

# **SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL**

5 Star Seal Coating, Inc. 18-SEU-018

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I, Souad Mhidra, being sworn, do hereby certify and affirm that the following statements are true:

I have read in its entirety the 5 Star Seal Coating, Inc. (18-SE-018) Development Review Report, any Supplemental Development Review Reports, and all attachments and exhibits associated with the special exception use application filed with the City of Lauderdale, Florida Planning and Zoning Division and understand its contents.

I have read and understand the below described conditions of approval and voluntarily agree to comply with all said conditions:

1. This special exception use development order for an automotive repair shop is specifically granted to 5 Star Seal Coating, Inc. and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person unless the City Commission approves through the special exception use process such conveyance. Further, this special exception use development order shall automatically expire and become null and void if any person other than 5 Star Seal Coating, Inc. operates this use. Any change of corporate ownership affecting 51% or more of the interest of the business or any of its assets in any manner shall trigger this provision.
2. The automotive repair use is restricted to a 0.51± acre site identified in the legal description. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location.
3. This development order is for the minor repair of vehicles and the sales, installation, replacement of tires, and oil changes on the premises but major repair is prohibited. Minor repair includes, but is not limited to, the following: performing tune-ups; replacing and adjusting lights; changing fluids and disposing of same in proper containers; replacing starters and alternators;

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replacing belts; replacing windows, skylights and mirrors; routine adjustments; changing tires; and replacing brake pads and servicing brakes. Major repair includes but is not limited to: rebuilding, reconditioning or re-assembly of engines; transmission work; body work; frame-straightening; painting, other than touch ups; exhaust system work; welding and brake re-lining.

4. Minor automotive or vehicular repair, shall completely take place inside the building where the business operates.
5. The days and hours of operation are limited to Monday through Thursday from 9:00 a.m. to 5:00 p.m. and on Friday, Saturday and Sunday from 9:00 a.m. to 6:00 p.m. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
6. The inventory of other equipment and fixtures to be used on the premises shall be those consistent with a typical Auto repair use.
7. Within 18 months of special exception use approval, apply for and receive a site plan modification development order and consistent with such order construct a safe, clearly delineated five feet wide pedestrian pathway from the building entrance to either the NW 31 Avenue sidewalk or the NW 14<sup>th</sup> Street sidewalk.
8. Any vehicle which is displayed or stored outside shall not be stored or displayed in such a manner so as to block or obstruct any accessway onto NW 14<sup>th</sup> Street or NW 31<sup>st</sup> Avenue, block any internal driveway on the property, or obstruct any fire lane.
9. The sound levels at the residential property line shall not exceed 55 decibels, and the sound levels within the abutting and adjoining commercial zoned areas shall not exceed 65 decibels on weekdays from 8:00 a.m. to 6:00 p.m.; and 55 decibels at all other times.
10. If this use is determined to be a noxious use, then this use may possibly be amortized at a future date, yet to be determined.
11. Should the property owner receive more than three violations for excessive noise, within any one-year period, the City Commission may hold a public

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hearing to review the special exception use and may modify or add conditions.

12. Any violation of these conditions of approval may result in a public hearing before the City Commission and result in the modification, suspension or revocation of this special exception, its conditions, or both.

13. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

Print your name: Souad Mhidra

Sign your name: Souad

Date signed: 01/28/2019

The foregoing instrument was acknowledged before me this 28 day of January, 2019, by Souad Mhidra, who is personally known to me or who has produced FL Driver's License as identification and who did take an oath.

Notary public

Print your name: Claire Pierre

Sign your name: Claire Pierre



CLAIRE PIERRE  
MY COMMISSION # GG 006192  
EXPIRES: June 27, 2020  
Bonded Thru Budget Notary Services

State of Florida at Large Seal

My Commission Expires: June 27, 2020