

RESOLUTION NO. R-94- 784

RESOLUTION APPROVING ZONING PETITION **DOA84-95(F)**, IN PART
DEVELOPMENT ORDER AMENDMENT
PETITION OF INTERNATIONAL SPORTS ASSOCIATES, INC.

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA84-95(F)** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and

WHEREAS, Zoning Petition **DOA84-95(F)** was approved in part, and denied in part, by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment, in part, is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment, in part, complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment, in part, is consistent with the requirements of the Palm Beach Unified County Land Development Code.
4. This Development Order Amendment, in **part**, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, in **part**, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment, in part, meets applicable local land development regulations.
7. This Development Order Amendment, in **part**, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment, in part, has a concurrency reservation and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, in part, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, in part, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA84-95(F), the petition of International Sports Associates, Inc., for a DEVELOPMENT ORDER AMENDMENT to amend Conditions G.2.A. & J.2.A. of Resolution R-93-1369 (landscape), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	-- Aye
Burt Aaronson	-- Aye
Ken Foster	-- Absent
Maude Ford Lee	-- Absent
Karen T. Marcus	-- Aye
Warren Newell	-- Aye
Carol A. Roberts	-- Aye

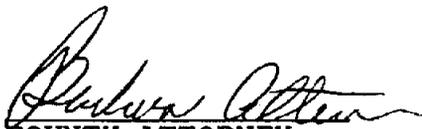
The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

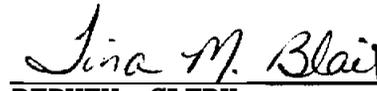
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

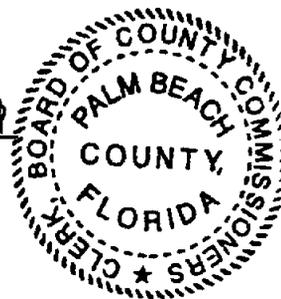


EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B-16

DESCRIPTION: SWIM CLUB

A parcel of land lying within a portion of Florida Fruit Lands Company's Subdivision No. 2 as recorded in Plat Book 1, Page 102 of the Public Records of Palm Beach County, Florida, and located in Section 13, Township 47 South, Range 41 East, and being more particularly described as follows:

Commence at the Southwest corner of said Section 13; thence North 85°47'34" East along a line that connects the Southwest corner of said Section 13 and the Southwest corner of Section 19, Township 47 South, Range 42 East, a distance of 3,137.34 Feet; thence North 04°12'26" West, a distance of 1,119.43 feet to a point of intersection with a non-tangent circular curve, whose radius point bears South 13°08'17" West from said intersection: said intersection also being the POINT OF BEGINNING of the herein described parcel; thence North 10°41'25" East, a distance of 265.00 feet; thence North 52°36'46" East, a distance of 65.86 Feet; thence South 82°23'14" East, a distance of 133.92 feet: thence North 00°41'25" East, a distance of 182.70 Feet: thence North 52°36'46" East, a distance of 30.00 feet: thence North 69°21'27" East, a distance of 84.63 feet; thence North 25°00'00" West, a distance of 15.00 feet: thence North 65°00'00" East, a distance of 77.71 feet to the Point of Curvature of a circular curve, concave to the South, having a radius of 150.00 feet and a central angle of 50°00'00"; thence Northeasterly and Southeasterly along the arc of said curve, an arc distance of 130.90 feet to the Point of Tangency: thence South 65°00'00" East, a distance of 41.07 feet to the Point of Curvature of a circular curve, concave to the Southwest, having a radius of 235.40 feet and a central angle of 66°00'00": thence Southeasterly along the arc of said curve, an arc distance of 271.16 feet to the Point of Reverse Curvature of a circular curve, concave to the Northeast, having a radius of 100.00 feet and a central angle of 55°05'46"; thence Southeasterly along the arc of said curve, an arc distance of 96.16 feet to the Point of Tangency: thence South 54°05'46" East, a distance of 74.55 feet to a point of intersection with a non-tangent circular curve, concave to the Southeast, having a radius of 180.00 feet, a central angle of 02°09'10" and whose radius point bears South 87°19'16" East from said intersection: thence Southwesterly along the arc of said curve, an arc distance of 6.76 Feet to the Point of Reverse Curvature of a circular curve, concave to the Northwest, having a radius of 50.00 feet and a central angle of 36°41'17"; thence Southwesterly along the arc of said curve, an arc distance of 32.02 feet to the Point of Compound Curvature of a circular curve, concave to the Northwest, having a radius of 1,560.00 feet and a central angle of 04°55'25"; thence Southwesterly along the arc of said curve, an arc distance of 134.06 Feet to the Point of Compound Curvature of a circular curve, concave to the Northwest, having a radius of 440.99 feet and a central angle of 63°00'00"; thence Southwesterly and Northwesterly along the arc of said curve, an arc distance of 484.89 feet to the Point of Tangency; thence North 74°51'43" West, a distance of 205.15 feet to the Point of Curvature of a circular curve, concave to the Southwest, having a radius of 2,040.00 feet and a central angle of 02°00'00"; thence Northwesterly along the arc of said curve, an arc distance of 71.21 feet to the said POINT OF BEGINNING.

Containing 8.0373 Acres more or less.

Said lands situate, lying and being in Palm Beach County, Florida.

Bearings based on the Sectional breakdown data of Section 13, Township 47 South, Range 41 East, as supplied by Palm Beach County Survey Department, using a bearing of North 00°54'39" West along the East line of said Section.

subject to easements and restrictions of record.

EXHIBIT B
VICINITY SKETCH

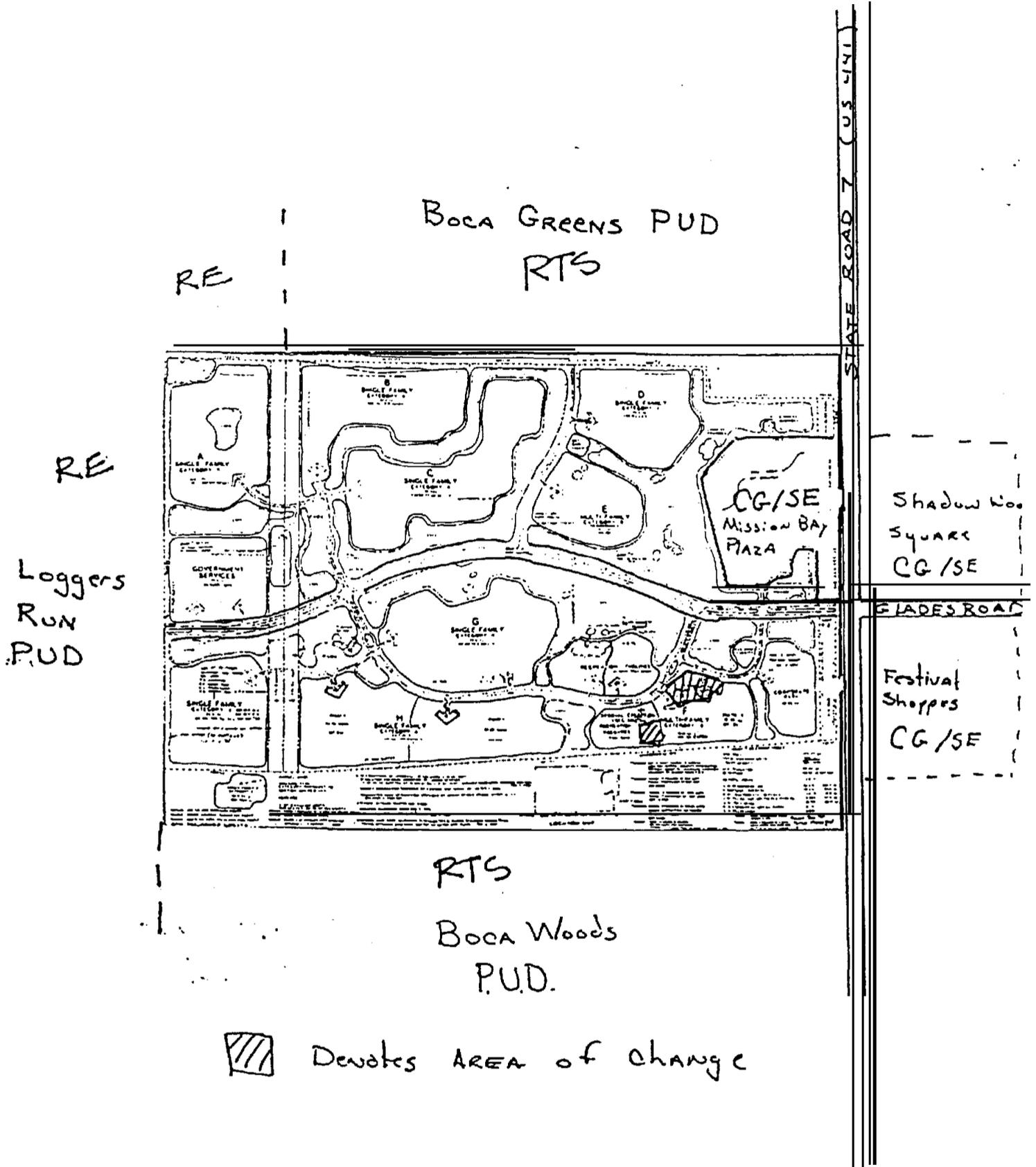


EXHIBIT C

CONDITIONS OF APPROVAL

A. **GENERAL**

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1369 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)
2. The funeral home (Requested Use - Parcel 0) shall be limited to chapel services and viewing only. **No** cremation or embalming shall be done on site. Previously Condition A.1 of R-93-1369, Petition 84-95(E). (ZONING/CODE ENFORCEMENT)

B. **BUILDING AND SITE DESIGN**

1. Total gross floor area shall be limited to a maximum of 5,688 square feet. Additional square footage may be allowed pursuant to Article 5.4.E.13 (Minor Deviations) of PBC ULDC. [Note: Funeral Home - Parcel 0 Only] Previously Condition B.1 of R-93-1369, Petition 84-95(E). (ZONING)
2. The minimum setback for all buildings on the Recreation Facility and Club parcel shall be one-hundred (100) feet. [NOTE: Tennis Academy Only] (BUILDING) Previously Condition B.2 of R-93-1369, Petition 84-95(E).
3. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the proposed buildings in the Recreation Facility and Club parcel. [NOTE: Tennis Academy Only] Previously Condition B.3 of R-93-1369, Petition 84-95(E). (BUILDING)
4. All new air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure. Previously Condition B.4 of R-93-1369, Petition 84-95(E). (BUILDING)
5. Prior to master plan and site plan certification, **the** master plan and site plan for the Recreation Facility and Club shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. Previously Condition C.4 of R-93-1369, Petition **84-95(E) . (ZONING)**
7. The Certificate for Concurrency Exemption Extension, Case Number 0301001X1, shall be revised prior to application to the Development Review Committee for master plan and/or site plan certification in order to reflect the square footage and total number of dwelling units within the **PUD**. Previously Condition **C.5** of R-93-1369, Petition **84-95(E) . (PLANNING)**

D. HEALTH

1. Utilities (sewer and water) shall be brought to the site property line. Previously Condition D.1 of R-93-1369, Petition 84-95(E). (HEALTH)
2. Water service and sewer service are available to the property. Therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. Previously Condition D.2 of R-93-1369, Petition 84-95(E). (HEALTH-Building)
3. The use of the facility shall be limited to a funeral viewing parlor only. No crematory, embalming or body preparation will be allowed on-site. Previously Condition D.3 of R-93-1369, Petition 84-95(E). (HEALTH)

E. ENGINEERING

1. This development shall retain on site the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. In addition, the developer shall provide legal positive outfall or receive a variance from this requirement. Previously Condition E.1 of R-93-1369, Petition 84-95(E). (ENGINEERING) [STATUS: Completed]
2. The property owner shall convey the ultimate right-of-way for Cain Boulevard necessary to provide for an eighty (80) foot ultimate section. This right-of-way alignment shall be per the County Engineer's approval, within 90 days of adoption of the resolution by the Board of County Commissioners. Conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Previously Condition E.2 of R-93-1369, Petition 84-95(E). (ENGINEERING) [STATUS: Completed]
3. The property owner shall convey for the ultimate right-of-way of the S.R. 7, 240 feet west of the west right-of-way line of the Lake Worth Drainage District E-1 Canal, within ninety (90) days of adoption of the resolution by the Board of county Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit, Previously Condition E.3 of R-93-1369, Petition 84-95(E). (ENGINEERING) [STATUS: Complete]
4. The property owner shall convey the ultimate right-of-way for Glades Road necessary to provide for a 120 feet ultimate section. This right-of-way alignment shall be per the County Engineer's approval within ninety (90) days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. Previously Condition E.4 of R-93-1369, Petition 84-95(E). (ENGINEERING) [STATUS: Complete]
5. The property owner shall convey from the subject property the ultimate right-of-way for the "Special Exception" at Glades Road and S.R. 7 per the County Engineer's approval. This right-of-way shall be conveyed within ninety (90) days of adoption of the resolution by the Board of County Commissioners and accepted by Palm Beach county or prior to the issuance of a building permit. Previously Condition E.5 of R-93-1369, Petition 84-95(E). (ENGINEERING) [STATUS: Complete]

6. The petitioner shall provide the construction plans for **S.R. 7** as a four-lane, median-divided section (expandable to 6 lanes), compatible with the Department of Transportation typical section from **Palmetto Park Road** south to the Rillsboro Canal plus the appropriate tapers, per the County Engineer's approval. These plans shall be completed within six (6) months of approval date by the Board of County Commissioners or prior to the issuance of a Certificate of Occupancy, whichever first occurs. The cost of these plans shall not exceed **\$100,000.00**. Previously Condition E.6 of R-93-1369, Petition 84-95(E). (ENGINEERING) [STATUS: Complete]

7. The developer shall construct Glades Road from **S.R. 7** west to the project's west property line as a four-lane, median-divided section, per the County Engineer's approval. This construction shall be per the following phasing plan:

Phase 1 of this construction for Glades Road shall be a I-lane median divided section from **S.R. 7** to a point 200 feet west of Mission Bay Plaza entrance, plus the appropriate tapers, per the County Engineer's approval. The remainder of this section of roadway shall be constructed as a **2-lane** section to the property's west property line. This construction shall be concurrent with the filing of each plat adjacent to Glades Road or when required by the County Engineer for paved continuity for Glades Road.

Phase 2 of this construction for Glades Road shall be an additional 2-lane section from the project's west property line east to a point 200 feet west of Mission Bay Plaza entrance, per the county Engineer's approval. This construction shall be completed within thirty-six (36) months after completion of Phase 1 construction for Glades Road. This construction shall be funded from impact fee monies collected within the impact fee eoae, subject to approval by the Board of County Commissioners. The maximum amount of participation by Palm Beach County shall be **\$250,000.00**. Previously Condition E.7 of R-93-1369, Petition **84-95(E)**. (ENGINEERING)

8. Construction at the intersection of Glades Road and Cain Boulevard at the time of construction of Glades Road
 - a. Left turn lane, west approach.
 - b. Left turn lane, north approach.
 - c. Signalization when warranted as determined by the County Engineer. Previously Condition E.8 of R-93-1369, Petition 84-95(E). (ENGINEERING)

9. Construct at all of the project's entrances and Glades Road at the time of construction of Glades Road, left and right turn lanes, per the county Engineer's approval. Previously Condition E.9 of R-93-1369, Petition 84-95(E). (ENGINEERING)

10. The Master Plan shall be revised to include a minimum of 80 foot right-of-way collector for the southern interior spine road. Previously Condition 10 of R-93-1369, Petition **84-95(E)**. (ENGINEERING)

11. Construct at both of the project's entrances onto Cain Boulevard at the time of construction of Cain Boulevard:
 - a. Left turn lane, north approach.
 - b. Right turn lane, south approach. Previously Condition E.11 of R-93-1369, Petition 84-95(E). (ENGINEERING)

12. The petitioner shall provide Palm Beach County with a road drainage easement through this project's internal lake system for the road drainage of Cain Boulevard, Glades Road and S.R. 7. This drainage easement shall be subject to all governmental agency requirements. Previously Condition **E.12** of R-93-1369 Petition 84-95(E). (ENGINEERING)
13. The construction of S.R. 7 and Glades Road as outlined in Conditions **7,8,9,10** and 16 shall be credited toward the Fair Share Impact Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance as it presently exists or as it may from time to time be amended. This credit shall be based upon a Certified Cost Estimate by the Developer's Engineer, subject to review by the County Engineer in an amount equivalent to the road construction for S.R. 7 and Glades Road as outlined in condition numbers **7,8,9,10** and 16 within ninety (90) days of adoption of the resolution by the Board of **County** commissioners. Previously Condition E.13 of R-93-1369, Petition 84-95(E). (ENGINEERING)
14. Petitioner shall provide primary and secondary access to the site from adjacent roadways, (curb cuts and proper left and right turning lanes) in accordance with County Engineer guidelines. Previously Condition E.14 of R-93-1369, Petition 84-95(E). (ENGINEERING)
15. Based on traffic impacts and total traffic projected in the impact area, the project development shall be limited to the following phases:

RESIDENTIAL

Number of Months After the Resolution Date by the Board of County Commissioners:	Maximum Number of Building Permits:	Cumulative Total of Building Permits:
0 - 12	0	0
12 - 24	250	250
24 - 36	350	600
36 - 48	300	900
48 - 60	300	1200
60 - 72	336	1536

OFFICE

Number of Months After the Resolution Date by the Board of <u>County Commissioners:</u>	Maximum Trip Generation (per day)	Cumulative Trip Generation (per day)
0 - 12	0	0
12 - 24	0	0
24 - 36	1000	1000
36 - 48	1000	2000
48 - 60	900	2900

*NOTE : Traffic generation characteristics shall be determined by the standard methods used in Palm Beach County for buildings, or portions of buildings, certified for occupancy. Previously Condition E.15 of R-93-1369, Petition 84-95(E). (ENGINEERING)

16. The petitioner shall provide the construction plans for Glades Road as a six-lane, median-divided facility **from Powerline/Jog Road to just East of the Florida Turnpike entrance,** plus the appropriate tapers, **per** the County Engineer's approval. These plans shall be completed within 18 months of the resolution date by the Board of County Commissioners. The cost of these plans shall not exceed **\$100,000.00**. Previously Condition E.16 of R-93-1369, Petition **84-95(E)**. (ENGINEERING)

17. The additional right-of-way for **S.R. 7**, as determined by the Florida Department of Transportation, from Palmetto Park Road to the Hillsboro Canal with the appropriate tapers which will be required for the road construction for **S.R. 7**, shall be acquired by Palm Beach County at the developer's expense. Previously Condition E.17 of R-93-1369, Petition 84-95(E). (ENGINEERING)
18. The developer shall construct **S.R. 7** as a four-lane **divided** section from Palmetto Park Road South to the Hillsboro Canal, plus the appropriate tapers, per County Engineer's approval. The construction shall include an asphalt overlay of the two existing lanes on **S.R. 7**, if required by the County Engineer. This construction shall be completed and accepted by the Florida Department of Transportation within nine (9) months of Palm Beach County's acquisition of the right-of-way described in Condition No. **9.**" Previously Condition E.18 of R-93-1369, Petition 84-95(E). (ENGINEERING)
19. The developer shall construct at the intersection of Glades Road and S.R. 7 concurrent with the four-laning of S.R. 7 fronting this parcel:
 - a. Right turn lane, south and west approach.
 - b. Dual left turn lanes all approaches.
 - c. Right turn lane, north approach.
 - d. Right turn lane, east approach. Previously Condition E.19 of R-93-1369, Petition 84-95(E). (ENGINEERING)
20. The developer shall construct Glades Road as a six-lane median divided section from **Powerline/Jog Road** to **just** East of the Florida Turnpike entrance in **conjunction** with the construction of the Florida Turnpike interchange. In addition, the developer shall provide a cash contribution to the Florida Department of Transportation **for** this construction of the Florida Turnpike overpass expansion. The total commitment by the Developer **for** plan preparation (as noted in Condition No. **8**) construction, and Florida Department of Transportation contribution shall not exceed **\$1,000,000.00.**" Previously Condition E.20 of R-93-1369, Petition 84-95(E). (ENGINEERING)
21. If any of the improvements listed above are completed by others prior to the date required by this petition, then the developer will be relieved of all or part **of** the respective improvement project. Palm Beach County shall make available other existing developer commitments which are earmarked for the construction of Glades **Road from Jog/Powerline Road to Boca Rio Road** to this developer **prior** to the same being constructed. In the event that another entity constructs S.R. 7 from Hillsboro Canal to Palmetto Park Road (or) Glades Road from **Jog/Powerline Road to Boca Rio Road**, this Developer shall make a **contribution** in either cash or construction costs in a total amount not less than **\$1,111,130.00.** Note: It is the intent of the Office of the County Engineer that Palmetto Park **Road** will be constructed as a C-lane median divided section **from** west of the Florida Turnpike to I-95 at the time of construction for its presently budgeted I-lane median-divided section. This could be accomplished provided that the **Board** of County Commissioners approves, with the use of the Impact Fees, Monies or other developer commitments which may be granted zoning approvals. Previously Condition E.21 of R-93-1369, Petition 84-95(E). (ENGINEERING)

22. The developer shall construct Cain Boulevard **from** the project's north property **line south** to Glades Road **within** the planned unit development at the time **of** the filing of the adjacent plats or when required by the County **Engineer** for the continuity for Cain Boulevard and shall be completed prior to February 1, 1989 or **in conjunction** with the park's access road. Previously Condition E.22 of R-93-1369, Petition 84-95(E). (ENGINEERING)
23. The Developer shall plat the subject property in **accordance** with provisions of Article **8**, Subdivision, **Platting** and Required Improvements of the **ULDC**. The platting of this property may be phased in **accordance** with a **phasing** plan acceptable to the office of the County **Engineer**. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. Previously Condition E.23 of R-93-1369, Petition 84-35(E). (ENGINEERING)

F. IRRIGATION QUALITY WATER

1. **When** irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations **and/or the South Florida Water Management District**. The cost for connection shall be borne by the property owner. Previously Condition F.1 of R-93-1369, Petition 84-95(E). (UTILITIES)

G. LANDSCAPING - GENERAL

1. **Prior to site plan certification**, the petitioner shall revise the landscape tabular data on the site plan **for the Recreation Facility and Club parcel** to reflect **conformance** to minimum Landscape Code requirements and all **landscape conditions of approval**. Previously Condition G.1 of R-93-1369, Petition 84-95(E). (ZONING)
2. Condition G.2 of R-93-1369, Petition 84-95(E), which states:

All required trees in the landscape buffer strips for the Recreation Facility and club parcel 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.**

Is hereby amended to state:

All required trees in the landscape buffer strips for the Recreation Facility and Club parcel 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.**

d. The Zoning Division may approve alternative tree specifications that may supersede the above referenced requirements for planting **under** over head utility lines. The **alternative** specification shall meet the following **minimum** standards:

- 1) **Ornamental trees, listed in the FPL list of recommended plantings with a minimum height of eight (8) feet; and,**
- 2) **A minimum canopy diameter of five (5) feet. (ZONING/BUILDING)**

H. LANDSCAPING - INTERIOR (TENNIS ACADEMY)

1. No more than four (4) tennis courts shall be **contiguous**. A minimum fifteen (15) foot landscape strip shall **separate** all tennis court groups. The required landscape **strips** shall at a minimum include:

- a) Three (3) palm trees, with a minimum of eight (8) feet of clear trunk, planted in groupings every thirty (30) feet on center; and,
- b) Five (5) thirty (30) inch high shrub or hedge **material** for each required tree. **Previously Condition J.1 of R-93-1369 Petition 84-95(E) (ZONING)**

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. Landscaping and buffering along the north property line of the Recreation Facility and Club parcel shall be **upgraded** to include:

- a. A minimum ten (10) foot wide landscape buffer **strip**.
- b. One (1) native canopy tree planted every **twenty** (20) feet on center.
- c. Thirty (30) inch high shrub or hedge material **spaced** no more than twenty **four** (24) inches on **center** at installation, to be maintained at a minimum height of thirty-six (36) inches. **Previously Condition J.1 of R-93-1369, Petition 84-95(E). (ZONING)**

J. LANDSCAPING ALONG THE SOUTH PROPERTY LINE OF THE RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. Landscaping within the required twenty-five (25) foot landscape buffer along the south property line of the Recreation Facility and Club parcel shall be **upgraded** to include:

- a. **An eight (8) foot high opaque concrete wall setback ten (10) foot from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. Previously Condition J.1 of R-93-1369, Petition 84-95(E). (ZONING)**

2. Condition J.2 of R-93-1369, Petition 84-95(E), which states:

The following landscaping requirements shall be **installed** on the exterior side of the required wall:

- a. One (1) native canopy tree planted every **twenty** (20) feet on center.

- b. Thirty (30) inch high shrub or hedge material spaced no more **than** twenty four (24) inches **on center** at installation, to be maintained at a minimum height of forty-eight (48) inches.

Is hereby amended to state:

The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) ornamental tree planted every **fifteen** (15) feet on center.
 - b. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on **center** at installation, to be maintained at a minimum height of forty-eight (48) inches. (ZONING)
3. **Along** the interior side of the **required** wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of **thirty-six** (36) inches. Previously Condition J.3 of R-93-1369, Petition 84-95(E). (ZONING)

K. LANDSCAPING ALONG THE EAST PROPERTY LINE OF THE RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. Landscaping along the east property line of the Recreation Facility and Club parcel (tennis academy) shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip.
 - b. A six (6) foot high opaque concrete wall setback ten (10) foot from the property line. The **exterior** side of the wall shall be given a finished architectural treatment which is compatible and **harmonious** with abutting development. The wall shall **include** a minimum of one (1) pedestrian access way **between** the residential areas to the east and the tennis academy. Previously Condition K.1 of R-93-1369, Petition 84-95(E). (ZONING)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. One (1) native canopy tree planted every **twenty** (20) feet on center.
 - b. Thirty (30) inch high shrub or hedge material spaced no **more** than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. Previously Condition K.2 of R-93-1369, Petition 84-95(E). (ZONING)
3. Along the interior side **of** the required wall, the **property** owner shall install twenty-four (24) inch high **shrub or** hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height **of thirty-six** (36) inches. Previously Condition K.3 of R-93-1369, Petition 84-95(E). (ZONING)

L. LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE RECREATION FACILITY AND CLUB PARCEL (TENNIS ACADEMY)

1. Landscaping and buffering along the west property **line** of the Recreation Facility and Club parcel shall be **upgraded** to include:
 - a. A minimum five (5) foot wide landscape buffer **Strip**.

- b. One (1) native canopy tree planted every **twenty** (20) feet on center.
- c. Thirty **(30)** inch high shrub or hedge material **spaced** no more than **twenty four** (24) inches on **center** at installation, to be maintained at a minimum **height** of **thirty-six** (36) inches. Previously Condition M.1 of R-93-1369, Petition 84-95(E). (ZONING)

M. LANDSCAPING ALONG THE WESTERN PROPERTY LINE OF THE PLANNED UNIT DEVELOPMENT

1. Mission Bay Development **Company, Inc.** agrees to **maintain** the row of pine trees located in the right-of-way of the north/south canal running contiguous to the **western** property line of the Mission Bay Planned Unit Development and forming the eastern property line of the **Loggers Run** Planned Unit Development until such time that it may be removed by the Home owner's Association. Mission Bay Development Company, Inc. agrees to plant **additional** natural vegetation in any gaps in said row of pine trees for the purpose of providing a continuous pine tree **visual** buffer between the improvements constructed within the Loggers Run Planned Unit Development and to be **constructed** within the Mission Bay Planned Unit Development. Previously Condition M.1 of R-93-1369, Petition 84-55(E). (ZONING/ENGINEERING)
2. Mission Bay Development Company, Inc. agrees to construct a landscape berm system within **twenty-five** (25) feet of the Planned Unit Development buffer along the west **property** line of the Mission Bay Planned Unit Development for the purpose of providing a continuous landscape berm system between the residences to be constructed within the Mission Bay Planned Unit Development. In addition to the foregoing, the developer of **parcel "I"** shall install within the portion of the twenty-five (25) buffer on the western property line of parcel **"I"** the following:
 - a. A **six** (6) foot high opaque fence; and,
 - b. A typical lot buffer planting as **represented** by Exhibit 52.

The six (6) foot high opaque fence shall be installed prior to the construction of homes. The typical lot buffer planting shall be installed prior to the **issuance** of Certificate of occupancy for each home. Previously Condition M.2 of R-93-1369, Petition 84-95(E). (ZONING)

3. All prohibited plant species within the twenty-five (25) foot buffer along the western portion of **Mission Bay** Planned Unit Development shall be eradicated. **This** eradication program shall not commence until the construction of the required landscape berm has **begun**. Previously Condition M.3 of R-93-1369, Petition 84-95(E). (ZONING)
4. All building plans for parcel **"I"**, submitted to the Building Department for permitting, shall contain landscape plans for that portion of the twenty-five (25) foot buffer abutting or within the lot. The landscape plan shall reflect the intent of Exhibit No. 52, as found in the **Boning** Petition file. Previously Condition M.4 of R-93-1369, Petition 84-95(E). (BUILDING/ZONING)

N. LEGAL

1. Exact copies of the master plan and related **graphics** as presented at the Board of County **Commissioner's** public hearing shall be submitted to the Zoning Division and made part of the official file. Previously Condition N.1 of R-93-1369, Petition 84-95(E). (ZONING/COUNTY ATTORNEY)

0. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs of the Recreation Facility and Club parcel shall be of low intensity, shielded and directed down and away from adjacent properties and streets. Previously Condition 0.1 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT)
2. All lighting fixtures within the Recreation Facility and club Parcel (tennis academy) shall not exceed thirty-five (35) feet in height measured from finished grade, All lighting fixtures shall be constructed to reduce by a minimum of 95% the amount of off-field spill and glare emitted onto abutting residential parcels **and/or** developments. Previously Condition 0.2 of R-93-1369, Petition 84-95(E). (BUILDING)
3. All outdoor lighting within the Recreation **Facility** and Club parcel shall be extinguished no later than **10:00** p.m. **Security** lighting only is excluded from this requirement. Such security lighting shall not exceed 20 feet in height, measured from finished grade. Previously Condition 0.3 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT)
4. No outdoor lighting shall be permitted on any **of** the perimeter **courts** of the recreational facility **and** club parcel. Previously Condition 0.4 of R-93-1369, Petition 84-95(E). (BUILDING/CODE ENFORCEMENT)

P. PLANNED UNIT DEVELOPMENT

1. Each proposed primary structure within the PUD shall clearly display a street address number on the **facade** of the building which is legible from the street. Previously Condition P.1 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT)

Q. RESIDENTIAL USE OF RECREATION FACILITY AND CLUB

1. Prior to February 1, 1993 the petitioner, in a **form** and manner acceptable to the County Attorney, shall **record** in the public records of Palm Beach County, an **agreement** between the petitioner and the residents of the **Mission Bay** Planned Unit Development that provides for the use **of** all structures and facilities within the Recreation **Facility** and Club by the residents without membership requirements. This agreement shall not be removed, altered, **changed** or amended without written approval from the County **Attorney**. Previously Condition Q.1 of R-93-1369, Petition **84-95(E)**. (COUNTY ATTORNEY)

R. RECYCLE SOLID WASTE

1. The property owner **and/or** lessee(s) shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, **paper**, plastic, metal and glass products. Previously Concition R. 1 of R-93-1369, Petition **84-95(E)**. (SWA)

S. SCHOOL BOARD

1. Petitioner shall show a 20 acre elementary school **site** on the Mission Bay PUD Master Plan. Previously Condition S.1 of R-93-1369, Petition 84-95(E). (ZONING/SCHOOL **BOARD**)
2. Petitioner shall dedicate the 20 acre school site **to** the School Board **of** Palm Beach County. Previously **Condition** 5.2 of R-93-1369, Petition 84-95(E). (SCHOOL BOARD)

3. Transfer of Title and Warranty Deed to the school **site**, and a survey showing and describing the metes and **bounds** of the school site shall be delivered to the School Board **within** six (6) months of **the** effective date of the **resolution** of approval by the Board of County Commissioner on the **subject PUD**. Previously Condition 5.3 of R-93-1369, **Petition 84-95(E)**. (SCHOOL BOARD)
4. Petitioner shall be responsible for the school site to be at final developable grade elevation prior to the **School** Board construction. Previously Condition 5.4 of **R-93-1369**, **Petition 84-95 (E)**. (SCHOOL BOARD/ENGINEERING)
5. Pedestrian signalization to and from the school site shall be installed by the petitioner when warranted by **both** the School Board and **County** Engineer. Previously Condition 5.5 of R-93-1369, **Petition 84-95(E)**. (SCHOOL BOARD/ENGINEERING)
6. Petitioner shall place with the School Board of Palm Beach county, a letter of credit in the amount verifying the designing, engineering, and construction cost **for** the provision of water and sewer, paved road access **and** site elevation requirements to permit the construction **of** a school on the property in accordance with a time **schedule**, put forth by the Palm Beach County School Board. Previously Condition 5.6 of R-93-1369, **Petition 84-95(E)**. (SCHOOL BOARD/ENGINEERING)

T. SIGNS

1. No freestanding point of purchase signs shall be **allowed** on the Recreation Facility and Club parcel. **Previously** Condition T.1 of R-93-1369, **Petition 84-95(E)**. (CODE ENFORCEMENT)

U. USE LIMITATION

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulate (dust particles) from this property do not become a **nuisance** to neighboring properties. Previously Condition U.1 of R-93-1369, **Petition 84-95(E)**. (CODE ENFORCEMENT)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this **property** shall enter adjacent or nearby surface waters. Previously Condition U.2 of R-93-1369, **Petition 84-95(E)**. (CODE ENFORCEMENT)
3. Mission Bay Development Company, Inc. agrees to provide and maintain heavy duty silencers **for** all drainage pumps to be operated within the Mission Bay Planned Unit Development. Previously Condition U.3 of R-93-1369, **Petition 84-95(E)**. (CODE ENFORCEMENT)
4. **Mission** Bay Development Company, Inc. agrees **not** to commence land development activities **involving** heavy equipment prior to 7:00 a.m. Previously Condition **U.4** of R-93-1369, **Petition 84-95(E)**. (CODE ENFORCEMENT)
5. Mission Bay Development Company, Inc. agrees to **conduct** no land development activities **or** tree removal activities in the canal right-of-way located contiguous to the western property line **of** the Mission Bay Planned Unit Development bordering the Loggers Run Planned Unit Development. Previously Condition U.5 of R-93-1369, **Petition 84-95(E)**. (CODE ENFORCEMENT)

6. Structures in the commercial pod of this **Planned Unit Development** shall be limited to two stories in height **above** grade, and *in no event shall the height of the finished roof exceed* 30 feet. Previously Condition U.6 of R-93-1369, Petition 84-95(E). (BUILDING)
7. **Mission Bay Development Company, Inc.** agrees to provide single family, detached homes, satisfy minimum property development regulations of Section **500.21.k.4.a. (Single Family Detached - Separate)** or Section **500.21.k.4.c. (Single Family Detached - Patio Home)** in addition to the twenty-five (25) foot Planned Unit Development **buffer** in the southwest development parcel as provided in the Kaster Land Use Plan of the Mission Bay Planned **Unit Development**. All single family units in this parcel shall be limited to a maximum thirty (30) foot roof height as defined in the **Zoning code.** " Previously Condition U.7 of R-93-1369, Petition 84-95(E). (ZONING/BUILDING)
8. No outdoor loudspeaker systems shall be permitted ~~DA~~ the **Recreation Facility and Club** parcel. Previously Condition U.8 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT)
9. No *more* than two major tennis events per year shall be allowed on the Recreation Facility and Club (**tennis academy**) or Aquatic Center parcels. For the purpose of this petition, a major event shall mean an **event, such as** a tournament, exhibition, or meet, which lasts **more than** three (3) days, with a maximum duration of ten (10) days. No major events shall be allowed without first obtaining a Special Permit for a Temporary Event from the Zoning **Division** and a special permit from the County **Engineer**. Previously Condition U.9 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT/ZONING)
10. Total gross floor area for the Recreation Facility and Club parcel shall be limited to a maximum of 12,750 **square** feet of clubhouse, accessory offices and accessory uses, as permitted within a residential parcel of a Planned **Unit Development** in **accordance** with the Unified Land **Development Code (ULDC)**. Previously Condition U.10 of R-93-1369, Petition 84-95(E). (BUILDING)
11. No temporary tennis **events** shall be allowed ~~on~~ the Recreation Facility and Club (**tennis academy**) or **Aquatic Center** parcels without first obtaining a Special **Permit** for a Temporary **Event** from the Zoning Division and a **special** permit from the **County Engineer**. For the purpose of this petition, a temporary event shall mean an event, **such as** a **tournament**, exhibitions, or meets which requires more parking than can be provided on the **Recreation Facility and Club** or Aquatic Center parcels and has a maximum **duration** of three (3) days. Previously Condition U.11 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT)
12. No outdoor activities shall be permitted **on** the **Recreation Facility and Club** parcel after **10:00 p.m.** Previously Condition U.12 of R-93-1369, Petition 84-95(E). (CODE ENFORCEMENT)

V. VEGETATION PRESERVATION

1. The developer shall relocate and/or preserve **existing** significant native vegetation wherever possible and shall incorporate said vegetation into the project **design**. Appropriate measures shall also be taken to **protect** any individual trees and/or preservation areas during Site clearing and construction. Landscape materials **used** shall be compatible and noncompetitive with native vegetation. Previously Condition V.1 of R-93-1369, Petition 84-95(E). (ZONING)

W. COMPLIANCE

1. Appeals of **any** departmental-administrative **actions** hereunder may be taken to the Palm Beach County **Board** of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of **special** exception, rezoning, or other actions based on a **Board** of County Commissioners decision, shall be by **petition** for writ of certiorari **to** the Fifteenth Judicial **Circuit**. Previously Condition W.2 of R-93-1369, Petition **84-95(E)**.
(MONITORING)