

RESOLUTION NO. R-97-657

RESOLUTION APPROVING ZONING PETITION DOA88-33(D)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF HAROLD MURPHY  
BY SARA LOCKHART, AGENT  
(MURPHY'S TOWING)

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

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

WHEREAS, Zoning Petition DOA88-33(D) was presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997; and

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

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

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA88-33(D), the petition of Harold Murphy, by Sara Lockhart, agent, for a Development Order Amendment (DOA) to add land area (+3.98 acre) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 1997.

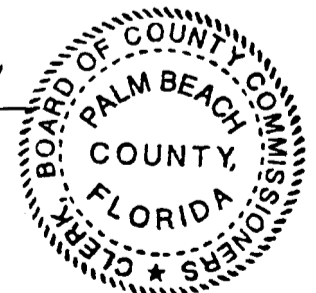
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

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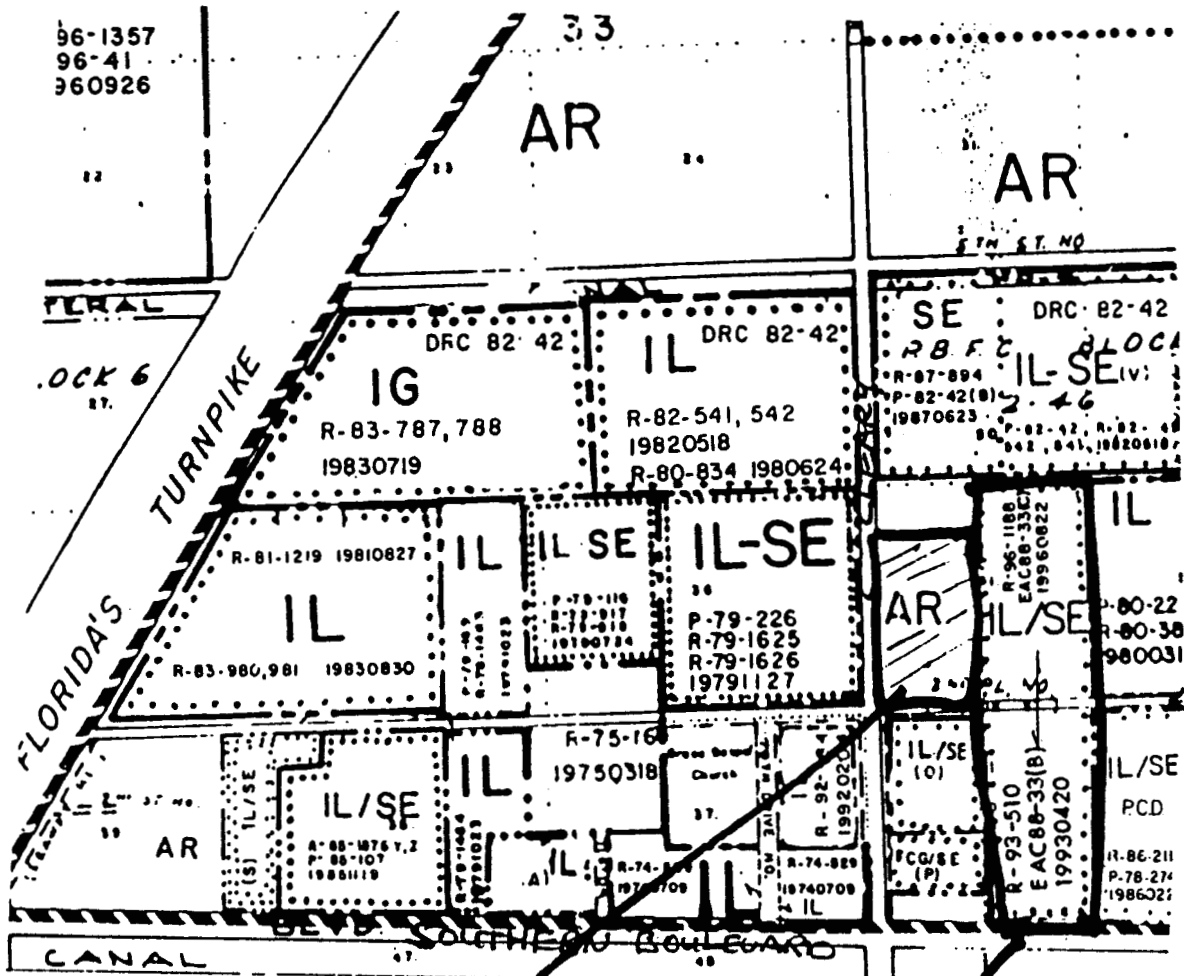
PARCEL 1A: THE EAST ½ OF TRACT 70, BLOCK 5, PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE; PARCEL 2A: THE EAST ½ OF TRACT 71, ALL LYING NORTH OF THE RIGHT-OF-WAY OF SR 80, BLOCK 5, THE PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45, ALSO DESCRIBED AS PALM BEACH FARMS CO., PLAT NO. 3, THE NORTH 26.33 FEET TO 40.72 FEET OF THE EAST ½ OF TRACT 71, BLOCK 5, SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, RECORDED IN PLAT BOOK 2, PAGE 45; PARCEL 1B: THE EAST ½ OF TRACT 51, BLOCK 5, PALM BEACH FARMS CO., PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE; LESS THAT PART OF PARCELS 1A, 2A AND 1B, 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 TRACTS 70 AND 71 OF BLOCK 5, PALM BEACH FARMS CO., PLAT NO. 3, 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, PAGES 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 THE DESCRIBED (SAID POINT BEING 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, 330.00 FEET, MORE OF LESS TO THE WEST LINE OF THE EAST ½ OF SAID TRACT 71; THENCE SOUTH ALONG THE WEST LINE OF THE EAST ½ 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°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 CO., PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, RUN THENCE THE FOLLOWING NUMBER OF COURSES: (1) NORTH 0"-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°03'08" WEST, A DISTANCE OF 330.03 FEET TO INTERSECT THE WEST LINE OF THE EAST ½ OF TRACT 70; THENCE (3) SOUTH 0"-33' EAST ALONG WEST LINE 113.43 FEET TO THE SOUTHWEST CORNER OF THE EAST ½ OF SAID TRACT 70; THENCE (4) NORTH 89°-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 ½ OF TRACT 70 AND THE SOUTH 15.00 FEET OF THE EAST ½ OF TRACT 51, BLOCK 5, PALM BEACH FARMS CO., PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, AND BEING LOCATED ON THE N SIDE OF SR 80, APPROX. .1 MILE E OF CLEARY RD.

AND

THE WEST HALF OF TRACT 51, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 134 FEET THEREOF. CONTAINS 3.985 ACRES PLUS OR MINUS.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



*Addition  
to Murphy's  
Towing  
(88-33(D))*  
96/136  
r/c 12/17/96

*Murphy's  
Towing  
(88-33(D))*

PALM BEACH COUNTY  
DEC 10 1996  
P.Z. & E. DEPT.



Petition Number: 88-33(D)  
Zoning Quad Page \_\_\_\_\_  
Date: 12/10/96



EXHIBIT C

CONDITIONS OF APPROVAL

**NOTE:** All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

**A** ALL PETITIONS

1. Condition A.1 of Resolution R-96-118, Petition **88-33(C)** which currently states:

**All** previous conditions of approval applicable to the subject property, as contained in Resolution **R-93-510** (Petition **88-33(B)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section **5.8** of the ULDC and the Board of County Commissioners, unless expressly modified.

**Is** hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-96-118 (Petition **EAC88-33(C)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-96- R-96-118 (Petition **EAC88-33(C)**), Petition **88-33(C)** which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated July **25**, 1996). **All** modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

**is** hereby amended to state:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February 28, 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

**B.** BUILDING AND SITE DESIGN

1. The petitioner shall replace all required landscape material that is dead, diseased, damaged, or missing by March **31,1993**. (Previously Condition **A.3** of Resolution R-96 -118 Petition **88-33(C)**). (DATE: MONITORING - Landscape)

2. Condition **A.4** of Resolution R-96-118 Petition 88-33(C), which currently states:

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.

Is hereby amended to read:

The petitioner shall provide customer/employee parking to be paved and landscaped in accordance with the ULDC. (DRC: ZONING)

3. Condition **A.5.** of Resolution R-96-118, Petition 88-33(C) which currently reads:

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.

Is hereby deleted: [REASON: Code Requirement]

4. Condition B.1 of was deleted by Resolution R-96-118, Petition 88-33(C).

5. Condition **B.2** of Resolution R-96-118, Petition 88-33(C). which currently states:

The height of recyclable or recoverable materials, or non-recyclable residue, sorted or stored in outdoor areas shall not exceed twelve (12) feet in height.

Is hereby amended to read:

The height of recyclable or recoverable concrete, sorted or stored in outdoor areas shall not exceed twenty (20) feet in height. (ONGOING: CODE ENFORCEMENT - Zoning)

6. The height of all other recyclable or recoverable materials, or non-recyclable residue, sorted or stored in outdoor areas shall not exceed twelve (12) feet in height. (ONGOING: CODE ENF -Zoning)

7. Petitioner shall provide elevation monuments in all outdoor storage areas with the elevation clearly visible from all sides of the material pile. At a minimum, these monuments shall consist of the following:

- a. four (4) inch diameter PVC pipe posts filled with concrete anchored to the ground evenly spaced no more than 200 feet on center;
- b. each post shall have the maximum twelve (12) foot high elevation clearly marked and twenty (20) foot high for the recyclable concrete; and,
- c. the location and elevation of all constructed monuments shall be certified by a registered Land Surveyor. (DRC/ONGOING: CODE ENF - Zoning)

8. All outdoor storage or 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 B.3 of Resolution R-96-118, Petition 88-33(C). (ONGOING: CODE ENF)
9. 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 graphic ally.
  - 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. Provisions 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 3.4 of Resolution R-96-118, Petition 88-33(C). (DRC: ZONING)

10. The petitioner shall label the five **(5)** display spaces for auto sales on site and install landscaping as required by Condition No. 1.b. (Previously Condition B.5 of Resolution R-96-118, Petition 88-33(C). (ZONING)
11. The site shall be limited to a maximum of five **(5)** display spaces. (Previously Condition B.6 of Resolution R-96-118, Petition 88-33(C). (ONGOING: CODE ENF)
12. The petitioner shall provide an area on the site to unload vehicle; 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 B.7 of Resolution R-96-118, Petition 88-33(C). (DRC/ONGOING: ZONING/CODE ENF)
13. 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 4e of Zoning Petition 88-33, Resolution R-89-438. (Previously Condition B.8 of Resolution R-96-118, Petition 88-33(C). (CODE ENF - Zoning)
14. The petitioner shall ensure noise levels do not exceed **60 DBA** at the closest property line at any time. (Previously Condition B.9 of Resolution R-96-118, Petition 88-33(C) (BLDG PERMIT: BLDG - Code Enf)

15. The Towing Service and storage and Recycling uses shall be limited only to the areas designated on the site plan dated February 28, 1997. (ONGOING: CODE ENF)

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 C.1 of Resolution R-96-118, Petition 88-33(C).

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 D.1 of Resolution R-96-118, Petition 88-33(C). (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 D.2 of Resolution R-96-118, Petition 88-33(C). (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 E.1 of Resolution R-96-118, Petition 88-33(C). (ENG)
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 E.2 of Resolution R-96-118, Petition 88-33(C). (ENG)
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 E.3 of Resolution R-96-118, Petition 88-33(C). (ENG)



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 E.4 of Resolution R-96-118, Petition 88-33(C). (ENG)

5. Condition E.5 was deleted by Resolution R-96-118, Petition 88-33(C).

6. Condition E.6 of Resolution R-96-118, Petition 88-33(C) which currently states:

**Access to the site shall be restricted to the paved portion of Wallis Road between Cleary Road and the subject property.**

~~Is~~ hereby deleted. [REASON: New access will be provided from Wallis Road. Access points controlled by certified site plan.]

7. 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)

8. Prior to August 1, 1997 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:

a) Wallis Road, 30 feet from centerline

~~b) Cleary Road, 40 feet from centerline~~

All right of way shall be along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng.)

9. Prior to site plan approval the Property Owner shall enter into a Developer's Agreement to obtain development approvals without complying with requirements for legal positive outfall. (DRC: ENG)

The Property Owner shall provide to the County surety in the amount of ~~\$35,000~~ to guarantee the construction of the legal positive outfall. Surety shall be provided prior to issuance of a building permit and shall be in a form acceptable to the County Engineer. The Engineering Department shall file appropriate modifications to the County's land development regulations regarding legal positive outfall. (BLDG PERMIT: ENG)

10. The Property Owner shall construct the legal positive outfall if the proposed amendments to the land development regulations are not approved. Construction shall **be** completed within six (6) months of receipt of notification from the County Engineer's Office. If the proposed amendments to the land development regulations are approved, the surety will be returned to the property owner. (ONGOING: ENG)

11. The Property Owner shall participate in an area-wide drainage program initiated by the County to provide drainage and legal positive outfall to the Wallis Road area. Funding of this program shall be on a pro rata basis by all basin property owners, as determined by the County Engineer. (ONGOING: ENG)
12. **As** part of an area wide drainage program, if approved, credit for the Wallis Road right of way dedication for this petition shall be given to this property owner as determined by the County Engineer. (ONGOING: ENG)
13. The property owner shall be assessed the full pro-rated share of the proposed area wide drainage program for the four acre parcel being added to this site as part of this petition. The property owner shall not be assessed for paving as part of the drainage program. For the previously approved portion of this site the property owner shall only be assessed for the legal positive outfall portion of the costs of an area wide program. The property owner shall not be assessed for any costs for paving or for any retention/detention facilities on the previously approved portion of the site. (ONGOING: ENG)

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 effluents. (Previously Condition F.1 of Resolution R-96-118, Petition 88-33(C). (HEALTHIERM))
2. Since sewer service is available to the property, septic tank shall not be approved for use on the property. (Previously Condition F.2 of Resolution R-96-118, Petition 88-33(C). (HEALTH))
3. Because water service is available to the property, a well shall not be approved for potable water use. (Previously Condition F.3 of Resolution R-96-118, Petition 88-33(C). (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 **F.4** of Resolution R-96-118, Petition 88-33(C). (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 F.5 of Resolution R-96-118, Petition 88-33(C). (HEALTH))
6. Reasonable precautions will be taken to insure that unconfined particulates (dust particles) from the property **do** not become a nuisance to neighboring properties. (Previously Condition F.6 of Resolution **R-96-118**, Petition **88-33(C)**) (ONGOING: HEALTH/CODE ENF)
7. The petitioner may not discharge air pollutants which **cause** or contribute to objectionable **odors**. (Previously Condition F.7 of Resolution **R-96-118**, Petition **88-33(C)**) (ONGOING: HEALTH/CODE ENF)

8. **An** engineering report evaluating the proposed grinder to be installed in relation to compliance with noise emission standards as **well** as related proposed dust control and odor control programs is required to be submitted to the Palm Beach County Public Health Unit prior to final site plan review. (Previously Condition F.8 of Resolution R-96-118, Petition 88-33(C) (DRC: 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 G.1 of Resolution R-96-118, Petition 88-33(C). (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 H.1 of Resolution R-96-118, Petition 88-33(C). (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 H.2 of Resolution R-96-118, Petition 88-33(C). (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 H.3 of Resolution R-96-118, Petition 88-33(C). (ZONING)
4. **All** landscaping and vegetation planted on site, as required by this petition, shall be a native variety. (Previously Condition H.4 of Resolution R-96-118, Petition 88-33(C). (ZONING)
5. **All** landscaping and buffering shall be properly installed, irrigated and maintained, as required by the Palm Beach County Zoning Code. (Previously Condition H.5 of Resolution R-96-118, Petition 88-33(C). (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 1.1 of Resolution R-96-118, Petition 88-33(C). (ZONING)

2. **NORTH SIDE OF WALLIS ROAD AND** ( 3.98 acre addition). Landscaping and buffering along the west 330 feet on the north side of Wallis Road shall be upgraded to include:
  - a. **A** minimum fifteen (15) foot wide landscape buffer strip;
  - b. Single row of canopy trees planted every twenty (20) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center;
  - d. **A** six (6) foot high wood opaque fence;
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches; and,
  - f. All required landscaping shall be installed on the exterior side of the required fence. (CO: LANDSCAPE)
  
3. **SOUTH SIDE OF WALLIS ROAD** (North property line of south parcel) - Landscaping within the required buffer along the south side of \ **Vallis** 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.
  - e. 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.
  - f. All required landscaping shall be installed on the exterior side of the required fence. (Previously Condition 12 of Resolution R-96-118, Petition 88-33(C). (ZONING)

J.I. Condition J.I of Resolution R-96-118, Petition 88-33(C) which currently reads:

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 native 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.

**Is** hereby amended to state:

4. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING CLEARLY ROAD) Landscaping and buffering along the west property line of the north parcel 3.98 acre addition shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. Single row of canopy trees planted every twenty (20) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center;
  - d. A six (6) foot high wood opaque fence;
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of thirty-six (**36**) inches; and,
  - f. **All** required landscaping shall be installed on the exterior side of the required fence. (CO: LANDSCAPE)
5. Landscaping and buffering shall be installed prior to the issuance of the first building permit. Condition **J.2** of Resolution R-96-118, Petition 88-33(C). (BLDG PERMIT: LANDSCAPE -Zoning)

**J. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL ZONING)**

1. A minimum ten (**10**) foot wide landscape buffer strip. (Previously Condition K.1 of Resolution R-96-118, Petition 88-33(C). (ZONING)
2. A fence a minimum of six (**6**) feet in height. (Previously Condition K.2 of Resolution R-96-118, Petition 88-33(C). (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 K.3 of Resolution R-96-118, Petition 88-33(C). (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 K.4 of Resolution R-96-118, Petition 88-33(C). (ZONING:)

**K. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE 3.98 ACRE ADDITION**

1. Landscaping and buffering along the north 330 foot property line abutting Westport Industrial Park shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. One (**1**) palm or pine tree for each forty (40) linear feet of frontage with a maximum of sixty (60) feet on center; and
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

**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 L.1 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)

2. Lighting fixtures shall not exceed twenty **(20)** feet in height. (Previously Condition L.2 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
3. **All** outdoor lighting shall be extinguished no later than **11:00** p.m. Security lighting only is excluded from this requirement. (Previously Condition L.3 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)

**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 M.1 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
2. **No** signs shall be permitted fronting on Wallis Road, except as required by Condition P.7. (Previously Condition M.2 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-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 M.3 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
4. **No** off-premise signs shall be permitted on the site. (Previously Condition M.4 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
5. There shall be no on premises signs indicating existence of used automobiles sales. (Previously Condition M.5 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-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 N.1 of Resolution R-96-118, Petition 88-33(C). (ZONING)
2. **The Unity** of Title may be broken by the Executive Director of Planning, Zoning, and Building and the County Engineer. (Previously Condition N.2 of Resolution R-96-118, Petition 88-33(C). (ZONING)

**O. USE LIMITATION**

1. Condition O.1 **was** deleted by Resolution R-96-118 Petition 88-33(C).

2. Only construction materials and vegetation shall be recycled **on** site. (Previously Condition 0.2 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
3. **No** outdoor loudspeaker system audible **off** site shall be permitted. (Previously Condition 0.3 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
4. Condition **0.4** of Resolution R-96-118, Petition 88-33(C) which currently states:

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**.

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, and 7:30 a.m. to 12:00 p.m. on Saturdays, excluding the retrieval and delivery of recyclable material containers, in accordance with Condition 0.5. (CODE ENF-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. (Previously Condition 0.5 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-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 0.5 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
7. The applicant shall maintain a contract with a license waste hauler for daily removal of all hazardous materials and white good inadvertently brought on site. (Previously Condition 0.7 of Resolution R-96-118, Petition 88-33(C). (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 0.8 of Resolution R-96-118, Petition 88-33(C). (CODE ENF)
9. Condition 0.9 of Resolution R-96-118, Petition 88-33(C) which currently states:  
  
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.

Is hereby amended to state:

Storage of recyclable materials shall be limited to a maximum of five (5) thirty cubic yard recyclable materials containers stored on site no longer than 48 hour, maximum. Overnight storage of non-recyclable materials shall be permitted in accordance with Solid Waste Authority and Department of Environmental Protection standards and criteria. (CODE ENF-Zoning)

10. Commercial excavation is prohibited on site. (Previously Condition 0.10 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
11. This site shall not be used as a commercial landfill. (Previously Condition 0.11 of Resolution R-96-118, Petition 88-33(C). (CODE ENF\HEALTH-Zoning)
12. **All** material brought on site shall be deposited, recycled and **sorted** on a concrete surface. (Previously Condition 0.12 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
13. "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 south parcel only. (Previously Condition 0.13 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-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 0.14 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-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 0.15 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-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 0.16 of Resolution R-96-118, Petition 88-33(C). (CODE ENF-Zoning)
17. Condition 17 was deleted by Resolution R-96-118, Petition 88-33(C).

P. COMPLIANCE

1. Condition P.I of Resolution R-96-118, Petition 88-33(C) which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or**



- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the **ULDC** at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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