

## RESOLUTION NO. R-91-1177

RESOLUTION APPROVING ZONING PETITION NO. 81-205(A)  
SPECIAL EXCEPTION PETITION OF MENORAH PARTNERSHIP

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, have been satisfied; and

WHEREAS, Petition No. 81-205(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on June 27, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 81-205(A), the petition of MENORAH PARTNERSHIP, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CEMETERY AND MAUSOLEUM TO INCREASE BUILDING SQUARE FOOTAGE AND TO DELETE LAND AREA on a parcel of land lying in SHALOM MEMORIAL PARK, Plat Book 31, Pages 194 and 195; AND a portion of Section 14, Township 42 South, Range 41 East; COMMENCING at the northeast corner of said SHALOM MEMORIAL PARK, said northeast corner also being the northeast corner of said Section 14; thence West along the north line of said SHALOM MEMORIAL PARK, a distance of 80.00 feet; thence South 00°08'20" East, along the west right-of-way line of Memorial Park Road, a distance of 2,381.02 feet to the POINT OF BEGINNING of the following parcel described; thence continue South 00°08'20" East, along said right-of-way line, a distance of 1,833.40 feet; thence, West, a distance of 715.00 feet; thence North, a distance 1,833.39 feet; thence East, a distance of 710.56 feet to the POINT OF BEGINNING, and being located on the W SIDE OF MEMORIAL PARK RD., APPROX. .08 MILE N OF NORTHLAKE BLVD., was approved on June 27, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit **No. 53**). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7(E) 2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval.
3. The petitioner shall submit the site plan approved by the Board of County Commissioners for this site to the Site Plan Review Committee within **90** days of approval by the Zoning Authority.

B. ANNEXATION

1. The property owner shall negotiate in good faith a voluntary annexation into Palm Beach Gardens at such time the subject property is contiguous to the City of Palm Beach Gardens and subject to an annexation request.

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of **22,909** square feet.
2. The minimum setback for all new structures adjacent to the west and south property lines shall be one-hundred (**100**) feet.
3. The maximum height, from grade to roof line, for all structures shall not exceed twenty-five (**25**) feet.

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation shall:
  - a. Not be located within one-hundred (**100**) feet of any property line, and shall
  - b. Be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (**3**) year-one (**1**) hour storm with a total rainfall of **3** inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The

drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

2. Should it be determined by the County Attorney that this property owner may legally grant a road drainage easement to Palm Beach County, then prior to December 15, 1991 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage tract through the project's internal surface water management system to provide legal positive out-fall for all runoff from those segments of Northlake Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Northlake Boulevard. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County which at its discretion may use this fill material.
3. 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 at the time of the Building Permit presently is \$1,485.00 (27 additional trips X \$55.00 per trip).

F. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval or prior to issuance of Building Permit for straight rezoning.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.

I. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets.
2. Lighting fixtures shall not exceed twenty (20) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.

J. PRESERVATION AND MAINTENANCE

1. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. Clearing of the vegetation shall be limited to the building pad areas, drainfield areas, and vehicular use areas. The areas of preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code, during the site development and construction phase.
2. Prior to commencing with vegetation removal operations or land development permits, the petitioner shall:
  - a. Clearly identify and mark all trees to be preserved consistent with the approved Landscape Plan.
  - b. No clearing shall commence until all protective devices are installed by the petitioner, and inspected and approved by the Zoning Division.
  - c. prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division.

K. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

L. SIGNS

1. Whenever the existing sign is replaced, signs fronting on Northlake Boulevard shall be limited as follows:
  - a. Maximum sign height - ten (10) feet.
  - b. Maximum total sign face area - fifty square feet.
  - c. Maximum number of signs - one (1).
2. No other point of purchase ground signs shall be permitted on site.
3. No signs shall encroach into the perimeter landscape buffers or vegetation preservation areas.

4. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted on-site.
5. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

**M. USE LIMITATION**

1. Use of the site shall be limited to a cemetery, mausoleums, funeral home and accessory uses.

**N. VEGETATION REMOVAL**

1. Prior to site plan certification, the petitioner shall submit a phased plan for the eradication of prohibited species which is acceptable to the Zoning Division
2. The phased eradication program shall be tied to construction, as follows:
  - a. Prior to the issuance of a Certificate of Occupancy for the administration building, the property owner shall eradicate invasive species from 7 1/2 acres of the 30 acre site.
  - b. Prior to the issuance of a Certificate of Occupancy for the first mausoleum, the property owner shall eradicate invasive species from another 7 1/2 acres of the 30 acre site.
  - c. Prior to the issuance of a Certificate of Occupancy for the second mausoleum, the property owner shall eradicate invasive species from an additional 7 1/2 acres of the 30 acre site.
  - d. Prior to the issuance of a Certificate of Occupancy for the third mausoleum, the property owner shall eradicate invasive species from the remaining 7 1/2 acres of the 30 acre site.
3. As each phase is completed, that 7 1/2 acres shall be perpetually maintained to prohibit the re-establishment of prohibited species.
4. At such time that the Zoning Code is revised to expand the list of prohibited species, the newly prohibited species shall be removed from the current and prior phases.

**O. COMPLIANCE**

1. As provided in Zoning Code Sections 400.2 and 432.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any

permit or approval for any developer-owner, **commercial-owner**, lessee, or user of the subject property; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 3rd day of September, 1991.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: *Richard Altus*  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK  
BY: *Judith Croshier*  
DEPUTY CLERK