligible for Traffic Impact Fee Credit. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 19 of Resolution R-2021-545, Control No.2002-00067)

20. Prior to the recordation of the first plat, the petitioner shall include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print.

a. The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 1, 2004, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED]

b. The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 20 of Resolution R-2021-545, Control No.2002-00067)

ENVIRONMENTAL

1. An Exotic Removal Management Plan, covering the GL/Brusci, Tree Warehouse, Wolf, Starkey and Glenview/Brethurem conservation parcels associated with the Fogg North PUD, shall be approved by ERM prior to final DRC site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2021-545, Control No.2002-00067)

2. All Restricted Covenant Agreements and Conservation Easements for the GL/Brusci, Tree Warehouse, Wolf, Starkey and Glenview/Brethurem conservation parcels associated with the Fogg North PUD, shall be submitted to ERM for review and approval prior to recordation. (DRO: ENVIRONMENTAL

LANDSCAPE - GENERAL

1. Fifty (50) percent of all perimeter canopy trees required to be planted on the site by this approval shall meet the following minimum standards at installation:
 - a. tree height: fourteen (14) feet
 - b. trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. credit may be give1 for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2021-545, Control No.2002-00067)
2. All palms required to be planted on site by this approval, 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 ULDC requirements. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2021-545, Control No.2002-00067)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches - medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches - large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2021-545, Control No.2002-00067)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2021-545, Control No.2002-00067)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2021-545, Control No.2002-00067)
6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 6 of Resolution R-2021-545, Control No.2002-00067)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SCENIC CORRIDOR/FRONTAGE OF LYONS ROAD)

7. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line, with a maximum spacing of sixty (60) feet on center between clusters;
 - c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - d. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - e. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2021-545, Control No.2002-00067)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING AGR AND FRONTAGE OF ACME DAIRY ROAD)

8. Landscaping and buffering along the north and east property lines shall be upgraded to include:
 - a. a minimum four (4) to six (6) foot undulating berm, with an average minimum height of five (5) feet, measured from the top of the curb on the east property lines. A minimum two (2) to three (3) foot undulating berm, with an average minimum height of two and one half (2.5) feet, measured from the top of the curb on the north property line; and,
 - b. one (1) canopy tree planted for each thirty (30) linear feet of the property line;

- c. one (1) palm or pine tree for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet on center between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2021-545, Control No.2002-00067)

LANDSCAPE - PERIMETER

9. Within one hundred and twenty (120) days of approval by the Board of County Commissioners (BCC) the installation of the required landscaping at the northwest corner of Pod A-2 shall commence. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 9 of Resolution R-2021-545, Control No.2002-00067)

LAKE WORTH DRAINAGE DISTRICT

1. Fogg Property North - Prior to platting, the owner shall convey an easement for the North 60 feet of Tracts 73-80 Block 54 less lands owned by the District for the ultimate right-of-way for the L-25 Canal (based on cross sections) along with the south 10 feet of Tracts 113-120, Block 54 and the South 10 feet of Tracts 121-123, Block 54 for the required right-of-way for the L-26 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2021-545, Control No.2002-00067)

2. GlenView North Preserve - Prior to platting, the owner shall convey an easement for 10 feet west and adjacent to the east property line of the referenced petition for the ultimate right-of-way for the E-2W Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2021-545, Control No.2002-00067)

3. Bruschi North Preserve - Prior to platting, the owner shall convey an easement for the South 10 feet of Tracts 21-23 Block 52 for the ultimate right-of-way for the L-23W Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 3 of Resolution R-2021-545, Control No.2002-00067)

4. Starkey Preserve - Prior to platting, the owner shall convey an easement for the North 60 feet of Tracts 9-14 Sec 17/46/42 less lands owned by the District for the required right-of-way for the L-32 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 4 of Resolution R-2021-545, Control No.2002-00067)

5. PBC/Butts Parcel - Prior to platting, the owner shall convey an easement for the East 30 feet of the North 1360 feet of Section 14/45/42 for the right-of-way for the S-9 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 5 of Resolution R-2021-545, Control No.2002-00067)

6. The petitioner shall convey an exclusive easement over the south 29 feet of the north 65 feet of Tract 75, Section 20, PBFCP1, PB 2, PG 26, for additional right-of-way on the L-35 Canal. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 6 of Resolution R-2021-545, Control No.2002-00067)

7. The petitioner shall convey an exclusive easement over the south 29.36 feet of the north 65 feet of Tracts 73 & 74, Section 20, PBFCP1, PB 2, PG 26, for additional right-of-way on the L-35 Canal. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 7 of Resolution R-2021-545, Control No.2002-00067)

8. The petitioner shall convey an exclusive easement, 35 foot in width, lying west of and adjacent to the west right-of-way line of the E-2W Canal, less the north 65 feet and less the south 1 acre thereof, Tract 68, Section 20, PBFCP1, PB 2, PG 26, for additional right-of-way on the E-2W Canal. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 8 of Resolution R-2021-545, Control No.2002-00067)

9. The petitioner shall convey an exclusive easement over the south 26.72 feet of the north 65 feet of Tracts 68 & 69, lying west of the west right-of-way line of the E-2W Canal, Section 20, PBFCP1, PB 2, PG 26, for additional right-of-way on the L-35 Canal. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 9 of Resolution R-2021-545, Control No.2002-00067)

10. The petitioner shall convey an exclusive easement, 35 foot in width, lying west of and adjacent to the west right-of-way line of the E-2W Canal, Tract 93, Section 20, PBFCP1, PB 2, PG 26, for additional right-of-way on the E-2W Canal. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 10 of Resolution R-2021-545, Control No.2002-00067)

11. LWDD will require an additional 10 feet of right-of-way on the L-33 Canal over the south 10 feet of Preserve Parcel 9. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 11 of Resolution R-2021-545, Control No.2002-00067)

12. Prior to platting, LWDD will require the property owner to convey to LWDD an exclusive easement deed (for Preserve 10) over the north 15-feet of the south 35-feet of Tract 125, Section 19, PB Farms Co. Plat No. 1, Plat Book 2, Page 26., for the L-36 Canal.

(PLAT: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 12 of Resolution R-2021-545, Control No.2002-00067)

PALM TRAN

1. Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement, recorded as a separate instrument, adjacent to the development area of this petition along Lyons Road, for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (BLDGPM: MONITORING - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2021-545, Control No.2002-00067)

PLANNED DEVELOPMENT

1. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2021-545, Control No.2002-00067)

2. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to show a focal point at the terminus of each residential access street, cul-de-sac, or nonresidential access way as shown on the Conceptual Site Plan dated February 18, 2003. The focal point shall be in the form of a plaza, benches, special landscape treatment, fountain, arcade or similar pedestrian oriented public areas acceptable to the Zoning Division. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2021-545, Control No.2002-00067)

3. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located as shown on the Conceptual Site Plan dated February 18, 2003. Such recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2021-545, Control No.2002-00067)

4. Drainage easements shall not be permitted in the rear yards of back-to-back units. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2021-545, Control No.2002-00067)

5. Zero-lot line lots (units) with a side yard that abuts the rear yard of two (2) or more lots (units) shall be restricted to one (1) story in height. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2021-545, Control No.2002-00067)

6. All property included in the legal description of the development area of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: COUNTY ATTORNEY - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 6 of Resolution R-2021-545, Control No.2002-00067)

7. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying of the existence of agricultural use in the vicinity of the development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 7 of Resolution R-2021-545, Control No.2002-00067)

8. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents. (ONGOING: MONITORING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 8 of Resolution R-2021-545, Control No.2002-00067)

9. No side interior, rear or street setback reductions (structure, pool/spa and or screen enclosure) shall be permitted except when abutting open space as allowed in Section 6.5.G.6., Section 6.6.A.9.b.(2) and 6.6.A.1 O.b.(2) of the ULDC. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 9 of Resolution R-2021-545, Control No.2002-00067)

10. The petitioner shall include in homeowners documents as well as written sales brochures, sales contracts, Master Plans and related Site Plans a disclosure statement identifying and notifying potential homeowners of the County's plan to build a District Park with ballfields/lights and other associated park amenities adjacent to the Fogg Development. The petitioner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on January 2004 and shall continue on an annual basis until all units within the development have been sold or the petitioner relinquishes control to the homeowners association. (ONGOING: MONITORING - Property Real Estate Management) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 10 of Resolution R-2021-545, Control No.2002-00067)

PLANNING

1. Prior to initial certification of the Preliminary Development Plan (PDP) by the Development Review Committee, all tabular data on required documents (site/master plans, preliminary development plans, etc.) shall be updated/revised to reflect the most current acreage totals per surveys submitted on the following dates: Fogg North PUD Developable area (1 2/4/02), Lyons Road Rural Parkway (211 8/03), all other Preserve parcels (2/6/03), and Land Use Justification correspondence from Kilday and Associates dated (2/18/03). (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2021-545, Control No.2002-00067)

2. The Planning Division shall not certify the Preliminary Development Plan or any subdivision plan submitted for this project which utilizes the County owned property (designated as "open space/preservation per Ordinance 00-58" on the Preliminary Development Plan) for any use inconsistent with its adopted land use plan designation. In the event the County initiated Preserve Note Removal (2003-0026 LGA) Comprehensive Plan amendment is: (1) adopted by the Board of County Commissioners such that the preserve designation is removed; (2) is issued a "Notice of Intent to Find in Compliance" by the Florida Department of Community Affairs (DCA); and (3) either no appeals were filed during the 21 day appeal period or there is a successful resolution to an appeal, if filed, such that the plan amendment becomes effective, the developer shall be entitled to remove the "open space/preservation per Ordinance 00-58" notation on the Preliminary Development Plan and utilize the property consistent with the underlying use shown on the Preliminary Development Plan. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2021-545, Control No.2002-00067)

3. The PUD shall be limited to a maximum of 500 dwelling units provided 60/40 requirements are met. Prior to final Preliminary Development Plan Certification by the Development Review Committee (DRC), the applicant shall provide a notation on the Preliminary Development Plan indicating that the balance of unused units (16) units shall not be utilized outside the boundary of the Fogg North PUD site as identified in Petition No. 2002-067. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2021-545, Control No.2002-00067)

4. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the Palm Beach County Planning Division shall include notations on the future land use atlas identifying the respective parcels as either a buildable developable area or preserve area and coordinate with the PZ&B Graphics Division to ensure that the zoning maps also reflect the proper designations. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2021-545, Control No.2002-00067)

5. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall amend the location map on the PDP so as to include the locations

of the Preservation areas. The applicant shall also provide a regulating plan indicating the location, access, acreage and proposed uses for the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). [NOTE: see PMP sheet 2 of 2] (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 5 of Resolution R-2021-545, Control No.2002-00067)

6. Prior to final certification of the Preliminary Development Plan (PDP) by the Development Review Committee (DRC), the applicant shall provide a 100 foot Lyons Road Rural Parkway Sketch for the eastern portion with cross section details, to include cross section details for the Lake Worth Drainage District (LWDD) L-24, L-25, and L-26 canal crossing sections, to the width specified below for the canals. A cross section detail from the Fogg North-Tree Warehouse Preserve parcel north over the L-28 canal to the Fogg South Development parcel shall also be provided. The cross section for the bridge crossings over the Lake Worth Drainage District canals stated above must show a minimum of 40 feet of easement width. All of these items shall be subject to approval by the Planning Division and Engineering Department. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2021-545, Control No.2002-00067)

7. Prior to the 200th building permits, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan for the L-24, L-25, and L-26 Canals and north across the L-28 Canal (from the Tree Warehouse Preserve parcel north to the Fogg South PUD) to include 40 foot bridge canal crossings, subject to Lake Worth Drainage District approval. (BLDGPM: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 7 of Resolution R-2021-545, Control No.2002-00067)

8. Prior to April 22, 2022, the applicant is responsible for the recordation of the Conservation Easement for the revised and new Preserve parcels (P2 and P8-P22), and include on said easements, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to April 22, 2022, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners. (DATE: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 8 of Resolution R-2021-545, Control No.2002-00067)

9. Prior to approval by the Development Review Officer of the Final Master Plan for the developable area, a management plan for each added or amended preserve parcel, with the exception of the 100 foot wide Lyons Road Rural Parkway Easement preserve parcel, shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2021-545, Control No.2002-00067)

10. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Fogg North Developable parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this developable parcel total a combined acreage of 211.263 acres with right-of-ways and 199.71 acres without right-of-ways. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 10 of Resolution R-2021-545, Control No.2002-00067)

11. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the 100 foot Lyons Road Rural Parkway Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 9.204 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 11 of Resolution R-2021-545, Control No.2002-00067)

12. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the GL Bruschi Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 84.338 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 12 of Resolution R-2021-545, Control No.2002-00067)

13. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Palm Beach County/Butts

Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 6.152 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 13 of Resolution R-2021-545, Control No.2002-00067)

14. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Tree Warehouse Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieves the configuration of this preservation parcel total a combined acreage of 129.484 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 14 of Resolution R-2021-545, Control No.2002-00067)

15. Prior to receipt of Technical Compliance of a plat, the petitioner shall provide documentation to the Planning Division that the recordation of the proposed boundary plat for the Starkey Road Assoc./Wolf/Diawatch-Brethurem (Glenview) Preservation parcel would not result in the creation of an illegal lot of record. The applicant shall provide documentation to the Planning Division and the County Attorney's Office that any lots created to achieve the configuration of this preservation parcel total a combined acreage of 76.541 acres. (TC: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 15 of Resolution R-2021-545, Control No.2002-00067)

16. Prior to or concurrent with recordation of the plat for the developable area as identified in Petition No. 2002-067, for all of the Preserve parcels, the applicant shall either: 1) dedicate these lands to Palm Beach County; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for these subject parcels; or 3) subject these parcels to a conservation easement, limiting these sites to Agricultural Reserve preserve areas in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. (PLAT: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 16 of Resolution R-2021-545, Control No.2002-00067)

17. Prior to Preliminary Development Plan final certification by the Development Review Committee (DRC), the Preliminary Development Plan shall be amended to include a notation from at least one cul-de-sac or dead end street location on the western edges of the Fogg North development area site, in addition to the entrance road location, that will allow pedestrian access from the Developable area to the Lyons Road Rural Parkway. The notation shall read "pedestrian cross access to be mulched or paved to the western line, which may be gated with carded or keyed access for only residents of the Fogg North PUD." (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 17 of Resolution R-2021-545, Control No.2002-00067)

18. Prior to the issuance of a certificate of occupancy for any unit within the pod where the pedestrian cross access point(s) is located, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Fogg North PUD." (CO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 18 of Resolution R-2021-545, Control No.2002-00067)

19. The proposed pedestrian cross access, on the northeast portion of the northern pod (POD A-2) of the development, may be installed should the adjacent parcel be constructed as a park or other public or civic use. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 19 of Resolution R-2021-545, Control No.2002-00067)

20. Prior to the issuance of the certificate of occupancy for the primary-recreation building on the 4.0+ acre recreation site, the petitioner shall mulch or pave the pedestrian trail shown fronting the recreation area on the certified PDP dated February 18,2003. In addition, at least one (1) bench shall be placed at this location. (CO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 20 of Resolution R-2021-545, Control No.2002-00067)

21. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, for the Fogg North Development area, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian circulation for all internal sidewalks (to the extent permitted by the County Engineer and the Palm Beach County Water Utilities Department) shown in this project and for the entire length of the sidewalk fronting Acme Dairy Road. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 21 of Resolution R-2021-545, Control No.2002-00067)

22. Prior to Final Master Plan approval by the Development Review Officer (DRO), the developer shall add a "Preservation Area/Proposed Uses" notes section on the Master Plan and ensure the same language is contained within in the Conservation Easement to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

- a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;
- b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;
- c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1 B-10 of the Code, any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;
- d. A Water Preserve Area if designated by the South Florida Water Management District ("SFWMD"), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management ("ERM") and managed for environmental resource values;
- e. Wetland restoration and maintenance, or bona fide agriculture as defined by the Code; and
- f. Those other activities authorized within a Preservation Area under Table 3.E.1. B of the Code and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses. Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. (DRO/ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 22 of Resolution R-2021-545, Control No.2002-00067)

23. Prior to or concurrent with the plat for the Fogg North PUD, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100 foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Conceptual Landscape Plan that conforms with the preliminary Rural Parkway Conceptual Landscape Plan received by the Planning Division on March 18, 2003, previously presented to Planning Staff, to include but not be limited to the following items:

- i. Flowering trees;
- ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
- iii. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

- i. Walls;
- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter and benches/pedestrian gathering area.

c. The Rural Parkway easement may include:

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

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

e. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order.

(ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 23 of Resolution R-2021-545, Control No.2002-00067)

24. Prior to April 24, 2024, the Property Owner shall record one conservation easement for the entire 1,600 acres identified on the Indian Trails Grove Conceptual Plan as WCR Exchange Parcel / Palm Beach County Conveyance, in favor of Palm Beach County, subject to approval of the County Attorney. This conservation easement shall include a provision stating that it will terminate upon conveyance of title to the subject property to the County. (DATE: MONITORING – Planning)

SCHOOL BOARD

1. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to label the school bus stop, turnaround and bus shelter and shall be approved by the School Board. (DRO: SCHOOL BOARD - School Board) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 1 of Resolution R-2021-545, Control No.2002-00067)

2. The property owner shall place a notice of annual boundary school assignments for students from this development. The District will provide an 11" X 17" sign to be posted in a clear and visible location in all sales offices and models with the following:

“Notice to Home Buyers/Tenants”

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. 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) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 2 of Resolution R-2021-545, Control No.2002-00067)

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.

Z o n i n g A p p l i c a t i o n


Canyon Lakes AGR-PUD (DOA-2022-00206)


Site Data

Size: 19.09 acres
 Existing Use: Preserve
 Proposed Use: Residential. Public & Private Civic
 Zoning: AGR/AGR-PUD
 Zoning Quad: 67

Future Land Use Designations

LR-1	Low Residential, 1 unit/acre	CL/5	Commercial Low, underlying MR-5
LR-2	Low Residential, 2 units/acre	CL/AGR	Commercial low, underlying AGR
MR-5	Medium Residential, 5 units/acre	CLX/5	Commercial Low crosshatching, underlying MR-5
PARK	Park		
AGR	Agricultural Reserve		
CON	Conservation		

 Canyon Lakes DOA Delete Land

 West Hyder Overlay

Date: 9/1/2023
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DRO-Maps\2023\10-October\2022-00206
 Note: Map is not official, for presentation purposes only.

540 0 540 1,080 Feet

W N E S

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

PALM BEACH COUNTY
 FLORIDA

Figure 2 - Zoning Map

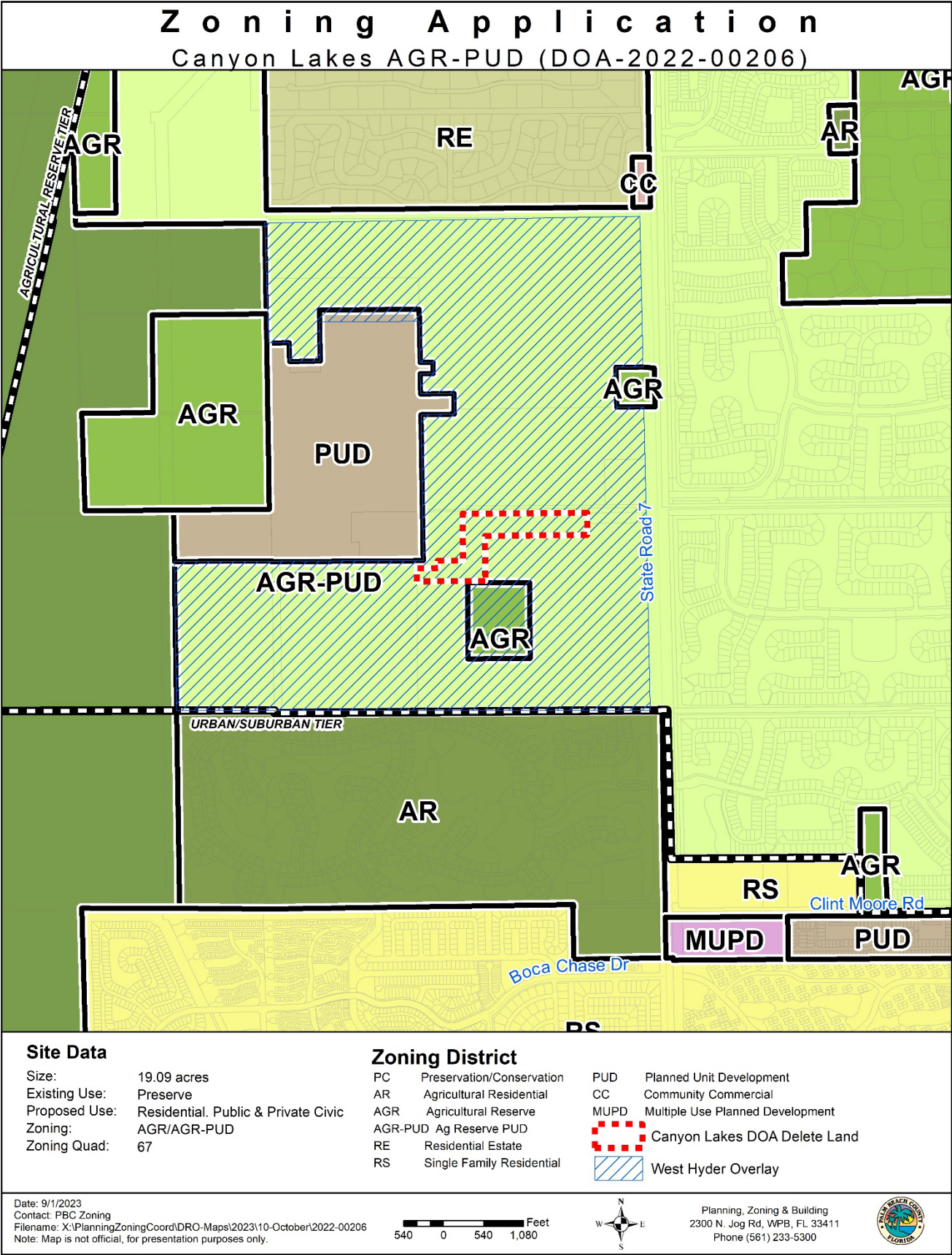


Figure 3 – Preliminary Master Plan dated February 21, 2023

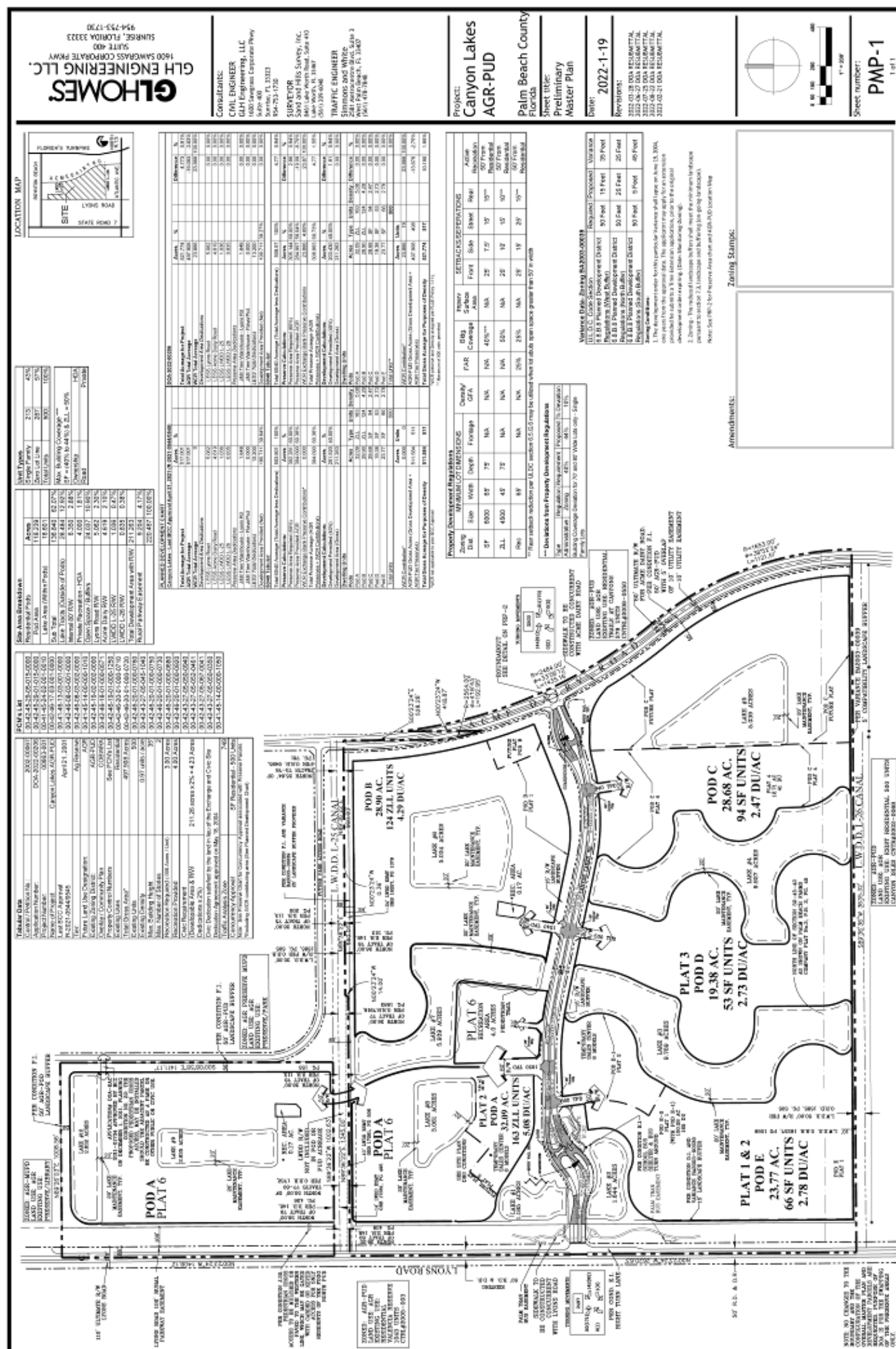


Figure 4 – Preliminary Regulating Plan dated February 21, 2023 (page 1 of 2)

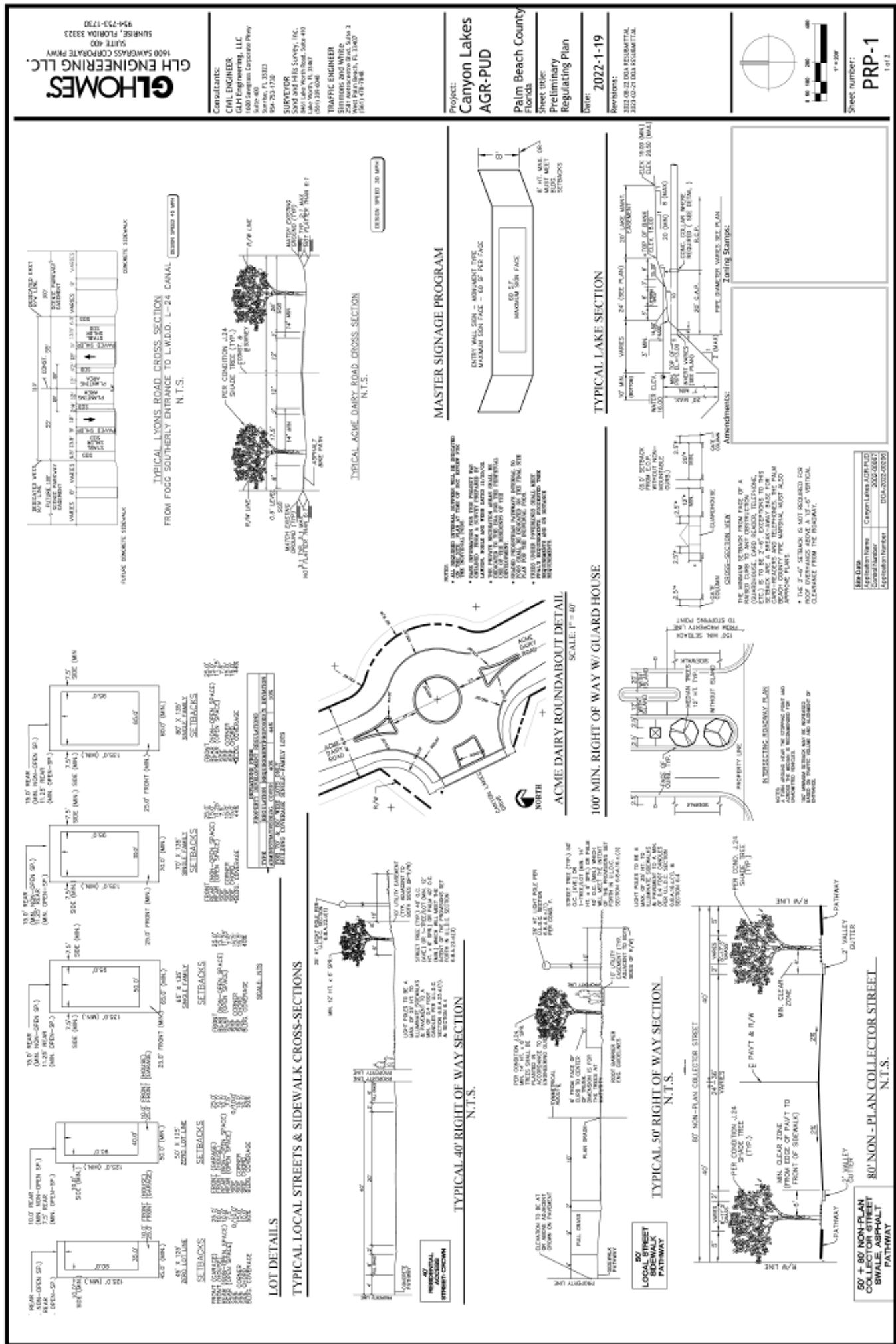


Figure 4 – Preliminary Regulating Plan dated February 21, 2023 (page 2 of 2)

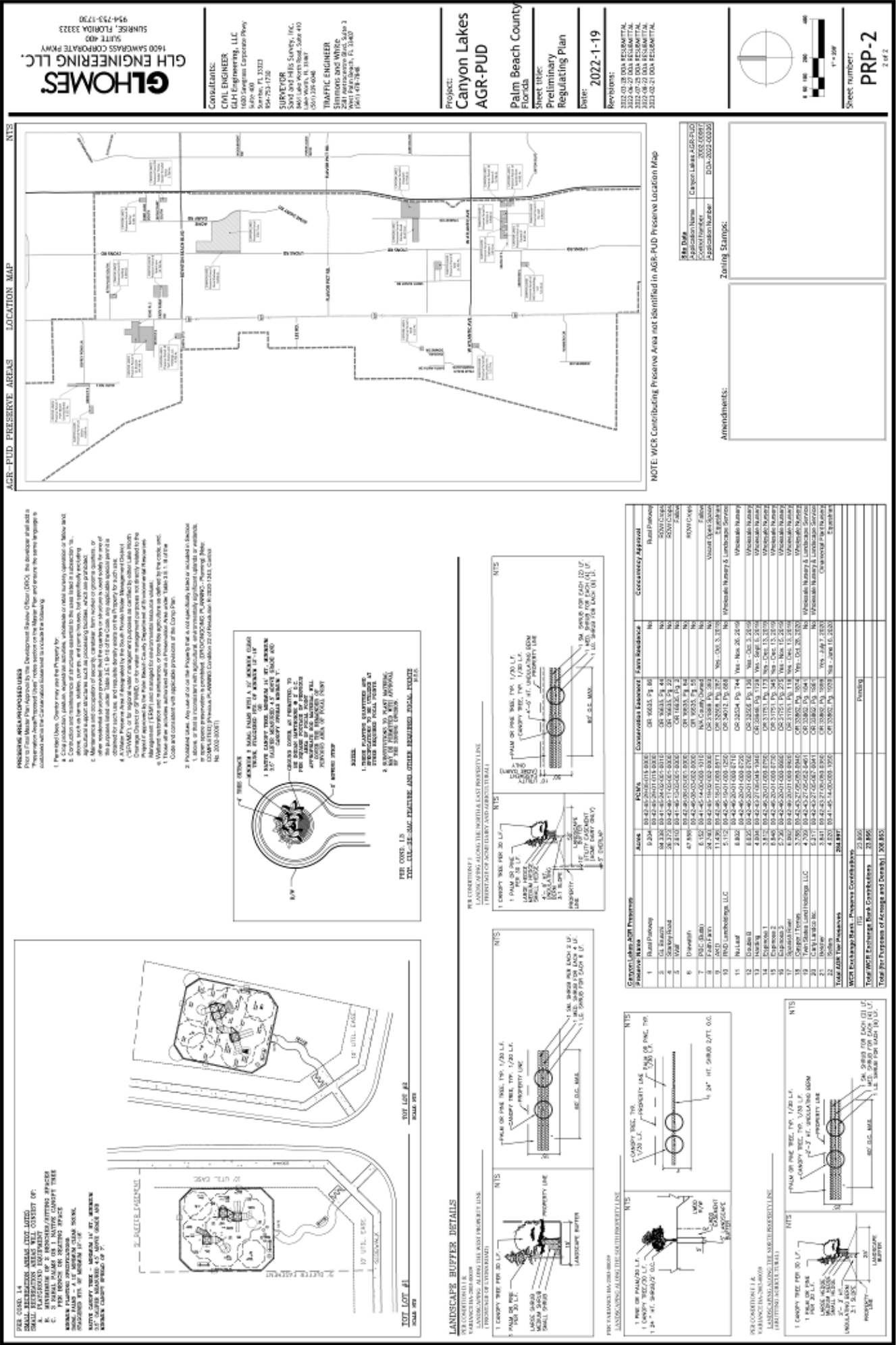
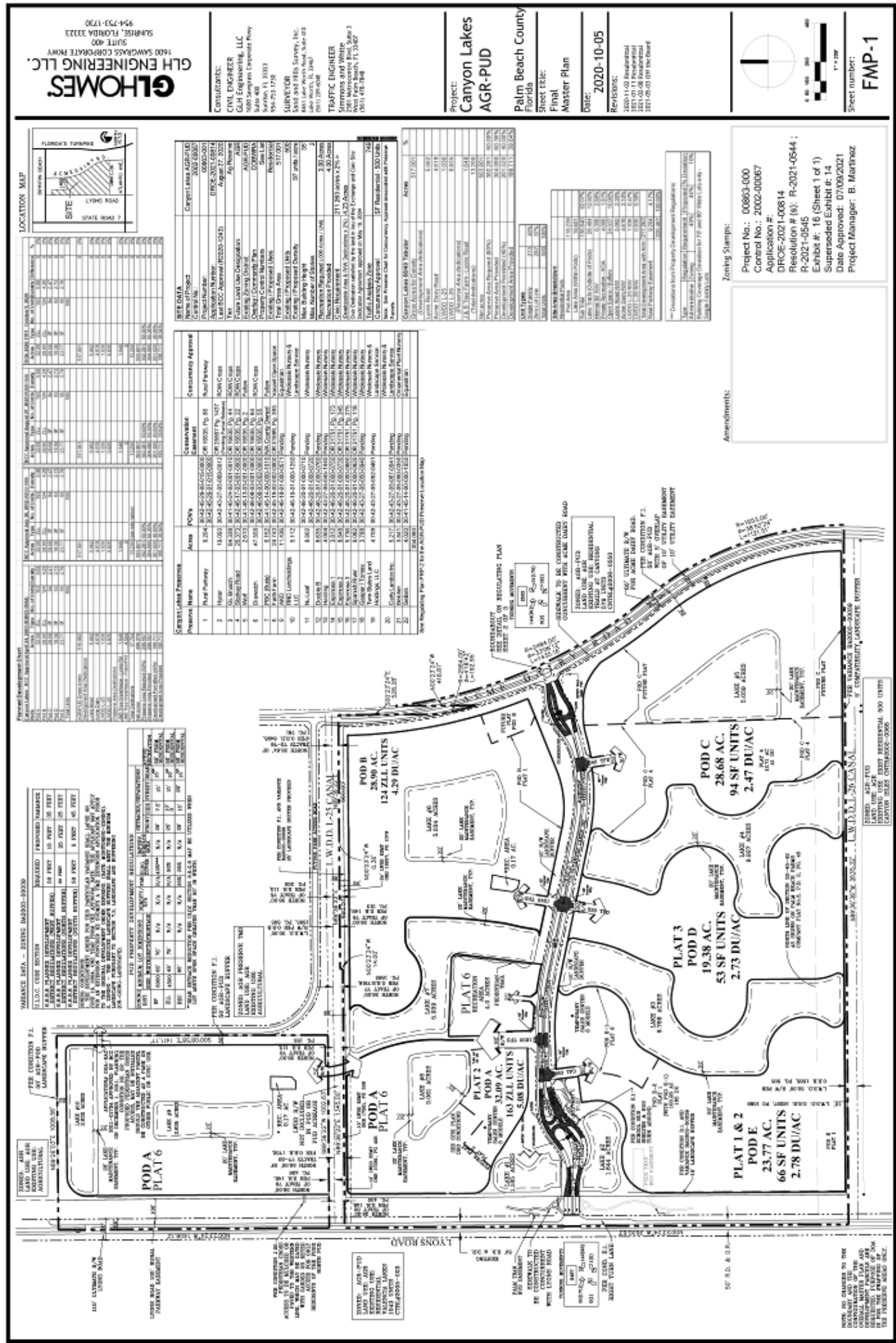


Figure 5 – Approved Final Master Plan dated July 9, 2021



Page26
Canyon Lakes AGR-PUD



Figure 6 Approved Final Regulating Plan dated July 9, 2021 (Page 2 of 2)

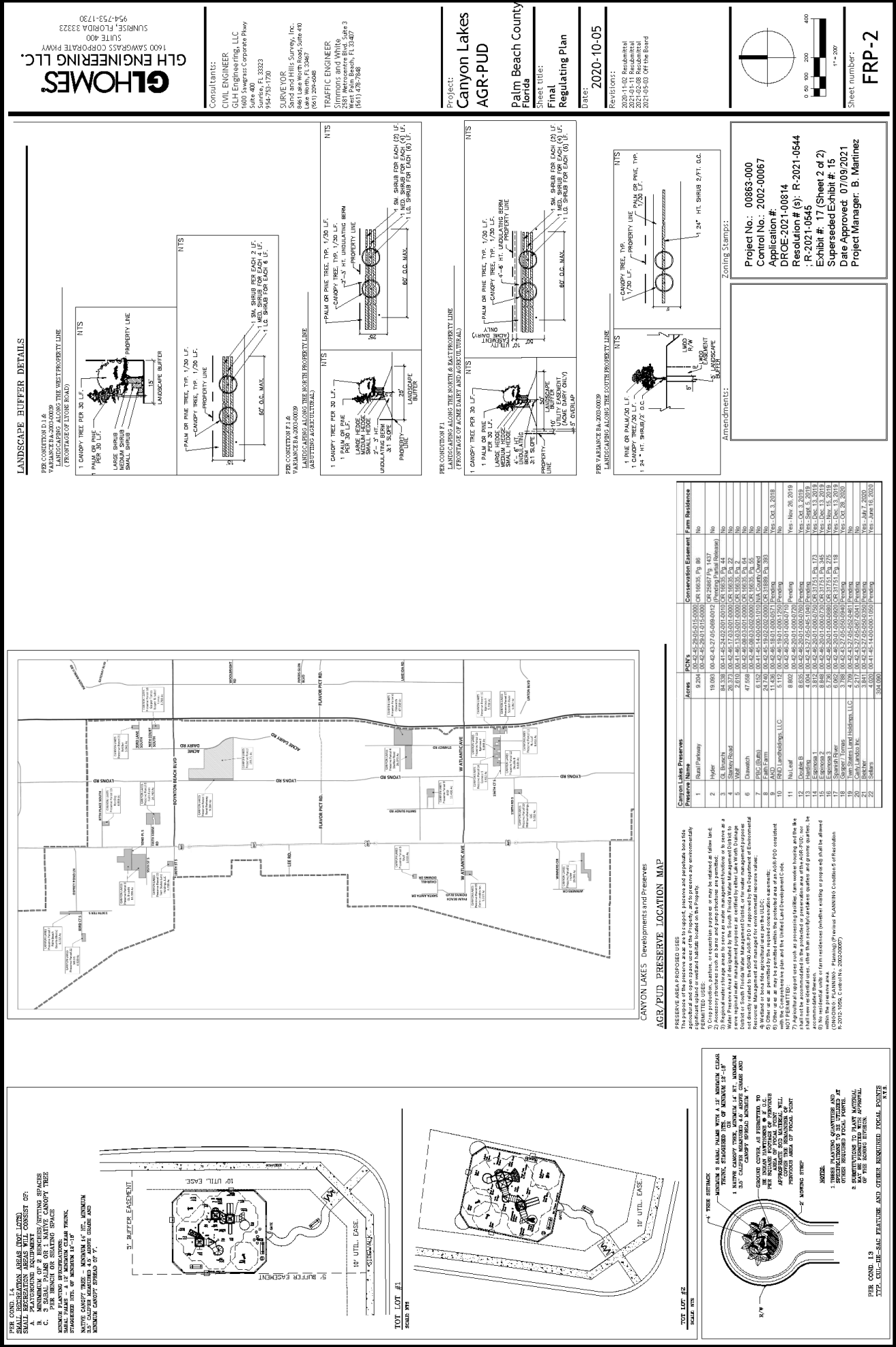


Exhibit D – Disclosure of Ownership – Applicant

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

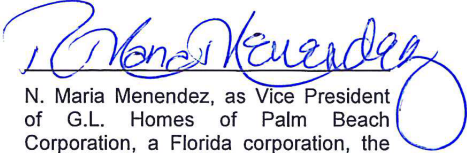
TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



N. Maria Menendez, as Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, Affiant

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of January 2022, by N. Maria Menendez, as Vice President of G.L. Homes of Palm Beach Corporation, a Florida corporation, the general partner of G.L. Homes of Palm Beach Associates, Ltd., a Florida limited partnership, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.


Notary Public
JEFFREY SPEVACEK
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____



EXHIBIT "A"

PROPERTY

Canyon Lakes Preserve #2

LEGAL DESCRIPTION:

BEING A PORTION OF TRACTS 4 THROUGH 8, 16 AND 17 AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) DESCRIBED PARCELS, NORTH 01°28'29" WEST, A DISTANCE OF 1320.37 FEET; NORTH 01°48'05" WEST, A DISTANCE OF 30.01 FEET; NORTH 01°06'45" WEST, A DISTANCE OF 383.93 FEET; THENCE SOUTH 89°34'36" WEST, A DISTANCE OF 2,187.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PARALLEL LINE, SOUTH 89°34'36" WEST, A DISTANCE OF 924.09 FEET; THENCE NORTH 00°22'42" WEST, A DISTANCE OF 177.95 FEET; THENCE NORTH 89°36'38" EAST, A DISTANCE OF 285.03 FEET; THENCE NORTH 00°22'42" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 89°36'38" EAST ALONG THE SOUTH LINE OF TRACT 9, SAID BLOCK 69, A DISTANCE OF 339.07 FEET; THENCE NORTH 00°22'32" WEST ALONG THE EAST LINE OF SAID TRACT 9, A DISTANCE OF 635.04 FEET; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-38 CANAL FOR THE FOLLOWING NINE (9) DESCRIBED COURSES, NORTH 89°25'29" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°22'32" EAST, A DISTANCE OF 5.28 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 345.11 FEET; THENCE SOUTH 00°22'27" EAST, A DISTANCE OF 0.40 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 330.11 FEET; THENCE NORTH 00°22'22" WEST, A DISTANCE OF 0.40 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 660.22 FEET; THENCE SOUTH 00°22'12" EAST, A DISTANCE OF 0.40 FEET; THENCE NORTH 89°25'29" EAST, A DISTANCE OF 330.11 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, SOUTH 00°22'07" EAST ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 300.00 FEET; THENCE SOUTH 89°25'29" WEST, A DISTANCE OF 1,380.51 FEET; THENCE SOUTH 00°22'32" EAST, A DISTANCE OF 607.73 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.093 ACRES, MORE OR LESS.

NOTE: LANDS SHOWN HEREON LIE WITHIN SECTION 36, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

- 1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
- 4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

Exhibit E Drainage Statement

This is not required for the deletion of land area

Exhibit F Water and Wastewater

This is not required for the deletion of land area

Exhibit G Conservation Easement Release – dated x