

**RESOLUTION NO. 36W-2008**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT FOR EQUESTRIAN TRAINING AND BOARDING AT 2265 ATZ ROAD; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Malabar Town Council has provided for Conditional Use Permits in their Land Development Code; and

**WHEREAS**, Malabar Planning and Zoning Board reviewed the application for horse training and boarding on a \_\_\_-acre parcel described as 29-37-11-00-00503.3-0000.00 AKA 2265 Atz Road, Malabar, in Rural Residential zoning as provided in Article VI of the Land Development Code and recommend Council approve such a use at this property.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:**

**Section 1.** The Town Council of Malabar, Brevard County, Florida, hereby approves the Conditional Use Permit for 2265 Atz Road, Malabar.

**Section 2.** The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to record this resolution with the Brevard County Clerk of Courts and forward a copy of the recorded resolution to the Brevard County Property Appraiser.

**Section 3.** The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to have the property file updated with a copy of the recorded resolution.

**Section 4.** The Town Council of Malabar, Brevard County, Florida, hereby directs that it may revoke this Conditional Use Permit after evidence of noncompliance with the Conditional Use criteria in the Malabar Land Development Code.

**Section 5.** This resolution shall take effect immediately upon its adoption

This Resolution was moved for adoption by Council Member \_\_\_\_\_. This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

Council Member Nancy Borton	_____
Council Member Brian Vail	_____
Council Member Charles (Chuck) McClelland	_____
Council Member Jeffrey (Jeff) McKnight	_____
Council Member Patricia D. Dezman	_____

This Resolution was then declared to be duly passed and adopted this 10th day of October, 2008.

By:

\_\_\_\_\_  
Mayor Thomas M. Eschenberg  
Town of Malabar

Approved as to form and content:

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Karl W. Bohne, Jr., Town Attorney

ATTEST:

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Debby K. Franklin  
Town Clerk/Treasurer

(seal)

Note: This request was withdrawn by applicant prior to meeting on 10/06/08. dkf

WITHDRAWN