

RESOLUTION APPROVING ZONING PETITION 92-17  
SPECIAL EXCEPTION PETITIONS OF PASSAGE LAND PARTNERSHIP

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

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code (Ordinance 73-2, as amended) have been satisfied; and

WHEREAS, Zoning Petition 92-17 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies, including appropriate staff reports, and the recommendation of the Zoning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner (Ordinance 73-2, as amended); and

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

1. The requested special exceptions meet the concurrency requirements of the Comprehensive Plan through phasing to meet the Traffic Performance Standards Ordinance and with the provision of a package treatment plant.
2. By meeting the Traffic Performance Standards Ordinance no excessive traffic is generated.
3. The conditions, restrictions and limitations imposed below mitigate any potential adverse effects the project may generate and ensure that the project is compatible with the present and future development of the area.
4. The proposal provides an appropriate use of the land and conforms to the character and density of the surrounding area.
5. The proposal is designed to serve the needs of the community and does not promote excessive overcrowding or concentration of people not otherwise permitted.
6. With the conditions of approval as required, there is adequate buffering, light and air.
7. This project is in the Rural Service Area and serves the needs of the population in the area as established by current land use patterns.
8. This proposal is consistent with and contributes to the public health, safety and welfare.
9. The special exceptions listed below are consistent with the Palm Beach County Comprehensive Plan.
10. The special exceptions listed below are consistent with the requirements of the Palm Beach County Zoning Code (Ordinance 73-2, as amended).
11. The special exceptions listed below are consistent with all other applicable local land development regulations.

WHEREAS, 402.5 of the Zoning Code (Ordinance 73-2, as amended) 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 92-17, the petition of PASSAGE LAND PARTNERSHIP, by Kieran Kilday, agent, for a SPECIAL EXCEPTION to allow a Planned General Commercial Development (PGCD), including SPECIAL EXCEPTIONS to allow a car wash, automatic; churches, places of worship, rectories, convents and accessory buildings and structures; a convenience store with gasoline sales; a fast food restaurant with drive through window; a financial institution occupying 10,000 square feet or more of total floor area or more than 2 drive up teller units; government services and accessory buildings and structures; lounges; veterinary office; and a private utility service and accessory buildings and structures (water and waste water treatment facility) in the Community Commercial (CC) Zoning District; and a SPECIAL EXCEPTION to allow a Planned Office-Business Park (POBP), including SPECIAL EXCEPTIONS to allow churches, places of worship, rectories, convents and accessory buildings and structures; clinics, medical, dental, and chiropractic (out patient only); a financial institution with no drive up teller units with a total floor area of 3000 square feet or less; government services and accessory buildings and structures; and veterinary offices in the Limited Office (LO) Zoning District, 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, was approved on January 28, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of January, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

*Burt Aaronson*  
COUNTY ATTORNEY

BY:

*Lina M. Hale*  
DEPUTY CLERK

FILE:H:\WPDATA\PROD\RESO\92-17.SE

Petition No. 92-17

Page 2

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 COUNN, 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 CINE, **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

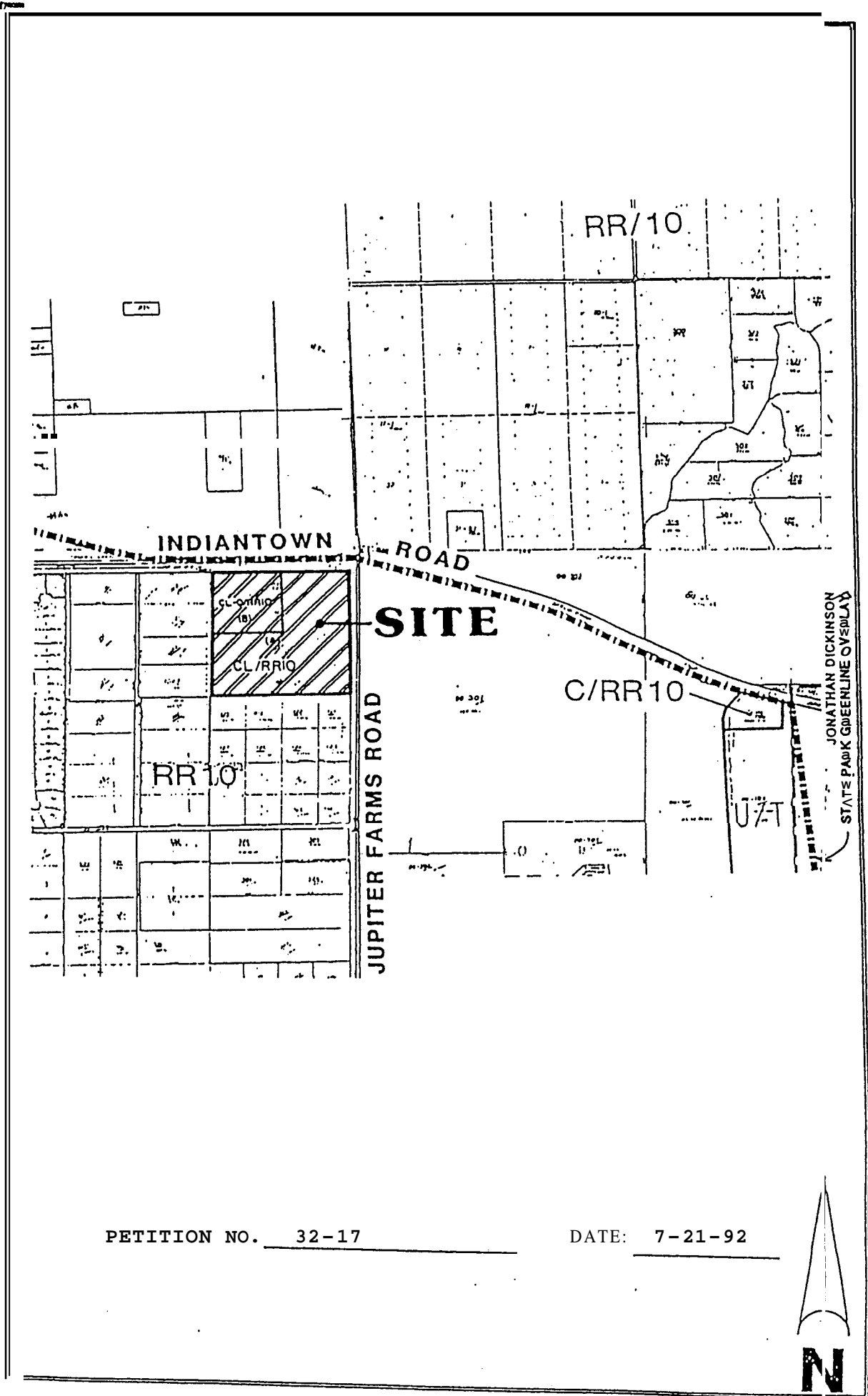


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. All structures on site shall be constructed of the following exterior materials and incorporate the architectural design elements listed below based on the elevations provided by the applicant (Exhibit 42). This requirement shall be executed in the form of a covenant 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.
  - 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. (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, 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. 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. (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 principle structure 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 ar. 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 (12)** 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)

**B. CIVIC SITE DEDICATION**

1. Prior to site plan certification, 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 ~~or~~ 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.

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.

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 ENE)

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 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.  
(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 surety shall be in a form acceptable to the County Engineer. This surety shall be posted prior to issuance of the construction permit for this right turn lane. (ENG)

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. (ERM)

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 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. (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 standard; 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. (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)

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:

<u>Trees:</u>	<u>Groundcover:</u>
Laurel Oak	Wedilia
Live Oak	Bahia Grass
Slash Pine	
Sabal Palmetto	

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. (SWA)

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 tree; 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. (MONPRNG)