

RESOLUTION NO. R-81-468

RESOLUTION APPROVING ZONING PETITION

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. E1-40 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 26 March 1981; 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, the Board of County Commissioners made the following findings of fact:

1. The proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 14th day of April, 1981, that Petition No. E1-40 the petition of EAGLE'S NEST PROPERTY OWNERS ASSOCIATION, INC., by Raymond W. Royce, Attorney, for a SPECIAL EXCEPTION TO ALLOW A PRIVATE RECREATIONAL BOAT RAMP AND DOCK on the North 205 feet of Block 5, of Government Lot 3, in Section 35, Township 40 South,

Range 42 East, as recorded in Plat Book 7, page 18. Said property located on the east side of Loxahatchee River Road, approximately 800 feet north of Point Road in an RS-Residential Single Family District, was approved as advertised subject to the following conditions:

1. Petitioner shall contribute One Hundred Seventy-five Dollars (\$175.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the **time** of issuance of the building permit(s).
2. **No** mature mangrove trees are to be removed or destroyed except in that area which is to be utilized by the boat ramp and dock. Riprap and filter material is to be placed around the mangrove trees.
3. The eastern shoreline of this project along the Loxahatchee River, and the northern shoreline along the tidal/drainage creek, with the exception of the boat ramp and dock area, are to be revegetated. Revegetation is to consist of three rows of red mangroves (*Rhizophora mangle*) planted on two foot centers. The first row is to be located along the line of mean high water. The second and third rows are to be placed on two foot centers **landward** of the first row. The seedlings are to be secured to prohibit washout. In the event seedlings are destroyed/damaged, all lost seedlings are to be replanted.
4. There is to be no dredging other than for the boat ramp construct (30 cubic yards).
5. Appropriate turbidity control devices are to be utilized during project construction.
6. There shall be no dockage allowed.
7. No on site parking of boats, trailers or other vehicles overnight at site.
8. The facility is for private and exclusive use of the property owners of Eagle's **Nest**.
9. The residents will comply with present Palm Beach County Land Development Manual Requirements concerning noise and light Code #500.16.
10. The existing building is to be used as storage only.
11. The facility is to be fenced and used with special keys and lock to insure exclusive use of the property owners. The gate shall be located within the property to permit stacking of one automobile and trailer.

12. The number of parking spaces will be limited to seven (7).
13. All motor vehicles shall be parked within the enclosed/fenced area only with no parking on Loxahatchee Road at any time.
14. Petitioner shall pay for all signs posted along Loxahatchee Road which prohibits parking along this road.
15. Rules and Regulations will be posted at gate and boat ramp.
16. The use of the facility is limited to the period between one hour before sunrise and one hour after sunset.
17. Documented violations of the approval would lead to the revocation of the Special Exception after coming back before the Commission, such documentation for a determination to be made.

Commissioner Evatt, moved for approval of the petition.

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

Frank Foster, Chairman	AYE
Norman Gregory, Vice Chairman -	ABSENT
Bill Bailey, Member	AYE
Dennis Koehler, Member	AYE
Peggy B. Evatt, Member	AYE

The foregoing resolution was declared duly passed and adopted this 14th day of April, 1981, confirming action of 26 March 1981.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *[Signature]*
 Deputy Clerk

APPROVE AS TO FORM
 AND LEGAL SUFFICIENCY

[Signature]
 County Attorney

