

RESOLUTION NO. R-83-996

RESOLUTION APPROVING ZONING PETITION 83-71, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-71 was presented to the Board of **County** Commissioners of Palm Beach County at its **public hearing** conducted on 27th May 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the **applicant** and other interested parties and the **recommendatons** of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed rezoning and special exception are consistent with the Land Use Plan and Mandatory Performance Standards of the Comprehensive Plan.
2. The proposed building will improve the appearance of this site and will mitigate existing noise and visual impacts upon surrounding properties.
3. **Variances** will be required in order to develop the site as proposed although justified in view of the existing development and activities on the site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day **May** 1983, that Petition **No.** 83-71 the petition of JOHN **W.** AND BEVERLY K. BISHOP By John Moore, Agent, for a SPECIAL EXCEPTION TO ALLOW THE EXPANSION OF AN EXISTING MARINA-BOATYARD FACILITY on a parcel by metes and bounds in Government Lot 6, Section 31, Township 40 South, Range 43 East, described as follows:
For a Point of Beginning, commence at the intersection of the . centerline of State Road No. 5 with the South line of Township 40 South, Range 43 East, which point is 314.2 feet East of a standard U.S. General Land Office meander corner of survey of 1922; thence turn an

angle from said South line of Township from West to Northwest of 58° 43'40" and run Northwest 352.24 feet; thence turn an angle from Southeast through West to Northwest of $147^{\circ} 40'$ and run 329.03 feet to a 3 inch iron pipe on the Southerly right-of-way line of State Road No. 5; thence continue on same Northwesterly course on the Southerly right-of-way line of State Road No. 5, 600 feet to a concrete monument which is the Point of Beginning of the parcel herein described; thence continue Northwesterly on the same course, and along said Southerly right-of-way line, 200 feet; thence turn an angle from Southeast to South of 63841'17" and run due South 280 feet, more or less, to the water's edge of the **Intracoastal** Waterway; thence Easterly along the water's edge **187.68** feet, more or less, to a point which is due South of the Point of Beginning; thence North 240 feet, more or less, to the Point of Beginning. Said property located on the south side of Ocean Boulevard (**S.R. A.1.A**), approximately .1 mile east of U.S.1 (**S.R.5**) was approved as advertised subject to the following conditions:

1. The property owner shall convey to Palm Beach County within ninety (90) days of approval 40 feet from the centerline for the ultimate right-of-way for S-R.707 (**AlA**), approximately an additional 7 feet of **right-of-way**.
2. The development must retain **onsite** 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
3. The developer shall take reasonable precautions during the development of this property to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
4. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
5. The developer must obtain necessary variances for set backs prior to Site Plan Certification or the site plan will have to be amended to conform to all applicable property development regulations.
6. Conditions **pursuant** to agreement between Royce & Bishop and the **County Attorney as modified by the County Commission**:
 - a) All boats which are mounted upon trailers, or to which trailers are readily available, shall be subject to engine run out testing only in the area west of the shop and store. Upon the effective date of this approval, all engine **runout** testing work on boat engines shall **be** accomplished on the west side of the property.
 - b) Work hours upon the premises will be limited to **8:00 a.m. to 6:00 p.m.**, Monday through Saturday, with no work on Sunday. However, when an emergency arises in which extended working hours are required to preserve life or property, the hour and day limitation provided above shall not be applied.

The "work" referred to herein refers to the repairing, maintaining, building or servicing of boats or boat engines.

- c) The lawn shed shall not be used for living purposes but may be used for office and storage purposes. Noisy repair work is not permitted at, in, or near said shed.
 - d) No more than five (5) live-aboard boats shall be allowed to dock at the subject premises at any time nor to be located within 60 feet of the abutting property to the east. The term "live-aboard boats" as used herein, means boats upon which a person or persons are actually living, or using for living purposes regardless of the size of said boat, or the usual classification of same as a "live-aboard" "house boat" or other classification.
 - e) Signs must comply with COUNTY'S applicable sign code requirements. Developer shall remove non-complying signs upon the effective date of this approval,
 - f) All motor vehicles utilized to move, tow or **trans-**port boats shall be equipped with regular mufflers or similar devices to reduce the engine noise of said motor vehicles,
 - g) The air compressor located near the east side of the subject property shall be immediately relocated to the west side of the premises and shall not be reinstalled on the east: **side.**
 - h) Old tires and similar debris shall not accumulate upon the subject premises and shall be removed within twenty (20) days of this approval.
 - i) The developer shall not engage in any boat or boat engine repair or servicing work to be done upon boats situated in the water adjoining the shoreline of the premises which said shoreline runs for a distance of sixty (60) feet from the property to the east. The repair slip or a slip located west of repair shop, shall be utilized for all of said work performed by the developer,. Minor repair work **may** be performed by boat owners upon the boat of said individual and nothing herein shall prohibit such activities.
 - j) The developer shall remove the outside "loud" telephone bell, situated upon the premises, within ten (10) days after this approval.
7. Shoreside sanitary hook-ups must be provided for any **live-**aboard boat berths. The following minimum upland facilities shall be provided:
- a. 'Sanitary facilities as follows:
 - FOR WOMEN
 - One (1) water closet
 - One (1) lavatory
 - One (1) shower

 - FOR MEN
 - One (1) water closet
 - One (1) urinal
 - One (1) lavatory
 - one (1) shower
 - b. An approved potable water source for each slip.

- c. Laundry facilities
 - d. Sewage pump-out facility to empty on-board holding tanks and dispose of contents into the sewerage system.
8. Garbage containers (dumpsters) shall be located on curbed concrete pads sloping to a center drain which is connected to the central sewerage system.
 9. The owner/operator of the marina facility shall post signs in conspicuous places which advise the owners of boats that no waste is to be disposed of in surface waters; holding tanks are not to be emptied while at dock except by the management into the approved dump station.

Commissioner **Bailey** , moved for approval ,
of the petition. The motion was seconded by Commissioner **Spillias** ,
and upon being put to a vote, the vote was
as follows:

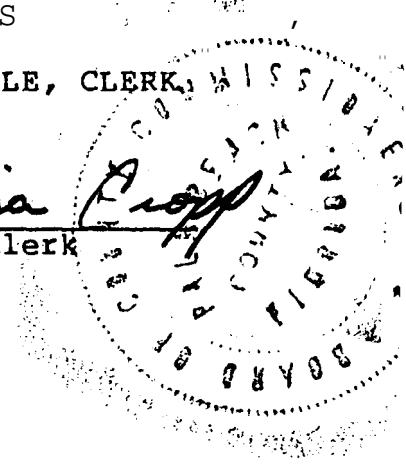
Peggy E. Evatt , Chairman	-- AYE
Ken Spillias, Vice Chairman	-- AYE
Dennis P. Koehler, Member	-- ABSENT
Dorothy Wilken , Member	-- AYE
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this **30th day of August** , **1983** , confirming action of 27th May 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK,

BY: *Lisa Croff*
Deputy Clerk



APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

John Buletta
County Attorney