

RESOLUTION APPROVING ZONING PETITION DOA88-33(E)
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(E) was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; 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(E), the petition of Harold Murphy, by Sara Lockhart, agent, for a Development Order Amendment (DOA) to delete land area (-8.871 acres) and modify/delete conditions of R-97658 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 July 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution

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

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

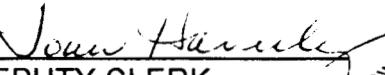
The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

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

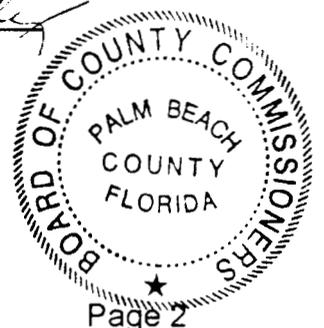


EXHIBIT A
LEGAL DESCRIPTION

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

Parcel 1A

The East half (E1/2) of Tract 70, Block 5, Palm Beach Farms Co., Plat No. 3, according to the plat thereof, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 45 through 54, inclusive.

Less that part of Parcel 1A as conveyed to Palm Beach County by deed recorded in Official Record Book 4281, Page 719, of the Public Records of Palm Beach County, Florida, more particularly described as follows:

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, in the Public Records of Palm Beach County, Florida, 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 feet North of (as measured at right angles to) the South line of 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 one half (E1/2) of Tract 70; thence
3. South 0°33' East along West line of 113.43 feet to the Southwest corner of the East one half (E1/2) of said Tract 70; thence
4. North 89°27' East along the South line of said Tract 70, 330 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 feet of the East one half (E1/2) of Tract 70, Block 5, Palm Beach Farms Co., Plat No. 3, as recorded in Plat Book 2, Pages 45 through 54, in the Public Records of Palm Beach County, Florida.

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. **All** previous conditions of approval applicable to the subject **property**, as contained in Resolution R-97-657, Petition **88-33(D)**, 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. 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 June **5**, 1998. 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. Condition B.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

The petitioner shall replace all required landscape material that is **dead**, diseased, damaged, or missing by March 31, 1993. (Previously Condition B.1. of Resolution R-97-657, Petition 88-33(D). (DATE: MONITORING - Landscape)

Is hereby deleted. [REASON: Not applicable, now a code requirement]

2. Condition B.2 of Resolution R-97-657, Petition 88-33(D) which currently states:

The petitioner shall provide **customer/employee** parking to be paved and landscaped in accordance with the ULDC. (DRC: ZONING) Previously Condition B.2. Resolution R-97-657, Petition 88-33(D)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Falm Beach Transfer & Recycling)]

3. Condition B.5 of Resolution R-97-657, Petition 88-33(D) which currently states:

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) Previously Condition B.5. Resolution R-97-657, Petition 88-33(D)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Falm Beach Transfer & Recycling)]

4. Condition B.6 of Resolution R-97-657, Petition 88-33(D) which currently states:

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. Previously Condition B.6. Resolution R-97-657, Petition 88-33(D) (ONGOING: CODE ENFORCEMENT - Zoning)

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

5. Condition 8.7 of Resolution R-97-657, Petition 88-33(D) which currently states:

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) Previously Condition 6.7. Resolution R-97-657, Petition 88-33(D).

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

6. Condition 6.8 of Resolution R-97-657, Petition 88-33(D) which currently states:

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.8 of Resolution R-97-657, Petition 88-33(D). (ONGOING: CODE ENF)

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

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

- a. Required transfer of ten **(10)** percent of the specialized vehicular use area landscaping to the perimeter **of** the site. This area **shall** be designated numerically in the tabular data and graphically.
- b. Fifteen **(15)** foot landscape strip along the southern property line, meeting the requirements of the Landscape Code, Section **500.35.E.3**

- c. Remove the reference to “future development” shown on ~~the~~ site plan for the northern portion of the site.
- d. Indicate paving and striping along the northern portion of the site, or petition for variance relief from the Board of Adjustment.
- e. 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 B 9 of Resolution R-97-657, Petition 88-33(D). (DRC: ZONING)

- 8. Condition B.10 of Resolution R-97-657, Petition 88-33(D) which currently states:

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

~~Is~~ hereby amended to state:

The site is limited to five **(5)** display spaces for auto sales with approved fifteen **(15)** foot landscape buffer surrounding the display area. (ONGOING: CODE ENF- Landscape)

- 9. Condition B.11 of Resolution R-97-657, Petition 88-33(D) which currently states:

The site shall be limited to a maximum of five **(5)** display spaces.

~~Is~~ hereby deleted: [REASON: Combined with another condition]

- 10. The petitioner shall provide an area on the site to unload vehicles **from** car carriers or towing vehicles. Sufficient maneuvering area shall be provided and shall be located out of on-site and off-site vehicular **traffic** circulation. This area shall **be** designated on the site plan. (Previously Condition B.12 of Resolution R-97-657, Petition 88-33(D). (DRC/ONGOING: ZONING/CODE ENF)

- 11. Condition B.13 of Resolution R-97-657, Petition 88-33(D) which currently states:

The petitioner shall **replace/upgrade** the existing wooden fence **along** the north property line of the south parcel, adjacent to Wallis Road, in accordance with Conditions 4.e of Zoning Petition **88-33, Resolution R-89-438.**

~~Is~~ hereby deleted: [REASON: Condition repeated in landscape conditions]

- 12. Condition B.14 of Resolution R-97-657, Petition 88-33(D) which currently states:

The petitioner shall ensure noise levels do not exceed **60** DBA at the closest property line at any time. (Previously Condition B.14 of Resolution R-97-657, Petition 88-33(D) (BLDG PERMIT: BLDG - Code En9

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

13. Condition **B.15.** of Resolution R-97-657, Petition 88-33(D) which currently states:

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

Is hereby deleted. [REASON: Addressed in condition A.2.]

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-97-657, Petition 88-33(D)).

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-97-657, Petition 88-33(D)). (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-97-657, Petition 88-33(D)). (ERM)

E. ENGINEERING

1. Condition E.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D)). (ENG)

Is hereby deleted. [REASON: Code Requirement]

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-97-657, Petition 88-33(D). (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-97-657, Petition 88-33(D). (ENG) [COMPLETE]

4. Condition E.4 of Resolution R-97-657, Petition 88-33(D) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Flood 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-97-657, Petition 88-33(D). (ENG)

Is hereby deleted. [REASON: Code Requirement]

5. Condition E.7 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D) (ENGINEERING)

Is hereby deleted. [REASON: Repeated Condition E.2.]

6. Condition E.8.b of Resolution R-97-657, Petition 88-33(D) which currently states:

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 [COMPLETE]

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. Previously Condition E.8. of Resolution R-97-657, Petition 88-33(D) (DATE/BLDG PERMIT: MONITORING - Eng.)

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

7. 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. (Previously Condition E.9 of Resolution R-97-657, Petition 88-33(D) (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. (Previously Condition E.9 of Resolution R-97-657, Petition 88-33(D) (BLDG PERMIT: ENG)

~~Is~~ hereby deleted. [REASON: ULDC Code changes]

8. 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. (Previously Condition E.10 of Resolution R-97-657, Petition 88-33(D) (ONGOING: ENG)

~~Is~~ hereby deleted. [REASON: ULDC Code changes]

9. The Property Owner shall participate in an area-wide drainage program initiated by the County or by others 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. (Previously Condition E.11 of Resolution R-97-357, Petition 88-33(D) (ONGOING: ENG)

~~Is~~ hereby deleted. [REASON: ULDC Code changes]

10. **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. (Previously Condition E.12 of Resolution R-97-657, Petition 88-33(D) (ONGOING: ENG)

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

11. 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. (Previously Condition E.13 of Resolution R-97-657, Petition 88-33(D) (ONGOING: ENG)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

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 Resolution R-97-657, Petition 88-33(D). (HEALTH/ERM)

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-97-657, Petition 88-33(D). (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-97-657, Petition 88-33(D). (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-97-657, Petition 88-33(D). (HEALTH)

5. Condition F.5 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (HEALTH)

Is hereby deleted. [REASON: Not applicable]

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-97-657, Petition 88-33(D). (ONGOING: HEALTH/CODE ENF)

7. Condition F.7 of Resolution R-97-657, Petition 88-33(D) which currently states:

The petitioner may not discharge air pollutants which **cause** or contribute to objectionable odors. (Previously Condition F.7 of Resolution R-97-657, Petition 88-33(D)(ONGOING: HEALTH/CODE ENF)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

8. Condition F.8 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97.657, Petition 88-33(D) (DRC: HEALTH)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

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-97-657, Petition 88-33(D). (ZONING)

H. LANDSCAPING - GENERAL

1. Condition H.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

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.

Is hereby amended to state:

Prior to site plan certification, the petitioner shall revise the site plan to reflect all landscape conditions of approval, and revised landscape tabular data. (DRC: ONGOING-Landscape)

2. Condition H.2 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

3. Condition H.3 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D) (ZONING)

~~Is~~ hereby deleted. [REASON: No longer applicable]

4. Condition H.4 of Resolution R-97-657. Petition 88-33(D) which currently states:

All landscaping and vegetation planted on site, as required ~~by~~ this petition, shall be a native variety. ~~(Previously Condition H.4 of Resolution R-97-657, Petition 88-33(D)).~~ (ZONING)

Is hereby amended to read:

All landscaping and vegetation planted on site, as required by this petition shall be a native variety or in accordanc with Board of Adjustment Petition 89-87. (ONGOING: LANDSCAPING)

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-97-657, Petition 88-33(D). (ZONING)

I. LANDSCAPING ALONG WALLIS ROAD

1. Condition 1.1 of Resolution R-97-657, Petition 88-33(D) which curlently states:

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 I.1 of Resolution R-97-657, Petition 88-33(D). (ZONING)

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

2. Condition 1.2. of Resolution R-97-657, Petition 88-33(D) which currently states:

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 rows 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. (Previously Condition 12 of Resolution R-97-657, Petition 88-33(D) (CO: LANDSCAPE)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

- 3. Condition 1.3. of Resolution R-97-657, Petition 88-33(D) which currently states:

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

- a. A minimum ten **(10)** foot wide landscape strip.
- b. A six **(6)** foot high solid opaque fence.
- c. One native canopy tree spaced every twenty **(20)** feet on center.
- 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. (ZONING)

Is hereby amend to state:

NORTH PROPERTY LINE ADJACENT TO WALLIS ROAD. - Landscaping within the required buffer along the North property line adjacent to Wallis Road shall be upgraded to include:

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

- J.I. Condition J.I. of Resolution R-97-657, Petition 88-33(D) which currently states:

LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE NORTH PARCEL

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 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)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

2. Condition 1.5. of Resolution R-97-657, Petition 88-33(D) which currently states:

Landscaping and buffering shall be installed prior to the issuance of the first building permit. Condition J.2 of Resolution R-97-657, Petition 88-33(D). (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Not Relevant]

K. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL ZONING) OF THE NORTH PARCEL

1. Condition J.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

A minimum ten **(10)** foot wide landscape buffer strip. (Previously Condition K.1 of Resolution R-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

2. Condition J.2. of Resolution R-97-657, Petition 88-33(D) which currently states:

A fence a minimum of six **(6)** feet in height. (Previously Condition K.2 of Resolution R-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

3. Condition J.3 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

4. Condition J.4 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

L. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE 3.98 ACRE ADDITION

1. Condition K.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

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)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

M. 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-97-657, Petition 88-33(D). (CODE ENF-Zoning)

2. Condition L.2 of Resolution R-97-657, Petition 88-33(D) which currently states:

Lighting fixtures shall not exceed twenty (**20**) feet in height.

~~Is~~ hereby amended to state:

Pole mounted lighting fixtures shall not exceed twenty (20) feet in height. (CODE ENF-Zoning)

3. Condition L.3 of Resolution R-97-657, Petition 88-33(D) which currently states:

All outdoor lighting shall be extinguished no later than **11:00** p.m. Security lighting only is excluded from this requirement. (CODE ENF-Zoning)

Is hereby deleted. [REASON: Not applicable]

N. SIGNS

1. Condition M.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

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.

~~Is~~ hereby amended to state:

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

- a. Maximum sign height - twelve (12) feet.
- b. Maximum total sign face area - 180 square feet.
- c. Maximum number of signs - one, monument type sign. (CODE ENF-Zoning)

2. Condition M.2 of Resolution R-97-657, Petition 88-33(D) which currently states:

No signs shall be permitted fronting on Wallis Road, except as required by Condition P.7. (Previously Condition M.2 of Resolution R-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Is hereby deleted. [REASON: Carried forward to Petition 98-32, (Palm Beach Transfer & Recycling)]

3. Condition M.3 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Is hereby deleted. [REASON: Not Applicable]

4. Condition M.4 of Resolution R-97-657, Petition 88-33(D) which currently states:

No off-premise signs shall be permitted on the site. (Previously Condition M.4 of Resolution R-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Is hereby deleted.

5. There shall be no on premises signs indicating existence of used automobiles sales. (Previously Condition M.5 of Resolution R-97-657, Petition 88-33(D). (CODE ENF-Zoning)

O. UNITY OF TITLE

1. Condition N.1 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: No longer applicable]

2. Condition N.2 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: No longer applicable]

P. USE LIMITATION

1. Condition 0.2 of Resolution R-97-657, Petition 88-33(D) which currently states:

Only construction materials and vegetation shall be recycled on site.

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

2. No outdoor loudspeaker system audible off site shall be **permitted**. (Previously Condition 0.3 of Resolution R-97-657, Petition 88-33(D). (CODE ENF-Zoning)

3. Condition 0.4 of Resolution R-97-657, Petition 88-33(D) 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, 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**. (Previously Condition 0.4 of Resolution R-97-657, Petition 88-33(D) (CODE ENF-Zoning)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

4. Condition 0.5 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (CODE ENF-Zoning)

~~Is~~ hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

5. Condition 0.6 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

6. Condition 0.7 of Resolution R-97-657, Petition 88-33(D) which currently states:

The applicant shall maintain a contract with a licensed waste hauler for daily removal of all hazardous materials and white good inadvertently brought on site. (Previously Condition 0.7 of Resolution R-97-657, Petition 88-33(D). (ZONING)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Falm Beach Transfer & Recycling)]

7. Condition 0.8 of Resolution R-97-657, Petition 88-33(D) which currently states:

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-97-657, Petition 88-33(D). (CODE ENF)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Falm Beach Transfer & Recycling)]

- a. Condition 0.9 of Resolution R-97-657, Petition 88-33(D) which currently states:

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)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Falm Beach Transfer & Recycling)]

9. Condition 0.10 of Resolution R-97-657, Petition 88-33(D) which currently states:

Commercial excavation is prohibited on site. (Previously Condition 0.10 of Resolution R-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Falm Beach Transfer & Recycling)]

10. Condition 0.11 of Resolution R-97-657, Petition 88-33(D) which currently states:

This site shall not be used as a commercial landfill. (Previously Condition 0.11 of Resolution R-97-657, Petition 88-33(D). (CODE ENF\HEALTH-Zoning)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Falm Beach Transfer & Recycling)]

11. Condition 0.12 of Resolution R-97-657, Petition 88-33(D) which currently states:

All material brought on site shall be deposited, recycled and **sorted on a** concrete surface. (Previously Condition 0.12 of Resolution R-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Is hereby deleted. [REASON: Carried forward to Petition 98-32 (Palm Beach Transfer & Recycling)]

12. “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-97-657, Petition 88-33(D). (CODE ENF-Zoning)
13. 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-97-657, Petition 88-33(D). (CODE ENF-Zoning)
14. 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-97-657, Petition 88-33(D). (CODE ENF-Zoning)
15. 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-97-657, Petition 88-33(D). (CODE ENF-Zoning)

Q. COMPLIANCE

1. 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.

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)