

RESOLUTION NO. R-89-613

RESOLUTION APPROVING ZONING PETITION NO. 86-139(A)  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF BOAT MART, INC.

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. 86-139(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 1988; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 86-139(A), the petition of BOAT MART, INC., by Paul S. Pefley, Jr., Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on the West 450.00 feet, of the East 473.03 feet, as measured parallel with the South line thereof, lying West of a platted Road Right-of-way (60 feet), of the South 1/2, of Lot 1, Block 3, Less the South 162.00 feet, as measured at right angles, according to the Plat of PALM BEACH FARMS COMPANY, PLAT NO. 1, Subdivision of Section 12, Township 44 South, Range 42 East, as recorded in Plat Book 10, Page 20; Subject to additional right-of-way for Military Trail over the West 7.0 feet, of the East 30.00 feet, of the South 1/2, of said Lot 1, Block 3; Subject to an easement for ingress and egress over the

South 50.00 feet thereof, as measured at right angles to the above described parcel, located on the southwest corner of the intersection of Hairland Drive and Military Trail (S.R. 809), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. The petitioner shall amend his site plan to indicate the number of vehicles proposed on site and shall be subject to Site Plan Review Committee certification.
3. Condition No. 2, of Petition No. 86-139, Resolution No. R-87-903 which presently states:

"2. Use of the site shall be limited to the retail sale and minor repair of pleasure boats and accessory activities. No large scale repairs of boats requiring extensive use of hazardous materials such as spray resin and the like shall be used."

is hereby amended to read as follows:

"2. The uses of the site shall be limited to the sale and repair of either 1) boats: or 2) automobiles, motorcycles and similar small recreational vehicles. The sale of recreational motor homes and airboats shall be prohibited.

The site shall be limited to the repair and sale of one of the above mentioned categories at any one time.

The display of the individual uses on site shall be segregated. Each display area shall be designed in accordance with Section 500.17 (Parking) of the Zoning Code."

4. There shall be no outdoor spraying of resins or paint. The drainage facility for any building or structure which contains this use shall comply with Health Department regulations.
5. Condition No. 3 of Petition No. 86-139, Resolution No. 87-903 which presently states:

"3. No on site storage of boats other than for maintenance activity, display, or sale purposes shall be permitted."

is hereby amended as follows:

- "3. No on site storage of vehicles or boats other than for maintenance activity, display, or sale purposes shall be permitted."
6. Condition No. 12, of Petition No. 86-139, Resolution No. R-87-903 which presently states:

- "12. The fifteen (15) foot landscape strip shall be
  - a. supplemented with a six (6) foot hedge of native plant material on the outside of the required six (6) foot solid wall, running the entire north property line up to the western edge of the building, in addition to the required trees every thirty (30) feet on center within the interior side of the wall."

is hereby amended as follows:

- "12. The fifteen (15) foot landscape strip shall run the entire length of the western property line and the northern property line to the western edge of the existing building. The wall shall be given a stucco and painted finish. The wall shall be supplemented with twelve (12) foot canopy trees placed twenty feet on center.
7. No major automotive, boat, or vehicle repair shall be permitted on site, including engine and transmission work, body work and overhauls. Only minor repairs may be permitted such as oil change, tune up, auto tinting, and minor detailing.
8. There shall be no outdoor storage of inoperative boats, automobiles, or other vehicles.
9. There shall be no outdoor storage of disassembled vehicles, boats, or recreational vehicles, or parts thereof.
10. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior driveways.
11. No vehicles other than customer and employee parking shall be stored or displayed on the site except those which are intended for sale and are in running condition.

12. The site plan shall be revised so that the vehicle display area can meet minimum Property Development Regulations.
13. If a Specialized Vehicular Use Area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Division.
14. Vehicles shall not be tested off-site on residential streets.
15. No outdoor loudspeaker system shall be permitted on site.
16. No off-premises signs shall be permitted on site.
17. No stock loading or dumpster pickup will be permitted between the hours of 9:00 P.M. and 7:00 A.M.
18. Use of the site shall be limited to the commercial sales, leasing and repair of new or used automobile and customary accessory uses.
  - a. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities shall be located at least 100 feet from any residentially zoned lot. Service bay doors shall not be oriented toward any adjacent residentially zoned property, except where currently existing, or oriented toward any adjacent public street, unless it can be demonstrated to the Site Plan Review Committee that it is not feasible to comply.
  - b. Accessory fuel pump islands and automated wash facilities for vehicles are permitted, provided they are not open to the public, not located within 100 feet from any residentially zoned property, and located within a completely enclosed building (or in the case of a fuel pump island, located within an enclosed area where it is not visible off premises).
19. No vehicle shall be parked with its hood or trunk open, or elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.
20. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required

to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window as may be permitted by the Sign Code.

21. The petitioner shall provide an area on-site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and 60 feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation, and shall not be adjacent to residentially zoned lots.

22. Condition No. 13 of Zoning Petition No. 86-139 which states:

"13. No unsupervised guard dogs shall be permitted to run at large upon the site."

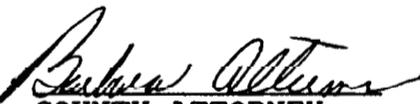
is hereby deleted.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

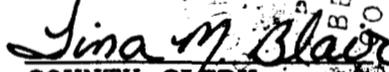
The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 6, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY CLERK

