

RESOLUTION NO. R-2020- 1786

RESOLUTION APPROVING ZONING APPLICATION CA-2019-01969  
(CONTROL NO. 1994-00010)  
a Class A Conditional Use  
APPLICATION OF Solid Waste Authority of Palm Beach County, Horizon 880 LLC  
BY Land Research Management, Inc., AGENT  
(Horizon 880-HPAB)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 27, have been satisfied;

WHEREAS, Zoning Application CA-2019-01969 was presented to the Board of County Commissioners at a public hearing conducted on November 23, 2020;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Application CA-2019-01969, the Application of Solid Waste Authority of Palm Beach County, Horizon 880 LLC, by Land Research Management, Inc., Agent, for a Class A Conditional Use to allow an Equestrian Waste Management Facility, on a parcel of land generally described as shown on the legal description 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 November 23, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	-	Nay
Commissioner Robert S. Weinroth, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Gregg K. Weiss	-	Nay
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 23, 2020.

Filed with the Clerk of the Board of County Commissioners on Decmeber 3rd, 2020.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



EXHIBIT A

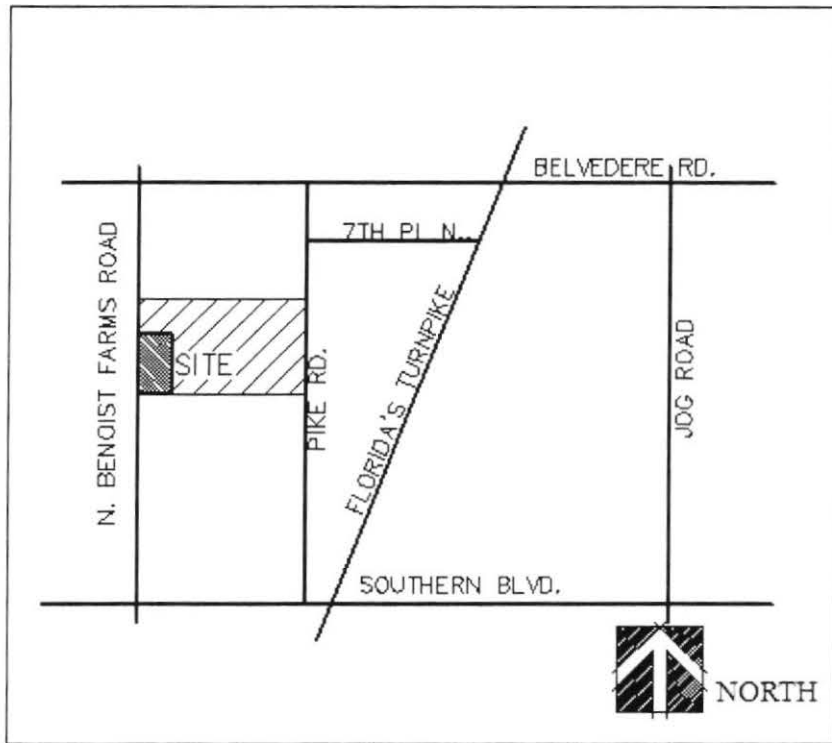
LEGAL DESCRIPTION

BEING A PORTION OF LAND IN TRACT 19, BLOCK 6, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A FOUND 4" X 4" PALM BEACH COUNTY CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID TRACT 19, THENCE NORTH 00°56'10" WEST ALONG THE WEST LINE OF SAID TRACT 19, A DISTANCE OF 609.74 FEET TO A POINT; THENCE NORTH 89°00'34" EAST ALONG A LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 375.00 FEET TO A POINT; THENCE SOUTH 00°56'10" EAST ALONG A LINE BEING 375.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 19, A DISTANCE OF 609.75 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 19; THENCE SOUTH 89°00'36" WEST ALONG SAID SOUTH LINE, SAID SOUTH LINE BEING THE BEARING BASIS FOR THIS DESCRIPTION, A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.249 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use (Equestrian Waste Management Facility)**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated July 6, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### **ALL PETITIONS - MONITORING REPORT TO THE BCC**

2. Within one year of the issuance of the Certificate of Occupancy for the use, PZB - Planning Staff shall prepare a Monitoring Report to the BCC. The Property Owner shall submit to staff a third party consultant report that confirms the operation is in compliance with all Federal, State and County regulations for the use. The report shall also confirm if any Code Enforcement violations have been issued and the status of each shall be included as part of the report. (ONGOING: MONITORING - Zoning)

##### **BUILDING**

1. At time of submittal of the building permits for any structures shown on the Final Site Plan, documentation shall be submitted by the Owner that demonstrates to Building staff that the necessary redundancy measures are in place for secondary containment of all tanks, and the use of non-corrosive materials for all containment tanks. (BLDGPM: BUILDING DIVISION - Zoning)

##### **ENGINEERING**

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2022, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first Certificate of Occupancy or prior to October 1, 2021, whichever occurs first, the property owner shall either design, permit and construct a new access bridge to Benoist Farms Rd that complies with the minimum bridge standards in Article 11 of the Unified Land Development Code, OR design, permit and construct a new access road to Pike Rd that aligns with 7th PI N, or is located at least 175 feet south of the intersection with 7th PI N or as approved by the County Engineer. (BLDGPM/CO/DATE/ONGOING: MONITORING - Engineering)

3. Instead of reconstructing the Benoist Farms Rd bridge, and prior to the issuance of the first Certificate of Occupancy or prior to October 1, 2021, whichever occurs first, a new access to Pike Road may be designed, permitted, and constructed by, or as authorized by, the property owner. This new access must also include, as part of this design, permitting, and construction process, a left turn lane South approach on Pike Road at the new driveway access connection. The costs associated with this process, construction, and completion of this project shall include, but are not limited to, utility relocations and acquisition of additional right-of-way, if required to complete the project as designed. The existing bridge on Benoist Farms Road shall remain open for emergency access. (BLDGPM/CO/DATE/ONGOING: MONITORING - Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

## **HEALTH**

1. Owners and operators of facilities that generate hazardous, industrial, or toxic wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health (FDOH), and the agency responsible for the sanitary sewage system are used. (ONGOING: CODE ENF - Health Department)

## **SITE DESIGN**

1. Prior to issuance of the Certificate of Occupancy for the facility, an emergency generator shall be installed that contains a fuel supply large enough to power the entire facility for a minimum of three (3) days. (CO: BUILDING DIVISION - Zoning)

## **USE LIMITATIONS**

1. Delivery of waste material (bedding, shavings, manure, etc.) shall be prohibited should the facility be without any power. (ONGOING: CODE ENF - Zoning)

2. Delivery of waste material (bedding, shavings, manure, etc.) shall be prohibited should the facility's filtration system be inoperable. (ONGOING: CODE ENF - Zoning)

3. Delivery of waste materials (bedding, shavings, manure, etc.) shall be prohibited between the hours of 9 a.m. through 4 p.m. on Saturdays and Sundays. (ONGOING: CODE ENF - Zoning)

4. The north facing bay door(s) for Building One shall be automatic closing bay doors which shall be operational during all hours of delivery. The north facing bay door(s) shall close automatically after each vehicle containing waste materials (bedding, shavings, manure, etc.) enters the facility, and remain closed unless a vehicle containing said waste materials is entering or leaving the facility. (ONGOING: CODE ENF - Zoning)

5. Vehicles containing waste material (bedding, shavings, manure, etc.) shall only use Pike Road as their ingress and egress from the property. (ONGOING: CODE ENF - Zoning)

6. All deliveries and unloading of raw, unprocessed waste materials (bedding, shavings, manure, etc.) shall occur entirely inside Building One and while all doors are closed. (ONGOING: CODE ENF - Zoning)

7. All waste materials (bedding, shavings and manure, etc.) shall be processed within 5 days of arriving at the facility. (ONGOING: CODE ENF - Zoning)

8. The bay door on the west side of Building One does not need to be automatic, but will remain shut after any vehicle enters or leaves through the west bay door. (ONGOING: CODE ENF - Zoning)

## **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. 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; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code 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 of Approval; 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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

