

RESOLUTION NO. R-2004- 2428

RESOLUTION APPROVING ZONING PETITION DOA1998-032A  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF SOUTHERN WASTE SYSTEMS, LTD.  
BY SARA LOCKHART, AGENT  
(PALM BEACH TRANSFER & RECYCLING)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1998-032A was presented to the Board of County Commissioners at a public hearing conducted on November 18, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA1998-032A, the petition of Southern Waste Systems, Ltd., by Sara Lockhart, agent, for a Development Order Amendment to modify/delete conditions of approval for a Multiple Use Planned Development with a permanent air curtain incinerator 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 November 18, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner AARONSON moved for the approval of the Resolution.

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

Tony Masilotti, Chairman	- AYE
Addie L. Greene, Vice Chairperson	- AYE
Karen T. Marcus	- AYE
Jeff Koons	- AYE
Warren H. Newell	- AYE
Mary McCarty	- AYE
Burt Aaronson	- AYE

The Chair thereupon declared that the resolution was duly passed and adopted on November 18, 2004.

Filed with the Clerk of the Board of County Commissioners on 10th day of JANUARY, 2005.

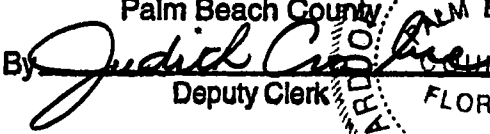
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY: \_\_\_\_\_  
DEPUTY CLERK

Sharon R. Bock, Clerk & Comptroller  
Palm Beach County  
By   
Deputy Clerk

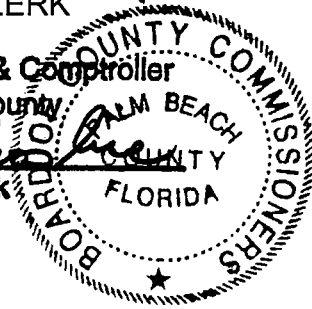


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE WEST 2 OF TRACT 51, BLOCK, PALM BEACH FARMS COMPANY, 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, PAGE 45, SAID LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 134 FEET THEREOF. (CONTAINS 3.985 ACRES, PLUS OR MINUS). ALSO LESS THE FOLLOWING DESCRIBED PARCEL OF LAND FOR ROAD RIGHT OF WAY PURPOSES BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 51; THENCE NORTH 00 00' 00" EAST ALONG THE WEST LINE OF SAID TRACT 51, A DISTANCE OF 40.00 FEET TO A POINT. THENCE SOUTH 44 59' 12" EAST A DISTANCE OF 35.36 FEET TO A POINT ON A LINE 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTHLINE OF SAID TRACT 51; THENCE SOUTH 89 58' 24" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 305.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF SAID TRACT 51; THENCE SOUTH 00 00' 00" WEST, ALONG SAID EAST LINE OF THE WEST HALF OF TRACT 51, A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 51; THENCE NORTH 89 58' 24" WEST, ALONG SAID SOUTH LINE OF TRACT 51, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING. (CONTAINS 0.120 ACRES, MORE OR LESS)

PARCEL 2:

THE EAST 2 OF TRACT 51, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 15 FEET THEREOF FOR ROAD RIGHT OF WAY PURPOSES. (CONTAINS 4.886 ACRES, PLUS OR MINUS)

EXHIBIT B  
VICINITY SKETCH

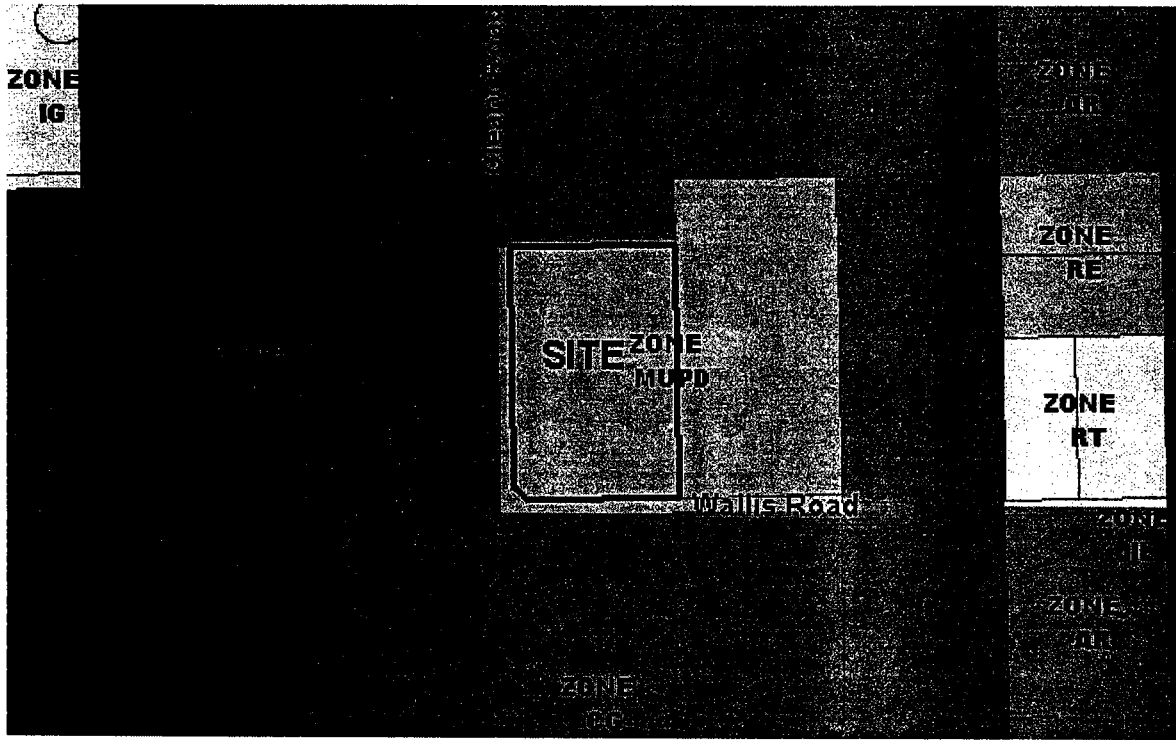


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1998-1131 (Petition 1998-032) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)
2. Condition A.1 of Resolution R-98-1131, Petition No. 1998-032, which currently states:

**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 May 28, 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 – 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 February 12, 2004. 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. Prior to final DRO approval of the master/site plan, the property owner shall seek variance relief from the Board of Adjustment for the following:
  - a. setback for the dust screen which is currently located at the northwest property line; and,
  - b. the landscape buffer along the west 330 linear feet of the north property line. (BofA/DRO: BofA/DRO – Zoning)

B. BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-98-1131, Petition 1998-032, which currently states:

**The petitioner shall replace all required landscape material that is dead, diseased, damaged, or missing by October 30, 1998, and shall be maintained on a continuing basis.** (DATE: MONITORING – Landscape)

Is hereby deleted. REASON: [Landscape maintenance is code requirement.]

2. Condition B.2 of Resolution R-98-1131, Petition 1998-032, which currently states:

**The petitioner shall provide customer/employee parking to be paved and landscaped in accordance with the ULDC.** (DRC: ZONING – Zoning)

Is hereby deleted. REASON: [Code requirement.]

3. Condition B.3 of Resolution R-98-1131, Petition 1998-032, 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 ENF – Zoning)**

Is hereby amended to read:

The height of recyclable or recoverable concrete sorted or stored in outdoor areas shall not exceed twenty-eight (28) feet in height, subject to approval by the Palm Beach County Fire Marshal. (ONGOING: CODE ENF – Zoning)

4. Condition B.4 of Resolution R-98-1131, Petition No. 1998-032, 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. (ONGOING: CODE ENF – Zoning)**

Is hereby amended to read:

The height of all other recyclable or recoverable materials, or non-recyclable residue, sorted or stored in outdoor areas shall not exceed fifteen (15) feet in height, subject to approval by the Palm Beach County Fire Marshal. (ONGOING: CODE ENF – Zoning)

5. Condition B.5 of Resolution R-98-1131, Petition 1998-032, 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)**

Is hereby deleted. REASON: [No longer required.]

6. Condition B.6 of Resolution R-98-1131, Petition 1998-032, which currently states:

**All outdoor storage or non-organic 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. (ONGOING: CODE ENF – Zoning)**

Is hereby deleted. REASON: [Code requirement.]

7. Condition B.7 of Resolution R-98-1131, Petition 1998-032, which currently states:

**The petitioner shall ensure noise levels do not exceed 60 dBA at the closest property line at any time. (ONGOING: CODE ENF – Zoning)**

Is hereby deleted. REASON: [Noise level is a Code requirement, and the site is completely surrounded by industrial uses.]

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. (ONGOING: ERM) (Previous Condition C.1 of Resolution R-98-1131, Petition No. 1998-032)**
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. (ONGOING: ERM) (Previous Condition C.2 of Resolution R-98-1131, Petition No. 1998-032)**
3. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM)

D. HEALTH

1. Condition D.1 of Resolution R-98-1131, Petition 1998-032, which currently states:

**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. (HEALTH/ERM)**

Is hereby amended to read:

Disposal of any hazardous waste into the sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used by operators or owners generating such waste. (ONGOING: HEALTH/CODE ENF – Health)

2. Condition D.2 of Resolution R-98-1131, Petition 1998-032, which currently states:

**Since sewer service is available to the property, septic tank shall not be approved for use on the property. (ONGOING: HEALTH/CODE ENF-Health)**

Is hereby amended to read:

No onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. (ONGOING: HEALTH/CODE ENF – Health)

3. Condition D.3 of Resolution R-98-1131, Petition 1998-032, which currently states:

**Because water service is available to the property, a well shall not be approved for potable water use. (ONGOING: HEALTH/CODE ENF-Health)**

Is hereby amended to read:

No well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II. Sanitary sewer service is available to the property. (ONGOING: HEALTH/CODE ENF – 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. (ONGOING: HEALTH/CODE ENF – Health) (Previous Condition D.4 of Resolution R-98-1131, Petition No. 1998-32)**
5. Condition D.5 of Resolution R-98-1131, Petition 1998-032, 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. (HEALTH)**

Is hereby amended to read:

The facility shall connect to sanitary sewer by January 18, 2005. (DATE: MONITORING – Health)

6. Condition D.6 of Resolution R-98-1131, Petition 1998-032, which currently states:

**Reasonable precautions will be taken to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/CODE ENF)**

Is hereby amended to read:

The facility's dust control plan implementation shall include, but is not limited to the following:

- a) Maintenance of all dust control screens onsite in good repair, and operation of all associated watering control devices;
  - b) maintenance and operation of onsite watering control systems and equipment to ensure adequate dust control from onsite activities (including all stockpile areas, truck loading operations, truck discharge operations, pick-line activities, screen loading and processing activities, wood grinding and processing activities and onsite traffic areas);
  - c) adequate fire hose watering supply to maintain dust control of stockpile manipulation and processing, and truck loading and unloading activities; and,
  - d) frequent and adequate hydraulic sweeper activity to minimize soil residue accumulation on traffic areas onsite and offsite, to prevent nuisance dust emissions from traffic entering and leaving the property. (ONGOING: HEALTH/CODE ENF - Health)
7. Condition D.7 of Resolution R-98-1131, Petition 1998-032, which currently states:

**The petitioner may not discharge air pollutants, which cause or contribute to objectionable odors. (ONGOING: HEALTH/CODE ENF)**

Is hereby amended to read:



The owner operator shall not discharge air pollutants, which cause or contribute to objectionable odors. (ONGOING: HEALTH/CODE ENF – Health)

8. Condition D.8 of Resolution R-98-1131, Petition 1998-032, 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. (DRO: HEALTH – Health)**

Is hereby deleted. REASON: [Completed.]

9. Condition D.9 of Resolution R-98-1131, Petition 1998-32, which currently states:

**The petitioner shall obtain a permit from Palm Beach County Fire Rescue for the use of the ACI. (ONGOING: HEALTH/CODE ENF – Fire)**

Is hereby deleted. REASON: [Code requirement.]

10. Condition D.10 of Resolution R-98-1131, Petition 1998-032, which currently states:

**Fires associated with the permanent air curtain incinerator (ACI) shall be extinguished by 6:00 p.m. or guidelines established by the ACI permit. (ONGOING: HEALTH/CODE ENF)**

Is hereby amended to read:

Fires associated with the permanent air curtain incinerator (ACI) shall be extinguished by 6:00 PM or in accordance with more stringent guidelines that may be established by an ACI permit. (ONGOING: HEALTH/CODE ENF – Health)

11. **An attendant shall be on site all times the ACI is actively burning, or smoking and shall not leave the premises until the fire is completely extinguished. (ONGOING: HEALTH/CODE ENF – Health) (Previous Condition D.11 of Resolution R-98-1131, Petition No. 1998-32)**

#### E. ENGINEERING

1. **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**

**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. (DATE/BLDG PERMIT: MONITORING – Eng) (Previous Condition E.1 of Resolution R-98-1131, Petition No. 1998-32)**

2. **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. (ONGOING: ENG) (Previous Condition E.2 of Resolution R-98-1131, Petition No. 1998-32)**

3. **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. (ONGOING: ENG) (Previous Condition E.3 of Resolution R-98-1131, Petition No. 1998-32)**
4. **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. (ONGOING: ENG) (Previous Condition E.4 of Resolution R-98-1131, Petition 1998-32)**
5. **Prior to Site Plan Certification by the DRC, the property owner shall record a drainage easement over this parcel into the existing lake for Zoning Petition DOA88-33 (Parcel to the south). Drainage into this lake shall accommodate all required retention/detention for this site and for Zoning Petition DOA88-33. Location and width of the drainage easement shall be subject to the approval of the County Engineer. (DRO: ENG) (Previous Condition E.5 of Resolution R-98-1131, Petition No. 1998-032)**
6. Upon 60 days notice of the County Engineer, when the right of way is needed for roadway improvements, the property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed free of all encumbrances and encroachments, subject to utilities existing as of the date of this zoning resolution, an additional fifteen feet of right of way of Cleary Road, 40 feet from centerline, along the project's entire frontage. The required landscape buffer along the west property line shall be relocated to an alternative location when the right of way is conveyed. This condition shall not preclude a variance application. (DATE: MONITORING – Eng)

F. IRRIGATION QUALITY WATER

1. Condition F.1 of Resolution R-98-1131, Petition 1998-032, which currently states:

**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. (ZONING)**

Is hereby deleted. REASON: [Code requirement.]

G. LANDSCAPING - GENERAL

1. Condition G.1 of Resolution R-98-1131, Petition 1998-032, which currently states:

**Prior to site plan certification, the petitioner shall revise the site plan and landscape tabular data to reflect conformance to current Landscape Code requirements. (ZONING)**

Is hereby deleted. REASON: [Completed.]

2. **All landscaping and vegetation planted on site, as required by this petition, shall be a native variety.** (CO: LANDSCAPE – Zoning) (Previous Condition G.2 of Resolution R-98-1131, Petition 1998-032)
3. Condition G.3 of Resolution R-98-1131, Petition 1998-032, which currently states:

**All landscaping and buffering shall be properly installed, irrigated and maintained, as required by the Palm Beach County Zoning Code. (ZONING)**

Is hereby deleted. REASON: [Code requirement.]

H. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL ZONING)

1. **A minimum ten (10) foot wide landscape buffer strip.** (CO: LANDSCAPE – Zoning) (Previous Condition H.1 of Resolution R-98-1131, Petition 1998-032)
2. **A fence a minimum of six (6) feet in height.** (CO: LANDSCAPE – Zoning) (Previous Condition H.2 of Resolution R-98-1131, Petition 1998-032)
3. **One twelve (12) foot tall native canopy tree planted every 20 feet on center along the exterior side of the required fence.** (CO: LANDSCAPE – Zoning) (Previous Condition H.3 of Resolution R-98-1131, Petition 1998-032)
4. **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.** (CO: LANDSCAPE – Zoning) (Previous Condition H.4 of Resolution R-98-1131, Petition 1998-032)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE OF THE WESTERLY 330 FEET (3.98 ACRE ADDITION)

1. Condition I.1 of Resolution R-98-1131, Petition 1998-032, which currently states:

**Landscaping and buffering along the property line of north westerly 330 feet 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.**

Is hereby amended to read:

Landscaping and buffering along the property line of north westerly 330 feet abutting Westport Industrial Park shall be upgraded to include:

- a. one (1) canopy tree planted every thirty (30) feet on center;
- b. one (1) palm or pine tree for each forty (40) linear feet of frontage with a maximum of sixty (60) feet on center; and,
- c. 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.

- d. The above requirements may be relocated elsewhere on the site subject to a variance relief by the Board of Adjustment, and utilizing an Alternate Landscape Plan.  
(BA/BLDG PERMIT: LANDSCAPE – Zoning)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE ADJACENT TO WALLIS ROAD

- 1. **Landscaping within the required buffer along the south property line adjacent to 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; and,**
  - e. **All required landscaping shall be installed on the exterior side of the required fence. (CO: LANDSCAPE – Zoning)**

K. LANDSCAPING ALONG THE WEST PROPERTY LINE

- 1. **Landscaping and buffering along the west property line 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 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 – Zoning) (Previous Condition K.1 of Resolution R-98-1131, Petition 1998-032)**

L. 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. (ONGOING: CODE ENF – Zoning) (Previous Condition L.1 of Resolution R-98-1131, Petition 1998-032)**
- 2. **Pole mounted lighting fixtures shall not exceed twenty (20) feet in height. (BLDG PERMIT/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition L.2 of Resolution R-98-1131, Petition 1998-032)**
- 3. **All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING: CODE ENF – Zoning) (Previous Condition L.3 of Resolution R-98-1131, Petition 1998-032)**

M. PLANNING

- 1. **Prior to Development Review Officer (DRO) site plan approval, the site plan shall indicate a right turn out only onto Wallis Road on a detailed plan subject to approval by the County Engineer and the Planning Division. (DRO;PLANNING/ENGINEERING-Planning)**

N. SIGNS

1. Condition M.1 of Resolution R-98-1131, Petition 1998-032, which currently states:

**No signs shall be permitted fronting on Wallis Road, except as required by N.7. (CODE ENF-Zoning)**

Is hereby amended to read:

No signs shall be permitted fronting on Wallis Road, except as required by the Health Department. This sign shall conform to the dimensions of a directional sign pursuant to the ULDC. (BLDG PERMIT/ONGOING: BLDG/CODE ENF – Zoning)

2. Any new freestanding point of purchase sign shall be limited to the following:
- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. maximum sign face area per side - one hundred (100) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. location - Cleary Road only;
  - f. signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

O. USE LIMITATION

1. **Only construction materials and vegetation shall be recycled on site.** (ONGOING: CODE ENF – Zoning) (Previous Condition N.1 of Resolution R-98-1131, Petition 1998-032)

2. Condition N.2 of Resolution R-98-1131, Petition 1998-032 which currently states:

**No outdoor loudspeaker system audible off site shall be permitted.** (ONGOING: CODE ENF – Zoning)

Is hereby deleted. REASON: [no longer applicable.]

3. Condition N.3 of Resolution R-98-1131, Petition 1998-032, 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. (ONGOING: CODE ENF – Zoning)**

Is hereby amended to read:

Hours of operation for chipping and mulching activity shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday. Saturday and Sunday chipping and mulching activity operations shall be prohibited. (ONGOING: CODE ENF – Zoning)

4. Condition N.4 of Resolution R-98-1131, Petition 1998-032, 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. (ONGOING: CODE ENF – Zoning)**

Is hereby deleted. Reason: [no longer applicable.]

5. **The Wallis Road entrance 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.** (ONGOING: CODE ENF – Zoning) (Previous Condition N.5 of Resolution R-98-1131, Petition 1998-032)

6. **The applicant shall maintain a contract with a licensed waste hauler for daily removal of all hazardous materials and white goods inadvertently brought on site.** (ONGOING: CODE ENF – Zoning) (Previous Condition N.6 of Resolution R-98-1131, Petition 1998-032)

7. Condition N.7 of Resolution R-98-1131, Petition 1998-032, 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.** (CODE ENF)

Is hereby deleted. REASON: [It is already covered in regulations and permit conditions.]

8. Condition N.8 of Resolution R-98-1131, Petition 1998-032, 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: [It is already covered in regulations and permit conditions.]

9. **Commercial excavation is prohibited on site.** (ONGOING: CODE ENF/HEALTH – Health) (Previous Condition N.9 of Resolution R-98-1131, Petition 1998-032)

10. **This site shall not be used as a commercial landfill.** (ONGOING: CODE ENF/HEALTH – Health) (Previous Condition N.10 of Resolution R-98-1131, Petition 1998-032)

11. Condition N.11 of Resolution R-98-1131, Petition. 1998-032, which currently states:

**All material brought on site shall be deposited, recycled and sorted on a concrete surface.** (CODE ENF-Zoning)

Is hereby deleted. REASON: [Regulated by code.]

12. All truck traffic shall be prohibited from utilizing the portion of Cleary Road north of the subject site between the hours of 6:00 pm – 9:00 am daily. (ONGOING: CODE ENF – Zoning)

#### P. COMPLIANCE

1. Condition O.1 of Resolution R-98-1131, Petition No. 1998-32), which currently states:

**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)**

Is hereby amended to read:

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 Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use,

Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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. (ONGOING: MONITORING – Zoning)

2. 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)