

RESOLUTION NO. R-2001-1214

RESOLUTION APPROVING ZONING PETITION DOAI991-005(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ATLAS-LOX ROAD INC.
BY SCOTT MOSOLF, AGENT
(WASTE MAGIC)

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 DOAI991-005(B) was presented to the Board of County Commissioners at a public hearing conducted on July 26, 2001; 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 DOA 1991-005(B), the petition of Atlas-Lox Road Inc., by Scott Mosolf, agent, for a Development Order Amendment (DOA) to modify conditions of approval 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 26, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Nay
Karen T. Marcus	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Absent
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 26, 2001.

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

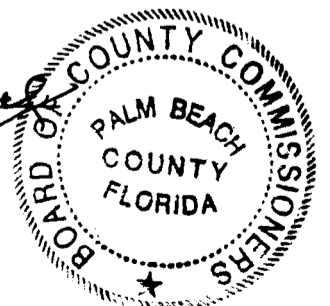


EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 29, 30 AND 31 OF FLORIDA FRUIT LANDSCO. SUBDIVISION NO. 2, OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID N.E. 1/4 OF SECTION 30: THENCE SOUTH 89°48' 54" EAST, ALONG THE SOUTH LINE OF SAID 1/4 SECTION 30, 118.81 FEET TO THE POINT OF BEGINNING: THENCE NORTH 00°20'38" OF SAID N.E. 1/4 OF SECTION 30: THENCE NORTH 00°21'11" WEST, 1406.20', TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 827, AS CLAIMED BY THE STATE ROAD DEPARTMENT: THENCE ALONG SAID SOUTH RIGHT OF WAY LINE FOLLOWING THREE DESCRIBED COURSES, (1) SOUTH 71°40'03" EAST 262.96'; (2) NORTH 89°53'12" EAST, 78.99 FEET; (3) SOUTH 71°39'44" EAST, 246.97 FEET: THENCE SOUTH 00°20'46" EAST, 3901.95 FEET, TO A POINT ON THE SOUTH LINE OF SAID N.E. 1/4 OF SECTION 30: THENCE NORTH 89°48'54" WEST, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF SECTION 30, 561.47 FEET TO THE POINT OF BEGINNING.

SIAD LANDSLAYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 51.36 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

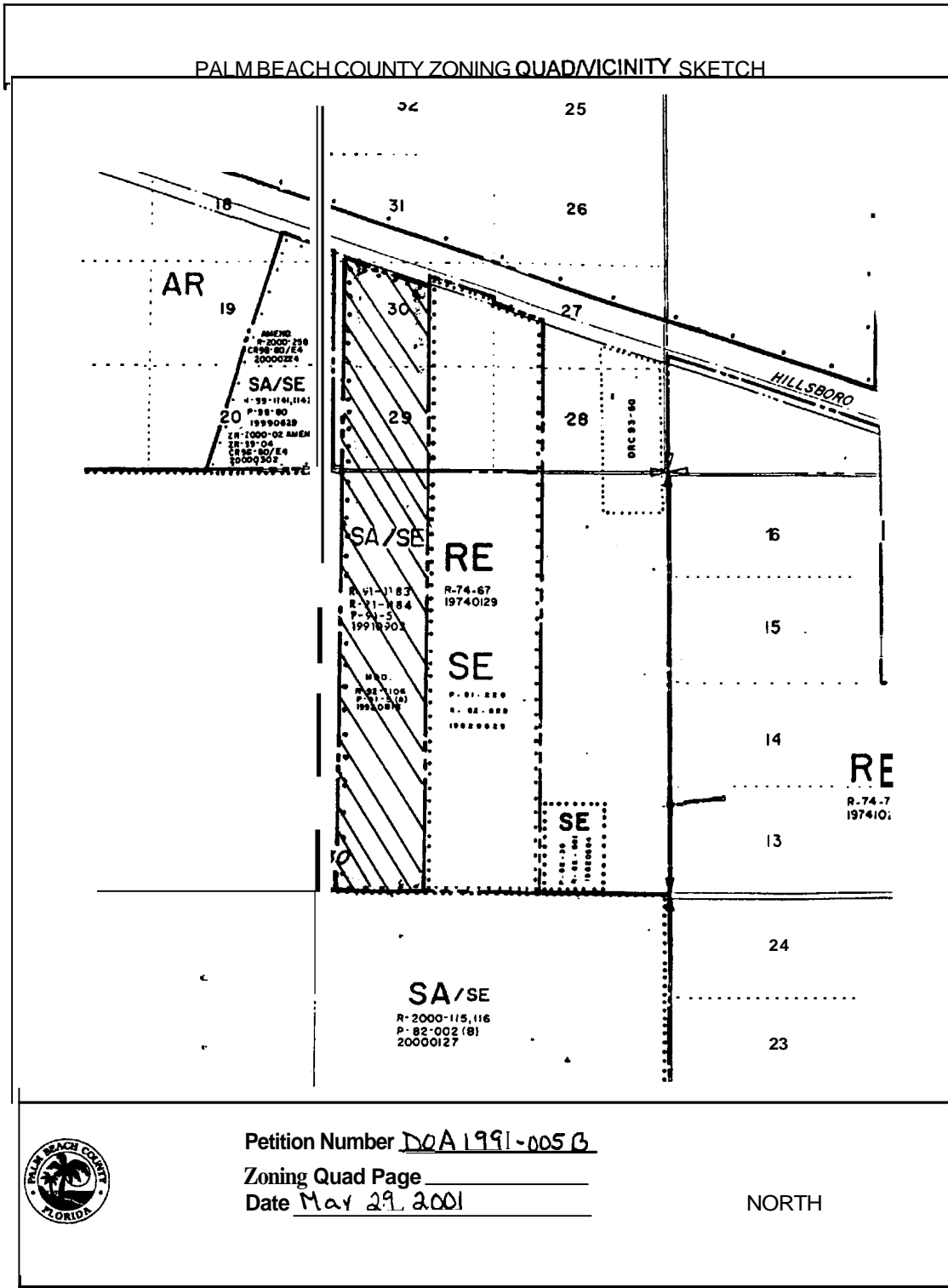


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. Condition A. 1 of Resolution R-92-1106, Petition 91-5(A) which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 Compliance, unless expressly modified. (Zoning/Monitoring)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in and Resolution R-92-1106 (Petition 91-5(A)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 2 of Resolution R-92-1106, Petition 91-5(A) which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Zoning)

Is hereby amended to read:

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 March 29, 2001. 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)

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 pursuant to Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review). The Site Plan Review Committee shall be limited to a maximum ten percent (10%) redesign of the site plan unless further changes are required by a governmental agency. (Zoning) (Previously Condition A.3 of Resolution R-92-1106, Petition 91-5(A))

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. (ERM/ Zoning) (Previously Condition B.1 of Resolution R-92-1106, Petition 91-5(A))
2. 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. (ERM) (Previously Condition B.2 of Resolution R-92-1106, Petition 91-5(A))
3. 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. (ERM) (Previously Condition B.3 of Resolution R-92-1106, Petition 91-5(A))

C. HEALTH

1. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval. (HRS/Zoning) (Previously Condition C.1 of Resolution R-92-1106, Petition 91-5(A))
2. The applicant shall establish policies and procedures acceptable to the Palm Beach County Public Health Unit to ensure that hazardous material is not brought onto the site. (HRS) (Previously Condition C.2 of Resolution R-92-1106, Petition 91-5(A))
3. This facility shall not be open to the public and shall be conspicuously signed. (Code Enforcement/Building) (Previously Condition C.3 of Resolution R-92-1106, Petition 91-5(A))
4. Only construction and vegetative debris and waste from licensed contractors and waste haulers shall be accepted. White goods and other hazardous material shall not be accepted on site and are not part of this approval. (HRS/Code Enforcement) (Previously Condition C.4 of Resolution R-92-1106, Petition 91-5(A))

5. The applicant shall secure an operating permit for the septic tank system. (HRS) (Previously Condition C.5 of Resolution R-92-1106, Petition 91-5(A))

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Utilities) (Previously Condition D.1 of Resolution R-92-1106, Petition 91-5(A))

E. ENGINEERING

1. Condition E.1 of Resolution R-92-1106, Petition 91-5(A) which currently states:

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/detain~~ on-site 100% of 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. (Engineering/ FDOT)

Is hereby deleted. [REASON: Code Requirement.]

2. Prior to January 1, 1992, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall reserve for future dedication at no cost to Palm Beach County or other appropriate governmental agencies to Palm Beach County Roadway Production Division by appropriate documents acceptable to the County Engineer and County Attorney for Lox Road a maximum of an additional 80 feet along the project's north property line on an alignment approved by the County Engineer. A minimum of 90 days of notification to the property owner will be required that the additional right of way is needed. 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 at the time of the dedication. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. There shall be no lakes or berming to be included within this required Right-of-way. Prior to Master Plan certification, the Site Plan shall be amended to reflect the Right-of-way required above. (Monitoring) (Previously Condition E.2 of Resolution R-92-1106, Petition 91-5(A)) (COMPLETE)

3. The Property owner shall construct a left turn lane, east approach on Lox Road at the project's entrance road within **(6)** months of the date of written notification by the Palm Beach County Engineer's office that traffic capacity on Lox Road or the number of accidents at the intersection of Lox Road and the project's entrance has increased to a level requiring the construction of the left turn lane for traffic safety and/or traffic volume reasons. A Performance Bond, which will guarantee construction of this turn lane, shall be posted with the County Engineer prior to the issuance of a Certificate of Occupancy. Bond amount shall not exceed **\$30,000.00**. (Engineering) (Previously Condition E.3 of Resolution R-92-1106, Petition 91-5(A))

4. Prior to January 1, 1992, or prior to the issuance of the first Building Permit, the Property Owner shall convey to Palm Beach County adequate road drainage tract(s) through the project's internal surface water management system to provide legal positive out-fall for all runoff from those segments of Lox Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lox Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of **24** inch closed piping system and appropriate **wingwall** or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess **fill** material from excavation within said easements shall become the property of Palm Beach County. (Monitoring/Building) (Previously Condition E.4 of Resolution R-92-1106, Petition 91-5(A))

5. Condition E.5 of Resolution R-92-1106, Petition 91-5(A) which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is **\$20,130.00 (366 trips X \$55.00 per trip)**. (Impact Fee Coordinator)

Is hereby deleted. [REASON: Code Requirement.]

6. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. (Zoning/ County Attorney) (Previously Condition E.6 of Resolution R-92-1106, Petition 91-5(A))

F. LANDSCAPED BUFFERS

The perimeter landscape buffer strip may be phased in accordance with a phased site plan. Perimeter landscape buffer strips along the perimeter of the site, except for that perimeter adjacent to the retention/detention area, shall consist of:

- a. A fifty (50) foot minimum width.
- b. Two (2) rows of ten foot **tall** native canopy trees planted twenty (20) feet on center.
- c. A continuous berm a minimum of 8 feet in height seeded and irrigated, (except for gated access).
- d. A six foot tall fence presenting a visually opaque barrier on the exterior of the berm. (Zoning) (Previously Condition F.1 of Resolution R-92-1106, Petition 91-5(A))

2. Condition F.2 of Resolution R-92-1106, Petition 91-5(A) which currently states:

The temporary buffer between phases shall consist of:

- a. A fifty (50) foot minimum width.
- b. A continuous berm a minimum of 8 feet in height seeded and irrigated.
- c. A six foot tall fence presenting a visually opaque barrier on the exterior of the berm. (Zoning)

Is hereby deleted. [REASON: No longer a proposed Phase II.]

3. The perimeter landscape buffer strip occurring adjacent to the retention/detention area on the north, east and west sides (except for gated access) shall consist of:

- a. A minimum width of twenty-five (25) feet.
- b. A continuous berm a minimum of five (5) feet in height. The berm shall be sodded on the exterior along Lox Road with 25 foot returns on the east and west; the remainder of the berm shall be seeded; all landscaped areas shall be irrigated and maintained.
- c. A continuous hedge a minimum of three (3) feet in height on top of the berm.
- d. A six (6) foot tall, black or dark green chain link fence fronting on Lox Road with a continuous hedge a minimum of three (3) feet in height on the exterior side,
- e. A six (6) foot tall fence on the east and west property lines, presenting a visually opaque appearance, on the exterior of the berm.
- f. A double row of ten (10) foot tall native canopy trees planted twenty (20) feet on center. (Zoning) (Previously Condition F.3 of Resolution R-92-1106, Petition 91-5(A))

4. All required trees shall have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Zoning) (Previously Condition F.4 of Resolution R-92-1106, Petition 91-5(A))

5. The petitioner shall submit all landscape exhibits presented to the Board of County Commissioners to the Site Plan Review Committee. Landscaping shall be installed in accordance with the exhibits unless design changes are required by the Conditions of Approval. (Zoning) (Previously Condition F.5 of Resolution R-92-1106, Petition 91-5(A))

G. 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. (Code Enforcement) (Previously Condition G.1 of Resolution R-92-1106, Petition 91-5(A))
2. Lighting fixtures shall not exceed twenty (20) feet in height. (Building) (Previously Condition G.2 of Resolution R-92-1106, Petition 91-5(A))
3. All outdoor lighting shall be extinguished no later than 9:00 p.m. Security lighting only is excluded from this requirement. (Code Enforcement) (Previously Condition G.3 of Resolution R-92-1106, Petition 91-5(A))

H. PARKING

1. 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. (Building) (Previously Condition H.1 of Resolution R-92-1106, Petition 91-5(A))

I. SIGNS

1. Signs fronting on Lox 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). (Building) (Previously Condition I.1 of Resolution R-92-1106, Petition 91-5(A))
2. A sign shall be prominently displayed at the entrance of the facility prohibiting hazardous materials and white goods on site. (Building) (Previously Condition 12 of Resolution R-92-1106, Petition 91-5(A))

J. SITE DESIGN

1. The height of recyclable or recovered materials, or non-recyclable residue, stored in outdoor areas shall not exceed twenty-five (25) feet. (SWA) (Previously Condition J.1 of Resolution R-92-1106, Petition 91-5(A))
2. All outdoor storage of nonorganic recyclable materials, excluding rock, dirt, mulch and non-pressure-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 stored materials. (SWA) (Previously Condition J.2 of Resolution R-92-1106, Petition 91-5(A))
3. Building height shall be limited to a maximum of 36 feet. (Building) (Previously Condition J.3 of Resolution R-92-1106, Petition 91-5(A))

K. SUPPLEMENTAL REQUIREMENTS

1. Prior to Site Plan certification, the petitioners shall provide the following:
 - a. Verification that a permit has been obtained from and a bond posted with the Solid Waste Authority (SWA). This permit shall be consistent with the zoning approval. (Zoning/ SWA) (Previously Condition K. 1 of Resolution R-92-1106, Petition 91-5(A))
2. Condition K.2 of Resolution R-92-1106, Petition 91-5(A) which currently states:

To be recorded in the public records, a Covenant of Restrictions, subject to approval by the County Attorney, which provides that the solid waste transfer and recycling station operation shall cease within **10** years of issuance of the first building permit and that all construction materials, structures and concrete slabs to be removed and cleared with only permitted fill, berm and landscaping and entrance road to remain:

- a. Within 6 months after the within approved operation ceases but, in no event, no later than **10** years and 6 months after the issuance of the first building permit on this project.
- b. The petitioner shall post a performance bond or other surety acceptable to Palm Beach County equal to 110% of the cost of removal costs as determined by the applicant's engineer, as accepted and approved by County Engineering Department. The amount shall be adjusted annually for inflation.

Palm Beach County shall have the right to enforce the provisions of this restriction. The prevailing party shall be entitled to attorneys fees and costs, if enforcement is required. (County Attorney/ Building/ SWA)

Is hereby amended to read:

A Covenant of Restrictions shall be recorded in the public records subject to approval by the County Attorney, which provides that the solid waste transfer and recycling station operation shall cease on or before April 15, 2012 and that all construction materials, structures and concrete slabs shall be removed and cleared no later than October 15, 2012 with only permitted fill, berm and landscaping and entrance road to remain:

- a. The petitioners shall post a performance bond or other surety acceptable to Palm Beach County equal to 110% of the cost of removal costs as determined by the applicant's engineer, as accepted and approved by County Engineering Department. The amount shall be adjusted annually for inflation.

Palm Beach County shall have the right to enforce the provisions of this Covenant restriction. (County Attorney/ Building/ SWA)

L. USE LIMITATIONS

1. Hours of operation shall be limited to 7 a.m. to 7 p.m. Monday through Saturday. (Code Enforcement) (Previously Condition L. 1 of Resolution R-92-1106, Petition 91-5(A))

2. No outdoor speaker or public address systems shall be permitted. (Code Enforcement) (Previously Condition L.2 of Resolution R-92-1106, Petition 91-5(A))
3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (Code Enforcement) (Previously Condition L.3 of Resolution R-92-1106, Petition 91-5(A))
4. The facility shall be gated and locked when the facility is not open. (Code Enforcement) (Previously Condition L.4 of Resolution R-92-1106, Petition 91-5(A))
5. The applicant shall maintain a contract with a licensed waste hauler for weekly removal of any and all hazardous material on site. (SWA) (Previously Condition L.5 of Resolution R-92-1106, Petition 91-5(A))
6. Only construction materials and vegetation shall be recycled on site. (SWA) (Previously Condition L.6 of Resolution R-92-1106, Petition 91-5(A))
7. Recyclable materials shall not be stockpiled for longer than 30 days. (SWA) (Previously Condition L.7 of Resolution R-92-1106, Petition 91-5(A))
8. Non-recyclable materials shall be removed from site within seven days. (SWA) (Previously Condition L.8 of Resolution R-92-1106, Petition 91-5(A))
9. All swale, berm, setback areas shall be free of stockpiled materials. (Zoning) (Previously Condition L.9 of Resolution R-92-1106, Petition 91-5(A))
10. No concrete or rock grinding shall occur on site. (SWA) (Previously Condition L.10 of Resolution R-92-1106, Petition 91-5(A))
11. Commercial excavation is prohibited on site. (Engineering) (Previously Condition L.11 of Resolution R-92-1106, Petition 91-5(A))
12. This site shall not be used as a commercial landfill. Prior to site plan certification, the petitioner shall record a deed restriction in the public record prohibiting commercial excavation and a commercial landfill on the site, subject to approval by the County Attorney. (Zoning/ County Attorney) (Previously Condition L.12 of Resolution R-92-1106, Petition 91-5(A))
13. Stockpiling of construction material shall be located within the bermed area and piles shall not exceed 25 feet in height. (Zoning) (Previously Condition L.13 of Resolution R-92-1106, Petition 91-5(A))
14. Noise from the site shall not exceed 70 db at any lot line at any time, except during periods of building construction. (Code Enforcement) (Previously Condition L.14 of Resolution R-92-1106, Petition 91-5(A))
15. Recycled concrete and organic material only may be used for the construction of the perimeter berms. No recycled concrete brought on site to be recycled shall be used for site preparation, construction or buried on site. Clean fill only may be used to fill the remainder of the site. (SWA) (Previously Condition L.15 of Resolution R-92-1106, Petition 91-5(A))

16. Condition L.16 of Resolution R-92-1106, Petition 91-5(A)) which currently states:

All material brought on site shall be deposited, recycled and sorted on a concrete surface. (SWA)

Is hereby amended to read:

All material brought on site shall be deposited, recycled and sorted on a concrete surface. Pre-sorted vegetative material may be temporarily deposited and stored on the ground in what is shown as Phase II of the project site for a period not to exceed forty-five (45) days and pile heights are limited to fifteen (15) feet in height. (SWA)

M. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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. Condition M.1 of Resolution R-92-1106, Petition 91-5(A) which currently states:

As provided in the Palm Beach County 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. (Zoning/Monitoring) (Previously)

Is hereby deleted. [REASON: superceded by Condition M.4 below]

3. Condition M.2 of Resolution R-92-1106, Petition 91-5(A) which currently states:

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.

Is hereby deleted. [REASON: superceded by condition M.4 below]

4. 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; 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 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 Code Enforcement Specialist 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)