

RESOLUTION NO. ZR-2025-008

RESOLUTION APPROVING ZONING APPLICATION Z/DOA/CA/ZV-2024-01420  
(CONTROL NO. 2007-00172)

a Development Order Amendment - Class B concurrent  
Application of Coastal Waste & Recycling of Palm Beach County LLC  
By WGINC, Agent  
(Coastal Waste and Recycling)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application Z/DOA/CA/ZV-2024-01420 was presented to the Zoning Commission at a public hearing conducted on May 1, 2025;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment to a Class B Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application Z/DOA/CA/ZV-2024-01420 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application Z/DOA/CA/ZV-2024-01420, the Application of Coastal Waste & Recycling of Palm Beach County LLC, by WGINC, Agent, for a Development Order Amendment to a Class B Conditional Use to modify the overall Site plan for the Chipping and Mulching use to add land area (4.63 acres) to an existing 5.87 acre; reconfigure the Site Plan, and add square footage on 10.41 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 1, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vinikoor moved for the approval of the Resolution.

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

James Williams, Chair	- Aye
Cheri Pavlik, Vice-Chair	- Aye
Christopher Kammerer	- Aye
Claudia Mendoza	- Aye
Sam Caliendo	- Absent
Lori Vinikoor	- Aye
Ali Thomas	- Aye
Angella Vann	- Aye
Susan Kennedy	- Absent for vote

The Chair thereupon declared that the resolution was duly passed and adopted on May 1, 2025.

This resolution was filed with the Palm Beach County Zoning Division on May 1, 2025.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application Z/DOA/CA/ZV-2024-01420 by the Board of County Commissioners.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, FLORIDA BY ITS ZONING COMMISSIONERS
--	---

BY:   
COUNTY ATTORNEY

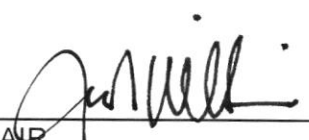
BY:   
CHAIR

EXHIBIT A  
LEGAL DESCRIPTION

PARCEL 1

THE S 48.5 FEET OF THE N 98.5 FEET OF THE WEST 165.15 FEET OF THE EAST 1/2 OF TRACT 49, BLOCK 5, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 2

THE SOUTH 50 FEET OF THE NORTH 100 FEET OF THE EAST 165 FEET OF TRACT 49, BLOCK 5, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 3

THE SOUTHERLY 48.5 FEET OF THE FOLLOWING DESCRIBED TRACT, TO WIT: THE WEST 165.15 FEET OF THE EAST 1/2 OF TRACT 49, BLOCK 5, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, LESS THE SOUTH 512 FEET THEREOF, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 4:

THE SOUTH 48.5 OF THE FOLLOWING TRACT: THE EAST HALF (E 1/2) OF TRACT 49, BLOCK 5, THE PALM 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, AS RECORDED IN PLAT BOOK 2, PAGE 45, LESS THEREFROM THE WEST 165.15 FEET AND THE SOUTH 512 FEET; SAID LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 5

THE NORTH 49 FEET OF THE SOUTH 512 FEET OF THE WEST 165.15 FEET OF THE EAST 112 OF TRACT 49, BLOCK 5, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 6

THE NORTH 49 FEET OF THE SOUTH 463 FEET OF THE WEST 165.15 FEET OF THE EAST 1/2 OF TRACT 49, IN BLOCK 5, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 7

THE NORTH 98 FEET OF THE SOUTH 512 FEET OF THE EAST 1/2 OF TRACT 49, IN BLOCK 5, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WESTERLY 165.15 FEET THEREOF.

AND:

PARCEL 8

THE NORTH 98 FEET OF THE SOUTH 414 FEET OF THE WEST 165.15 FEET OF THE EAST 1/2 OF TRACT 49, IN BLOCK 5, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD PURPOSES OVER THE WEST 25 FEET THEREOF.

AND:

PARCEL 9

THE NORTH 98 FEET OF THE SOUTH 414 FEET OF THE EAST ½ OF TRACT 49, IN BLOCK 5, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WESTERLY 165.15 FEET THEREOF.

AND:

PARCEL 10

THE SOUTHERLY 49 FEET OF THE FOLLOWING DESCRIBED TRACT TO-WIT:

THE NORTH 98 FEET OF THE SOUTH 316 FEET OF THE WEST 165.15 FEET OF THE EAST ½ OF TRACT 49, BLOCK 5, OF PALM BEACH FARMS COMPANY PLAT NUMBER 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, IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE.

TOGETHER WITH

THE NORTH HALF OF THE NORTH 98 FEET OF THE SOUTH 316 FEET OF THE WEST 165.15 FEET OF THE EAST HALF OF TRACT 49, BLOCK 5, OF PALM BEACH FARMS COMPANY PLAT NUMBER 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, IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE.

AND:

PARCEL 11

THE NORTH 98 FEET OF THE SOUTH 316 FEET OF THE EAST ½ OF TRACT 49, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NUMBER 3, LESS THE WEST 165.15 FEET THEREOF, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 12

THE NORTH 98 FEET OF THE SOUTH 218 FEET OF THE WEST 165.15 FEET OF THE EAST HALF (E ½) OF TRACT 49, 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, PAGE 45; SAID LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 13

THE NORTH 98 FEET OF THE SOUTH 218 FEET OF THE EAST ½ OF TRACT 49, IN BLOCK 5, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WESTERLY 165.15 FEET THEREOF.

AND:

PARCEL 14

THE SOUTH 120 FEET OF THE WEST 165.15 FEET OF THE EAST ½ OF TRACT 49, IN BLOCK 5, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND:

PARCEL 15

THE SOUTH 120 FEET OF THE EAST HALF OF TRACT 49, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LESS THE WEST 165.15 FEET THEREOF AND SUBJECT TO EASEMENTS FOR ROAD PURPOSES AS FOLLOWS: (1) THE EAST 25 FEET OF THE ABOVE DESCRIBED PARCEL. (2) THE SOUTH 22 FEET OF THE ABOVE DESCRIBED PARCEL AND (3) A TRIANGULAR PIECE OF LAND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST LINE OF THE SAID EAST HALF OF TRACT 49, SAID POINT BEING 22 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE WESTERLY, PARALLEL WITH THE SOUTH LINE OF SAID EAST HALF OF TRACT 49, A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING THENCE NORTHERLY,

PARALLEL WITH THE EAST LINE OF SAID EAST HALF OF TRACT 49, A DISTANCE OF 28 FEET, THENCE SOUTHWESTERLY, A DISTANCE OF 37.64 FEET TO A POINT IN A LINE WHICH IS 22 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID EAST HALF OF TRACT 49; THENCE EASTERLY ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

AND:

PARCEL 16

THE PLAT OF AQUARIUS RECYCLING, AS SET FORTH IN PLAT AS RECORDED IN PLAT BOOK 124, PAGE 133 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT

TRACT B OF THE PLAT OF AQUARIUS RECYCLING, AS RECORDED IN PLAT BOOK 124, PAGE 133, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT A, AQUARIUS RECYCLING CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 124, PAGE 133, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, TOGETHER WITH A PORTION OF THE EAST HALF OF TRACT 49, BLOCK 5, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS LYING IN SECTIONS 33 AND 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

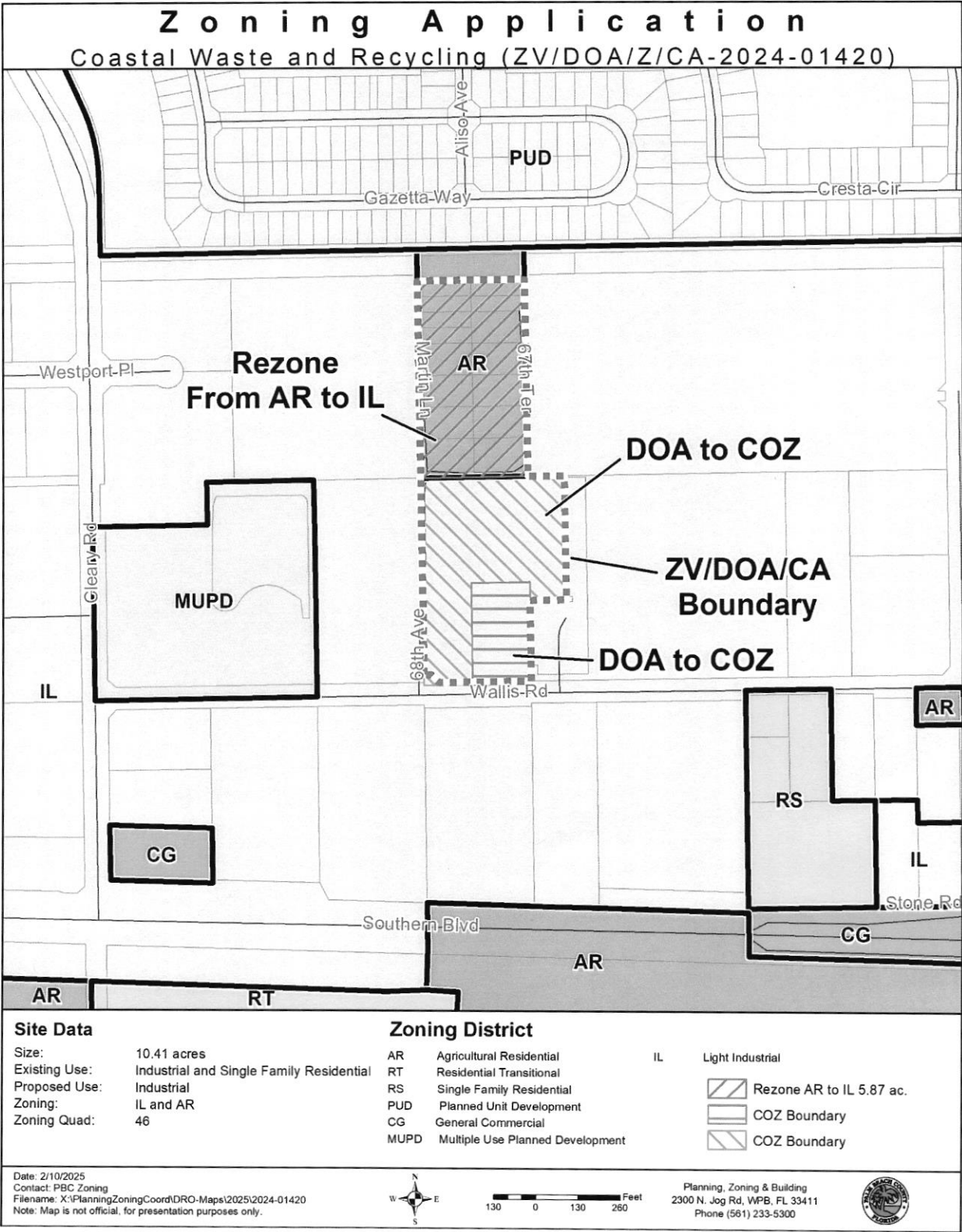
BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT A; THE FOLLOWING SEVEN (7) CALLS BEING ALONG THE EASTERLY, SOUTHERLY, AND WESTERLY LINES OF SAID TRACT A; THENCE S00°56'07"E, A DISTANCE OF 385.00 FEET; THENCE S89°03'10"W, A DISTANCE OF 112.00 FEET; THENCE S00°56'07"E, A DISTANCE OF 249.77 FEET; THENCE S88°57'48"W, A DISTANCE OF 283.00 FEET; THENCE N45°59'41"W, A DISTANCE OF 35.36 FEET; THENCE S88°57'48"W, A DISTANCE OF 22.00 FEET; THENCE N00°58'39"W, A DISTANCE OF 609.98 FEET TO THE NORTHWEST CORNER OF SAID TRACT AND A POINT ON THE WEST LINE OF THE EAST 1/2 OF TRACT 49, BLOCK 5 OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF SAID PUBLIC RECORDS; THENCE N00°58'39"W, ALONG SAID WEST LINE, A DISTANCE OF 610.24 FEET TO A POINT ON A LONE 50.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT 49; THENCE N89°02'42"E ALONG SAID PARALLEL LINE, A DISTANCE OF 330.93 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 49; THENCE S00°56'07"E, ALONG SAID EAST LINE, A DISTANCE OF 610.07 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT A; THENCE N89°00'57"E, ALONG SAID NORTH LINE, 112.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 10.415 ACRES (453,690 SQUARE FEET), MORE OR LESS.



EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment - Class B concurrent

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution ZR-2016-31, Control No.2007-00172, which currently states:

The approved Preliminary Site Plan is dated April 4, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

##### Is hereby amended to read:

The approved Preliminary site Plan is dated March 13, 2025. Modifications to the Development order inconsistent with the conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review officer as established in the Unified Land Development code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution ZR-2016-31, Control No.2007-00172, which currently states:

Prior resolutions R-2007-1435, R-2007-1876 and R-2007-1613 shall remain in effect. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Conditional Overlay Zones are proposed to be removed]

##### ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution ZR-2016-30, Control No.2007-00172, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

##### Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2026. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution ZR-2016-30, Control No.2007-00172)

3. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for: Wallis Road, forty (40) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution ZR-2016-30, Control No.2007-00172)

4. Property Owner shall remove the existing sidewalk and construct a new five (5) foot concrete sidewalk along the north side of the newly dedicated north right of way line of Wallis Road along the project's frontage. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution ZR-2016-30, Control No.2007-00172)

5. Prior to the issuance of the first building permit, the Property Owner shall record deeds for the 25 foot corner clip easements at the northwest and southwest corners of the site. The easements shall be dedicated to the Beneficiary of the adjacent road easements, or as determined by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution ZR-2016-30, Control No.2007-00172)

6. Prior to the issuance of the first building permit, the Property Owner shall submit a payment for the reconstruction of Wallis Road to a two-lane, 80 foot, non-plan collector standard along the frontage of the site (approximately 330 feet). Additionally, the Property Owner shall provide a payment for their percentage of impact for the reconstruction of the remaining segments of Wallis Road from Cleary Road to Tall Pines Road to a two-lane, 80 foot, non-plan collector roadway. The percentage of impact shall be calculated based on the number of net increase in trips this site generates from the Recycling Plant and Chipping and Mulching uses, 94 trips, divided by the number of daily trips currently using Wallis Road based on a current traffic count. The cost estimate for these improvements shall be provided by the Property Owner's Engineer along with a conceptual plan that shows the improvements and shall be approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

7. Prior to issuance of the first building permit, the Property Owner shall reconfigure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

8. Prior to the issuance of the first building permit, the Property Owner shall abandon or release all road easements and any other easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

#### **LANDSCAPE - PERIMETER NORTH PROPERTY LINE**

1. In addition to the requirements for a Type 3 Incompatibility buffer the requirement for the number of Palms and/or Pines shall be increase to 1 for every 15 lineal feet. (BLDGPMT: ZONING - Zoning)

2. In addition to the ULDC requirements, no easement encroachment or buffer width reduction will be allowed. (BLDGPMT: ZONING - Zoning)

#### **LIGHTING**

1. Outdoor lighting shall be limited to a maximum height of 25 feet. (BLDGPMT/ONGOING: ZONING - Zoning)



2. There shall be zero foot-candles at the north property line. (BLDGPMT/ONGOING: ZONING - Zoning)

#### **USE LIMITATIONS**

1. The Chipping and Mulching hours of operation shall be limited to the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution ZR-2016-31, Control No.2007-00172)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a copy of the Solid Waste Authority (SWA) permit and proof that the required bond has been posted with the SWA. Should the SWA not require a permit or a bond, written confirmation from the SWA shall be submitted that states that an SWA permit or bond is not required for the proposed use. (DRO/ONGOING: ZONING - Zoning)

3. The minimum setback for the processing of Chipping and Mulching shall be 500 feet from the south property line of the residential development (Johnson Properties PUD Control 2001-00076) which is adjacent to the north property line. (DRO/ONGOING: ZONING/CODE ENF - Zoning)

4. The minimum setback for the storage of Chipping and Mulching shall be 376 feet from the south property line of the residential development (Johnson Properties PUD Control 2001-00076) which is adjacent to the north property line. (ONGOING: ZONING/CODE ENF - Zoning)

#### **HEALTH**

1. Owners and operators of facilities that generate industrial, toxic or hazardous wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system 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 is provided and used. (ONGOING: HEALTH – Health).

#### **COMPLIANCE**

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant 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 Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. 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; the 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 Unified Land Development Code 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.