

RESOLUTION NO. R-95- 1015

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 92-17
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-93-173
WHICH APPROVED THE SPECIAL EXCEPTION OF
PASSAGE LAND PARTNERSHIP
PETITION NO. 92-17

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

WHEREAS, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 92-17 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on July 27, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 92-17 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations; and
2. The amendment of conditions of approval will clarify the intent of conditions contained in Resolution R-93-173.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 92-17, to amend Conditions of Approval of Resolution No. R-93-173, the Special Exception of Passage Land Partnership, Petition No. 92-17, which granted a Special Exception to allow a Planned General Commercial Development (PGCD) and a Planned Office Business Park (POBP) 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 as indicated in Exhibit B, attached hereto and made a part hereof, in the CC-Community Commercial Zoning District and LO-Limited Office Zoning District, is approved, subject to the conditions of approval

described in Exhibit C, attached hereto and made a part hereof.

Commissioner McCarty moved for approval of the Resolution.

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

KEN FOSTER, CHAIR	Aye
BURT AARONSON	Aye
MAUDE FORD LEE	<u>Absent</u>
KAREN T. MARCUS	Nay
MARY MCCARTY	<u>Aye</u>
WARREN H. NEWELL	<u>Aye</u>
CAROL ROBERTS	<u>Nay</u>

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]

DOROTHY H. WILKEN, CLERK
BY: [Signature]
DEPUTY CLERK

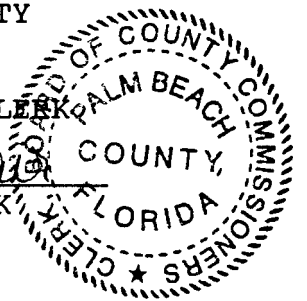


EXHIBIT A

LEGAL DESCRIPTION

COMPOSITE LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE ROAD AND CANAL RIGHTS-OF-WAY ACCORDING TO THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

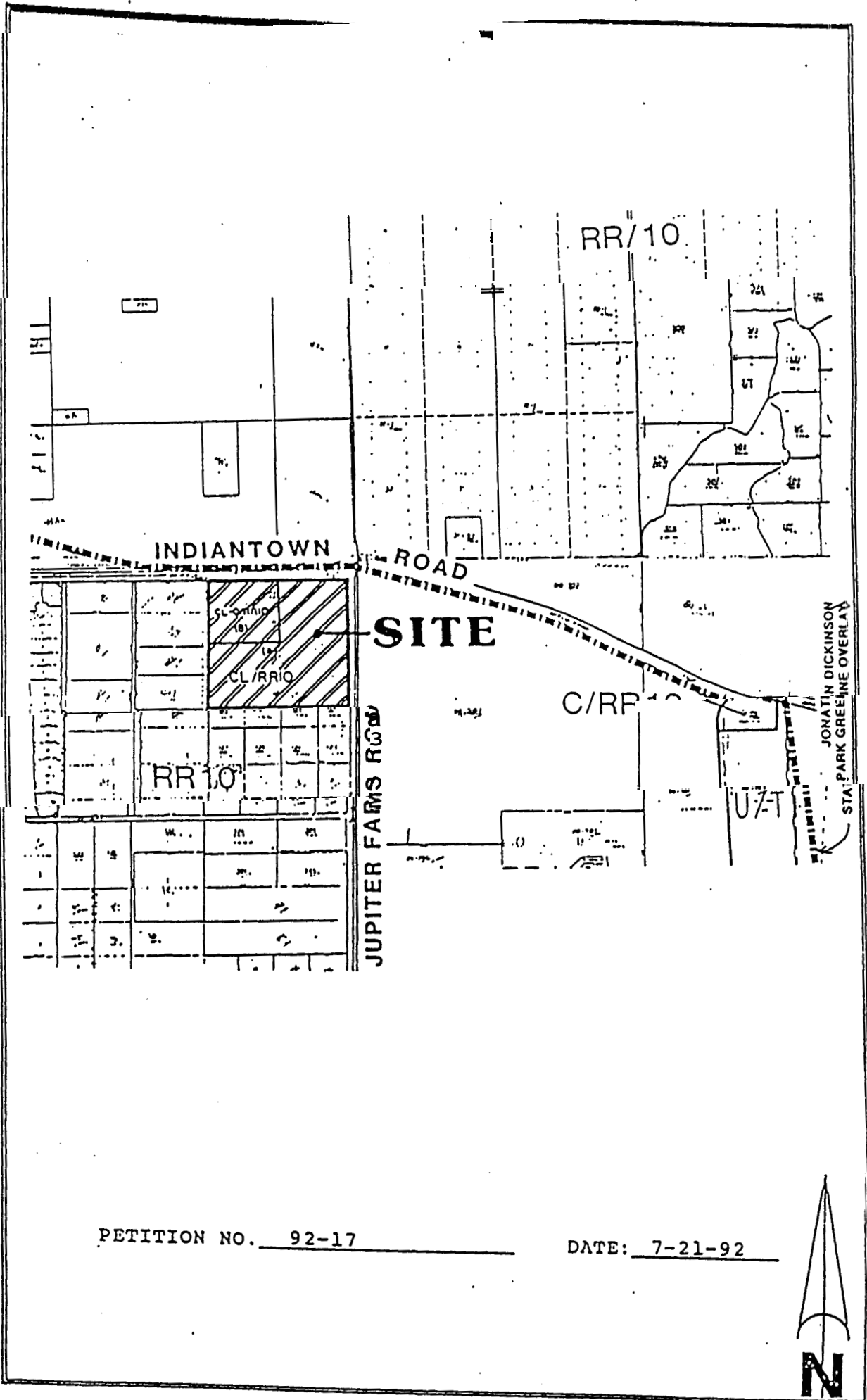
TOGETHER WITH THE FOLLOWING DESCRIBED CANAL RIGHT-OF-WAY:

A PORTION OF SOUTH INDIAN RIVER WATER CONTROL DISTRICT'S (SIRWCD) CANAL RIGHT-OF-WAY LYING IN THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH 01° 59' 45" WEST, ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 55.10 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF INDIANTOWN ROAD (STATE ROAD #706); THENCE NORTH 87° 45' 24" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 50.17 FEET TO THE INTERSECTION WITH THE WEST CANAL RIGHT-OF-WAY LINE, AS SHOWN ON THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 45' 24" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 269.98 FEET; THENCE NORTH 89° 56' 49" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1006.24 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1; THENCE SOUTH 01° 59' 50" WEST, ALONG SAID WEST LINE, A DISTANCE OF 50.03 FEET TO THE INTERSECTION WITH THE SOUTH CANAL RIGHT-OF-WAY LINE, ACCORDING TO SAID REPLAT OF JUPITER FARMS AND GROVES; THENCE SOUTH 89° 56' 49" EAST, ALONG SAID SOUTH CANAL RIGHT-OF-WAY, A DISTANCE OF 1006.98 FEET; THENCE SOUTH 87° 45' 24" EAST, ALONG SAID SOUTH CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 269.09 FEET TO THE INTERSECTION WITH SAID WEST CANAL RIGHT-OF-WAY LINE; THENCE NORTH 02° 10' 08" EAST, ALONG SAID WEST CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.389 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH



PETITION NO. 92-17

DATE: 7-21-92

EXHIBIT C

CONDITIONS OF APPROVAL

The following terms are used to address site design and building design conditions as set forth in this resolution.

1. **Main** portion of the shopping center means anchor stores and in-line commercial uses, the primary building on site.
2. 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.
3. Principal and accessory structures shall mean all buildings on site.

A. BUILDING AND SITE DESIGN

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

All structures on site shall be constructed to be in the rural, rustic character as defined in the conditions herein. Examples of the rural, rustic character include the Valmeron and Burt Reynolds commercial structures, as well as the illustrations in Attachment 2a-2d 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 exteriors sides of any outparcel structures 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 a false pitch roof, 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 of all structures within the main portion of the shopping center.

- 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 -2d 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, and;
 2. The 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 - 2d 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 38% 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.; and
 - 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, 1995 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. (BUILDING-Zoning)
2. All roof lines shall not run in continuous place for more than 250 feet without offsetting or jogging the roof plane. (BUILDING-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 place 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 place 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. (BUILDING-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. (BUILDING/ZONING)
5. All structures shall have a similar architectural treatment on all sides. (BUILDING-Zoning)
6. 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. (ZONING)
7. Prior to site plan certification of the first phase, the site plan shall be amended to indicate at grade ~~stripped~~ 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. (ENGINEERING/ZONING)
8. 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. (ENGINEERING)
9. 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)
10. 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 (32) feet in width by twenty (20) feet in length. (ZONING)
11. 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. (ZONING)

12. Prior to site plan certification of the first phase, all equestrian bridal paths shall be removed from the interior vehicular use areas on the site, except to and from the designated tethering/picnic area. An equestrian bridal 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 bridal paths shall be in the form of a minimum ten (10) foot wide mulch path. Annual maintenance of all required equestrian bridal 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. (ZONING/COUNTY ATTORNEY)
13. Building permits for any structure shall not be issued until the permit **is** reviewed by the Zoning Director for compliance with all conditions. (BUILDING-Zoning)

B. CIVIC SITE DEDICATION

- 1.a. Prior to January 30, 1996, the petitioner shall dedicate to Palm Beach County a minimum of one (1) acre of net usable land area to be utilized for civic uses in a location, manner and form mutually acceptable to the Department of Property and Real Estate Management, the Planning, Zoning and Building Department and the petitioner.

The petitioner may exchange the required on site dedication of land either by conveying fee simple title for a parcel of land **off** site equal in acreage or cash of equal value. The parcel of land off site shall be located in the general vicinity **of** the Jupiter Farms area, as determined by the Department of Property and Real Estate Management. In the event that the off site land dedication is of less value than the on site dedication, the petitioner shall contribute an amount in cash equal to the difference between the value of the on site and off site dedications. The value of the land shall be based upon its value as a civic site.

- 1.b. In the event the petitioner dedicates an on site civic site to Palm Beach County, Palm Beach County shall utilize the site on a permanent basis prior to January 28, 2003, or return the site to the petitioner. (MONITORING-Property Real Estate Management)

C. CONCURRENCY

1. Prior to February 28, 1993, the petitioner shall revise the concurrency 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-Planning)

D. 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. (CODE ENF)

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. (ENGINEERING)
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. (MONITORING/BUILDING-Engineering)
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. (MONITORING/BUILDING-Engineering)
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**. (ENGINEERING)
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. (ENGINEERING/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. (ENGINEERING/BUILDING-Engineering)

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 **E11** and **E12**.

- d) Fund the construction of a separate right turn lane, west approach on Indiantown Road at the project's entrance 720 feet west of Jupiter Farms Road.
- e) Fund the construction of a left turn lane east approach and a right turn lane west approach on Indiantown town Road at the projects entrance **1,180** 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. (ENGINEERING)

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. (MONITORING/BUILDING-Engineering)

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. (MONITORING/BUILDING-Engineering)
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). (IMPACT FEE COORDINATOR)
11. The Property owner shall fund the construction plans for Jupiter Farms Road as a 4-lane median divided section (expandable to 6 lanes from Indiantown Road to a point 660 feet south of the centerline of Indiantown Road) plus the appropriate tapers. These construction plans shall also include the widening of Jupiter Farms Road as a three lane section from a point 660 feet south of the centerline of Indiantown Road to a point 1400 feet south of the centerline of Indiantown Road plus the appropriate paved tapers. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Funding of the construction plans shall be completed prior to April 1, 1995. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (ENGINEERING)
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. (ENG/BLDG)

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. (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. (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. (BUILDING-Engineering)
 - d) No further building permits shall be issued for the site after January 1, 2001. (MONITORING/BUILDING/ENGINEERING)
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. (COUNTY ATTORNEY/CODE ENFORCEMENT-Engineering)
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. (ENGINEERING)
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. (ENGINEERING)

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. (COUNTY ATTORNEY-Engineering-PZ&B)
18. The property owner shall provide Palm Beach County adequate surety to guarantee the construction of the right turn lane required in Condition E-13a. This surty shall be in a form acceptable to the County Engineer. This surety shall be posted prior to issuance of the construction permit for this right turn lane. (ENG)

F. 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. (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. (ZONING)

G. 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. (BUILDING-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. (BUILDING-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. (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. (ZONING-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, **1996**, 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. (MONITORING-ERM)
5. 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)

H. HEALTH

1. A non transient non-community water supply system shall be provided in accordance with state/county regulations;
 - a. Prior to site plan approval, plans and applications to construct a non-transient non-community water supply system must be submitted to the PBCPHU;
 - b. If reverse osmosis treatment is utilized, a permit from the Florida Department of Environmental Regulation for industrial wastewater treatment must be obtained prior to site plan approval by the DEC;
 - 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. (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. (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. (HEALTH)
4. The gas station-convenience store shall have no automotive repair and/or maintenance facilities. (CODE ENFORCEMENT-Health)
5. The automatic car wash facility shall utilize a 100% water recycling system. (BUILDING-Health)

I. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

J. 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. (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 grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

K. 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. (ZONING)
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 trees(s). (ZONING)
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. (ZONING)
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. (ZONING)
5. Store front planters a minimum ten (10) feet in width shall be provided in front of the shopping center in accordance with Exhibit 42, Sheet 7 (Shopping Center Character Sketch), of the Zoning Division files (Zoning Petition 92-17). (ZONING)
6. Landscaping and pedestrian circulation areas, as illustrated in Attachments 2b - 2d and 3, abutting the exterior of any building structure and parking area shall be a continuous minimum of at least ten (10) feet wide 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 building 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. (ZONING)

L. 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. (ZONING)

M. LANDSCAPING AND BUFFERING ALONG SOUTH AND WEST PROPERTY LINES

1. Landscaping and buffering along the south and west property lines shall be upgraded to included:
 - 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 M.1.e., thirty (30) inch high shrub 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 M.1.e. (ZONING)
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. (COUNTY ATTORNEY-Zoning)

N. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner 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 landscape 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. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- a) All plants shall be container grown or field collected and transplanted from the project site.
- b) 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.

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 issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (ENGINEERING/BUILDING)

O. 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. (CODE ENF)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade. (BUILDING-Zoning)
3. All outdoor lighting shall be extinguished no later than 11:30 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

P. PARKING

1. A maximum of 724 parking spaces shall be permitted on site. (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. (ZONING)

3. All uses shall utilize shared parking and circulation arrangements. Shared parking and cross access agreements which are acceptable to the County Attorney shall be incorporated into the required Unity of Control (Condition S.1.). (COUNTY ATTORNEY-Zoning)
4. Only the minimum number of required parking spaces shall be provided for each phase of development. (ZONING:)

Q. 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. (§WA)

R. SIGNS

1. 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). (BUILDING-Zoning)
2. 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 only. (BUILDING-Zoning)
3. Out parcels signs may be permitted on site consistent with the requirements of the Sign Code (Ordinance 90-9, as amended). (BUILDING-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. (BUILDING-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. (ZONING)

S. 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. (COUNTY ATTORNEY)

T. USE LIMITATIONS

1. Total net leasable floor area shall be limited to a maximum of **95%** of the total gross floor area. (ZONING)
2. No business activities shall be allowed on site prior to 6:00 a.m. nor later than **11:00** p.m. (ZONING)
3. No outdoor loudspeaker system audible off site shall be permitted. (ZONING)
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. (PLANNING-Zoning)
5. Land area for a future minimum **5,000** square foot community center shall be reserved on site. (PLANNING)
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. (PLANNING-Zoning)
7. 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. (BUILDING/ZONING)
8. No outdoor storage of refuse, garbage or waste material shall be permitted in the rear of any facility. (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. (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. (ZONING/BUILDING)

U. 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 oaks 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. (ZONING)
2. Native vegetation not located within preservation or relocation areas and deemed relocatable, by the Zoning Division and the Department of Environmental Resources Management, shall be relocated to perimeter buffers, landscape islands, preservation areas or other open space areas on site. (ERM/ZONING)

V. VEGETATION REMOVAL

1. Prior to issuance of a Vegetation Preservation and Protection Permit, the petitioner shall complete the following:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a tree survey performed by a licensed surveyor.
 - b. Trees to be preserved shall receive appropriate protection during site development. No clearing shall commence until all protection devices are

installed by the petitioner, and inspected and approved by the Zoning Division.

- c. No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.
 - d. All tree relocations shall occur prior to any construction activity except as approved by the Zoning Director. (ZONING)
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. (ERM-ZONING)

W. COMPLIANCE

1. 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. (MONTRAG)

X. CERTIFIED SITE PLAN

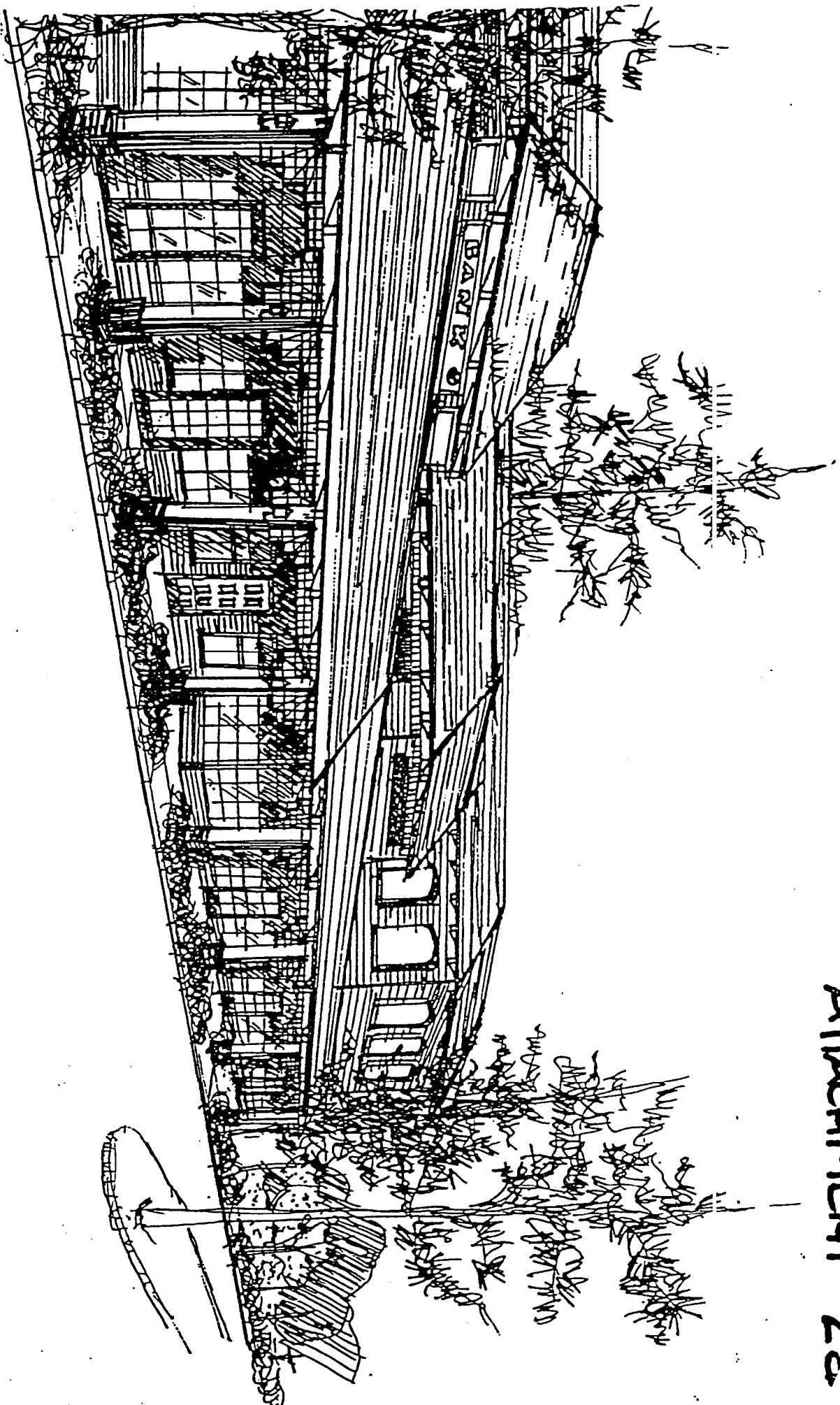
Changes to the certified site plan shall be approved in accordance with the Unified Land Development Code (ULDC), as amended.

Y. CONSTRUCTION

If there is a conflict between any requirement of this resolution and any graphic, exhibit, or verbal representation, the provisions of this resolution shall control.

Z. DECLARATION OF RESTRICTIONS and RESTRICTIVE COVENANT

1. The Declaration of Restrictions, referencing building and site design shall be revised by September 26, 1995 to reflect the conditions, as amended herein. (MONITORING-Zoning)
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 unit of title, for Zoning Petition 92-17, A/K/A Jupiter Farms Shopping Center," by Passages Land Partnership, recorded on April 27, 1993, as amended.
 - b. "Restrictive Covenant," referencing the northerly 25 foot buffer, by Passages Land Partnership, recorded on April 27, 1993. (Zoning)



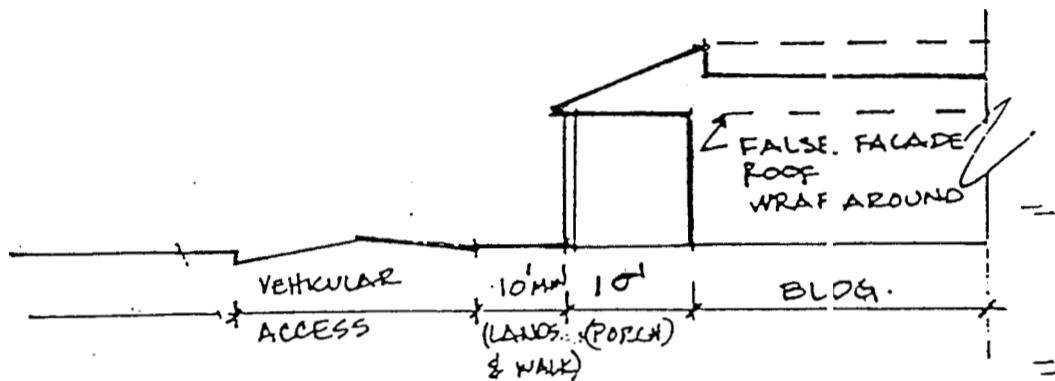
REPRESENTATIVE ARCHITECTURAL STYLE
FOR MAIN PORTION OF SHOPPING CENTER

ATTACHMENT 26

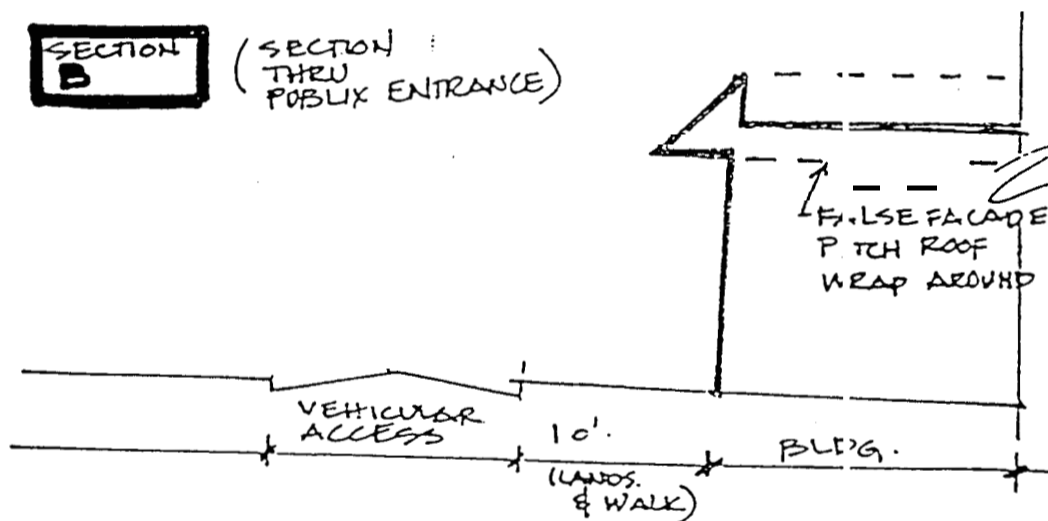
RELATIONSHIP OF PORCH TO MAIN BUILDING FOR FALSE FACADE ROOFS (NORTH ELEVATION)

(SEE EXHIBIT 3 FOR SECTION LOCATION)

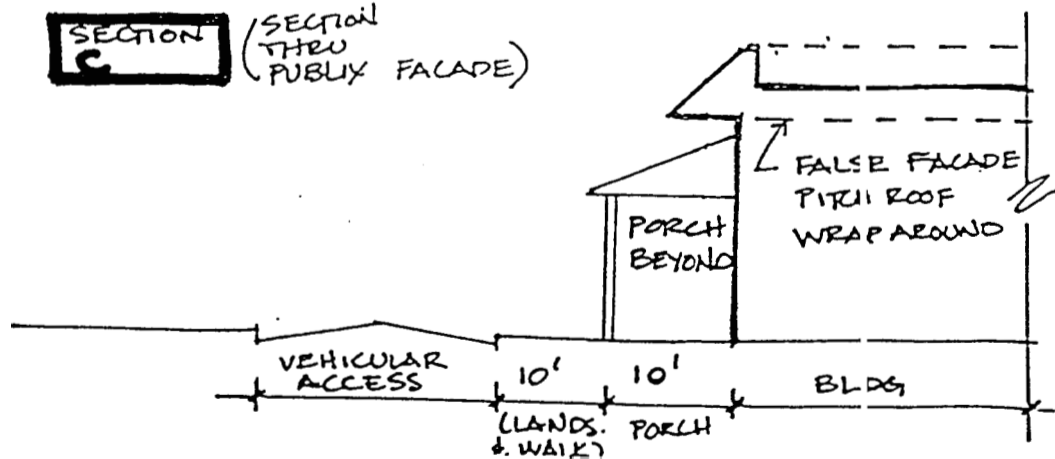
SECTION A (SECTION THRU 1-STORY MAIN PORTION OF SHOPPING CENTER)



SECTION B (SECTION THRU PUBLIC ENTRANCE)



SECTION C (SECTION THRU PUBLIC FACADE)



PORCH / LANDSCAPING ALTERNATIVE FOR VILLAGE GREENS

SECTION D
(SEE EXHIBIT 3 FOR SECTION LOCATIONS)

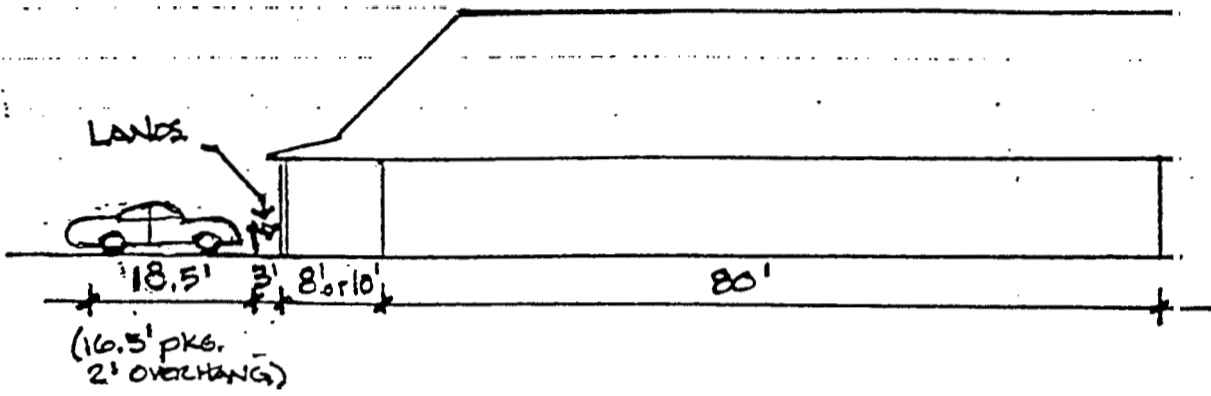
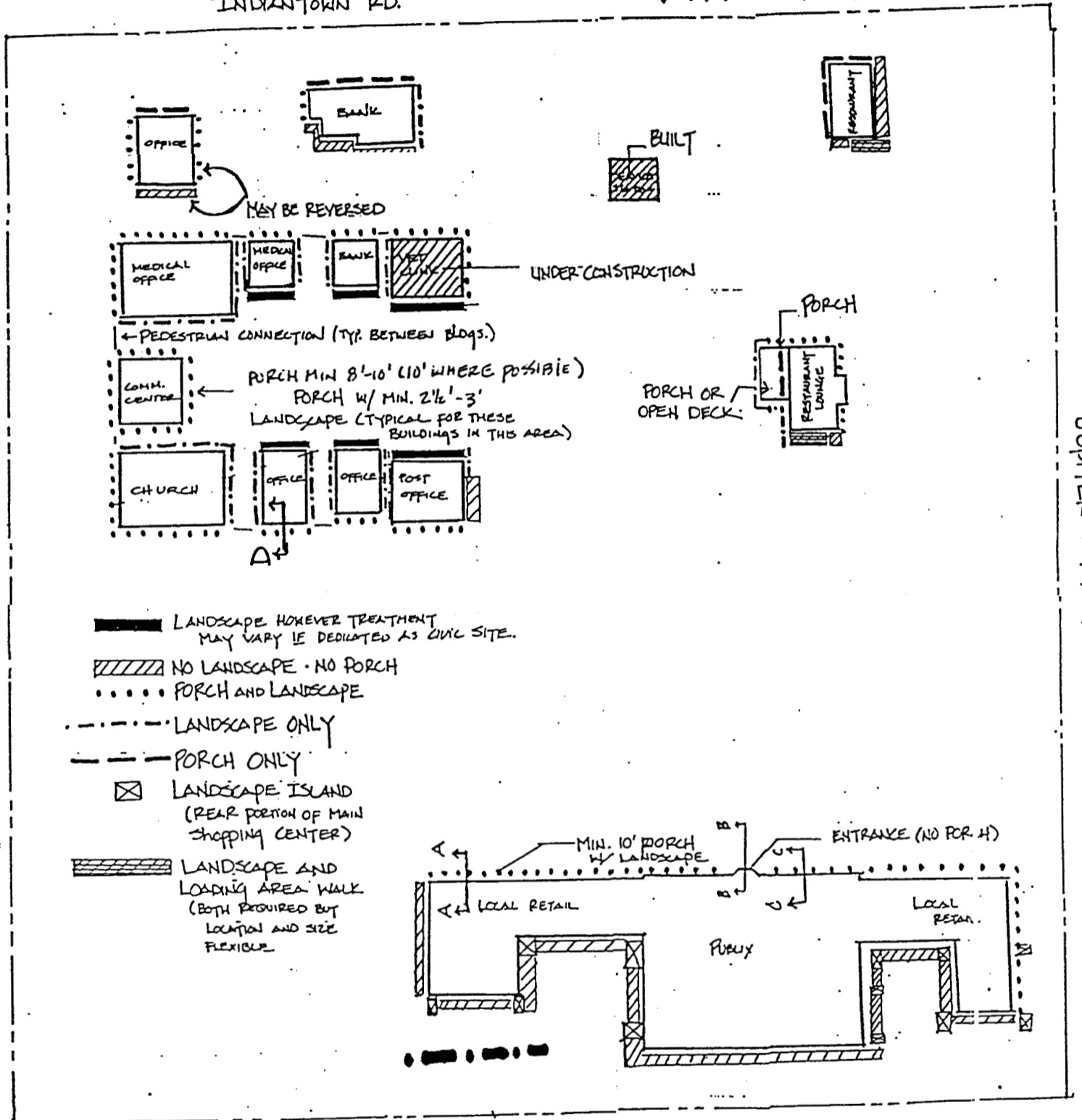


EXHIBIT 2C

INDIAN TOWN RD.

ATTACHMENT 3



JUPITER FARMS RD.

↑ NORTH

AJC
Book, CASEY
1993 Call Box 1169

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT is made this 13 day of April, 1993 by PASSAGES LAND PARTNERSHIP, a Florida General Partnership, hereinafter referred to as Declarant.

WITNESSETH:

WHEREAS, Declarant is the owner of real property described in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, pursuant to the condition of approval adopted by the Board of County Commissioners for Zoning Petition 92-17, the Owner has been required to impose this restriction.

NOW THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, the following restriction is placed on the Property:

1. The northerly twenty-five (25) feet of the property shall not be developed, and shall remain in its natural state. There shall be no land development activities, obstruction, access, easements or other improvements constructed thereon and only prohibited vegetative species may be removed.

2. This restriction shall remain in perpetuity, and the twenty-five (25) feet of the property shall not be credited toward any buffer, landscape, or setback requirement on the adjacent land.

IN WITNESS WHEREOF this Restrictive Covenant has been executed on the day and year first written above.

[Handwritten Signature]

PASSAGES LAND PARTNERSHIP, a Florida General Partnership

By: *[Handwritten Signature]*
Ivan C. Frederickson, Managing Partner
DECLARANT/OWNER

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 13 day of April, 1993, by Ivan C. Frederickson ^{Managing Partner} who is personally known to me or who has produced Florida Driver's License Number _____ as identification and who did (not) take an oath.

[Handwritten Signature]
Notary Public State of Florida
Notary Print Name:

My Commission Expires:

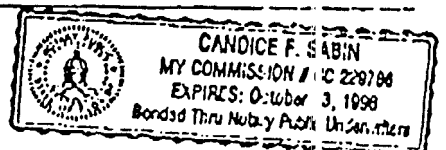


EXHIBIT "A"

COMPOSITE LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE ROAD AND CANAL RIGHTS-OF-WAY ACCORDING TO THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

TOGETHER WITH THE FOLLOWING DESCRIBED CANAL RIGHT-OF-WAY:

A PORTION OF SOUTH INDIAN RIVER WATER CONTROL DISTRICT'S (SIRWCD) CANAL RIGHT-OF-WAY LYING IN THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH 01° 59' 45" WEST, ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 15.10 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF INDIANTOWN ROAD (STATE ROAD #706); THENCE NORTH 87° 45' 24" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 50.17 FEET TO THE INTERSECTION WITH THE WEST CANAL RIGHT-OF-WAY LINE, AS SHOWN ON THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87° 45' 24" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 269.98 FEET; THENCE NORTH 89° 56' 49" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1006.24 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 1; THENCE SOUTH 01° 59' 50" WEST, ALONG SAID WEST LINE, A DISTANCE OF 50.03 FEET TO THE INTERSECTION WITH THE SOUTH CANAL RIGHT-OF-WAY LINE, ACCORDING TO SAID REPLAT OF JUPITER FARMS AND GROVES; THENCE SOUTH 89° 56' 49" EAST, ALONG SAID SOUTH CANAL RIGHT-OF-WAY, A DISTANCE OF 1006.98 FEET; THENCE SOUTH 87° 45' 24" EAST, ALONG SAID SOUTH CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 269.09 FEET TO THE INTERSECTION WITH SAID WEST CANAL RIGHT-OF-WAY LINE; THENCE NORTH 02° 10' 08" EAST, ALONG SAID WEST CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.889 ACRES, MORE OR LESS

ATC
 BOBBY CASEY
 VOTER CALL BOX #69

DECLARATIONS OF RESTRICTIONS
 FOR
 ZONING PETITION 92-17
 A/K/A JUPITER FARMS SHOPPING CENTER

THIS DECLARATION is made this 13 day of July 1993
 by PASSAGES LAND PARTNERSHIP, a Florida General Partnership, being the
 owners of the property described in Exhibit "A", attached hereto
 and made a part hereof (the Property).

WITNESSETH:

WHEREAS, the Owner or their agents applied for the rezoning
 and Special Exception approval of the property, which was approved
 by the Palm Beach County Board of County Commissioners on January
28, 1993; and,

WHEREAS, as part of the approval process, certain conditions
 of approval were adopted which require the Owner to record a
 Declaration of Restrictions to place those conditions in the
 Public Records; and,

WHEREAS, this Declaration is designed to reflect those
 conditions.

NOW THEREFORE, the Owners, for good and valuable consideration,
 the receipt and adequacy of which is acknowledged, do declare,
 dedicate, grant and establish the following restrictions on the
 Property:

1. BUILDING AND SITE DESIGN

All structures on the property shall be constructed of
 the following exterior materials; and shall incorporate the
 architectural design elements listed below based on the elevations
 as reflected in the Official Zoning File of the Palm Beach County
 Zoning Department (Exhibit 42).

- a. Weathered, stained/painted, or natural wood;
- b. Metal/batten standing seam roof, wood shingle roof,
 architectural relief asphalt shingles, exposed
 rafter tails;
- c. Wood trim around doors and windows painted a
 contrasting color;
- d. Lattice work, decorative moldings;
- e. Horizontal wood siding;
- f. Wood clad walls, aluminum siding resembling painted

wood cladding, brick, stucco used with decorative wood detailing such as lattice, moldings or railings;

- g. Canopies, awnings, roof overhangs;
- h. Covered porches with columns and railings;
- i. Pitched roof with gable or hip treatment;
- j. Vertical, rectangular sash windows with single or multi-panel glass;
- k. Clear glass windows (88% light transmission or more);
- l. Building colors shall be limited to the following: light grays, whites, eggshell, dusty red, browns, pale greens; and
- m. Arbors, trellises, gazebos, white corral or picket fences.

2. LIMITATION ON OPERATING HOURS

The time of business commencement of all land uses in Phases 1 and 2 of the approved project (as Phase 1 and 2 are described in the Official Zoning File of the Palm Beach County Zoning Department), except the service station (with convenience store, car wash and accessory uses) shall be no earlier than 9:00 A.M., Monday through Friday.

This limitation shall terminate and be of no further effect upon the commencement of construction of Indiantown Road from Jupiter Farms Road to 130th Avenue.

3. MAINTENANCE OF EQUESTRIAN BRIDAL PATHS

The owner shall maintain at least annually the equestrian bridal paths located on the property. Maintenance shall include refurbishing the mulch and keeping the equestrian paths free from obstructions,

4. MAINTENANCE OF MEDIAN LANDSCAPING

All required median landscaping to be installed by the Owner, pursuant to the requirements of Palm Beach County, including watering, shall be the perpetual maintenance obligation of the Owner. Maintenance shall be in accordance with the issued permits.

~~4~~ 5. UNITY OF CONTROL/SINGLE UNIFIED DEVELOPMENT PLAN

The Owner acknowledges and agrees that the property is subject to a single development plan(s) as may be approved by Palm Beach County and as reflected in the Official Records of the Palm

Beach County Zoning Department. The Owner agrees the development plan(s) for the property shall bind and control all uses, structures, setbacks, landscaping, drainage, ingress, egress, and all other uses of the property regardless of ownership or the leasing of any portion of the property including the outparcels. The owners hereby grant easements to all property owners or lessees in the above-described property for cross access, utility and drainage purposes as may be required herein. Maintenance agreements may be recorded in order to further set forth specific obligations of individual property owners or lessees. This provision shall not be altered, changed or amended without written approval from Palm Beach County.

6. UNITY OF TITLE

The Property shall be considered as one (1) parcel, and no portion thereof may be sold, transferred, devised or assigned except in its entirety.

The provisions of this section shall be automatically rescinded and the record title automatically cleared upon the filing of a plat of record of the Property, or from any portions subdivided, and with the approval of the Executive Director or Planning Building & Zoning, and the County Engineer.

7. DECLARATION RUNS WITH LAND

This Declaration shall run with the property described in Exhibit "A" and shall be binding upon the Owner of the Property or any part thereof, and the respective heirs, legal representatives, successors and assigns. Any reference to the Owner set forth herein shall include their respective heirs, legal representatives, successors and assigns.

This Declaration shall be paramount and superior to all leases, conveyances, transfers, assignments, contracts, mortgages, deeds of trust, and other encumbrances affecting the Property. Any party acquiring possession or title to or an interest in the Property or any part thereof shall do so, subject to this Declaration.

8. DEFAULT

Each Owner of the Property agrees that in the event of default hereunder, non-defaulting Owner(s) may enforce this Declaration by legal and/or equitable action and remedies, and the prevailing party shall be entitled to attorney's fees and costs incurred in any legal action.

IN WITNESS WHEREOF this instrument is executed on the day and year first written above.

[Handwritten Signature]
C. J. Deesbock

PASSAGES LAND PARTNERSHIP, a Florida General Partnership

By: *[Handwritten Signature]*
Ivan C. Frederickson, Managing Part

DECLARANT/OWNER

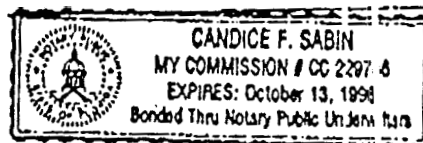
STATE OF FLORIDA

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 13 day of April, 1993, by Ivan C. Frederickson, Managing Part, is personally known to me or who has produced Florida Driver's License Number _____ as identification and who did (not) take an oath.

[Handwritten Signature]
Notary Public State of Florida
Notary Print Name:

My Commission Expires: _____



LAW OFFICES

BOOSE CASEY CIKLIN LUBITZ MARTENS MCBANE & O'CONNELL

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

JOSEPH L. ACKERMAN, JR.
BRUCE G. ALEXANDER, P.A.
JERALD S. BEER, P.A.
WILLIAM R. BOOSE, III, P.A.
JOHN D. BOYKIN, P.A.
PATRICK J. CASEY, P.A.
ALAN J. CIKLIN, P.A.
MICHAEL W. CONNORS
ROBERT L. CHANE, P.A.
RONALD E. CRESCINZO
JAY G. FIANO
LEE B. GORDON
MIKEL D. GREENE
LYNDA J. HARRIS, P.A.
DEBRA A. JENKS, P.A.
BRIAN B. JOSLYN, P.A.

GREGORY S. KINO
CHARLES A. LUBITZ, P.A.
EDWIN C. LUNSFORD
RICHARD L. MARTENS, P.A.
LOUIS R. MCBANE, P.A.
TIMOTHY P. MCCARTHY, P.A.
CLAUDIA M. MCKENNA
MORRIS G. (SKIP) MILLER
BRIAN M. O'CONNELL, P.A.
PHIL D. O'CONNELL, JR., P.A.
J. KORY PARKHURST
CHRISTOPHER J. TWHOCY
JOHN R. YOUNG, P.A.
LONNIE B. ZANGRILLO
ESTHER A. LACATA

PHILLIP D. O'CONNELL, JR. (1907-1987)

OF COUNSEL
JOHN L. REMDEN

NORTHBRIDGE TOWER I - 12TH FLOOR
515 NORTH FLAGLER DRIVE
WEST PALM BEACH, FLORIDA 33401
TELEPHONE (407) 832-5900
TELECOPIER (407) 833-4209

MAILING ADDRESS
P.O. DRAWER 021626
WEST PALM BEACH, FL 33402-4626

May 6, 1993

VIA FAX: 689-2592

Collene Parker
KILDAY & ASSOCIATES
Building 100
1551 Forum Place
West Palm Beach, Florida 33401

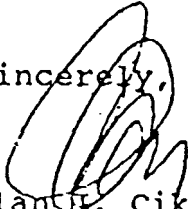
Re: Jupiter Farms Shopping Center

Dear Collene:

please find enclosed a copy of the fully executed Restrictive covenant and Declaration of Restrictions which includes each and every requirement of the conditions of approval. As you know, these have been previously approved by Betsy Mooney of the County Attorney's office. Also enclosed is the recording receipt for your records,

If you have any questions, please call me,

Sincerely,


Alan E. Ciklin

AJC/ag
Encls.
P504-20674

cc: william E. Burckawt w/encls. (regular mail)

WILL CALL BOX

#69

RECORDING SLIP

BOOSE CASEY CIKLIN LUBITZ MARTENS
MCBANE & O'CONNELL P.A.
515 NORTH FLAGLER DRIVE, 18TH FLOOR
WEST PALM BEACH, FLORIDA 33401

CLERK OF THE CIRCUIT COURT
P. O. BOX 4177
WEST PALM BEACH FL 33402

PLEASE RETAIN THIS RECEIPT, THANK YOU

ATTENTION: ALAN J. CIKLIN

CFN DOC-TYPE ORBK-PAGE AMOUNT

DATE: April 26, 1993
FILE NO:

93-126782 COV 7682- 757 \$12.50
93-126783 RS 7682- 80 \$24.60

RECORDING DATE APR-27-1993 TIME 04:25PM

MATTER: PASSAGES LAND PARTNERSHIP

REGISTER: DAL
PRESENTED BY: BOOSE CASEY CIKLIN

INSTRUMENT: DEC.

RECORDING \$24.50

ABSTRACT \$2.60

RECORDING FEE: 28.50

TOTAL FEES DUE \$27.10

ABSTRACT FEE: .60

13774 \$46.10
AMOUNT TENDERED \$46.10

TOTAL: \$29.10

CASH REFUND PAID \$7.00

OFFICIAL RECEIPT

PAID BY CHECK NO:

IN THE AMOUNT OF

\$29.10

MAY - 6 - 92 THU 16 26

F. 61

EXHIBIT "A"

PARCEL 1

THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT OVER THE SOUTH 30 FEET FOR ROAD PURPOSES.

PARCEL 3

THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT OVER THE SOUTH 30 FEET FOR ROAD PURPOSES.

PARCEL 4

THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PUBLIC RECORDS PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT OVER THE SOUTH 30 FEET FOR ROAD PURPOSES LESS THE RIGHT-OF-WAY FOR CANAL AND ROAD PURPOSES AS SHOWN ON THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.