

RESOLUTION NO. R-93-510

RESOLUTION APPROVING ZONING PETITION EAC88-33(B)
DEVELOPMENT ORDER AMENDMENT/EXPEDITED APPLICATION CONSIDERATION
(EAC) PETITION OF SUNBURST SANITATION CORPORATION

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC88-33(B) was presented to the Board of County Commissioners at a public hearing conducted on October 29, 1992; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This proposal is consistent with the Palm Beach County Comprehensive Plan.
2. This proposal is consistent with the requirements of the Palm Beach County Land Development Code and all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC88-33(B), the petition of SUNBURST SANITATION CORPORATION BY SARA LOCKHART for a DEVELOPMENT ORDER AMENDMENT in the Light Industrial (IL) Zoning District, to amend Conditions of Approval (hours of operation; overnight storage), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on October 29, 1992, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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Commissioner Marcus moved for the approval. of the Resolution.

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


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

The Chair thereupon declared that the resolution was duly passed and adopted this 20 day of April, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY :


COUNTY ATTORNEY

BY:


DEPUTY CLERK

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EXHIBIT A

LEGAL DESCRIPTION

A parcel of land, together with all improvements thereon, situated in Section 34, Township 43 South, Range 42 East, Palm Beach County, Florida, described as follows:

PARCEL 1A: The East 1/2 of Tract 70, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Pages 45 to 54, inclusive.

PARCEL 2A: The East 1/2 of Tract 71, all lying North of the Right-of-Way of State Road 80, Block 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof as recorded in Plat Book 2, Page 45, also described as PALM BEACH FARMS COMPANY PLAT NO. 3, the North 26.33 feet to 40.72 feet of the east 1/2 of Tract 71, Block 5, Section 34, Township 43 South, Range 42 East, as same is recorded in Plat Book 2, Page 45.

PARCEL 1B: The East 1/2 of Tract 51, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Page 45 to 54, inclusive.

LESS that part of Parcel 1A, 2A and 1B as conveyed to Palm Beach County by deed recorded in Official Record Book 4281, Page 719, more particularly described as follows:

A parcel of land for Road Right-of-way purposes, lying in Tract:; 70 and 71 of Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 46; more particularly described as follows:

Commence at the intersection of the East line of said Tract 71 and the base line of survey for State Road 80, as shown on Road Book 2, page 11 through 18, (said base line being the approximate center-line of existing pavement); thence Northerly along the said East line of Tract 71, a distance of 50.05 feet to the POINT OF BEGINNING of the herein parcel to be described (said point being in the existing North Right-of-way line of State Road 80); thence continue Northerly along said East lines of said Tracts 70 and 71, a distance of 40.72 feet to the North line of said Tract 71; thence West along the North line of said Tract 71, thence west along the north line of said Tract 71 330.00 feet, more or less to the West line of the East 1/2 of said Tract 71; thence South along the West line of the East 1/2 of said Tract 71, a distance of 26.33 feet to the existing North Right-of-way line of State Road 80; thence along said North line of State Road 80, South 88 degrees 03' 08" East a distance of 330.32 feet, more or less to the POINT OF BEGINNING.

ALSO LESS: Beginning at the Southeast corner of Tract 70, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, run thence the following number of courses:

1. North 0 degrees 33' West along the East line of said Tract 70, a distance of 99.38 feet, more or less to intersect a line parallel with and 220.00 feet North of (as measured at right angles to) the South line State Road 80; thence
2. Along said parallel line North 88 degrees 03' 08" West, a distance of 330.03 feet to intersect the West line of the East 1/2 of Tract 70; thence
3. South 0 degrees 33' East along West line 113.43 feet to the Southwest corner of the East 1/2 of said Tract 70; thence
4. North 89 degrees 27' East along the South line of said Tract 70, 330.00 feet more or less to the POINT OF BEGINNING.

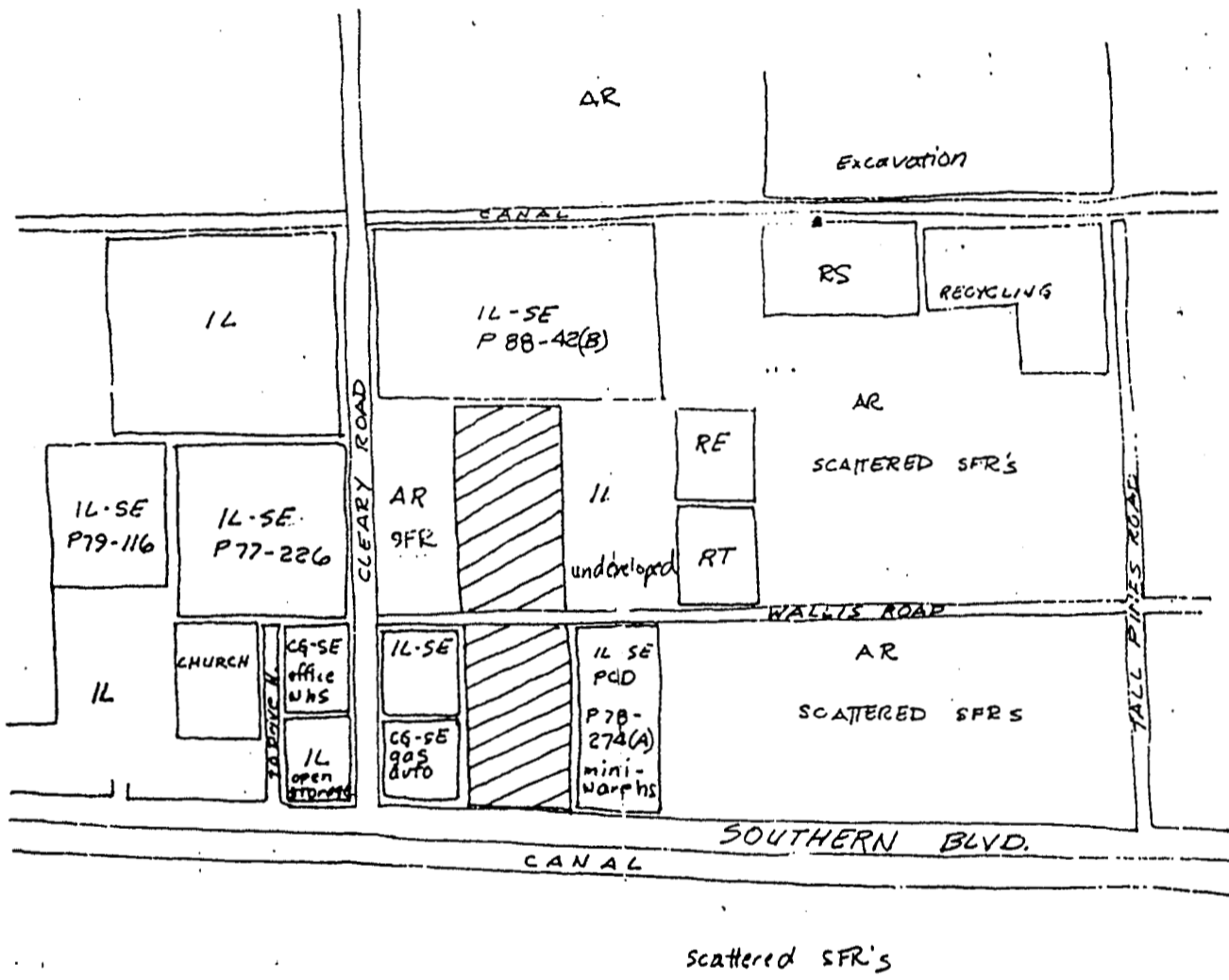
ALSO LESS: A parcel of land for Road Right-of-way purposes, being the North 15.00 feet of the East 1/2 of Tract 70 and the South 15.00 feet of the East 1/2 of Tract 51, Block 5, PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, in the Public Records of Palm Beach County, Florida.

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EXHIBIT B
VICINITY SKETCH

Sec. 27 Twp. 43 Rng. 42
Quadrant Sheet: 46
Aerial Page: 172-173

Vicinity
Sketch



Request: The Applicant has requested an Amendment Development Order to modify three conditions of approval relating to the hours of operation, removal of haza'rdous materials, and overnight storage (Conditions P.4, P.6, P.8 of Petition 88-33(A) Resolution No. 92-60).

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PETITION NO: EAC 88-33(B) BCC DISTRICT: 6

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein. All conditions shall apply to the entire property unless specifically stated otherwise.

A. ALL PETITIONS

1. The petitioner shall replace all required landscape material that is dead, diseased, damaged, or missing by March 31, 1993. (MONITORING-Zoning)
2. Prior to March 31, 1993 the petitioner shall amend the site plan to include a stabilized employee parking area on the recycling facility property. Shell rock may be used to meet this requirement. (MONITORING-Zoning)
3. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein. (Previously Condition No. **A.1.** of Resolution No. R-92-60, Zoning Petition 88-33(A). (MONITORING)
4. **Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.** (Previously Condition No. **A.2.** of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
5. **"Development of the site is limited to the uses and site design shown on the site plan exhibit 46 approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.** (Previously Condition No. **A.2.** of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
6. Condition No. **A.3.** of Resolution No. R-92-60, Zoning Petition 88-33(A), which currently states:

"The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to January 7, 1992." (MONITORING)

Is hereby deleted.

(REASON: Petitioner has complies with condition.)

B. BUILDING AND SITE DESIGN

1. **Prior to site plan certification, the site plan shall be amended to indicate that the processor will be enclosed on the north, east and west sides.** (Previously Condition No. **B.1.** of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

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2. **The height of recyclable or recovered materials, or non-recyclable residue, sorted or stored in outdoor areas shall not exceed twelve (12) feet in height.** (Previously Condition No. B.2. of Resolution No. R-92-60, Zoning Petition 88-33(A), (CODE ENFORCEMENT-Zoning))
3. **All outdoor storage of nonorganic recyclable materials, excluding rock, dirt, mulch and non-treated wood, shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the materials.** (Previously Condition No. B.3. of Resolution No. R-92-60, Zoning Petition 88-33(A), (CODE ENFORCEMENT-Zoning))
4. Condition No. 1 of Resolution No. R-89-438, Zoning Petition 88-33, which currently states:

Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. Required transfer of ten (10) percent of the specialized vehicular use area landscaping to the perimeter of the site. This area shall be designated numerically in the tabular data and graphically.
- b. Fifteen (15) foot landscape strip along the southern property line, meeting the requirements of the Landscape Code, Section 500.35.E.3
- c. Remove the reference to "future development" shown on the site plan for the northern portion of the site.
- d. Indicate paving and striping along the northern portion of the site, or petition for variance relief from the Board of Adjustment.
- e. Provision of a six (6) foot high solid wooden fence around the perimeter of all storage areas."

Shall apply to the south parcel only. (Previously Condition No. B.4. of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING))

5. Condition No. 3 of Resolution No. R-89-438, Zoning Petition 88-33, which stated:

"The petitioner shall eliminate twenty-four (24) parking spaces located adjacent to the southern property line and relocate and label the five (5) display spaces for auto sales on site and install landscaping as required, by Condition No. 1.b."

Was amended by Condition No. B.5. of Resolution No. R-92-60, Zoning Petition 88-33(A) to state:

"The petitioner shall label the five (5) display spaces for auto sales on site and install landscaping as required by Condition No. 1.b." (ZONING)

6. **The site shall be limited to a maximum of five (5) display spaces.** (Previously Condition No. B.6 of Resolution No. R-92-60, Zoning Petition 88-33(A). (CODE ENFORCEMENT-Zoning))

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7. The petitioner shall provide an area on the site to unload vehicles from car carriers or towing vehicles. Sufficient maneuvering area shall be provided and shall be located out of on-site and off-site vehicular traffic circulation. This area shall be designated on the site plan. (Previously Condition No. B.7. of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING))
8. The petitioner shall ~~replace/upgrade~~ the existing wooden fence along the north property line of the south parcel, adjacent to Wallis Road, in accordance with ~~Conditions 4.e.~~ of Zoning Petition No. 88-33, Resolution No. R-89-438. (Previously Condition No. B.8. of Resolution No. R-92-60, Zoning Petition 88-33(A). (CODE ENFORCEMENT-Zoning))
9. Prior to issuance of a building permit, the petitioner shall ensure that the structure built to enclose the processing equipment is constructed to ensure noise levels do not ~~exceed~~ 60 DBA at the closest property line. (Previously Condition No. B.9 of Resolution No. R-92-60, Zoning Petition 88-33(A). (BUILDING\Code Enforcement:))

C. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the Concurrency Exemption for the site (Case #90-11-30-094 E to reflect the new approved use. (Previously Condition No. C.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (PLANNING))

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. ~~Secondary containment for stored Regulated Substances-~~ fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures. (Previously Condition No. D.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ERM))
2. Plans for any underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform ~~all necessary preventative measures to reduce~~ the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (Previously Condition No. D.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ERM))

E. ENGINEERING

1. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) ~~year-one~~ (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that: the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition No. E.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ENGINEERING))

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2. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (Previously Condition No. E.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ENGINEERING))
3. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the north right-of-way of the West Palm Beach Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyance shall also include "Safe Sight Distances" where appropriate at intersections as determined by the County Engineer. Previously Condition No. E.3 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ENGINEERING))
4. 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 as it may from time to time be amended. The Fair Share Fee for this project shall be determined by the County Engineer. Previously Condition No. E.4 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ENGINEERING))
5. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the code Enforcement Board for enforcement. Previously Condition No. E.5 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ENGINEERING))
6. Access to the site shall be restricted to the paved portion of Wallis Road between Cleary Road and the subject property. Previously Condition No. EC of Resolution No. R-92-60, Zoning Petition 88-32(A). (ENGINEERING))

F. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. Previously Condition No. F.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (HEALTH\ERM)

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2. Since sewer service is available to the property, septic tank shall not be approved for use on the property. Previously Condition No. F.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (HEALTH)
3. Because water service is available to the property, a well shall not be approved for potable water use. Previously Condition No. F.3 of Resolution No. R-92-60, Zoning Petition 88-33(A). (HEALTH)
4. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C. Previously Condition No. F.4 of Resolution No. R-92-60, Zoning Petition 88-33(A). (HEALTH)
5. Prior to commencement of any recycling activity on the north parcel, the petitioner shall install potable water and sanitary sewer facilities on the parcel. Previously Condition No. F.5 of Resolution No. R-92-60, Zoning Petition 88-33(A). (HEALTH)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. Previously Condition No. G.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

H. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the site plan to reflect conformance to current Landscape Code requirements for the north parcel, and to the maximum extent possible on the south parcel, all landscape conditions of approval, and revised landscape tabular data. Previously Condition No. I.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
2. All trees required by this petition shall be a minimum of:
 - a. Height: 14 feet, except where noted.
 - b. Trunk Caliper: 3.5 inches at 4.5 feet above grade.
 - c. Canopy Diameter: 7 feet.

Previously Condition No. 1.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
3. The petitioner shall install an eight (8) foot high opaque fence from the west property line to the east property line of the north parcel, along the south boundary of the lake maintenance easement. Previously Condition No. I.3 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
4. All landscaping and vegetation planted on site, as required by this petition, shall be a native variety. Previously Condition No. 1.4 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

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5. All landscaping and buffering shall be properly installed, irrigated and maintained, as required by the Palm Beach County Zoning Code. Previously Condition No. 1.5 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

I. LANDSCAPING ALONG WALLIS ROAD

1. NORTH SIDE OF WALLIS ROAD (South property line of north parcel) - Landscaping within the required buffer along the north side of Wallis Road shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape strip.
- b. A six (6) foot high solid opaque fence.
- c. One native canopy tree spaced every twenty (20) feet on center.
- d. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.
- e. All required landscaping shall be installed on the exterior side of the required fence.

Previously Condition No. J.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

2. SOUTH SIDE OF WALLIS ROAD (North property line of south parcel) - Landscaping within the required buffer along the south side of Wallis Road shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape strip.
- b. A six (6) foot high solid opaque fence.
- c. One native canopy tree spaced every twenty (20) feet on center.
- d. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.
- e. All required landscaping shall be installed on the exterior side of the required fence.

Previously Condition No. J.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE NORTH PARCEL

1. Landscaping and buffering along the west property line of the north parcel shall be upgraded to include:

- a. A minimum fifty (50) foot wide landscape buffer strip.
- b. An eight (8) foot high fence, opaque from the south property line of the north parcel, north to the lake maintenance.
- c. Two rows of native canopy trees, spaced twenty (20) feet on center from the south property line of the north parcel, north to the lake maintenance easement. Two rows of ten (10) foot tall five

canopy trees spaced thirty (30) feet on center from the lake maintenance easement, north to the north property line.

- d. One native palm tree for each twenty (20) linear feet. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
- e. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, installed from the south property line of the north parcel, north to the lake maintenance easement, and to be maintained at a minimum height of forty-eight (48) inches.
- f. All required landscaping shall be installed on the exterior side of the required fence.

Previously Condition No. K.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

2. Landscaping and buffering shall be installed prior to the issuance of the first building permit. Previously Condition No. K.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

K. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING Industrial Zoning):

1. A minimum ten (10) foot wide landscape buffer strip. Previously Condition No. L.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
2. A fence a minimum of six (6) feet in height. Previously Condition No. L.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
3. One twelve (12) foot tall native canopy tree planted every 20 feet on center along the exterior side of the required fence. Previously Condition No. L.3 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)
4. Along the exterior side of the required fence, the property owner shall install thirty six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty eight (48) inches. Previously Condition No. L.4 of Resolution No. R-92-60, Zoning Petition 88-33(A). (ZONING)

L. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. Previously Condition No. M.1 of Resolution No. R-92-60, Zoning Petition 88-33(A). (CODE ENFORCEMENT-Zoning)
2. Lighting fixtures shall not exceed twenty (20) feet in height. Previously Condition No. M.2 of Resolution No. R-92-60, Zoning Petition 88-33(A). (CODE ENFORCEMENT-Zoning)

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3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. Previously Condition No. M.3 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (CODE ENFORCEMENT-Zoning)

4. Condition No. 10 of Resolution No. R-89-438, zoning Petition 88-33 which stated:

"Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and street, shining only on the subject site."

Was deleted by Resolution No. R-92-60.

M. SIGNS

1. Any new or replacement signs fronting on Southern Boulevard shall be limited as follows:

a. Maximum sign height - ten (10) feet.

b. Maximum total sign face area - 100 square feet.

c. Maximum number of signs - one, monument type sign.

Previously Condition No. N.1 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (CODE ENFORCEMENT-Zoning)

2. No signs shall be permitted fronting on Wallis Road, except as required by Condition P.7. Previously Condition No. N.2 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (CODE ENFORCEMENT-Zoning)

3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. Previously Condition No. N.3 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (CODE ENFORCEMENT-Zoning)

4. No off-premise signs shall be permitted on the site. Previously Condition No. N.4 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (CODE ENFORCEMENT-Zoning)

5. There shall be no on premises signs indicating existence of used automobiles sales. Previously Condition No. N.5 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (CODE ENFORCEMENT-Zoning)

N. UNITY OF TITLE

1. A Unity of Title shall be executed covering the entire site. Two (2) copies of properly executed Unity of Title documents shall be submitted to the zoning Division simultaneously with Site Plan Review Committee application. Previously Condition No. 0.1 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (ZONING)

2. The Unity of Title may be broken by the Executive Director of Planning, Zoning, and Building and the County Engineer. Previously Condition No. 0.1 of Resolution No. R-92-60, Zoning Petition 88-33 (A). (ZONING)

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0. USE LIMITATION

1. **Use of the site shall be limited to 22,350 square feet of auto service and accessory sale uses, and 2.39 acres of recycling processing use (north parcel only).** Previously Condition No. P.1 of Resolution No. R-92-60, Zoning Petition **88-33(A)**. (CODE ENFORCEMENT-Zoning)
2. **Only construction materials and vegetation shall be recycled on site.** Previously Condition No. P.2 of Resolution No. R-92-60, Zoning Petition **88-33(A)**. (CODE ENFORCEMENT-Zoning)
3. **No outdoor loudspeaker system audible off site shall be permitted.** Previously Condition No. P.3 of Resolution No. R-92-60, Zoning Petition **88-33(A)**. (CODE ENFORCEMENT - Zoning)
4. Condition No. P.4 of Resolution No. R-92-60, Zoning Petition **88-33(A)**, which currently states:

Hours of operation for the recycling facility shall be limited to **7:30** a.m. to **5:30** p.m., Monday through Friday.

Is hereby amended to state:

Hours of operation of the recycling facility shall be limited to **7:30** a.m. to **6:00** p.m., Monday through Friday, excluding the retrieval and delivery of recyclable material containers, in accordance with Condition **0.5**. (CODE ENFORCEMENT-Zoning)

5. The retrieval and delivery of recyclable material containers shall be limited to **7:00** a.m. to **6:00** p.m., Monday through Saturday. (CODE ENFORCEMENT-Zoning)
6. **The entrance to the north parcel, from Wallis Road, shall be locked and gated when the facility is not open. This gate shall be a minimum of six (6) feet in height, solid and opaque.** Previously Condition No. P.5 of Resolution No. R-92-60, Zoning Petition **88-33(A)** (CODE ENFORCEMENT-Zoning)
7. Condition No. P.6 of Resolution No. R-92-60, Zoning Petition **88-33(A)**, which currently states:

The applicant shall maintain a contract with a licensed waste hauler for daily removal of all hazardous material inadvertently brought on site.

Is hereby amended to state:

The applicant shall maintain a contract with a licensed waste hauler for daily removal of all hazardous materials and white good inadvertently brought on site. (ZONING)

8. **No hazardous materials or white goods shall be permitted on site. A sign shall be prominently displayed at the entrance to the recycling facility stating these restrictions.** Previously Condition No. P.7 of Resolution No. R-92-60, Zoning Petition **88-33(A)** (CODE ENFORCEMENT)

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9. Condition No. P.8 of Resolution No. R-92-60, Zoning Petition 88-33(A), which currently states:

No overnight storage of recyclable and non-recyclable materials shall be permitted on site.

Is hereby amended to state:

Overnight storage of recyclable materials shall be limited to a maximum of five (5) thirty cubic yard recyclable materials containers overnight (24 hours maximum, Monday through Thursday only). No overnight storage of non-recyclable materials shall be permitted on site. All overnight storage containers shall be appropriately covered and secured. (CODE ENFORCEMENT-ZONING)

10. **Commercial excavation is prohibited on site.** Previously Condition No. P.9 of Resolution No. R-92-60, Zoning Petition 88-33(A) (CODE ENFORCEMENT-Zoning)

11. **This site shall not be used as a commercial landfill.** Previously Condition No. P.10 of Resolution No. R-92-60, Zoning Petition 88-33(A) (CODE ENFORCEMENT\HEALTH-Zoning)

12. **All material brought on site shall be deposited, recycled and sorted on a concrete surface.** Previously Condition No. P.11 of Resolution No. R-92-60, Zoning Petition 88-33(A) (CODE ENFORCEMENT-Zoning)

13. Condition No. P.12 of Resolution No. R-92-60, Zoning Petition 88-33(A) which states:

"The use of the site shall be limited to auto towing, with ancillary office, auto storage, auto body mechanical repair, sale of repossessed automobiles limited to a maximum of five (5) outdoor sales display spaces."

Shall apply to the southern parcel only. (CODE ENFORCEMENT-Zoning)

14. **No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.** Previously Condition No. P.13 of Resolution No. R-92-60, Zoning Petition 88-33(A) (CODE ENFORCEMENT-Zoning)

15. **Outside storage of disassembled vehicles shall be limited to a designated area located interior to the site. There shall be no outdoor storage of disassembled vehicle parts on site.** Previously Condition No. P.14 of Resolution No. R-92-60, Zoning Petition 88-33(A) (CODE ENFORCEMENT-Zoning)

16. **Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be permitted in landscaped areas, right-of-way, or interior drives.** Previously Condition No. P.15 of Resolution No. R-92-60, Zoning Petition 88-33(A) (CODE ENFORCEMENT-Zoning)

17. **This Special Exception (Zoning Petition No. 88-33(A) shall expire on September 30, 1996. The property owner or his designee may submit a zoning petition to extend the special exception use on the property at any time within 120 days prior to September 30, 1996.** Previously Condition No. P.16 of Resolution No. R-92-60, Zoning Petition 88-33(A) (MONITORING-Code Enforcement-Zoning)

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P. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - 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, Previously Condition No. Q.1 of Resolution No. R-92-60, Zoning Petition 88-33(A) (MONITORING)

2. Condition No. 20 of Resolution No. R-89-438, Zoning Petition No. 88-33, which stated:

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

Was deleted by Resolution No. 92-60, Zoning Petition 88-33(A).

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