

RESOLUTION NO. R-85-1437

RESOLUTION APPROVING ZONING PETITION 84-155(B), Modification

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. 84-155 (B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of July 1985, that Petition No. 84-155(B) the petition of ELEANOR SEQUIN By Richard Sequin, Agent to MODIFY SPECIAL CONDITIONS PLACED ON ZONING PETITION NO. 84-155 APPROVED NOVEMBER 29, 1984:

CONDITION NO. 12 STATES:

12. Seventy percent (70%) of all the welding activities conducted on the premises shall be performed on agriculturally-related equipment.

MODIFY CONDITION NO. 12 TO READ:

12. Fifty-one (51%) of all the welding activities conducted on the premises shall **be** performed on agriculturally-related equipment.

CONDITION NO. 14 STATES:

14. Use of this site shall be restricted to this petitioner's own business activities; no space shall be leased to other users for

other business activities. Leasing of space for storage of farm vehicles and equipment shall be permitted.

MODIFY CONDITION NO. 14 TO READ:

14. This site will be used for petitioner's own business activities; petitioner is permitted to lease to other business that are 51% agriculturally-related.

Said property located on the south side of Delray West Road, being bounded on the west by 3rd. Street and on the east by One Mile Road in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Condition No. 12 which states:

"12. Seventy percent (70%) of all the welding activities conducted on the premises shall be performed on agriculturally-related equipment."

is hereby amended to state:

"12. Fifty-one percent (51%) of all the welding activities conducted on the premises shall be performed on agriculturally-related equipment."

2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$107.

3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

6. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

7. The owner of the facility will participate in an oil recycling program which insures proper reuse or disposal of waste oil.

8. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

9. There shall be no non-agriculture related retail sales conducted on this site, except for sales of materials related to the welding activity.

10. This Special Exception shall be valid for a period of two years from the from the date of approval of this modification petition.

Commissioner _____, moved for approval of the

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

Ken Adams, Chairman	--	Y
Karen T. Marcus, Vice Chairman	--	Y
Kenneth Spillias, Member	--	Y
Jerry L. Owens, Member	--	Y
Dorothy Wilken, Member	--	Y

The foregoing resolution was declared duly **passed** and adopted this *17* day of *September* confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *John Gray Ellington*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Payne
County Attorney