

RESOLUTION NO. R-95- 721

RESOLUTION APPROVING ZONING PETITION DOA91-04(B)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF COUNTY SANITATION, INC.

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 DOA91-04(B) was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; 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 **reservation/exemption** and therefore 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 DOA91-04(B), the petition of County Sanitation, Inc., for a DEVELOPMENT ORDER AMENDMENT in the Light Industrial (IL) Zoning District, to amend Condition L.1 (hours of operation) and L.3 (permitted waste) of Resolution R-92-189, previously approved 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 May 25, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

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

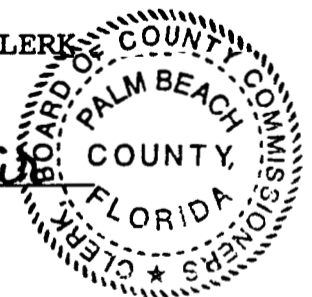


EXHIBIT A  
LEGAL DESCRIPTION

*The North 1/2 of Tract 48, Block 5, PALM BEACH FARMS CO. PLAT NO. 3, Palm Beach County, Florida, according to the plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, pages 45-54 inclusive, also known as Parcels 1, 2, 3, 4 and 5, of said Tract 48, Block 5.*

**SUBJECT TO a purchase money first mortgage in favor of Manfred Franz and Erie Investment Company, a Delaware corporation, recorded in Official Record Book 2247, page 178, public records of Palm Beach County, Florida.**

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EXHIBIT B  
VICINITY SKETCH

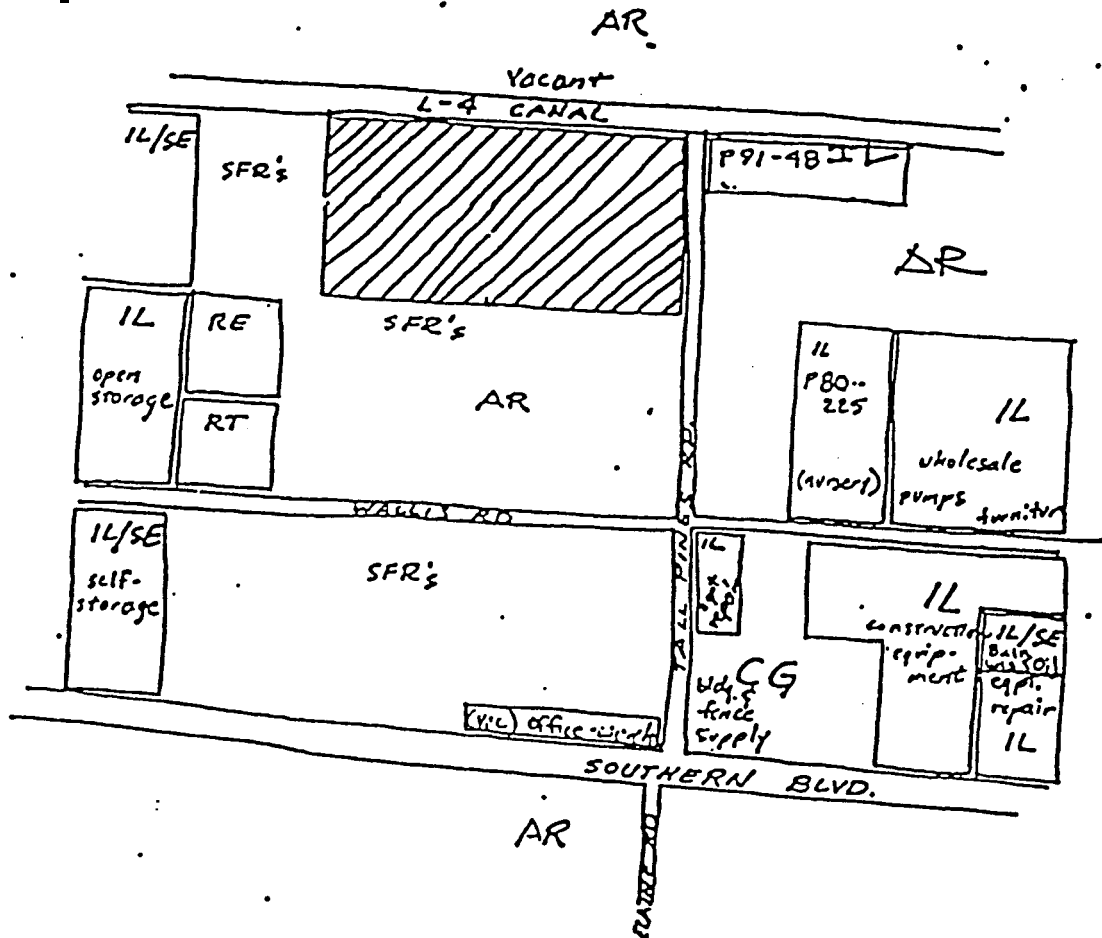


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-90-190, and R-92-189, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING:
2. Condition A.1 of Resolution R-92-189, which currently states:

**The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.**

Is hereby amended to state:

To ensure compliance with all applicable portions of the ULDC, prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan to indicate:

- a. compliance with all applicable requirements of the ULDC and conditions of approval;
  - b. compliance with all requirements stipulated in the required permits issued by the Fire Marshal, FDEP, SFWMD and SWA;
  - c. indicate all structures, respective square footages, and uses;
  - d. amend tabular data to indicate all square footage and respective uses;
  - e. indicate the average elevation of the site; and
  - f. the location of all required monitoring devices.  
(ZONING)
3. **This Special Exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan 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 and approved by the Development Review Committee pursuant to Section 5.4.E.13 (Minor Deviations). (Previously Condition A.2., Resolution R-92-189) (ZONING)**
  4. **To ensure coordination with all applicable regulatory agencies, prior to site plan certification, the petitioner shall submit and receive approval for a revised solid waste management permit and any other permit or bond required by the Solid Waste Authority. (ZONING)**
  5. **To ensure coordination with all applicable regulatory agencies, prior to site plan certification, the petitioner shall submit and receive approval for a revised solid waste management facility permit and any other permit or bond required by the Florida Department of Environmental Protection. (ZONING)**

6. To ensure compliance with the requirements of the ULDC and the conditions of approval, prior to January 1, 1995 or site plan certification, which ever occurs first, the petitioner shall remove the existing access point to the west and install all required buffer improvements unless required by a regulatory agency. (MONITORING/CODE ENFORCEMENT)
7. To ensure compliance with all requirements, violation of these conditions, any requirement of the applicable ULDC, or required permit from any applicable regulatory agency, even if corrected, will result in the return of this petition to the Board of County Commissioners for further review pursuant to the ULDC Article 5, Section 5.8. If a violation is identified by the Palm Beach County Planning, Zoning and Building Department (Department) and/or the Solid Waste Authority (SWA) and not corrected within three (3) business days following notification, or if repeated violations are demonstrated, even if corrected within the time frames, the Department shall issue a cease and desist order and the petitioner shall cease to bring any additional material onto the site until such time as the violations are revised by the SCC. (MONITORING)
8. To ensure the petitioner complies with all conditions of approval, the petitioner shall submit cross sectional surveys, in a manner and form acceptable to the SWA and certified by a Florida Registered Land Surveyor, indicating the total amount of material on site and a report indicating the status of compliance with all conditions of approval and applicable requirements of the ULDC with appropriate documentation. The required material shall be submitted to the Palm Beach County Code Enforcement Division, Zoning Division, PBCPHU, Department of Environmental Resources Management and Solid Waste Authority (SWA). These surveys and reports shall be submitted twice annually, commencing May 1, 1995. (MONITORING/CODE ENFORCEMENT/ZONING/ERM/HEALTH/ SWA)
9. Prior to May 1, 1995 or site plan certification by the Development Review Committee (DRC), which ever shall occur first, the petitioner shall post a performance bond which shall be maintained in full force and effect for a minimum period of two (2) years. This bond shall be provided in a manner and form acceptable to Palm Beach County (PBC), in the amount of fifteen thousand U.S. dollars (\$15,000.00). This bond shall secure the conditions of approval and applicable requirements of the ULDC for this petition. PBC shall notify petitioner of any violation. The petitioner shall correct any violation within three (3) business days following notification by PBC. If petitioner does not comply or correct the condition or code violation within this time, PBC shall draw upon or demand performance under the bond in order to correct the violation.

This condition is in addition to all other remedies and compliance conditions. Even if the violation is corrected by the petitioner or bond, the BCC shall have the authority to review the petition in accordance with Condition A.7. (MONITORING/COUNTY ATTORNEY/CODE ENFORCEMENT)

**B. CANAL BANK MAINTENANCE**

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Drainage District to sod, irrigate and perpetually maintain adjacent bank of all abutting canals. (Previously Condition B.1 of Resolution R-92-189) (ERM)

**C. 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 C.1, Resolution R-92-189). (ERM)
2. Plans for 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 C.2, Resolution R-92-189) (ERM)
3. Impervious pads shall be constructed for the storage of recyclable materials. All outdoor storage of recyclable materials shall be in leak-proof containers. The pads shall be bermed to prevent any impacts to the groundwater supply. (Previously Condition C.3, Resolution R-92-189) (ERM)
4. Prior to the site plan certification by the Development Review Committee, all of the requirements of the Settlement Agreement No. V-94.007 (Exhibit E), or as it may be amended, shall be completed to the satisfaction of the Department of Environmental Resources Management. (ERM/BUILDING)

**D. HEALTH**

1. Generation and disposal of hazardous effluents into sanitary sewerage 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 D.1, Resolution R-92-189) (HEALTH)
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition No. D.2, Resolution R-92-189) (HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition No. D.3, Resolution R-92-189) (HEALTH)
4. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C. (Previously Condition No. D.4, Resolution R-92-189) (HEALTH)

5. The on site water management and contingency plans **must** be in conformance with plans approved by the Palm Beach County Public Health Unit (PBCPHU) and any alterations **must** be approved by the PBCPHU prior to their implementation. (Previously Condition No. D.5, Resolution R-92-189) (HEALTH)
6. A copy of the operation and maintenance manual training schedule and detail specifications for an approved hazardous waste containment area shall be provided to the Palm Beach County Public Health Unit (PBCPHU) for review and approval prior to the site plan approval. (Previously Condition No. D.6, Resolution R-92-189) (HEALTH)
7. The property owner shall provide hazardous waste containment storage in the form of Unified Safety Corporation Model #500 or its equivalent. (Previously Condition No. D.7, Resolution R-92-189) (HEALTH)
8. Prior to January 1, 1995 or site plan approval by the Development Review Committee (DRC), which ever occurs first, the petitioner shall submit, and receive **approval** from the PBCPHU, a training program for all employees to ensure that work practices will minimize fugitive particulates. At a minimum, the training program **must** include training in the operation and management of all equipment associated with the particulate management plan and minimizing of on site vehicular activity. (HEALTH)
9. Prior to January 1, 1995 or site plan approval by the Development Review Committee (DRC), which ever occurs first, the petitioner shall submit, and receive **approval** from the PBCPHU, a fine mist water spray system program which will dampen newly arriving loads, sprinkle the sorting tumbler, the perimeter of the facility and any unpaved vehicular surfaces. The water spray system shall be in place prior to March 1, 1995, or processing of any yard waste, whichever occurs first. (HEALTH).
10. Prior to May 1, 1995 or processing of any yard waste, the petitioner shall construct minimum twenty (20) foot **high**, 850 foot long mesh screen as a dust shield along the southern property line. The required dust shield shall be located on the interior side of all required perimeter buffers. All materials to be used in the construction of the dust shield shall be subject to approval by the PBCPHU. (HEALTH)
11. Prior to May 1, 1995 or processing of any yard waste, the petitioner shall pave, in a manner acceptable to the PBCPHU and the County Engineer all vehicular use **areas**. Vehicular use areas will include, but not be limited to truck parking, staging and drop areas, and other equipment, including but not limited to fork lifts, front-end loaders or claw cranes operating areas. (HEALTH)

**E. ENGINEERING**

1. 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 on-site 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 E.1, Resolution R-92-189) (ENGINEERING)

2. 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. (Previously Condition E.7, Resolution R-92-189) (ENGINEERING)
3. Prior to January 1, 1992 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 Tall Pines Road, 40 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.8, Resolution R-92-189) (ENGINEERING)
4. The Property owner shall construct Tall Pines Road a minimum 2-12 foot travel lanes collector street standards from its present paved terminus north of Southern Boulevard to the project's entrance road concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition E.9, Resolution R-92-189) (ENGINEERING)
5. 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. (Previously Condition E.10, Resolution R-92-189) (IMPACT FEE COORDINATOR)
6. The property owner shall pay the new 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 at the time of the Building Permit presently is \$17,050 (310 trips X \$55.00 per trip). Credit will be given for any previous impact fee already paid by the property owner. (IMPACT FEE COORDINATOR).
7. Property owner shall maintain Tall Pines Road from Southern Boulevard to the project entrance free of any loose debris, dirt or sand at all times. This maintenance shall, at a minimum, consist of operating a street sweeper over this paved area at a least once per day. (ENGINEERING)

F. 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 F.1, Resolution R-92-189) (UTILITIES)

G. LANDSCAPE

1. Along all property lines, the petitioner shall provide a fifty (50) foot wide landscape buffer strip. This buffer strip shall include two rows of twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center and a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center ~~and a four (4) foot high seeded earth berm on the inside border of the landscape strip.~~ An opaque fence/wall a minimum of eight (8) feet in height shall be installed along the inside border of the required ~~berm~~ buffer. However, an eight (8) foot tall reinforced concrete wall shall be provided along the eastern 650 feet of the south property line buffer. (Previously Condition G.8, Resolution R-92-189) (ZONING)
2. All existing native vegetation shall be preserved adjacent to the security/office structure and used to supplement the required buffers. Any vegetation removed or relocated shall be subject to approval by the Zoning Division. (Previously Condition No. G.9, Resolution R-92-189) (ZONING/ERM)
3. All required perimeter landscaping and buffering shall be installed prior to the issuance of a Certification of Completion or Certificate of Occupancy on the site. (Previously Condition No. G.10, Resolution R-92-189) (ZONING)

H. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets. (Previously Condition No. H.1, Resolution R-92-189). (ZONING/CODE ENFORCEMENT)

I. PBIA-0 COMMITTEE CONDITIONS

1. Noise levels measured at the perimeter of this facility shall not exceed 60 DBA at all times in accordance with Zoning Code requirement 500.16(3)(a) of the adopted Zoning Code. (Previously Condition No. 1.1, Resolution R-92-189). (CODE ENFORCEMENT)
2. The petitioner must provide to the Planning Commission, at the meeting on Friday, February 8, 1991, MSDA sheets listing all chemicals to be used on the premises, the storage and disposal of those chemicals, and the specific construction materials to be recycled in the short and long term. (Previously Condition No. I.2., Resolution R-92-189) (MONITORING)
3. Any modification of the project that requires Board of County Commissioners' approval shall first be referred to the PBIA-0 Committee for consideration. (Previously Condition No. 1.3, Resolution R-92-189). (PLANNING)
4. Condition No. 1.4, Resolution R-92-189, which currently states:

**Solid waste (other than construction materials and cardboard) transfer or storage shall not be permitted on this site.**

Is hereby deleted. [REASON: DUPLICATE CONDITION]

J. SIGNS

1. All entrances shall prominently display signs prohibiting hazardous waste (except diesel fuel) on site. (Previously Condition No. J.1, Resolution R-92-189) (CODE ENFORCEMENT)
2. Freestanding signs fronting on Tall Pines Road shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum sign area - ~~200~~ 2' X 4' (8 square feet).
  - c. Maximum number of signs - one (1). (Previously Condition No. J.2, Resolution R-92-189) (ZONING/BUILDING DEPARTMENT)
3. Prior to Site Plan Review Committee approval, the petitioner shall submit a Master Sign Program which specifies: Sign location, sign size, unified color and graphic representation. (Previously Condition No. J.3, Resolution R-92-189). (ZONING)
4. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code. (Previously Condition No. J.4, Resolution R-92-189). (ZONING)

K. SITE DESIGN

1. The existing tennis court which encroaches the 25 foot buffer shall be removed and replaced with the required landscape buffer prior to the issuance of a Certificate of Occupancy. (Previously Condition No. K.1, Resolution R-92-189). (ZONING/CODE ENFORCEMENT)
2. Height of the structures shall be limited to a maximum of thirty-five (35) feet (including rooftop mechanical equipment) or to the maximum height allowed by the Airport Zoning Ordinance if less than thirty-five (35) feet. (Previously Condition No. K.2, Resolution R-92-189). (CODE ENFORCEMENT/SWA)
3. The height of piles of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas shall not exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater. (Previously Condition No. K.3 of Resolution R-92-189) (CODE ENFORCEMENT/SWA)
4. All outdoor storage of recyclable material shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. (Previously Condition No. K.4, Resolution R-92-189). (CODE ENFORCEMENT/SWA)
5. Condition No. K.5, Resolution R-92-189, which currently states:

Total floor area shall be limited to a maximum of 13,267 square feet.

Is hereby amended to state:

Total square footage shall be limited to a maximum of 14,923 square feet. (ZONING/CODE ENFORCEMENT)

6. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area. (Previously Condition No. K.6, Resolution R-92-189). (BUILDING)
7. Prior to Site Plan Review certification, a schematic elevation shall be submitted showing the location and height of recyclable materials. (Previously Condition No. K.7, Resolution R-92-189). (ZONING/SWA)
8. Barbed wire may be used for security on site if it is located within the fenced/walled area or on top of the fence/wall. (Previously Condition K.8, Resolution R-92-189) (ZONING)
9. An open space area consisting of the northwest quarter of the site and containing the security/office structure shall be designated on the site plan and maintained as open green space. Excepted out of this condition will be the fuel tank and designated parking areas and drives. (Previously Condition No. K.9, Resolution R-92-189). (ZONING/CODE ENFORCEMENT)
10. To ensure compliance with all applicable portions of the ULDC and conditions of approval, the petitioner shall construct elevation monuments within all material storage areas. At a minimum, these monuments shall consist of the following:
  - a. six (6) inch diameter PVC pipe posts filled with concrete, anchored to the ground, evenly spaced and no more than 200 feet on center;
  - b. each post shall have the maximum permitted elevation of material clearly marked; and,
  - c. monitoring monuments shall not be more than two (2) feet above the maximum allowed elevation. (ZONING/CODE ENFORCEMENT/SWA)
11. To ensure compliance with all applicable portions of the ULDC, prior to site plan certification by the Development Review Committee, the petitioner shall submit and receive approval by the DRC of detailed construction plans for the required monuments within all storage areas. At a minimum, the required plans shall include:
  - a. detail layout plans with perimeter dimensions, location of all monuments and elevations; and,
  - b. construction details including material, colors and anchoring methods. (ZONING)
12. To ensure compliance with all applicable portions of the ULDC, prior to May 1, 1995, the petitioner shall construct permanent monuments within all storage areas of processed and unprocessed materials which indicate the maximum allowed elevation of stored material. The elevation monuments shall be constructed in a manner and form acceptable to the Zoning Director and Solid Waste Authority (SWA). The certified location and elevation of all constructed monuments shall be submitted to the Palm Beach County Planning, Zoning and Building Department by a registered land surveyor. No administrative time extensions shall be permitted. (MONITORING-Zoning)
13. The maximum permitted capacity of material on site shall be as follows:
  - a. Processing capacity: 1,600 cu.yds./daily; and,
  - b. twenty (20) thirty (30) yard (yd) roll off containers, or as may be determined by the SWA.

In no event shall the total on site storage of all material exceed 11,000 cubic yards (cu.yds.) at any time. Permitted vegetative material (unprocessed or processed) shall not remain on site for more than forty five (45) days. (CODE ENFORCEMENT/SWA/FDEP/HEALTH)

**L. USE LIMITATION**

1. **Hours of operation shall be limited to Monday through Friday 7 a.m. to 7 p.m. and Saturday 7:00 a.m. to 5:00 p.m.** (Previously Condition L.1 of Resolution R-92-189). (CODE ENFORCEMENT)
2. **When this facility is not open, all entrances shall be locked and gated. All gates shall carry official notice that only authorized persons are allowed on the site.** (Previously Condition No. L.2, Resolution R-92-189). (CODE ENFORCEMENT)
3. **Condition No. L.3 of Resolution R-92-189 which currently states:**  
**Use of the site shall be limited to the recycling of construction materials and cardboard only.**  
**Is hereby amended to state:**  
**Use of the site shall be limited to the recycling of construction and demolition debris and yard waste as defined in Chapter 17-701, Florida Administrative Code and cardboard. No composting or soil manufacturing shall be permitted. Permitted vegetative material (processed or unprocessed) shall not remain on site for more than forty five (45) days. (SWA)**
4. **No burning of materials shall be permitted on site.** (Previously Condition No. L.4, Resolution R-92-189). (CODE ENFORCEMENT/SWA)
5. **Condition No. L.5, Reso. R-92-189, which currently states:**  
**The petitioner shall verify that a permit has been obtained from and posted a bond with the Solid Waste Authority (SWA) before site plan approval. This SWA permit shall be consistent with the zoning approval.**  
**Is hereby deleted. [REASON: Duplicate Condition]**
6. **No recycling activity, trucks or equipment (except to service the above ground fuel tank) shall be permitted in the area west of the gated fence separating the recyclable materials storage area from the security/office structure.** (Previously Condition No. L.6, Resolution R-92-189). (CODE ENFORCEMENT/SWA)
7. **All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.** (Previously Condition No. L.7, Resolution R-92-189). (CODE ENFORCEMENT/SWA)
8. **To ensure compliance with all requirements of the Solid Waste Authority (SWA), haulers of materials to the site shall be limited to SWA permitted franchise haulers and County Sanitation owned vehicles. (SWA)**
9. **To ensure compliance with all applicable regulations that regulate the disposal of asbestos containing material (ACM), the petitioner shall have on site, at all hours of operation, a certified supervisor who has received and maintains the appropriate training in identifying suspect ACM; sampling and handling ACM; and, proper labeling and handling of identified ACM. (HEALTH)**

10. The maximum number of vehicles stored at the site shall be limited to ten (10). (CODE ENFORCEMENT)
11. No off site parking or storage of containers shall be permitted. (CODE ENFORCEMENT)

M. VEGETATION PRESERVATION

1. Prior to site plan certification, the Zoning Division shall approve a tree survey submitted by the applicant drawn at the same scale as the site plan. This survey shall number, size, and identify all hardwood and palm trees four (4) inches and greater in diameter, in a tabular form. (Previously Condition No. M.1, Resolution R-92-189) (ZONING/ERM)
2. Simultaneously with Site Plan Review application, the petitioner shall submit a tree survey for the southwest quarter of the site drawn at the same scale as the site plan. This survey shall number, size, and identify all hardwood and palm trees four (4) inches and greater in diameter, in a tabular form. (Previously Condition M.2, Resolution R-92-189) (ZONING/ERM)
3. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. Clearing of the vegetation shall be limited to the building pad areas, retention areas and vehicular use areas. (Previously Condition M.3, Resolution R-92-189) (ERM)
4. No storage of material or equipment shall be permitted within the dripline of preserved native vegetation. (Previously Condition M.4, Resolution R-92-189) (ERM/CODE ENFORCEMENT)

N. VEGETATION REMOVAL

1. Prior to issuance of a Vegetation Removal Permit, the property owner shall complete the following:
  - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a tree survey;
  - b. Trees to be preserved shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division. (Previously Condition N.1, Resolution R-92-189) (ERM)
2. The petitioner shall schedule a pre-clearing inspection with the Zoning Division prior to clearing any vegetation on-site. (Previously Condition N.2, Resolution R-92-189) (ZONING/ERM)
3. All prohibited species shall be removed from the subject property prior to the issuance of a Certificate of Occupancy (C.O.). (Previously Condition N.3, Resolution R-92-189) (ZONING/ERM)

O. COMPLIANCE

1. ~~As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6~~ <sup>\*</sup> 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. 0.1, Resolution R-92-189). (MONITORING).