

RESOLUTION NO. R-96-8

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 93-27/A3.2
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-94-500
WHICH APPROVED THE SPECIAL EXCEPTION OF
JEFFREY M. ROSENBERG, JR.
PETITION NO. 93-27

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 93-27/A3.2 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 5, 1996; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 93-27/A3.2 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; 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 local land development regulations;
2. The Florida State Department of Banking and Finance has stated that if specific criteria are met, the property owner will be exempt from the requirement to receive a Certificate of Need and a license as required by condition A.3.; and
3. The property owner intends to meet the criteria which will qualify for an exemption to the requirement to obtain a Certificate of Need.

WHEREAS, Section 5.3 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the recommendation of Status Report No. CR 93-27/A3.2, to amend Conditions of Approval of Resolution No. R-94-500, the Special Exception of Jeffrey M. Rosenberg, Jr., Petition No. 93-27, which approved a Class A Conditional Use allowing a cemetery on the south half (S. 1/2) of lots 33 and 35; lots 44, 45, 46 and 47, Block 10, of Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, at pages 46 and 47, of the public records of Palm Beach County, Florida.

Together with:

That portion of the platted 30 foot right-of-way lying between the south boundary line of the south half (S. 1/2) of lots 32 and 33 and the north boundary line of lots 44 and 45, Block 10, of Palm Beach County Plat No. 3, as recorded in Plat Book 2, at pages 46 and 47, of the public records of Palm Beach County, Florida.

Containing in 1,626,129 feet or 37.331 acres more or less.

Subject to easements, restrictions, reservations and rights-of-way of record., being located on the northeast corner of the intersection of Dillman Road and S.R. #7 (U.S. #441) in the RT-Residential Transitional Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number A.3. of Resolution R-94-500 which currently states:

Prior to November 1, 1994 or in the event of an appeal, thirty (30) days after rendition of a final order by an appellate court, and prior to site plan certification by the Development Review Committee (DRC), the petitioner shall submit a certificate of need and a license for a cemetery from the Florida Department of Banking and Finance pursuant to Florida Statutes 497 as amended. No Administrative extension shall be permitted.

Is hereby amended to state:

The property owner or owners shall operate, manage, and maintain the cemetery or cemeteries consistent with the exemption provisions of Chapter 497.003, Florida Statutes.

Commissioner Aaronson moved for approval of the Resolution.

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

KEN FOSTER, CHAIR	—	AYE
BURT AARONSON	—	AYE
MAUDE FORD LEE	—	NAY
KAREN T. MARCUS	—	AYE
MARY MCCARTY	—	NAY
WARREN H. NEWELL	—	AYE
CAROL ROBERTS	—	NAY

The Chair thereupon declared the resolution was duly passed and adopted this 5 day of January, 1996.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY:

Burt Aaronson

BY:

Joan Hawley
DEPUTY CLERK

