

RESOLUTION NO. R-2001- 0431

RESOLUTION APPROVING ZONING PETITION DOA92-017(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF KAZ ENTERPRISES
BY WILLIAM BURKHART, AGENT
(JUPITER FARMS SHOPPING CENTER)

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, and the Palm Beach County Unified Land Development Code, 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 DOA92-017(D) was presented to the Board of County Commissioners at a public hearing conducted on March 22, 2001; 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 is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 the 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 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 determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified 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 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 DOA92-017(D), the petition of KAZ Enterprises, by William Burkhart, agent, for a Development Order Amendment (DOA) to modify conditions of approval and to allow a general **daycare** on a parcel of land legally described in EXHIBITA, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 22, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Absent
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 22, 2001.

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

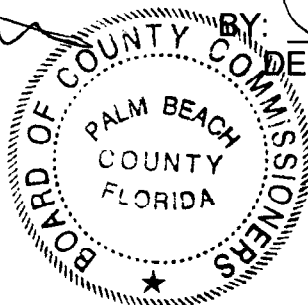


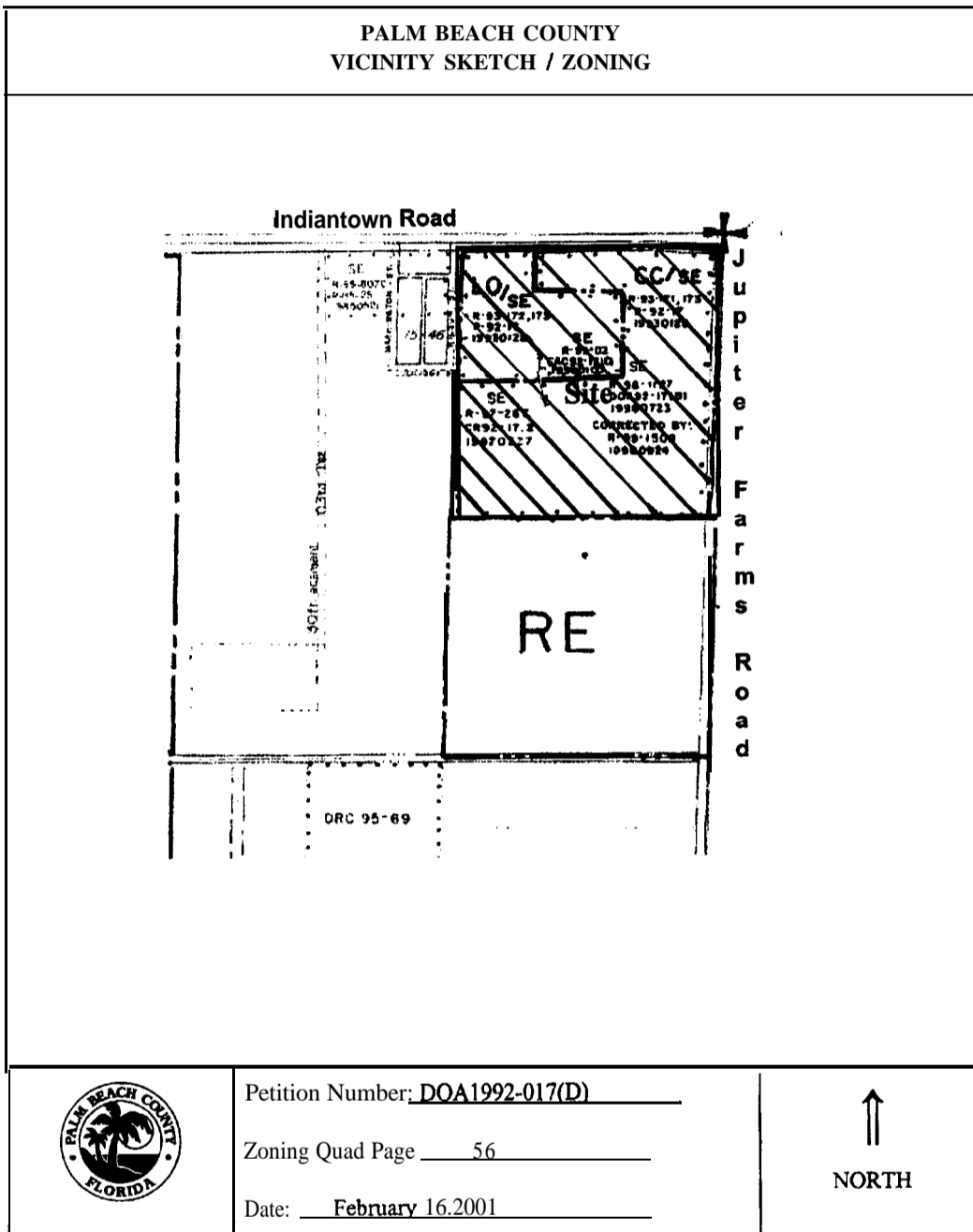
EXHIBIT A
LEGAL DESCRIPTION

All of the Plat of JUPITER FARMS COMMUNITY SHOPPING CENTER, P.C.D., as recorded in Plat Book 71, Pages 10 and 11, in and for the public records of Palm Beach County, Florida, except and less Tract "C" as shown on said Plat, dedicated for additional road right-of-way.

EXHIBIT B

VICINITY SKETCH

EXHIBIT B



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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.

A. ALL PETITIONS

1. (Previously Condition A. 1 of Resolution R-99-0002, Petition EAC92-017(C) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-I 127 (Petition DOA92-017(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-0002, Petition EAC92-017(C) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. **Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated November 20, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING) (Previously Condition A.2 of Resolution R-99-0002, Petition EAC92-017(C))**

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 25, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

3. **The following terms are used to address site design and building design conditions as set forth in this resolution.**
 - a. **Main portion of the shopping center means anchor stores and in-line commercial uses, the primary building on site.**
 - b. **Outparcel buildings mean all freestanding buildings fronting on Jupiter Farms Rd. and Indiantown Rd. and clustered around the rectangular shaped open space area in the northwestern portion of the center. If the conditions need to distinguish between outparcels fronting on Indiantown Rd. or Jupiter Farms Rd and the outparcels clustered around the open space; reference to the**

outparcel buildings around open space will be referred to as Village Green outparcels.

- c. **Principal and accessory structures shall mean all buildings on site. (ONGOING: ZONING) (Previously Condition A.3 of Resolution R-99-0002, Petition EAC92-017(C))**

B. ARCHITECTURAL CONTROL AND BUILDING DESIGN

- 1. **All structures on site constructed after July 27, 1995, shall be constructed of the following exterior materials and incorporate the architectural design elements listed below. This requirement shall be executed in the form of a covenant, as amended, recorded in the official public records of Palm Beach County and shall run with the land. The form of the covenant shall be approved by the County Attorney's office prior to site plan certification. The amended covenant shall be approved by the County Attorney's office and recorded in the official public records prior to September 26, 1995.**

All structures on site shall be constructed to be in the rural, rustic character as defined in the conditions herein. Examples of the rural, rustic character include the Valmeron and Burt Reynolds commercial structures, as well as the illustrations in Attachment 2a-2c and 3.

- a. **The exteriors of all principal and accessory buildings and structures shall be finished with one of the following:**
 - 1. **100% natural wood horizontal or vertical (board and batten) siding or materials similar in appearance and color to wood such as aluminum, vinyl or fiberglass siding;**
 - 2. **Clay brick or clay brick veneer; or,**
 - 3. **Textured stucco with decorative wood detailing.**

The exterior finish on the front and all sides of the main portion of the shopping center may be a maximum of 20 percent of textured stucco. The rear side of the main portion of the shopping center may be wholly finished in stucco. All exterior sides of any outparcel structure may be a maximum of 20 percent textured stucco.

Stucco elements included in the rear of the main shopping center structure shall include:

- a. **Wood trim around doors and windows; and,**
- b. **Decorative wood detail including moldings and horizontal and vertical members.**

Natural wood or wood substitutes shall be weathered, stained, or painted.

- b. **The roofs, roof overhangs, canopies, and awnings of all principal and accessory structures shall be constructed with a minimum pitch of at least five (5) inches vertical rise for each twelve (12) inches of horizontal run, and use of hip and gable treatment.**

1. All outparcel structures shall be constructed with a pitched roof, covering one hundred percent of the structure. A false pitched roof shall not be permitted.
2. The roofs of all structures within the main portion of the shopping center may be false pitch roofs, utilizing a hip-on-deck roof treatment, subject to all of the following standards and as generally illustrated in Attachment 2a - 2c.
 - a. All mechanical equipment located on flat roofs shall be screened from view on all sides;
 - b. The false pitch roof shall extend along the entire front and along all sides, except the rear side, of all the structures within the main portion of the shopping center; and,
 - c. All roof lines shall not run in a continuous distance for more than 250 feet without offsetting or jogging the roof plane.

The length of the face of any false pitch roof construction in conjunction with the main portion of the shopping center shall be proportional to the height of the building measured from the finish grade elevation to the top of the pitched roof line. The intent of this requirement is to provide to public view the perception of true, complete pitch roof.

Roofs, canopies, awnings, and roof overhangs shall be constructed of one of the following materials:

1. Metal/batten standing seam;
2. Asphalt shingle with architectural relief; or,
3. Wood shake or wood shingles, or shakes or shingles similar in appearance to wood.

Roof overhangs shall provide either exposed rafter tails or ceilings covered completely with wood or materials similar in appearance, texture and color to painted or stained wood.

- c. Roof elements such as dormers, cupolas, etc., shall be installed in all pitched roofs, excluding parapet roofs. Roof elements shall be constructed in the same style and same materials as the principal structure supporting the roof. Required roof elements shall be installed on all sides of all pitched roofs. Gables covering porch entries may substitute for dormers.

All structures shall provide either exposed rafter tails or ceilings covered completely with wood or materials similar in appearance, texture and color to painted or stained wood.

- d. All building structures shall include porches as identified on Attachment 2a -2c and 3 and shall be subject to the following:

1. Porches shall be a minimum clear, unobstructed width of at least ten feet for the main portion of the shopping center and shall be a minimum of 8 feet for all outparcel buildings;
2. Porches may be required to be a greater width depending upon the size and use of the building;
3. Porches for all outparcel buildings shall be installed as indicated in Attachment 2a - 2c and 3;
4. Porches for the main portion of the shopping center shall be installed along the entire north and east portions of the structure;
5. Porches shall incorporate railings and decorative posts or lattice work along the entire perimeter, excluding pedestrian access points;
6. Porches shall be roofed with a minimum overhang of 12 inches over the edge of the porch;
7. Porches for all outparcel structures shall include columns placed approximately 8 - 10 feet on center;
8. Porches within the main portion of the shopping center shall include columns placed not more than 24 feet on center;
9. Porches shall be constructed of the same materials and in the same architectural style of the principal structure; and,
10. Porches may be interrupted by required emergency exits, paved pedestrian entrances, and loading areas.

e. Window frames in all building structures shall comply with the standards indicated below:

1. Window frames shall be constructed of 100% natural wood or be finished in a material similar in appearance and color to natural wood, or be painted in the same color as the structure's wood trim; and,
2. Windows shall be or appear to be divided into panes and sashes through the use of structural or nonstructural architectural features.

Window glass shall be clear, with a minimum of 88% light transmission, or as otherwise required by the State of Florida energy code.

f. Front and side doors in all building structures shall comply with the standards indicated below:

1. Doors shall be constructed of 100% natural wood or be finished in a material similar in appearance and color to wood, or be painted in the same color as the structure's wood trim;
2. Doors shall include view panels, transoms, panels, crossbucks or similar architectural details; and,
3. Doors containing windows shall be or appear to be divided into panes finished through the use of mullions or similar architectural features.

- g. Wood trim around doors and windows shall be painted in a color that contrasts with the color of the principal structure.**
- h. Exterior building colors, for all structures, including the principal colors for the structures themselves and the details (trims, moldings, etc.) shall contrast. Light grays, whites, eggshell, and pale greens shall be contrasted with dusty red, browns, dark grays and dark greens. However all structures shall be finished in a unified color scheme.**
- i. Either white corral or picket fencing shall be installed along the entire northern and eastern perimeter of the shopping center property. The fencing shall be at least four (4) feet in height measured from finished grade, uniform in nature, and installed according to the following schedule:**
 - 1. The fence along the entire northern perimeter of the shopping center shall be installed by September 30, 1997 or within 90 days following the installation of sidewalks along the southern portion of Indiantown Road, whichever first occurs;**
 - 2. The fence along the entire eastern portion of the preserve area shall be installed not later than October 25, 1995;**
 - 3. The remainder of the fence along the eastern perimeter of the site shall be installed by September 30, 1997 or within 90 days following the installation of sidewalks along the western portion of Jupiter Farms Road, whichever first occurs; and,**
 - 4. The wall and landscaping along the southern and western perimeter of the site shall be installed prior to the issuance of any certificates of occupancy for any structure constructed as part of Phase 3 of the shopping center. (BLDG PERMIT/ONGOING: BLDG/ZONING) (Previously Condition B. 1 of Resolution R-99-0002, Petition EAC92-017(C))**
- 2. All roof lines shall not run in continuous place for more than 250 feet without offsetting or jogging the roof plane. (BLDG PERMIT/ONGOING: BLDG/ZONING) (Previously Condition B.2 of Resolution R-99-0002, Petition EAC92-017(C))**
- 3. The maximum height for all structures shall be as follows:**
 - a. The maximum height for all structures, except a grocery store or churches and places of worship, shall not exceed one story or twenty-five (25) feet, measured from finished grade to highest point, unless required to comply with the architectural conditions outlined in A.1.**
 - b. The maximum height for a grocery store or churches and places of worship shall not exceed thirty-five (35) feet, measured from finished grade to highest point. If a full (real) pitched roof is constructed in order to comply with the architectural**

requirements of condition A.1. herein, then the height for the grocery store or churches and places of worship may exceed thirty five feet to the minimum amount possible, if setbacks can be met. Any portion of a roof extending beyond the height limit provided herein shall not be used for tenant space. (BLDG PERMIT/ONGOING: BLDG/ZONING) (Previously Condition B.3 of Resolution R-99-0002, Petition EAC92-017(C))

4. **All mechanical and air conditioning equipment shall be screened from view on all sides in a manner consistent with the color and character of the structure supporting said equipment or equivalent landscape material acceptable to the Zoning Division.** (BLDG PERMIT/ONGOING: BLDG/ZONING) (Previously Condition B.4 of Resolution R-99-0002, Petition EAC92-017(C))
5. **All structures shall have a similar architectural treatment on all sides.** (BLDG PERMIT/ONGOING: BLDG/ZONING) (Previously Condition B.5 of Resolution R-99-0002, Petition EAC92-017(C))
6. **Building permits for any structure shall not be issued until the permit is reviewed by the Zoning Director for compliance with all conditions.** (BLDG PERMIT/ONGOING: BLDG/ZONING) (Previously Condition B.6 of Resolution R-99-0002, Petition EAC92-017(C))

C. CERTIFIED SITE PLAN

1. **Prior to site plan certification of the first phase, the site plan shall be amended to indicate asphalt pedestrian and bicycle access to the shopping center from the east and west along Indiantown Road and from the south along Jupiter Farms Road.** (DRC: ZONING) (Previously Condition C.1 of Resolution R-99-0002, Petition EAC92-017(C))
2. **Prior to site plan certification of the first phase, the site plan shall be amended to indicate at grade striped pedestrian and bicycle cross walks across all vehicular use areas where appropriate, as determined by the County Engineer. All cross walks shall be marked with an above gradesign.** (DRC: ENG/ZONING) (Previously Condition C.2 of Resolution R-99-0002, Petition EAC92-017(C))
3. **Asphalt sidewalks shall be installed within landscaped areas and adjacent to vehicular use areas and along all property lines where necessary, as determined by the County Engineer.** (DRC: ENG/ZONING) (Previously Condition C.3 of Resolution R-99-0002, Petition EAC92-017(C))
4. **Prior to the issuance of the last Certificate of Occupancy for the main shopping center or October 23, 1998, whichever comes first, the property owner shall construct the necessary improvements required by the conversion of the three (3) designated shopping corrals into parking spaces and the enlarged landscape islands adjacent to the three (3) preserved trees. The location of these changes shall be consistent with site plan dated July 9, 1998. All necessary revisions to the site plan and building permit plans of record shall be done prior to commencement of the required improvements.** (DRC/CO/DATE: ZONING/BLDG -Zoning/MONITORING -Zoning) (Previously Condition C.4 of Resolution R-99-0002, Petition EAC92-017(C))

5. **Prior to site plan certification of the first phase, the site plan shall be amended to indicate customer drop-off/loading areas in front of the shopping center. Each drop-off/loading area shall be a minimum of twelve (12) feet in width by twenty (20) feet in length. (DRC: ZONING) (Previously Condition C.5 of Resolution R-99-0002, Petition EAC92-017(C))**
6. **Prior to January 1, 2001, construction of the equestrian access over the South Indian River Water Control District (SIRWCD) Canal No. 1 shall be completed by the petitioner should approval from the SIRWCD is granted. The access shall be located on the south side of the site as indicated on the site plan dated July 9, 1998 as presented to the BCC. Access shall be in the form of a bridge designed in a manner consistent with the Jupiter Farms Neighborhood Plan, as determined by the Zoning Director. The property owner shall coordinate with the County and the residents in petitioning the South Indian River Water Control District (SIRWCD) to construct an equestrian bridge over Canal One. The petitioner shall exercise due diligence and ensure that every reasonable effort is put forth when petitioning the SIRWCD. (CO/DATE: BLDG/MONITORING -Zoning/MONITORING -Zoning) (Previously Condition C.6 of Resolution R-99-0002, Petition EAC92-017(C))**
7. **Prior to the issuance of the final Certificate of Occupancy for the main shopping center or January 1, 1999, whichever comes first, a minimum ten (10) foot wide equestrian bridle path from the tethering/picnic area to the southern bridge shall be constructed. The path shall be constructed with materials as recommended and approved by the Equestrian Association. Documentation from the Equestrian Association shall be provided to the Zoning Division prior to the issuance of the final Certificate of Occupancy for the main shopping center or January 1, 1999, whichever comes first. Amendments to the annual maintenance program of all required equestrian bridle paths shall be assured by the petitioner in a form acceptable to the County Attorney prior to the issuance of the final Certificate of Occupancy for the main shopping center or January 1, 1999, whichever comes first. (CO/DATE: BLDG - Zoning/MONITORING - Zoning/Cty Att) (Previously Condition C.7 of Resolution R-99-0002, Petition EAC92-017(C))**
8. **Prior to November 23, 1998, the petitioner shall receive approval by the Development Review Committee (DRC) for the certification of the site plan approved by the Board of County Commissioners dated July 9, 1998. The certified site plan must include all site elements affected by the conditions of approval of the adopted resolution. Site plan modifications shall comply with all ULDC requirements, as amended for the affected areas. (DATE/DRC: MONITORING -Zoning/ZONING) (Previously Condition C.8 of Resolution R-99-0002, Petition EAC92-017(C))**

D. CIVIC SITE DEDICATION

1. **The property owner shall pay Palm Beach County the value of the Civic Site (\$19,500) and a 5,000 square foot Community Center (\$19,500), for a total payment of \$39,000. This value was determined by appraisals of off-site land acceptable to the Petitioner, the Jupiter Farms Homeowners and PREM. The master plan shall be amended to remove the civic site and the 5,000 square foot Community Center with a notation that both are to be cashed-out, not affecting the overall approvals on the site. Use**

of these areas will be retained by the property owner as allowed in the CC/LO Zoning district. Payment shall be made in two installments:

- a. \$25,000 shall be paid to Palm Beach County (PREM) by March 5, 1997.
- b. \$14,000 shall be paid to Palm Beach County (PREM) by November 1, 1997.

No time extensions shall be allowed for the completion of this condition. (MONITORING - Property Real Estate Management) [Completed] (Previously Condition D.I of Resolution R-99-0002, Petition EAC92-017(C))

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENG) (Previously Condition E.I of Resolution R-99-0002, Petition EAC92-017(C))
2. Prior to June 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Jupiter Farms Road, eighty three (83) feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/BLDG - Eng) (Previously Condition E.2 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]
3. Prior to June 1, 1993 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Indiantown Road, seventy six (76) feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/BLDG - Eng) (Previously Condition E.3 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]
4. Prior to certification of the Site Plan by the Development Review Committee, the developer shall apply for and receive a permit from the South Indian River Water Control District for the relocation of the existing canal along Indiantown Road and Jupiter Farms Road, as shown on the proposed Site Plan, Exhibit No. 23. (DRC: ENG - SIRWCD) (Previously Condition E.4 of Resolution R-99-0002, Petition EAC92-017(C))

5. **The access points to the property shall be as described below:**
 - A) **Property owner shall be restricted to three driveway entrances on Indiantown Road as follows:**
 - 1) **A right turn in and a right turn out entrance 520 feet west of Jupiter Farms Road.**
 - 2) **A full entrance with median opening 720 feet west of Jupiter Farms Road.**
 - 3) **A full entrance with median opening 1,280 feet west of Jupiter Farms Road.**
 - B) **The property owner shall be restricted to three (3) driveway entrances on Jupiter Farms Road as determined by both the County Engineer and the Zoning Director. (ENG/ZONING) (Previously Condition E.5 of Resolution R-99-0002, Petition EAC92-017(C))**
6. **The Property owner shall construct concurrent with Phase 1, a left turn lane, south approach at Jupiter Farms Road and the Project's entrance Road 400 feet south of Indiantown Road; and a left turn lane, east approach on Indiantown Road at the project's entrance road 720 feet west of Jupiter Farms Road. This construction shall be concurrent with the paving and drainage improvements for Phase 1. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction of these turn lanes shall be completed prior to the issuance of the first Certificate of Occupancy. Note: The time frame for the Indiantown Road turn lane may be extended depending upon the construction schedule for the widening of Indiantown Road as determined by the County Engineer. If the time frame for this turn lane shall be extended then appropriate surety shall be posted with the County Engineer if the above turn lanes are not included in the Indiantown Road construction. (ENG/BLDG-Eng) (Previously Condition E.6 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]**
7. **The property owner shall construct the following site related improvements concurrent with Phase 3 of the site:**
 - a) **On Jupiter Farms Road at the project entrance 720 feet south of Indiantown Road, a left turn lane, south approach plus (2) northbound thru lanes, and two (2) southbound thru lanes. [COMPLETE]**
 - b) **On Jupiter Farms Road at the project's entrance 1,050 feet south of Indiantown Road, a left turn lane, south approach and a right turn lane, north approach. [COMPLETE]**
 - c) **On Jupiter Farms Road at the project's entrance 1250 feet south of Indiantown Road a left turn lane, south approach. [COMPLETE]**

Construction of a, b and c above shall be constructed concurrent with the 4-laning of Jupiter Farms Road referred to in Conditions E11 and E12.

- d) Fund the construction of a separate right turn lane, west approach on Indiantown Road at the project's entrance 720 feet west of Jupiter Farms Road.**
- e) Fund the construction of a left turn lane east approach and a right turn lane west approach on Indiantown town Road at the projects entrance 1280 feet west of Jupiter Farms Road. [COMPLETE]**

Funds for E7 (d) and E7 (e) above shall be made available when requested by the County Engineer and shall be constructed with the Indiantown Road construction, west of Jupiter Farms Road. (ENG) (Previously Condition E.7 of Resolution R-99-0002, Petition EAC92-017(C))

- 8. Prior to June 1, 1993 or prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive out fall for all runoff from those segments of Indiantown Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Indiantown Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) 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 wing wall or other structures. Elevation and location of all construction 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. (DATE/BLDG PERMIT: MONITORING/BLDG - Eng) (Previously Condition E.8 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]**
- 9. Prior to June 1, 1993 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive out fall for all runoff from those segments of Jupiter Farms Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jupiter Farms Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District 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 wing wall or other structures. Elevation and location of all construction 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. (DATE/BLDG PERMIT: MONITORING/BLDG - Eng)**

(Previously Condition E.9 of Resolution R-99-0002, Petition EAC92-017(C))
[COMPLETE]

10. Condition E. 10 of R-95-I 015, Petition CR 92-I 7) was deleted by R-98-I 127, Petition DOA92-017(B).
11. **The Property owner shall fund the construction plans for Jupiter Farms Road as a 4-lane median divided section (expandable to 6 lanes from Indiantown Road to a point 660 feet south of the centerline of Indiantown Road) plus the appropriate tapers. These construction plans shall also include the widening of Jupiter Farms Road as a three lane section from a point 660 feet south of the centerline of Indiantown Road to a point 1400 feet south of the centerline of Indiantown Road plus the appropriate paved tapers. 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. Funding of the construction plans shall be completed prior to April 1, 1995. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Eng) (Previously Condition E. 11 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]**
12. **The property owner shall fund the construction of Jupiter Farms Road referenced in the condition above. Funding of this construction shall be completed prior to the issuance of a building permit for Phase 3. (BLDG PERMIT: MONITORING - Eng) (Previously Condition E.12 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]**
13. **In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:**
 - a) **No certificate of occupancy until a right turn lane has been constructed on the south approach to the intersection of Jupiter Farms Rd and Indiantown Rd. The cross section on the south approach to the intersection should therefore consist of one left turn lane and one right turn lane. Phase 1 is defined to be the following land uses: a 3,000 s.f. walk-in bank; a 3,000 s.f. drive-up bank; one service station with a 1,150 s.f. convenience store and a single-bay automated car wash. [COMPLETE] (CO: BLDG-Eng)(Previously Condition E.13.a of Resolution R-99-0002, Petition EAC92-017(C))**
 - b) **Building permits for more than 1488 but less than 2166 net external trips per day (Phase 2) shall not be issued for the project until Indiantown Road from Florida's Turnpike to Jupiter Farms Road is under construction, however, building permits for Phase 2 shall be allowed if construction of this segment of Indiantown Road has not commenced by January 1, 1996. Phase 2 is currently defined to be the following land uses: a 3,000 s.f. walk-in bank; a 3000 drive thru bank; one service station with a 1,150 s.f. convenience store and a single-bay automated car wash; 15,600 s.f. General Office and 14,700 s.f. Medical Office. Any change in the land uses and floor areas for Phase 2 shall be submitted to the DRC for approval. [COMPLETE] (DATE/BLDG**

PERMIT: MONITORING/BLDG - Eng) (Previously Condition E.13.b of Resolution R-99-0002, Petition EAC92-017(C))

c) Building permits for more than 2166 net external trips per day, Phase 3, shall not be issued until construction has begun for Indiantown Road from Jupiter Farms Road to 130th Avenue. Phase 3 is currently defined to be the remainder of the project. Any change in the land uses and floor areas for Phase 3 shall be submitted to the DRC for approval. [COMPLETE] (BLDG PERMIT: MONITORING - Eng) (Previously Condition E. 13.c of Resolution R-99-0002, Petition EAC92-017(C))

d) Condition E.13.d of Resolution R-99-0002, Petition EAC92-017(C) which currently states:

No further building permits shall be issued for the site after January 1, 2001. (DATE: MONITORING- Eng)

Is hereby deleted. [REASON: Revised Traffic Impact Analysis provides for an acceptable Buildout date.]

14. **Prior to site plan certification, a restrictive covenant, subject to approval by the County Attorney, shall be recorded which limits the operating hours of all land uses in Phases 1 and 2 (as defined above, except for the service station, to after 9:00 AM on weekdays because of overcapacity conditions on Indiantown Road between Jupiter Farms Road and 130th Avenue during the AM peak hour. This restrictive covenant shall terminate upon the commencement of construction on Indiantown Road from Jupiter Farms Road to 130th Avenue. (DRC: ENG - Cty Att) (Previously Condition E.14 of Resolution R-99-0002, Petition EAC92-017(C))**
15. **The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance(s) and Indiantown Road or project's entrance and Jupiter Farms Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ENG) (Previously Condition E. 15 of Resolution R-99-0002, Petition EAC92-017(C))**
16. **The property owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ENG) (Previously Condition E.16 of Resolution R-99-0002, Petition EAC92-017(C))**
17. **Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken with the approval of the Executive Director of Planning, Zoning and Building and the County Engineer. (DRC: ENG - Zoning/Cty Att) (Previously Condition E. 17 of Resolution R-99-0002, Petition EAC92-017(C))**

18. **The property owner shall provide Palm Beach County adequate surety to guarantee the construction of the rightturn lane required in Condition E-I 3a. This surety shall be in a form acceptable to the County Engineer. This surety shall be posted prior to issuance of the construction permit for this right turn lane. (ENG) (Previously Condition E.18 of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]**

F. CONCURRENCY

1. **Prior to final site plan approval by the Development Review Committee (DRC) or November 23, 1998, whichever comes first, the petitioner shall revise their concurrency to match the uses and square footages as shown on the site plan dated July 9, 1998. (DRC/DATE: ZONING/MONITORING-ZONING) (Previously Condition F.I of Resolution R-99-0002, Petition EAC92-017(C))**

G. CONSTRUCTION

1. **If there is a conflict between any requirement of this resolution and any graphic, exhibit, or verbal representation, the provisions of this resolution shall control. (ZONING/BLDG) (Previously Condition G.I of Resolution R-99-0002, Petition EAC92-017(C))**

H. CONVENIENCE STORE WITH GASOLINE SALES (NO REPAIR)

1. **The owner of the convenience store with gasoline sales facility shall provide air and water for minor vehicle maintenance to the public at no charge. (ONGOING: CODE ENF) (Previously Condition H.I of Resolution R-99-0002, Petition EAC92-017(C))**

I. DECLARATION OF RESTRICTIONS AND RESTRICTIVE COVENANT

1. **Prior to November 23, 1998, the Declaration of Restrictions, referencing building and site design shall be revised to reflect the conditions, as amended herein and recorded. The document shall be reviewed and approved by the Zoning Division and County Attorney's Office prior to recordation. A copy of the recorded document shall be submitted to the Zoning Division for incorporation into the Petition File (92-17(B)). (DATE: MONITORING -Zoning/CtyAtt) (Previously Condition 1.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **All provisions of the following documents are hereby incorporated into and are to be considered as part of this development order:**
 - a. **"Declaration of Restrictions, referencing building and site design, hours of operation, equestrian paths, unity of control and unity of title, for Zoning Petition 92-17, A/K/A Jupiter Farms Shopping Center," by Passages Land Partnership, recorded on April 27, 1993, as amended.**
 - b. **"Restrictive Covenant," referencing the northerly 25 foot buffer, by Passages Land Partnership, recorded on April 27, 1993. (ZONING) (Previously Condition 1.2 of Resolution R-99-0002, Petition EAC92-017(C))**

J. DUMPSTERS\TRASH RECEPTACLES AND COMPACTORS

1. **All areas or receptacles for the storage and disposal of trash, garbage or vegetation, including but not limited to dumpsters and trash compactors, shall be screened from view by an enclosure constructed of material consistent with the architectural character of the development. The open end of each enclosure shall have an obscure opaque gate. All exterior sides, except the open end, shall be landscaped with thirty (30) inch high shrub or hedge material planted twenty-four (24) inches on center. Alternative landscaping acceptable to the Zoning Division may be acceptable. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ONGOING/BLDG PERMIT: CODE ENF/ZONING) (Previously Condition J.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **Receptacles for the storage and disposal of trash, garbage or vegetation, including but not limited to dumpsters and trash compactors, shall not be located within forty (40) feet of any canal right-of-way line on the south and west boundaries or one hundred (100) feet from any property line on the north and east boundaries. This provision shall not apply to litter containers provided for the convenience of pedestrians. (ONGOING/BLDG PERMIT: CODE ENF/ZONING) (Previously Condition J.2 of Resolution R-99-0002, Petition EAC92-017(C))**

K. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BLDG PERMIT: BLDG - ERM) (Previously Condition K.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **Plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BLDG PERMIT: BLDG - ERM) (Previously Condition K.2 of Resolution R-99-0002, Petition EAC92-017(C))**
3. **All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be, at a minimum, an area equivalent to eight (8) square feet per linear foot of shoreline. Any areas of planted littoral zone shall not be steeper than six (6) feet horizontal to one (1) footvertical. The maximum depth of the planted area shall be minus three (-3) feet from OHW. The littoral zone shall be provided with a minimum of three (3) inches of topsoil to promote vegetative growth. The littoral zone shall be planted with appropriate native wetland vegetation, spaced not more than three (3) feet on center or as approved by ERM.**

- a. **A littoral shelf planting plan and maintenance plan shall be submitted to the Dept. of Environmental Resources Management concurrent with DRC Final Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. (ERM) (Previously Condition K.3.a of Resolution R-99-0002, Petition EAC92-017(C))**
 - b. **Prior to the issuance of a Certificate of Occupancy and within three working days of the completion of littoral plantings ERM shall be notified. This planting shall not be credited as compensation required by wetland permits. (CO: BLDG - ERM) (Previously Condition K.3.b of Resolution R-99-0002, Petition EAC92-017(C))**
4. **Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area including the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the DRC Final Plan Review and approved by the Department prior to site plan certification. Prior to October 25, 1995, the management plan shall be revised and submitted to DRC for approval. The management plan shall be revised to be consistent with all conditions contained in Section G of this resolution, as amended. (DRC/DATE: ERM/MONITORING - ERM) (Previously Condition K.4 of Resolution R-99-0002, Petition EAC92-017(C))**
5. **Unless approved by the Board of County Commissioners, development or construction is prohibited within the preserve area required by condition K.4 herein and within that parcel located immediately southwest of the platted 0.91 acre preserve area. (ONGOING: BLDG/CODE ENF -Zoning/ERM) (Previously Condition K.5 of Resolution R-99-0002, Petition EAC92-017(C))**

L. HEALTH

- 1. **A non transient non-community water supply system shall be provided in accordance with state/county regulations;**
 - a. **Prior to site plan approval, plans and applications to construct a non-transient non-community water supply system must be submitted to the PBCPHU;**
 - b. **If reverse osmosis treatment is utilized, a permit from the Florida Department of Environmental Regulation for industrial wastewater treatment must be obtained prior to site plan approval by the DRC;**

- c. **The on-site water supply system shall be discontinued upon availability of a public system. The petitioner shall actively participate in the extension of a public watersupplysystem to the site. (DRC/ONGOING: HEALTH) (Previously Condition L.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **Phase I shall be developed on a septic tank system, designed and constructed in accordance with Chapter IOD-6, F.A.C. Plans and applications to construct an on-site sewage disposal system must be submitted prior to site plan approval by the DRC. (HEALTH) (Previously Condition L.2 of Resolution R-99-0002, Petition EAC92-017(C))**
3. **Phase II & III wastewater treatment and disposal shall be by a package wastewater treatment plant and subject to the following:**
 - a. **A groundwater mounding analysis and final wastewater disposal plan must be submitted and approved by the PBCPHU prior to site plan approval by the DRC;**
 - b. **The wastewater treatment and disposal shall be operated and maintained by the Loxahatchee River Environmental Control District (LRECD). The operating permit for the facility shall be obtained by LRECD. Also, LRECD will be responsible for the operation and maintenance of all grease traps and any other pre-treatment units for the various occupants of the development;**
 - c. **The wastewater treatment and disposal system shall be discontinued upon availability of public sewer. The petitioner shall actively participate in the extension of public sewer service to the site and abandon the package treatment facility at such time the site is connected to a public system. (HEALTH) (Previously Condition L.3 of Resolution R-99-0002, Petition EAC92-017(C))**
4. **The gas station-convenience store shall have no automotive repair and/or maintenance facilities. (ONGOING: CODE ENF-Health) (Previously Condition L.4 of Resolution R-99-0002, Petition EAC92-017(C))**
5. **The automatic car wash facility shall utilize a 100% water recycling system. (BLDG PERMIT: BLDG - Health) (Previously Condition L.5 of Resolution R-99-0002, Petition EAC92-017(C))**
6. **Any biomedical waster which may be generated at this site shall be properly handled and disposed of in accordance with Rule64E-16FAC. (ONGOING: HEALTH/CODE ENF) (Previously Condition L.6 of Resolution R-99-0002, Petition EAC92-017(C))**
7. **Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 62-730FAC. (ONGOING: HEALTH/CODE ENF) (Previously Condition L.7 of Resolution R-99-0002, Petition EAC92-017(C))**
8. **Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)**

M. 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. (UTILITIES) (Previously Condition M. 1 of Resolution R-99-0002, Petition EAC92-017(C))**

N. LANDSCAPING - GENERAL

1. **Prior to site plan certification of the first phase, the landscape tabular data on the site plan shall be revised to reflect conformance to all landscape orvegetation preservation related conditions of approval and minimum code requirements. (DRC: ZONING) (Previously Condition N.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **All trees required to be planted on 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. (CO: LANDSCAPE) (Previously Condition N.2 of Resolution R-99-0002, Petition EAC92-017(C))**

O. LANDSCAPING - INTERIOR

1. **One landscape island, planted with a minimum of one canopy tree, native palm tree or native pine tree, and appropriate ground cover, shall be provided for every 10 parking spaces. The maximum distance between landscape islands shall not exceed 100 linear feet. (CO: LANDSCAPE) (Previously Condition 0.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **Landscaped divider medians shall be provided between all rows of abutting ninety (90) degree parking spaces. The minimum width of this landscape median shall be ten (10) feet. One canopy tree, native palm tree or native pine tree, and appropriate ground cover, shall be planted for each twenty (20) linear feet of the divider median, with a maximum spacing of sixty (60) feet on center between tree(s). (CO: LANDSCAPE) (Previously Condition 0.2 of Resolution R-99-0002, Petition EAC92-017(C))**
3. **Landscaping along both sides of all interior vehicular use drives shall include native trees planted a minimum of thirty (30) feet on center and a continuous opaque hedge twenty-four (24) inches in height planted twenty-four (24) inches on center at installation. (CO: LANDSCAPE) (Previously Condition 0.3 of Resolution R-99-0002, Petition EAC92-017(C))**
4. **Landscaping along the north and east perimeters of the package treatment plant site shall be upgraded to include a minimum ten (10) foot wide landscape strip and installed along all boundaries in accordance with Exhibit 42, Sheet 3, of the Zoning Division files (Zoning Petition 92-**

17) and the additional supplementary standards of Section 500.41 .E. of Ordinance 73-2, as amended, except as superseded herein. (CO: LANDSCAPE) (Previously Condition 0.4 of Resolution R-99-0002, Petition EAC92-017(C))

5. **Store front planters a minimum ten (10) feet in width shall be provided in front of the shopping center in accordance with Exhibit 42, Sheet 7 (Shopping Center Character Sketch), of the Zoning Division files (Zoning Petition 92-17). (CO: LANDSCAPE) (Previously Condition 0.5 of Resolution R-99-0002, Petition EAC92-017(C))**
6. **Landscaping and pedestrian circulation areas, as illustrated in Attachments 2b - 2c and 3, abutting the exterior of any building structure and parking area shall be a continuous minimum of at least ten (10) feet wide, unless otherwise noted in attachment 3 and shall be provided along the front, side and rear base of all structures, except where interrupted by required emergency exits, paved pedestrian/handicapped pathways and loading areas. The pedestrian circulation area shall connect to vehicular use areas and adjacent buildings via sidewalks and crosswalks. Landscaping shall include, at a minimum, one canopy tree or native pine tree for each twenty (20) linear feet, twenty four (24) inch high hedge or shrub material planted twenty four (24) inches on center, and appropriate ground cover. (CO: LANDSCAPE) (Previously Condition 0.6 of Resolution R-99-0002, Petition EAC92-017(C))**

P. LANDSCAPING AND BUFFERING ALONG NORTH AND EAST PROPERTY LINES

1. **Landscaping and buffering along the north and east property lines shall be upgraded to include:**
 - a. **A minimum twenty five (25) foot wide landscape buffer strip.**
 - b. **Two alternating rows of canopy trees planted every twenty-five (25) feet on center.**
 - c. **One (1) native palm or pine tree for every thirty (30) feet linear feet of frontage. A group of three or more native palm or pine trees may replace the requirement for a canopy tree in that location.**
 - d. **Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation. (CO: LANDSCAPE) (Previously Condition P. 1 of Resolution R-99-0002, Petition EAC92-017(C))**

Q. LANDSCAPING AND BUFFERING ALONG SOUTH AND WEST PROPERTY LINES

1. **Prior to March 15, 1999, the landscaping and buffering along the south and west property lines shall be upgraded to included:**
 - a. **Along the southern property line:**
 - 1) **retention of existing fourteen (14) foot high native green buttonwood canopy trees, planted at twenty (20) feet on center, and to be maintained at a mature height of twenty (20) feet;**

- 2) retention of the existing myrtifloria hedge, and allow hedge to grow to ten (10) feet in height;
- 3) removal of existing sable palms and replacement, on a one (1) to one (1) basis, with native thatch palms, with an average of ten (10) feet in height, that will grow to twenty (20) feet at maturity;
- 4) retention of existing live oak trees, to be maintained at twenty (20) feet in height; and
- 5) retention of the existing three (3) foot berm;
- 6) the restrictive covenant shall be amended to include the following language:

“In the event prohibited species are removed from the twenty-five (25) foot no clear zone, the property owner agrees to install at not more than thirty (30) feet on center live or laurel oaks in order to fill the space left by the removal of the prohibited species in a manner and location acceptable to the Zoning Director”.

b. Along the western property line:

- 1) expansion from fifteen (15) to twenty-five (25) feet, of the existing landscape buffer adjacent to the package treatment plant;
- 2) installation of twenty-two (22) additional wax myrtle plants with a height of twelve (12) feet; and
- 3) relocation of all sabal palms from the southern perimeter buffer to the western buffer; and
- 4) all landscaping in the westerly buffer will be maintained at a mature height of twenty (20) feet. (DATE: MONITORING / LANDSCAPE) (Previously Condition Q.I of Resolution R-99-0002, Petition EAC92-017(C))

2. Prior to site plan certification, the petitioner shall record in the public records a deed restriction acceptable to the County Attorney restricting the use of a strip of land twenty five (25) feet in depth, measured from the south boundary of the SIRWCD Canal No. 1 along the entire south perimeter of the subject property, to no land development activity, obstruction, access, easements or other improvements. This strip of land shall be left in its natural state and remain undeveloped in perpetuity, except for the removal of prohibited species, and shall not be credited toward any future buffer, landscape or setback requirement on adjacent lands. (DRC: ZONING - Cty Att) (Previously Condition Q.2 of Resolution R-99-0002, Petition EAC92-017(C))

R. LANDSCAPE WITHIN MEDIAN

1. a. On or before July 1, 1996, the developer shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscaping material shall be selected from the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the County Engineer. For Indiantown Road, native plant material shall be used to the maximum extent possible and shall meet Palm Beach County Standards regarding planting in uncurbed medians within sight triangles. For Jupiter Farms Road, native plant material shall be used to the maximum extent possible. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
 - 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (DATE: MONITORING - Eng) (Previously Condition R.1.a of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]
- b. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees, or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before December 1, 1997. (DATE: MONITORING - Eng) (Previously Condition R.I .b of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, on or before July 1, 1996, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (DATE: MONITORING - Eng) (Previously Condition R.I .c of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]

- d. **Prior to the issuance of the next building permit, the developer shall post surety in the amount of thirty thousand (30,000) dollars in a form acceptable to the County Engineer to provide for design and installation of the required landscaping, and irrigation if required. (BLDG PERMIT: MONITORING - Eng) (Previously Condition R.I .d of Resolution R-99-0002, Petition EAC92-017(C)) [COMPLETE]**

S. LIGHTING

1. **All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets, shining only on the subject site. (ONGOING: CODE ENF) (Previously Condition S.I of Resolution R-99-0002, Petition EAC92-017(C))**
2. **All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade. (BLDG PERMIT/CO: BLDG/ZONING/BLDG - Zoning) (Previously Condition S.2 of Resolution R-99-0002, Petition EAC92-017(C))**
3. **All outdoor lighting shall be extinguished no later than 11:30 p.m for all uses except for security lighting and the uses listed below:**
 - a. **Outdoor lighting for the place of worship or church use shall be extinguished no later than 30 minutes after the religious holiday services;**
 - b. **Outdoor lighting for the medical/veterinary clinic or offices shall be extinguished no later than 30 minutes after the medical emergency incident; and,**
 - c. **Outdoor lighting for the 5,000 square foot Restaurant on Lot 6 and one (1) restaurant tenant within the main portion of the shopping center shall be extinguished no later than 1:30 a.m. of the following day on Monday through Saturday and 10:30 p.m. on Sunday. (ONGOING: CODE ENF) (Previously Condition S.3 of Resolution R-99-0002, Petition EAC92-017(C))**

T. PARKING

1. **The total number of required parking spaces shall be pursuant to the requirements of the ULDC, as amended. (DRC: ZONING) (Previously Condition T.I of Resolution R-99-0002, Petition EAC92-017(C))**
2. **Prior to site plan certification of the first phase, the petitioner shall apply for a grass parking special permit to allow up to the maximum number of grass parking spaces allowed on site. In the event a special permit is not or cannot be granted, the petitioner shall apply for a variance to the Board of Adjustment to allow grass parking on site. (DRC: ZONING) (Previously Condition T.2 of Resolution R-99-0002, Petition EAC92-017(C))**

3. **All uses shall utilize shared parking and circulation arrangements. Shared parking and cross access agreements which are acceptable to the County Attorney shall be incorporated into the required Unity of Control (Condition X.1.).** (ONGOING: ZONING - Cty Att) (Previously Condition T.3 of Resolution R-99-0002, Petition EAC92-017(C))
4. **Only the minimum number of required parking spaces shall be provided for each phase of development.** (DRC/BLDG PERMIT: ZONING/ BLDG - Zoning) (Previously Condition T.4 of Resolution R-99-0002, Petition EAC92-017(C))

U. RECYCLE SOLID WASTE

1. **All property owners and lessee's shall participate in recycling programs when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. Prior to site plan certification of the first phase, the site plan shall be amended to indicate recyclable material collection areas adjacent to each dumpster location.** (SWA) (Previously Condition U.I of Resolution R-99-0002, Petition EAC92-017(C))

V. SETTLEMENT STIPULATION AGREEMENT

1. **The property owners shall comply with the terms and conditions Numbers 1-7 and Number 14 of the Stipulation for Settlement entered by Order Approving Settlement Stipulation in case No. CL93-3639 AF. The Settlement in its entirety is incorporated and made a part of this resolution.** (ONGOING: CODE ENF/ZONING - Cty Att) (Previously Condition V. 1 of Resolution R-99-0002, Petition EAC92-017(C))

W. SIGNS

1. **Point of purchase signs permitted or replaced after July 2, 1998 fronting on Indiantown Road shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade -Ten (10)feet;**
 - b. **Maximum total sign face area per side - 100 square feet;**
 - c. **Maximum number of signs - Two (2); and,**
 - d. **Maximum letter height - Eight (8) inches), except for the primary/anchor tenant and the overall shopping center name.** (BLDG PERMIT/CO: ZONING/BLDG/BLDG - Zoning) (Previously Condition W.I of Resolution R-99-0002, Petition EAC92-017(C))
2. **Point of purchase signs permitted or replaced after July 2, 1998 fronting on Jupiter Farms Road shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade - Eight (8) feet;**
 - b. **Maximum total sign face area per side - 80 square feet;**
 - c. **Maximum number of signs - One (1);**
 - d. **Style - Monument style only; and,**
 - e. **Maximum letter height - Eight (8) inches), except for the primary/anchor tenant and the overall shopping center name.** (BLDG PERMIT/CO: ZONING/BLDG/BLDG- Zoning) (Previously Condition W.2 of Resolution R-99-0002, Petition EAC92-017(C))

3. **Out parcels signs may be permitted on site consistent with the requirements of the Sign Code (Ordinance 90-9, as amended).** (BLDG PERMIT/CO: ZONING/BLDG/BLDG- Zoning) (Previously Condition W.3 of Resolution R-99-0002, Petition EAC92-017(C))
4. **No community information sign, point of purchase sign, freestanding sign or project identification sign overforty-eight(48) inches in height shall be permitted on the northeast corner of the site.** (BLDG PERMIT/CO: ZONING/BLDG/BLDG-Zoning) (Previously Condition W.4 of Resolution R-99-0002, Petition EAC92-017(C))
5. **Prior to site plan certification of the first phase, the petitioner shall submit a Master Sign Program for all typical point of purchase, monument, entry wall, and directional signs which specifies sign dimensions, unified color, unified graphics and conformance to all sign related conditions of approval.** (DRC: ZONING) (Previously Condition W.5 of Resolution R-99-0002, Petition EAC92-017(C))
6. **Directional signage for the main portion of the shopping center and Lots 7-14 and 17, which received building permits after July 2, 1998 shall be limited to the following and shall be consistent with the Master Sign Program:**
 - a. **A minimum of two (2) tenants;**
 - b. **Maximum sign height, measured from finished grade to highest point - Four (4) feet;**
 - c. **Maximum sign face area per side - Twelve (12) square feet;**
 - d. **Maximum number of signs - Three (3), excluding the existing directional sign along Jupiter Farms Road (B#94018157);**
 - e. **Location - Internal to the site at a minimum of 100 feet from each main entrance from Indiantown and Jupiter Farms Roads;**
 - f. **Maximum letter height - Six (6) inches; and,**
 - g. **Style - Monument style only.**(BLDG PERMIT/CO: ZONING/BLDG/BLDG- Zoning) (Previously Condition W.6 of Resolution R-99-0002, Petition EAC92-017(C))
7. **Directional signage for the subdivided outparcels of the shopping center, Lots 1-4 and Lot 6, which received building permits after July 2, 1998 shall be limited to the following and shall be consistent with the Master Sign Program:**
 - a. **Maximum sign height, measured from finished grade to highest point - Four (4) feet;**
 - b. **Maximum sign face area per side - Three (3) square feet;**
 - c. **Maximum number of signs - Three (3);**
 - d. **Shall only indicate direction (i.e., entrance, exit, drive-thru, directional arrows, etc.) and shall not encroach safe sight corners; and,**
 - e. **Maximum letter height - Six (6) inches.** (BLDG PERMIT/CO: ZONING/BLDG/BLDG -Zoning) (Previously Condition W.7 of Resolution R-99-0002, Petition EAC92-017(C))
8. **Prior to the issuance of the last Certificate of Occupancy for the main shopping center or January 1, 1999, whichever comes first, all signs which are not legally permitted and are inconsistent with the Master Sign**

Program shall be removed. This will also include any signage proposed for removal as indicated on the Sign Exhibit dated June 3, 1998. (CO/DATE: BLDG -Zoning/MONITORING -Zoning) (Previously Condition W.8 of Resolution R-99-0002, Petition EAC92-017(C))

9. **The existing directional sign along Jupiter Farms Road (B#94018157) may remain provided the sign is revised to indicate a minimum of three (3) tenants for compliance with the original building permit. The revision to the sign shall be completed prior to the issuance of the last Certificate of Occupancy of the last freestanding building within the site. (CO: BLDG/MONITORING -Zoning) (Previously Condition W.9 of Resolution R-99-0002, Petition EAC92-017(C))**

X. UNITY OF CONTROL

1. **Prior to site plan certification of the first phase, the petitioner shall record a copy of a Unity of Control in the public record indicating that all out-parcels, structures and uses within the PGCD and POBP are part of a single unified planned development, regardless of ownership. This unity shall not be removed, altered, changed or amended without written approval from the County and shall be in a form acceptable to the County Attorney. (DRC: ZONING - Cty Att) (Previously Condition X.1 of Resolution R-99-0002, Petition EAC92-017(C))**

Y. USE LIMITATIONS

1. **Total gross floor area shall be limited to a maximum of 157,530 square feet. Total net leasable floor area shall be limited to a maximum of 95% of the total gross floor area. (DRC/ONGOING: ZONING/CODE ENF - Zoning) (Previously Condition Y.1 of Resolution R-99-0002, Petition EAC92-017(C))**
2. **Hours of operation for the uses on the site, including loading and deliveries, shall be limited to the following:**
 - a. **Church or Place of Worship use - 6:00 a.m. to 11:00 p.m. daily, excluding religious holidays;**
 - b. **Medical/Veterinary office or clinic use -6:00 a.m. to 11:00 p.m. daily, excluding emergency medical services;**
 - c. **Restaurant use (5,000 square foot Restaurant on Lot 6 and one (1) restaurant tenant within the main portion of the shopping center only) - 6:00 a.m. to 1 :00 a.m. of the following day on Monday through Saturday and 6:00 a.m. to 10:00 p.m. on Sunday; and,**
 - d. **All remaining uses, including dental facility -6:00 a.m. to 11:00 p.m. daily. (ONGOING: CODE ENF) (Previously Condition Y.2 of Resolution R-99-0002, Petition EAC92-017(C))**
3. **No outdoor loudspeaker system audible off site shall be permitted. (ONGOING: CODE ENF) (Previously Condition Y.3 of Resolution R-99-0002, Petition EAC92-017(C))**
4. **Space for a minimum 1,500 square foot contract post office shall be reserved on site until such time that the Board of County Commissioners relieve the petitioner of this requirement. (DRC/ONGOING : PLANNING/ZONING) (Previously Condition Y.4 of Resolution R-99-0002, Petition EAC92-017(C))**

5. **Space for a minimum 5,000 square foot place of worship or similar institutional use acceptable to the Planning Division shall be reserved on site until such time that the Board of County Commissioners relieve the petitioner of this requirement. (DRC/ONGOING : PLANNING/ZONING) (Previously Condition Y.6 of Resolution R-99-0002, Petition EAC92-017(C))**
6. **Use prohibited on site include, but are not limited to, the following:**
 - a. **No single user over 50,000 square feet in gross floor area;**
 - b. **Large scale discount store;**
 - c. **Wholesale club;**
 - d. **Movie theater;**
 - e. **Lounge, excluding those which are accessory to a restaurant use; and,**
 - f. **All uses which due to size and market are determined by the Zoning Director and the County Engineer to attract customers from outside the market area. (ONGOING/BLDG PERMIT: CODE ENF/BLDG/ZONING) (Previously Condition Y.7 of Resolution R-99-0002, Petition EAC92-017(C))**
7. **No outdoor storage of refuse, garbage or waste material shall be permitted in the rear of any facility. (ONGOING: CODE ENF) (Previously Condition Y.8 of Resolution R-99-0002, Petition EAC92-017(C))**
8. **The special exception use of each out parcel shall remain as shown on Exhibit 42, Sheet 3, of the Zoning Division files (Zoning Petition 92-17) or any permitted use allowed by the Zoning Code. (DRC: ZONING) (Previously Condition Y.9 of Resolution R-99-0002, Petition EAC92-017(C))**
9. **Prior to the issuance of a building permit for any portion of Phase 2 of the development, the petitioner shall apply for a variance from the Board of Adjustment to allow a water and wastewater treatment facility on the site. A variance to allow a water and wastewater treatment facility on the site must be obtained by the petitioner or the petitioner may utilize the provisions of the Unified Land Development Code (ULDC) in the event the ULDC is amended to allow water and wastewater treatment facilities in the Rural Service Area and/or on the subject property, prior to the issuance of a building permit for any portion of Phase 2 of the development. (BLDG PERMIT: ZONING/BLDG) (Previously Condition Y.10 of Resolution R-99-0002, Petition EAC92-017(C))**

Z. VEGETATION PRESERVATION

1. **Terminal islands, divider medians, and landscape islands shall incorporate existing native vegetation to the extent determined by the Zoning Division. Adjustments to the size and location of terminal islands, divider medians and landscape islands may occur as the result of acceptance of a phased Vegetation Preservation/Relocation Plan by the Zoning Division. Prior to site plan certification of the first phase the petitioner shall submit a Vegetation Preservation/Relocation Plan to the Zoning Division that includes:**
 - a. **Topological and finish elevations.**
 - b. **Tree name/symbol, size and tag number.**
 - c. **Tree-well construction, size and drainage criteria.**

- d. **At a minimum, this plan shall:**
 - 1) **Preserve or relocate all oak trees. The removal of an oak tree shall only be permitted upon demonstration to the Zoning Director that preservation or relocation is not feasible.**
 - 2) **Preserve or relocate all slash pine trees that can be moved with a tree spade.**
 - 3) **Indicate the preservation/relocation proposed for each phase of development. (DRC: ZONING - ERM) (Previously Condition Z.1 of Resolution R-99-0002, Petition EAC92-017(C))**
- 2. **Native vegetation not located within preservation or relocation areas and deemed relocatable, by the Zoning Division and the Department of Environmental Resources Management, shall be relocated to perimeter buffers, landscape islands, preservation areas or other open space areas on site. (ERM/ZONING) (Previously Condition 2.2 of Resolution R-99-0002, Petition EAC92-017(C))**

AA. VEGETATION REMOVAL

- 1. **Prior to issuance of a Vegetation Preservation and Protection Permit, the petitioner shall complete the following:**
 - a. **All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a tree survey performed by a licensed surveyor.**
 - b. **Trees to be preserved shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.**
 - c. **No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.**
 - d. **All tree relocations shall occur prior to any construction activity except as approved by the Zoning Director. (ONGOING: ZONING/LANDSCAPE) (Previously Condition AA.1 of Resolution R-99-0002, Petition EAC92-017(C))**
- 2. **Prior to the removal of any vegetation on site, the petitioner shall coordinate a Preclearing Inspection with the Zoning Division and the Department of Environmental Resource Management. (ONGOING: ERM/ZONING) (Previously Condition AA.2 of Resolution R-99-0002, Petition EAC92-017(C))**

BB. DAYCARE CENTER

- 1. **The day care center shall be limited to a maximum of ninety-nine (99) children. (ONGOING: HEALTH)**
- 2. **Hours of operation for the daycare center shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Friday and 7:30 a.m. to 5:30 p.m. Saturday. (ONGOING: CODE ENF)**

CC. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previously Condition BB.1 of Resolution R-99-0002, Petition EAC92-017(C))
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; 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 ULDC 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; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an **Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment** or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING) (Previously Condition BB.2 of Resolution R-99-0002, Petition EAC92-017(C))