

ORIGINAL

RESOLUTION NO. R-91- 1710

RESOLUTION APPROVING ZONING PETITION NO. 82-53(B)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF PAUL & MARJORIE MELOCHE

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

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 82-53(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on August 29, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

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

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 82-53(B), the petition of PAUL AND MARJORIE MELOCHE, BY KIERAN J. KILDAY, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS regarding CONDITION NO. 4 (EXPIRATION OF SE USE) of R-82-713, on a parcel of land lying situated on the South 1/2 of the East 1/2 of the West 1/2 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 35, Township 44 South, Range 42 East; LESS the South 54.00 feet for road right-of-way, and being located ON THE N SIDE OF LANTANA W. RD., APPROX. .5 MILE W OF S. MILITARY TR., IN THE AR ZONING DISTRICT, was approved on August 29, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.

2. The petitioner shall revise the site plan on file in the .ZoningDivision for the subject property (Exhibit#26) to indicate compliance with the following conditions of approval prior to October 7, 1991.

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters, shall:
  - a. not be located within fifty (50) feet of any property line,
  - b. be confined to areas designated on the site plan, and
  - c. be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

C. HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
2. The petitioner shall be required to connect to public sewer if and when their wastewater flow exceeds 600 gallons per day. The petitioner shall secure a license as a small hazardous waste generator within 60 days of Board of County Commissioners approval.

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the property owner shall connect to the system. The cost for connection shall be borne by the property owner.

F. LANDSCAPING - GENERAL

1. The petitioner shall revise the landscape tabular data on the site plan to reflect conformance to current minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.

G. LANDSCAPING ALONG LANTANA ROAD

1. Landscaping within the required buffer along Lantana Road shall be upgraded to include:
  - a. A minimum of two (2) twelve (12) foot tall canopy trees planted between clusters of three (3) twelve (12) foot tall palm trees. All canopy trees and clusters of palm trees shall be planted a minimum of twenty (20) feet on center.
  - b. Twenty-four (24) inch tall hedge or shrub material planted twenty-four (24) inches on center to be maintained at a minimum height of thirty-six (36) inches.

H. LANDSCAPE WITHIN MEDIAN

1. If permitted by the Florida State Department of Transportation (FDOT) or the County Engineer, the petitioner shall landscape the median of all abutting rights-of-way. This landscaping shall consist of one twelve (12) foot tall native canopy tree for each thirty (30) linear feet of the adjacent median, appropriate ground cover and irrigation. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner and shall be installed prior to the issuance of the first certificate of occupancy (C.O.) for the site. The petitioner shall obtain written permission from the FDOT or the County Engineer prior to site plan certification.

I. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets.
2. Lighting fixtures shall not exceed twenty-four (24) feet in height.
3. All outdoor shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

J. PARKING

1. A maximum of 8 customer parking spaces shall be permitted on-site.
2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives.
3. Overnight storage or parking of delivery vehicles or trucks shall be permitted within the designated storage area only.
4. The site plan shall be amended to indicate an area for overnight storage or parking of delivery vehicles and trucks. This area shall be fully screened from view from all property lines.

K. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

L. SIGNS

1. New or replaced signs on Lantana Road 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 (1).
2. No new or replaced signs shall encroach into the perimeter landscape buffers or vegetation preservation areas.
3. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
4. 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.

M. USE LIMITATION

1. Use of the site shall be limited to the sale and service of lawn mowers, lawn trailers and ancillary uses.
2. Total gross floor area shall be limited to a maximum of 9,698 square feet,
3. No outdoor loudspeaker system audible off site shall be permitted.
4. No retail business activities or outdoor display shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m.
5. No outdoor storage, display or placement of any material, refuse, equipment or debris shall be permitted on-site except within the outdoor storage and display area shown on the site plan.
6. The site plan shall be amended to indicate an outdoor display area. This display area shall not be located within the required landscape buffers,
7. Condition No. 4 of Resolution No. R-82-713, Zoning Petition No. 82-53, which currently states:

"4. This special exception shall expire in five (5) years; however, such expiration shall not prejudice any future application for the continuance of this use."

Is hereby deleted.

N. 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.

Commissioner Elmquist moved for approval of the Resolution.

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

|                        |    |     |
|------------------------|----|-----|
| Karen T. Marcus, Chair | -- | AYE |
| Carole Phillips        | -- | AYE |
| Carol A. Roberts       | -- | AYE |
| Carol J. Elmquist      | -- | AYE |
| Mary McCarty           | -- | AYE |
| Ken Foster             | -- | AYE |
| Maude Ford Lee         | -- | AYE |

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of November, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK