

RESOLUTION NO. R-93- 758

RESOLUTION APPROVING ZONING PETITION **EAC84-95 (D)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF JOSEPH AND MAY VECCIA

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 Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **EAC84-95 (D)** was presented to the Board of County Commissioners at a public hearing conducted on June **24**, 1993; 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 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 is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally 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, with conditions as adopted, complies with standards imposed on **it** by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency reservation and therefore complies with Art. **11** (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, 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, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 **EAC84-95(D)**, the petition of JOSEPH AND MARY VECCIA, BY WINFORD L. HOOD, AGENT for a DEVELOPMENT ORDER AMENDMENT to allow a FUNERAL HOME, A REQUESTED USE IN THE COMMERCIAL POD OF A PLANNED UNIT DEVELOPMENT (MISSION BAY PUD), 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 24, 1993, 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	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of June, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *Debra A. Atter*  
COUNTY ATTORNEY

BY: *Jana M. Blair*  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying within Tract "O" according to the plat of Mission Bay as recorded in Plat Book 53, Pages 112 through 120 inclusive, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Begin at the most Northerly Northwest corner of said Tract "O", thence North  $89^{\circ}08'17''$  East along the North line of said Tract "O", a distance of 195.00 feet; thence South  $70^{\circ}25'37''$  East along said North line of Tract "O", a distance of 267.13 feet to a point on the East line of Tract "O"; thence South  $04^{\circ}33'42''$  East along said East line, a distance of 47.00 feet; thence South  $85^{\circ}26'18''$  West, a distance of 50.00 feet; thence South  $04^{\circ}33'42''$  East, a distance of 90.00 feet; thence South  $89^{\circ}08'17''$  West, a distance of 167.27 feet; thence North  $83^{\circ}23'43''$  West, a distance of 55.47 feet; thence North  $00^{\circ}51'43''$  West, a distance of 20.00 feet; thence South  $89^{\circ}08'17''$  West, a distance of 243.16 feet to a point on a circular curve concave to the Northwest, whose radius point bears North  $57^{\circ}47'19''$  West from said point, having a radius of 377.49 feet and a central angle of  $33^{\circ}04'23''$ , said curve being a part of the Easterly Right-of-Way of Calle Comercio according to said plat of Mission Bay; thence Northeasterly along the arc of said curve and said Right-of-Way, an arc distance of 217.90 feet to the POINT OF BEGINNING.

Less and except the following described parcel:

Begin at the most Northerly Northwest corner of said Tract "O"; thence North  $89^{\circ}08'17''$  East along the North line of said Tract "O", a distance of 195.00 feet; thence South  $70^{\circ}25'37''$  East along said North line of Tract "O", a distance of 44.82 feet; thence South  $00^{\circ}51'43''$  East, a distance of 52.09 feet; thence South  $89^{\circ}08'17''$  West, a distance of 65.00 feet; thence South  $00^{\circ}51'43''$  East, a distance of 138.26 feet; thence South  $89^{\circ}08'17''$  West, a distance of 233.16 feet to a point on a circular curve concave to the Northwest whose radius point bears North  $57^{\circ}47'19''$  West from said point, having a radius of 377.49 feet and a central angle of  $33^{\circ}04'23''$ , said curve being a part of the Easterly Right-of-Way of Calle Comercio according to said plat of Mission Bay; thence Northeasterly along the arc of said curve and said Right-of-Way, an arc distance of 217.90 feet to the POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH

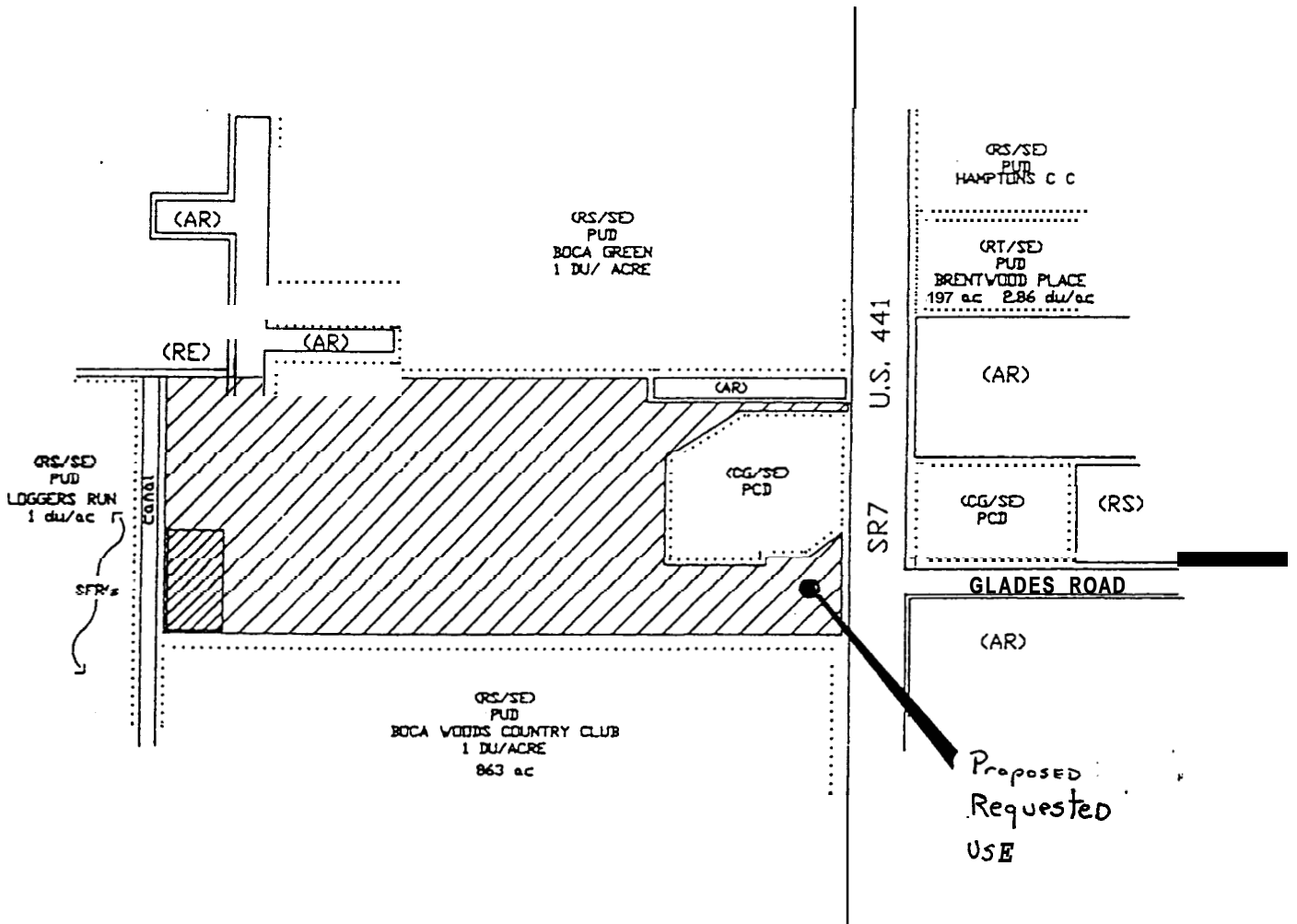


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. GENERAL

1. 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.

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. (ZONING))
2. **The minimum setback for all buildings on the Recreation Facility and Club parcel shall be one-hundred (100) feet.** (BUILDING) Previously Condition B.2 of R-93-346, Petition 84-95(C).
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.** Previously Condition B.3 of R-93-346, Petition 84-95(C). (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.3 of R-93-346, Petition 84-95(C). (BUILDING)

C. ALL PETITIONS

1. Condition 1 of R-88-677, Petition 84-95(A), which currently states:

**"The developer shall comply with all previous conditions of approval unless expressly modified herein."**

Is hereby deleted.

2. Condition 1 of R-89-1055, Petition 84-95(B), which currently states:

**"The developer shall comply with all previous conditions of approval, unless expressly modified herein."**

Is hereby amended to state:

**All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified. Previously Condition C.2 of R-93-346, Petition 84-95(C). (ZONING/MONITORING)**

3. 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.3 of R-93-346, Petition 84-95(C). (ZONING)

4. Condition C.4 of R-93-346, Petition 84-95(C) which currently states:

Development of the site shall be limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit\_\_\_). All modifications to the site plan, except as required by the conditions of approval, must be approved by the Board of County Commissioners at a public hearing conducted in accordance with the requirements of the Unified Land Development Code. No use or design changes to the site plan shall be permitted by any administrative review process.

Is hereby deleted. [Reason: Code requirements]

5. 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.1 of R-93-346, Petition 84-95(C). (PLANNING)

D. HEALTH

1. Utilities (sewer and water) shall be brought to the site property line. Previously Condition 27 of R-85-1045, Petition 84-95. (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-93-346, Petition 84-95(C). (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. (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 1 of R-85-1045, Petition 84-95. (ENGINEERING)

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 2 of R-85-1045, Petition 84-95. (ENGINEERING)

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 3 of R-85-1045, Petition 84-95. (ENGINEERING)
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 4 of R-85-1045, Petition 84-95. (ENGINEERING)
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 5 of R-85-1045, Petition 84-95. (ENGINEERING)
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 Hillsboro 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 7 of R-85-1045, Petition 84-95. (ENGINEERING)
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 4-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 zone, 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 13 of R-85-1045, Petition 84-95. (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 14 of R-85-1045, Petition 84-95. (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 15 of R-85-1045, Petition 84-95. (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 17 of R-85-1045, Petition 84-95. (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 18 of R-85-1045, Petition 84-95. (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 19 of R-85-1045, Petition 84-95. (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 20 of R-85-1045, Petition 84-95. (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 26 of R-85-1045, Petition 84-95. (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:
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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 * <u>(per day)</u>	Cumulative Trip Generation* <u>(per day)</u>
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 2 of R-88-677, Petition 84-95(A). (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 3 of R-88-677, Petition 84-95(A). (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 4 of R-88-677, Petition 84-95(A). (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 5 of R-88-677, Petition 84-95(A). (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 6 of R-88-677, Petition 84-95(A). (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 7 of R-88-677, Petition 84-95(A). (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 6-lane median divided section from west of the Florida Turnpike to 1-95 at the time of construction for its presently budgeted 4-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 8 of R-88-677, Petition 84-95(A). (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 8 of R-89-1055, Petition 84-95(B). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C), (ZONING)
2. 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. Previously Condition G.2 of R-93-346 Petition 84-95(C), (ZONING)

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) One (1) native canopy tree planted every twenty (20) feet on center.
  - b) Five (5) thirty (30) inch high shrub or hedge material for each required canopy tree. Previously Condition H.1 of R-93-346, Petition 84-95(C), (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 1.1 of R-93-346, Petition 84-95(C), (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-93-346, Petition 84-95(C). (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 J.2 of R-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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 accessway between the residential areas to the east and the tennis academy. Previously Condition K.1 of R-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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 L.1 of R-93-346, Petition 84-95(C). (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 5 of R-89-1055, Petition 84-95(B). (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 6 of R-89-1055, Petition 84-95(B). (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 7 of R-89-1055, Petition 84-95(B). (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 Zoning Petition file. Previously Condition 3 of R-89-1055, Petition 84-95(B). (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 39 of R-85-1045, Petition 84-95. (ZONING/COUNTY ATTORNEY)

O. 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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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 Condition R.1 of R-93-346, Petition 84-95(C), (SWA)

S. SCHOOL BOARD

1. Petitioner shall show a 20 acre elementary school site on the Mission Bay PUD Master Plan. Previously Condition 22 of R-85-1045, Petition 84-95. (ZONING/SCHOOL BOARD)
2. Petitioner shall dedicate the 20 acre school site to the School Board of Palm Beach County. Previously Condition 23 of R-85-1045, Petition 84-95. (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 24 of R-85-1045, Petition 84-95. (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 25 of R-85-1045, Petition 84-95. (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 28 of R-85-1045, Petition 84-95. (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 29 of R-85-1045, Petition 84-95. (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-93-346, Petition 84-95(C), (CODE ENFORCEMENT)

U. USE LIMITATION

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. Previously Condition 31 of R-85-1045, Petition 84-95. (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 32 of R-85-1045, Petition 84-95. (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 35 of R-85-1045, Petition 84-95. (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 36 of R-85-1045, Petition 84-95. (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 37 of R-85-1045, Petition 84-95. (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 40 of R-85-1045, Petition 84-95. (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 Master 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 4 of R-89-1055, Petition 84-95(B). (ZONING/BUILDING)
8. No outdoor loudspeaker systems shall be permitted on the Recreation Facility and club parcel. Previously Condition U.8 of R-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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-93-346, Petition 84-95(C). (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 30 of R-85-1045, Petition 84-95. (ZONING)

W. COMPLIANCE

1. Condition 9 of R-89-1055, Petition 84-95(B), which currently states:

"Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code."

Is hereby amended to state:

As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:

- a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
- b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
- c. Rezoning of the property;
- d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
- e. Citation of the property owner for violation of the Zoning Code. Previously Condition W.1 of R-93-346, Petition 84-95(C). (MONITORING)

2. 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-93-346, Petition 84-95(C). (MONITORING)
  
3. The approval of this petition shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property. Previously Condition W.3 of R-93-346, Petition 84-95(C). (MONITORING)