

ORDINANCE NO. 2009 -034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ELEMENT (TO MODIFY THE **URBAN REDEVELOPMENT AREA** (URA) PROVISIONS TO ADD AN APARTMENT BUILDING TYPE AND A NEW DISTRICT TYPE, TO EXTEND THE DEADLINE FOR THE COUNTY TO CONDUCT A FEASIBILITY STUDY FOR A STORM-WATER UTILITY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 6, February 20, and March 13, 2009 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 13, 2009 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 30, 2009 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained **no objections** to the amendments contained in this ordinance; and

**WHEREAS**, on August 25, 2009 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Part I. Amendments to the 1989 Comprehensive Plan**

Amendments to the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Future Land Use Element**, Urban Redevelopment Area Update, to add an apartment building type and a new district type, to extend the deadline for the county to conduct a feasibility study for a storm-water utility);
- B.** Amending all elements as necessary for internal consistency.

**Part II. Repeal of Laws in Conflict**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Part IV. Inclusion in the 1989 Comprehensive Plan**

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such,


and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

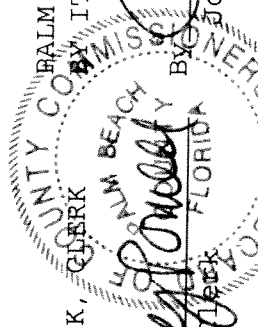
**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 25th day of August, 2009.

ATTEST:  
SHARON R. BOCK, CLERK

By:  \_\_\_\_\_  
Deputy Clerk

 PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

John F. Koons, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
COUNTY ATTORNEY

Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2009.

## EXHIBIT 1

### A. Future Land Use Element, URA Update

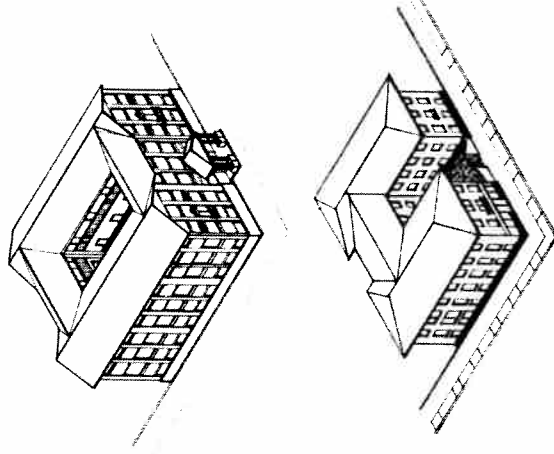
**REVISIONS:** To revise and update to revise the Urban Redevelopment Area. The revisions shown with the added text underlined, and the deleted text ~~struck-out~~.

**NEW Policy 1.2.2-n:** The ULDC shall be amended to establish a Specialized District zoning category, with detailed objectives and standards for approval, for use within Priority Redevelopment Areas. Parcels eligible for Specialized Districts are those that cannot conform to the mixed-use requirements established for the PRAs, nor strictly conform to the provisions of the URA Master Plan, but are generally desirable and contribute to the furthering of the County Directions and characteristics of a livable community. All Specialized District projects shall, at a minimum, conform to the following requirements:

1. The Transect Zone shall determine the development intensity and density and compatibility with surrounding non-transect-based future land use designations (if applicable).
2. Specialized District projects shall include a regulating plan depicting the block forms, streets, frontages, civic/useable open spaces, and the function and configuration of all uses within the petition area; and
3. Specialized District projects may be permitted in any Transect Zone subject to a public hearing, conditions for development, and approval by the BCC.

### REVISED Policy 1.2.2-d: *Unaltered text omitted for brevity - Added bullet/building type*

- Apartment Building—is a two-to-four story building intended for residential uses, built to the sidewalk that accommodates residential uses on all floors with some potential for general commercial/office uses. The principal residential entrance is typically recessed from the sidewalk via a courtyard, forecourt, or other similar means, with dwelling units being accessed from this quasi-public/private space. When facing a public open space such as a park or a green, or when located along primary frontages, general commercial/office storefronts may be permitted on the first story. Parking is provided to the rear of the building.



**REVISED Policy 1.2.2-l:** By January 2040~~2011~~, Palm Beach County shall conduct a stormwater feasibility study to investigate the creation of an independent, master stormwater drainage district or utility to meet the retention and detention requirements of areas targeted for redevelopment by the URA Master Plan.