

RESOLUTION NO. R-98- 1127

RESOLUTION APPROVING ZONING PETITION DOA92-17(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF PASSAGE LAND PARTNERSHIP AND  
FAISON JUPITER FARMS LTD. PARTNERSHIP  
BY KILDAY & ASSOCIATES, 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 DOA92-17(B) was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; 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 DOA92-17(B), the petition of Passage Land Partnership and Faison Jupiter Farms Ltd. Partnership, by Kilday & Associates, agent, for a Development Order Amendment (DOA) to modify Conditions of R-95-1015, relocate building square footage, add professional office use (requested use) and redesign the site plan on a parcel of land legally described in EXHIBIT A, 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 July 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

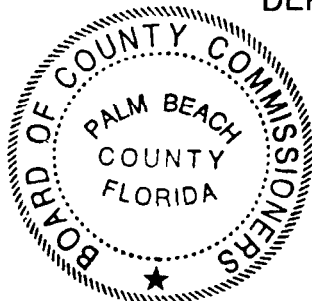
BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

Petition DOA92-17(B)  
Project No.



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## 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 THE FOLLOWING DESCRIBED PROPERTIES:

**TRACT "C" AS SHOWN ON SAID PLAT, DEDICATED FOR ADDITIONAL ROAD RIGHT-OF-WAY, AND ALSO LESS**

**LOT 2, AS SHOWN ON SAID PLAT, AND ALSO LESS,**

**A PORTION OF LOT 1, 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

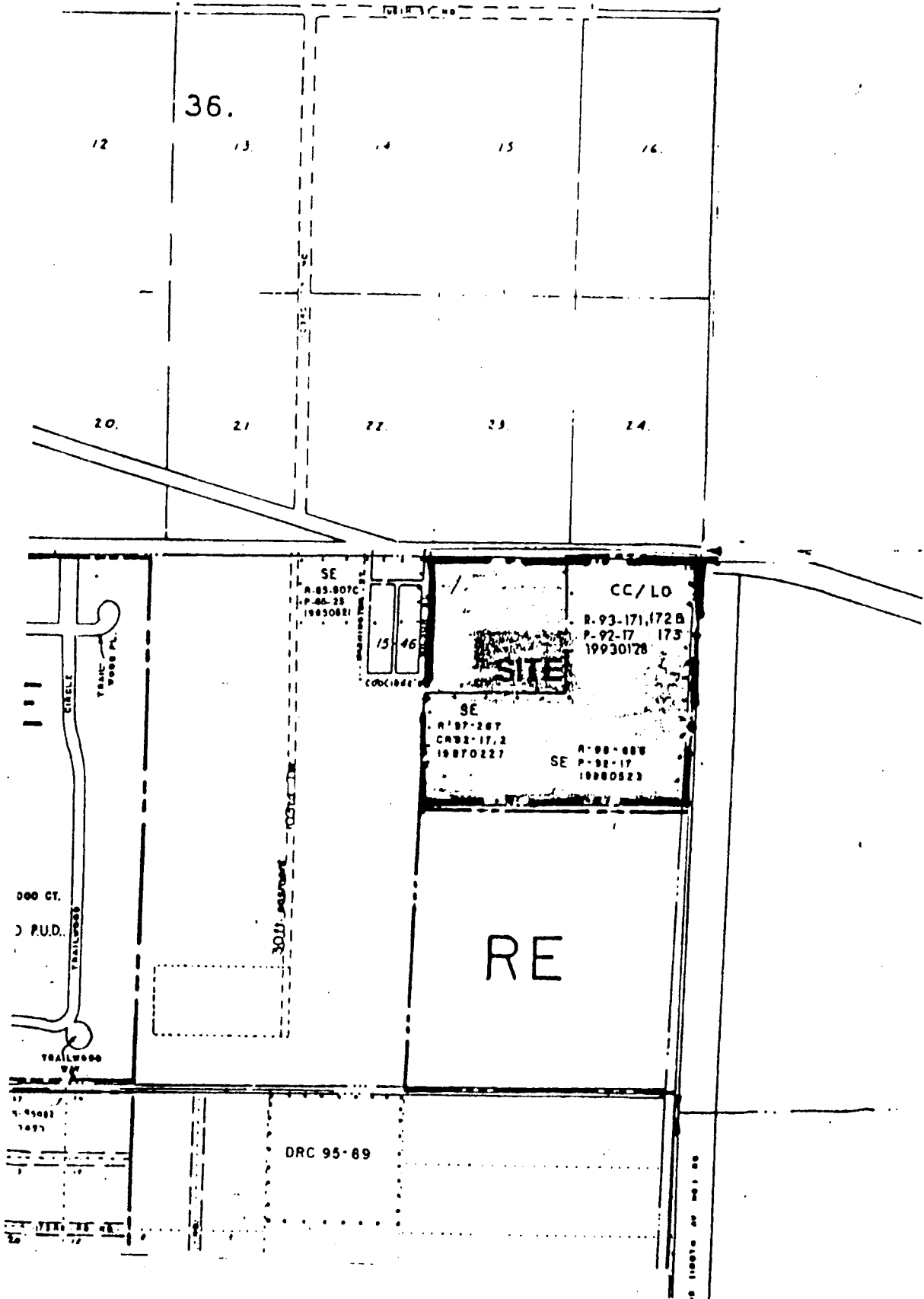
COMMENCING AT THE NORTHWEST CORNER OF SAID PLAT, THENCE S 89° 56' 51" E, A DISTANCE OF 409.28 FEET ALONG THE NORTH LINE OF SAID PLAT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INDIANTOWN ROAD (S.R. NO. 706) TO THE POINT OF BEGINNING; THENCE CONTINUE S 89° 56' 51" E, A DISTANCE OF 120.00 FEET ALONG THE NORTH LINE OF SAID PLAT TO THE NORTHWEST CORNER OF TRACT 'A' AS SHOWN ON SAID PLAT; THENCE S 43° 53' 22" E, ALONG THE WESTERLY LINE OF SAID TRACT "A", A DISTANCE OF 14.40 FEET; THENCE S 02° 10' 08" W, ALONG THE WESTERLY LINE OF SAID TRACT "A", A DISTANCE OF 189.89 FEET; THENCE S 47° 10' 08" W, A DISTANCE OF 14.14 FEET; THENCE N 87° 49' 52" W, A DISTANCE OF 178.74 FEET; THENCE N 00° 03' 09" E, A DISTANCE OF 61.85 FEET; THENCE S 89° 56' 51" E, A DISTANCE OF 66.00 FEET; THENCE N 00° 03' 09" E, A DISTANCE OF 141.30 FEET TO THE POINT OF BEGINNING.

AND ALSO LESS

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 1, AS SHOWN ON 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; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, THENCE N 89° 58' 16" W, ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1266.55 FEET; THENCE S 01° 59' 50" W, ALONG A LINE PARALLEL WITH AND 60 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 1, A DISTANCE OF 42.33 FEET TO THE NORTHWEST CORNER 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; THENCE CONTINUE S 01° 59' 50" W, ALONG SAID PARALLEL LINE AND WEST LINE OF SAID PLAT, A DISTANCE OF 238.44 FEET; THENCE S 87° 49' 52" E, A DISTANCE OF 423.57 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S 87° 49' 52" E, A DISTANCE OF 115.00 FEET; THENCE S 02° 10' 08" W, A DISTANCE OF 83.70 FEET; THENCE N 87° 49' 52" W, A DISTANCE OF 115.00 FEET; THENCE N 02° 10' 08" E, A DISTANCE OF 83.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 30.42 ACRES MORE OR LESS.

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.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-95-1015 (CR 92-17), R-96-388 (SR 92-17) and R-97-267 (Petition CR 92-17.2), 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 July 9, 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)
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. (Previously Condition 1 of R-95-1015, Petition CR 92-17) (ONGOING: ZONING)

#### B. ARCHITECTURAL CONTROL AND BUILDING DESIGN

1. Condition A.I of R-95-1015, Petition CR 92-17, which currently states:

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 flat 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.

- 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 completely covered in 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 post; 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)

Is hereby amended to read:

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 hill-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)
  
2. All roof lines shall not run in continuous place for more than 250 Feet without offsetting or jogging the roof plane. (Previously Condition A.2 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/ONGOING: BLDG/ZONING)
  
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. (Previously Condition A.3 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/ONGOING: BLDG/ZONING)
  
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. (Previously Condition A.4 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/ONGOING: BLDG/ZONING)
  
5. All structures shall have a similar architectural treatment on all sides. (Previously Condition A.5 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/ONGOING: BLDG/ZONING)

6. Building permits for any structure shall not be issued until the permit is reviewed by the Zoning Director for compliance with all conditions. (Previously Condition A.13 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/ONGOING: BLDG/ZONING)

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. (Previously Condition A.6 of R-95-1015, Petition CR 92-17) (DRC: ZONING)
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 grade sign. (Previously Condition A.7 of R-95-1015, Petition CR 92-17) (DRC: ENG/ZONING)
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. (Previously Condition A.8 of R-95-1015, Petition CR 92-17) (DRC: ENG/ZONING)
4. Condition A.9 of R-95-1015, Petition CR 92-17, which currently states

Prior to site plan certification of the first phase, the site plan shall be amended to reflect the location of shopping cart storage and retrieval areas within all parking areas directly adjacent to the shopping center. (ZONING)

Is hereby amended to read:

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)

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. (Previously Condition A.10 of R-95-1015, Petition CR 92-17) (DRC: ZONING)
6. Condition A.11 of R-95-1015, Petition CR 92-17, which currently state: :

Equestrian access over the South Indian River Water Control District Canal No. 1 shall be provided on the south and west sides of the site in the location presented in Exhibit 42 of the Zoning Division files. 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. (DRC: ZONING - SIRWCD)

Is hereby amended to read:

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)

7. Condition A. 12 of R-95-1015, Petition CR 92-17, which currently states:

Prior to site plan certification of the first phase, all equestrian bridle paths shall be removed from the interior vehicular use areas on the site, except to and from the designated tethering/picnic area. An equestrian bridle path shall be provided around the subject property on the south and west sides, on the exterior bank of the SIRWCD Canal No.1 right-of-way. All equestrian bridle paths shall be in the form of a minimum ten (10) foot wide mulch path. Annual maintenance of all required equestrian bridle paths shall be assured by the petitioner in a form acceptable to the County Attorney prior to site plan certification of the first phase of development. (DRC: ZONING - SIRWCD/Cty Att)

Is hereby amended to read:

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)

8. Condition X.I of R-95-1015, Petition CR 92-17, which currently states:

Changes to the certified site plan shall be approved in accordance with the Unified Land Development Code (ULDC), as amended. (ZONING)

Is hereby amended to read:

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)

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. (Previously Condition 2 of R-97-267, CR 92-17.2) (MONITORING - Property Real Estate Management) [Completed]

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. (Previously Condition E.1 of R-95-1015, Petition CR 92-17) (ENG)
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. (Previously Condition E.2 of R-95-1015, Petition CR 92-17) (DATE/BLDG PERMIT: MONITORING/BLDG - Eng)
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. (Previously Condition E.3 of R-95-1015, Petition CR 92-17) (DATE/BLDG PERMIT: MONITORING/BLDG - Eng)

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**. (Previously Condition **E.4** of R-95-1015, Petition CR 92-17) (DRC: ENG - SIRWCD)
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. (Previously Condition E.5 of R-95-1015, Petition CR 92-17) (ENG/ZONING)
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. (Previously Condition E.6 of R-95-1015, Petition CR 92-17) (ENG/BLDG-Eng)
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;
  - 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.



- c) On Jupiter Farms Road at the project's entrance 1250 feet south of Indiantown Road a left turn lane, south approach.

Construction of a, b and c above shall be constructed concurrent with the 4-laning of Jupiter Farms Road referred to in Conditions E 11 and E 12

- 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.

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. (Previously Condition E.7 of R-95-1015, Petition CR 92-17) (ENG)

- 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) 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. (Previously Condition E.8 of R-95-1015, Petition CR 92-17) (DATE/BLDG PERMIT: MONITORING/BLDG - Eng)

- 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. (Previously Condition E.9 of R-95-1015, Petition CR 92-17) (DATE/BLDG PERMIT: MONITORING/BLDG - Eng)

10. The property owner shall pay a Fair Share Fee in the **amount** and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or may be amended. The Fair Share Fee for this project at the time of the Building Permit presently is **\$362,835 (6597 trips X \$55.00 per trip)**. (Previously Condition E.10 of R-95-1015, Petition CR 92-17) (IMPACT FEE COORD)

Is hereby deleted. [REASON: Code Requirement]

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 **Indian own** 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. (Previously Condition E.11 of R-95-1015, Petition CR 92-17) (DATE: MONITORING - Eng)
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**. (Previously Condition E.12 of R-95-1015, Petition CR 92-17) (BLDG PERMIT: MONITORING - Eng)
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. (Previously Condition E. 13.a of R-95-1015, Petition CR 92-17) (CO: BLDG-Eng)
  - 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. (Previously Condition E.13.b of R-95-1015, Petition CR 92-17) (DATE/BLDG PERMIT: MONITORING/BLDG - Eng)

- 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. (Previously Condition E.13.c of R-95-1015, Petition CR 92-17) (BLDG PERMIT: MONITORING - Eng)
  - d) No further building permits shall be issued for the site after January 1, 2001. (Previously Condition E.13.d of R-95-1015, Petition CR 92-17) (DATE: MONITORING - Eng)
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. (Previously Condition E.14 of R-95-1015, Petition CR 92-17) (DRC: ENG - Cty Att)
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. (Previously Condition E.15 of R-95-1015, Petition CR 92-17) (ENG)
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. (Previously Condition E.16 of R-95-1015, Petition CR 92-17) (ENG)
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. (Previously Condition E.17 of R-95-1015, Petition CR 92-17) (DRC: ENG - Zoning/Cty Att)

18. The property owner shall provide Palm Beach County adequate **s urety** to guarantee the construction of the right turn lane required in Condition E-13a. This surety shall be in a **form** acceptable **to** the County Engineer. This surety shall be posted prior to issuance c f the construction permit for this right turn lane. (Previously Condition E.18 of R-95-1015, Petition CR 92-17) (ENG)

F. CONCURRENCY

1. Condition C.I of R-95-1015, Petition CR 92-17, which currently state: :

Prior to February **28, 1993**, the petitioner shall revise the concurrancy reservation for the site to reflect the uses, square footage and phasing indicated on Exhibit **42** of the Zoning Division files and as required by the conditions of approval, including the provision for a **5,000** square foot community center (Zoning Petition **92-17**). No administrative time extensions to this condition shall be **allowed**. (MONITORING-Plan1ing)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Comrr ittee (DRC) or November 23, 1998, whichever comes first, the petitioner shall revise their concurrency to match the uses and square footages as sh own on the site plan dated July 9, 1998.(DRC/DATE: ZONING/MONITORING - ZONING)

G. CONSTRUCTION

1. **I**f there is a conflict between any requirement of this resolution and any graphic, exhibit, or verbal representation, the provisions of this resolution shall control. (Previously Condition Y.1 of R-95-1015, Petition CR 92-17) (ZONINGIBLDG)

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. (Previously Condition D.I of R-95-1015, Petition CR 92-17) (ONGOING: CODE ENF)

I. DECLARATION OF RESTRICTIONS AND RESTRICTIVE COVENANT

1. Condition Z.I of R-95-1015, Petition CR 92-17, which currently states:

The Declaration of Restrictions, referencing building and site **design** shall be revised by September **26, 1995** to reflect the conditions, as amended herein. (DATE: MONITORING - Zoning/Cty Att)

**I**s hereby amended to read:

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 **prio** to recordation. A copy of the recorded document shall **be** submitted to the Zoning Division for incorporation into the Petition File (92-17(B)). (DPTE: MONITORING - Zoning/Cty Att)

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. (Previously Condition 2.2 of R-95-1015, Petition CR 92-17) (ZONING)

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. (Previously Condition F.1 of R-95-1015, Petition CR 92-17) (ONGOING BLDG PERMIT: CODE ENF/ZONING)
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. (Previously Condition F.2 of R-95-1015, Petition CR 92-17) (ONGOING BLDG PERMIT: CODE ENF/ZONING)

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. (Previously Condition G.1 of R-95-1015, Petition CR 92-17) (BLDG PERMIT: BLDG - ERM)
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. (Previously Condition G.2 of R-95-1015, Petition CR 92-17) (BLDG PERMIT: BLDG - ERM)

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)** foot vertical. 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, (Previously Condition G.3.a of R-95-1015, Petition CR 92-17) (ERM)
  - 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. (Previously Condition G.3.b of R-95-1015, Petition CR 92-17) (CO: BLDG - ERM)
  
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. (Previously Condition G.4 of R-95-1015, Petition CR 92-17) (DRC/DATE: ERM/MONITORING - ERM)
  
5. Condition G.5 of R-95-1015, Petition CR 92-17, which currently states
 

Unless approved by the Board of County Commissioners, development or construction is prohibited within the preserve area required by condition **G.4** herein and within that parcel located immediately southwest of the platted **0.91** acre preserve area. (ZONING)

Is hereby amended to read:

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)

L. HEALTH

1. **A nontransient 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 water supply system to the site. (Previously Condition H.1 of R-95-1015, Petition CR 92-17) (DRC/ONGOING: HEALTH)
2. Phase I shall be developed on a septic tank system, designed and constructed in accordance with Chapter 10D-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. (Previously Concition H.2 of R-95-1015, Petition CR 92-17) (HEALTH)
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. (Previously Condition H.3 of R-95-1015, Petition CR 92-17) (HEALTH)
4. The gas station-convenience store shall have no automotive repair and/or maintenance facilities. (Previously Condition H.4 of R-95-1015, Petition CR 92-17) (ONGOING: CODE ENF-Health)
5. The automatic car wash facility shall utilize a **100%** water recycling system. (Previously Condition H.5 of R-95-1015, Petition CR 92-17) (BLDG PERMIT: BLDG - Health)

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. (Previously Condition 1.1 of R-95-1015, Petition CR 92-17) (UTILITIES)

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 or vegetation preservation related conditions of approval and minimum code requirements. (Previously Condition J.1 of R-95-1015, Petition CR 92-17) (DRC: ZONING)
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 grate.
  - 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 J.2 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)

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. (Previously Condition K.1 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)
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). (Previously Condition K.2 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)
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. (Previously Condition K.3 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)
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. (Previously Condition K.4 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)

5. Storefront 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**). (Previously Condition K.5 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)
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. (Previously Condition K.6 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)

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. (Previously Condition L.1 of R-95-1015, Petition CR 92-17) (CO: LANDSCAPE)

Q. LANDSCAPING AND BUFFERING ALONG SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
  - a. A minimum twenty five (**25**) foot wide landscape buffer strip along the west property line (including five (**5**) foot wide landscape strip within SIRWCD Canal **No.1** right-of-way).
  - b. A minimum fifteen (**15**) foot wide landscape buffer strip along the south property line (including five (**5**) foot wide landscape **strip** within SIRWCD Canal **No.1** right-of-way).
  - c. One native canopy tree for each three hundred fifty (**350**) square feet of landscaper buffer area. Maximum spacing between **trees**

or groups of trees shall not exceed sixty **(60)** feet on center. **All** trees shall be planted in a naturalistic pattern.

- d. One native (1) native palm tree or pine tree for every thirty **(30)** feet linear feet of property length. A group of three or more native palm trees or pine trees may replace the requirement for a canopy tree.
- e. A six **(6)** foot high opaque wall, hedge, fence, berm or combination at installation.
- f. In the event hedge material is not installed to meet the requirement of Condition Q.1.e., thirty **(30)** inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation shall be required on the exterior side of the six **(6)** foot buffer in addition to the requirements of Condition Q.1.e. (CO: LANDSCAPE) (Condition M.1 of R-95-1015, Petition CR 92-17)

- 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. (Previously Condition M.2 of R-95-1015, Petition CR 92-17) (DRC: ZONING - Cty Att)

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. (Previously Condition N.1.a of R-96.388, SR 92-17) (DATE: MONITORING - Eng)
- 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. (Previously Condition N.1.b of R-96-388, SR 92-17) (DATE: MONITORING - Eng)
  - 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. (Previously Condition N.1.c of R-96-388, SR 92-17) (DATE: MONITORING - Eng)
  - d. Prior to the issuance of the next building permit, the developer shall post surety in the amount of thirty thousand (**30,100**) dollars in a form acceptable to the County Engineer to provide for design and installation of the required landscaping, and irrigation if required. (Previously Condition N.1.d of R-96-388 SR 92-17) (BLDG PERMIT: MONITORING - Eng)

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. (Previously Condition 0.1 of R-95-1015, Petition CR 92-17) (ONGOING: CODE ENF)
2. All outdoor lighting fixtures shall not exceed twenty (**20**) feet in height, measured from finished grade. (Previously Condition 0.2 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/CO: BLDG/ZONING/BLDG - Zoning)
3. Condition 0.3 of R-95-1015, Petition CR 92-17, which currently states:

All outdoor lighting shall be extinguished no later than 11:30 p.m. Security lighting only is excluded from this requirement. (ONGOING: CODE ENF)

It is hereby amended to read:

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 E 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)

T. PARKING

1. Condition P.1 of R-95-1015, Petition CR 92-17, which currently states:

A maximum of **724** parking spaces shall be **permitted** on site.

Is hereby amended to read

The total number of required parking spaces shall be pursuant to the requirements of the ULDC, as amended. (DRC: ZONING)

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. (Previously Condition P.2 of R-95-1015, Petition CR 92-17) (DRC: ZONING)

3. Previously Condition P.3 of R-95-1015, Petition CR 92-17, which currently states:

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 S.1.)**. (CO ATTY-Zoning)

Is hereby amended to read:

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)

4. Only the minimum number **of** required parking spaces shall be **provided for** each phase **of** development. (Previously Condition P.4 of R-95-1015, Petition CR 92-17) (DRC/BLDG PERMIT: ZONING/ BLDG - Zoning)

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. (Previously Condition Q.1 of R-95-1015, Petition CR 92-17) (SWA)

V. SETTLEMENT STIPULATION AGREEMENT

1. The property owner 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 ENFIZONING - Cty Att)

W. SIGNS

1. Condition R.1 of R-95-1015, Petition CR 92-17, which currently states:

Point of purchase signs 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)**. (BLDG-Zoning)

Is hereby amended to read:

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 PERMITICO: ZONINGIBLDGIBLDG - Zoning)

2. Condition R.2 of R-95-1015, Petition CR 92-17, which currently states

Point of purchase signs 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. (BLDG-Zoning)

Is hereby amended to read:

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 PERMITICO: ZONINGIBLDGIBLDG- Zoning)

3. **Out parcels signs may be permitted on site consistent with the requirements of the Sign Code (Ordinance 90-9, as amended).** (Previously Condition R.3 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/CO: ZONING/BLDG/BLDG- Zoning)
4. **No community information sign, point of purchase sign, freestanding sign or project identification sign over forty-eight (48) inches in height shall be permitted on the northeast corner of the site.** (Previously Condition R.4 of R-95-1015, Petition CR 92-17) (BLDG PERMIT/CO: ZONING/BLDG/BLDG- Zoning)
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, wall and directional signs which specifies sign dimensions, unified color, unified graphics and conformance to all sign related conditions of approval.** (Previously Condition R.5 of R-95-1015, Petition CR 92-17) (DRC: ZONING)
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)
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)
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)

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)

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. (Previously Condition S.1 of R-95-1015, Petition CR 92-17) (DRC: ZONING - Cty Att)

Y. USE LIMITATIONS

1. Condition T.1 of R-95-1015, Petition CR 92-17, which currently states:

Total net leasable floor area shall be limited to a maximum of 95% of the total gross floor area. (ZONING)

Is hereby amended to read:

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)

2. Condition T.2 of R-95-1015, Petition CR 92-17

**No** business activities shall be allowed on site prior to 6:00 a.m. nor later than 11:00 p.m. (ONGOING: CODE ENF)

Is hereby amended to read:

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 - 6:00 a.m. to 11:00 p.m. daily. (ONGOING: CC DE ENF)

3. **No** outdoor loudspeaker system audible off site shall be permitted. (Previously Condition T.3 of R-95-1015, Petition CR 92-17) (ONGOING: CODE ENF)

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. (Previously Condition T.4 of R-95-1015, Petition CR 92-17) (DRC/ONGOING : PLANNING/ZONING)
5. Condition T.5 of R-95-1015, Petition CR 92-17, deleted by Condition 3 of R-97-267.
6. 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. (Previously Condition T.6 of R-95-1015, Petition CR 92-17) (DRC/ONGOING : PLANNING/ZONING)
7. Previously Condition T.7 of R-95-1015, Petition CR 92-17, which currently states:

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; and
- e. **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. (BLDG/ZONING)

Is hereby amended to read:

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,
  - e. **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)
8. **No** outdoor storage of refuse, garbage or waste material shall be permitted in the rear of any facility. (Previously Condition T.8 of R-95-1015, Petition CR 92-17) (ONGOING: CODE ENF)
  9. 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. (Previously Condition T.9 of R-95-1015, Petition CR 92-17) (DRC: ZONING)
  10. 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. (Previously Condition T.10 of R-95-1015, Petition CR 92-17) (BLDG PERMIT: ZONINGIBLDG)

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. (Previously Condition U.1 of R-95-1015, Petition CR 92-17) (DRC: ZONING - ERM)
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. (Previously Condition U.2 of R-95-1015, Petition CR 92-17) (ERM/ZONING)

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 area; or preservation areas.

- 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 noncompliance, 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)

- d. All tree relocations shall occur prior to any construction activity except as approved by the Zoning Director. (Previously Condition V.1 of R-95-1015, Petition CR 92-17) (ONGOING: ZONING/LANDSCAPE)
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. (Previously Condition V.2 of R-95-1015, Petition CR 92-17) (ONGOING: ERM/ZONING)

**BB. 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)

2. Condition W.1 of R-95-1015, Petition CR 92-17, which currently states:

**As** provided in Sections **400.2** and **402.6** of Ordinance **73-2**, as amended, failure to comply with any condition of approval at any time may result in:

- a. 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; and/or
- b. The revocation of the 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; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

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 Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to read:

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

IN THE CIRCUIT COURT OF THE FIFTEENTH  
JUDICIAL CIRCUIT OF FLORIDA, IN AND  
FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO.: CL93-3630 AF

JUPITER RURAL RESIDENTS, INC.,  
a Florida not-for-profit  
corporation, and KAREN BAILEY,  
individually and as trustee,

Plaintiffs,

vs.

PALM BEACH COUNTY, a political  
subdivision of the state of Florida  
and PASSAGES LAND PARTNERSHIP, a  
Florida general partnership,

Defendants.

STIPULATION FOR SETTLEMENT

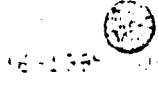
The Plaintiffs, JUPITER RURAL RESIDENTS, INC., KAREN BAILEY,  
individually, and KAREN BAILEY, trustee, and Defendants PALM BEACH  
COUNTY and PASSAGES LAND PARTNERSHIP, file this their Stipulation  
settling all issues arising in this action saying that:

1. PASSAGES LAND PARTNERSHIP shall install or cause to be  
installed four (4) ground water monitoring Yells upon or within the  
area designated on the approved site plan as a gas station, subject  
to the approval of the Palm Beach County Health Department and  
other permitting agencies, and shall apply for an amendment to its  
site plan, if required, to make notation showing same, which  
application for amendment will be processed administratively or at  
the next application for other amendments to site plan or,

EXHIBIT

"A"

92-17 B



12-1387

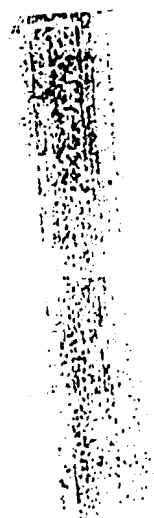
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alternatively, that the location of the wells will be reflected in the building permit application for the gas station.

2. PASSAGES LAND PARTNERSHIP shall install or cause to be installed two (2) ground water monitoring wells upon or within the area designated as a Package Treatment Plant, subject to the approval of the Palm Beach County Health Department or other permitting agencies, and shall apply for an amendment to its site plan, if required, to make notation showing same, which application for amendment will be processed administratively or at the next application for other amendments to site plan, or alternatively, that the location of the wells will be reflected in the building permit application for Phase II improvements.

3. PASSAGES LAND PARTNERSHIP agrees to establish architectural standards as required by the County's conditions of approval and to incorporate these standards into its Declaration of Covenants, which shall run with the land for the shopping center. PASSAGES LAND PARTNERSHIP agrees that the architecture for the shopping center and its buildings, including the outparcels shall not substantially differ from the drawings which have been prepared and presented to the County and JUPITER RURAL RESIDENTS, INC., (copies of these drawings are attached hereto and incorporated herein by reference as Exhibit "A"). These architectural features shall be incorporated into the Declaration of Covenants for the shopping center and shall run with the land. PASSAGES LAND PARTNERSHIP agrees to change the present colors of the building fronts so as to create distinctly different colored building fronts. Furthermore,



the fronts of the buildings shall be board on board with windows broken into large and small panes for the individual building storefronts. The list of building colors previously approved by PALM BEACH COUNTY and the "different color concept" shall be incorporated into the Declaration of Covenants for the shopping center and shall run with the land.

4. The four single-family lots owned by PASSAGES LAND PARTNERSHIP, totaling approximately ten (10) acres, which are located adjacent to and south of the shopping center site in the Mourning Dove Subdivision, shall remain in perpetuity as residential lots. These four (4) residential lots, if developed, shall only be developed as four (4) single-family residences or less. PASSAGES LAND PARTNERSHIP shall record a restrictive covenant running with the land to specifically restrict the four lots to residential single-family home use only, except as provided hereafter. The covenant running with the land shall specifically provide that it shall remain valid for so long as no owners of another lot or other lots in the Mourning Dove Subdivision do not apply for and obtain permission for non-single family home use for their lot or lots. In the event any of the other lots in the Mourning Dove Subdivision are allowed a use other than residential, the residential restriction required by and recorded pursuant to this paragraph shall become null and void.

5. PASSAGES LAND PARTNERSHIP agrees to utilize native vegetation, or such vegetation as currently exists on the site, to the extent that the County requires the existing vegetation to



remain or be relocated on the site, as the primary vegetative materials to landscape the site. PASSAGES LAND PARTNERSHIP may, in its discretion, utilize non-native flowering plants and trees as accents where appropriate in the overall site landscaping and may, in its discretion, utilize the types of grasses it deems appropriate.

6. PASSAGES LAND PARTNERSHIP shall apply for and use its best efforts to obtain approval for a drainage system for the shopping center such that outfall is channelled into the retention pond shown on the site plan. Further, the retention pond shall be stocked with native species of fish such as bream and bass. The parties agree that the health of these species is and shall be some indication of the pond's water quality.

7. PASSAGES LAND PARTNERSHIP agrees that the construction of all roadway improvements to both Indiantown and Jupiter Farms Roads, the intersection improvements for both Indiantown and Jupiter Farms Roads, as well as the turning lanes, curbcuts, and ingress/egress improvements for the two easternmost driveways on Indiantown Road and the northernmost driveway on Jupiter Farms Road (hereinafter "the external roadway improvements"), required by the County to be completed as part of Phase I of the shopping center, must be constructed prior to the issuance of a Certificate of Occupancy (CO) for the gas station planned for the site. PASSAGES LAND PARTNERSHIP agrees not to apply for any CO which would enable the gas station or first building to become open for business prior to the completion of the external roadway improvements.









BEACH COUNTY and PASSAGES LAND PARTNERSHIP hereby dismiss with prejudice or forego any and all affirmative defenses asserted as part of their answer to Plaintiffs' Second Amended Complaint

13. County hereby agrees to enforce the additional obligations undertaken by Intervenor, PASSAGES LAND PARTNERSHIP, as part of the development approvals or orders it has rendered regarding the shopping center and shopping center site, if and when said development approvals or orders are amended by the County after application therefor by PASSAGES LAND PARTNERSHIP, to include such conditions or obligations. A copy of the County's prior Development Order is attached and incorporated herein as Exhibit "B".

14. PASSAGES LAND PARTNERSHIP agrees to landscape or cause to be landscaped the center medians of Indiantown Road and Jupiter Farms Road adjacent to the shopping center sites frontage of these two roadways and shall maintain or cause to be maintained these medians in perpetuity.

15. This Settlement Agreement in no way obligates PALM BEACH COUNTY to amend the development approvals or orders it has issued for this project.

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PALM BEACH COUNTY

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