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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
5 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989  
6 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.  
7 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE  
8 ATLAS (FLUA) FOR COUNTY INITIATED CORRECTIVE  
9 AMENDMENTS: OAKWOOD LANDS (LGA 2004-00021),  
10 MODIFYING PAGE 7 OF THE FLUA BY CHANGING THE  
11 FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 185  
12 ACRES, GENERALLY LOCATED APPROXIMATELY .50 MILE  
13 NORTH OF INDIANTOWN ROAD AND .25 MILE WEST OF THE  
14 FLORIDA TURNPIKE, FROM RURAL RESIDENTIAL, 1 UNIT  
15 PER 10 ACRES (RR-10) TO RURAL RESIDENTIAL, 1 UNIT  
16 PER 5 ACRES (RR-5); GAMOT / CHARNOCK / VEINS  
17 NATURAL AREA (LGA 2004-00019), MODIFYING PAGE 8  
18 OF THE FLUA BY CHANGING THE FUTURE LAND USE  
19 DESIGNATION FOR APPROXIMATELY 15.90 ACRES,  
20 GENERALLY LOCATED ON THE SOUTHWEST CORNER OF  
21 CENTRAL BOULEVARD AND CHURCH STREET AND 6.85  
22 ACRES ON THE SOUTH SIDE OF 1<sup>ST</sup> STREET,  
23 APPROXIMATELY 400 FEET EAST OF LIMESTONE CREEK  
24 ROAD, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE  
25 (MR-5) TO CONSERVATION (CON); CONGRESS AVENUE /  
26 HOLLY ROAD II (LGA 2004-00022), MODIFYING PAGE 65  
27 OF THE FLUA BY CHANGING THE FUTURE LAND USE  
28 DESIGNATION FOR 6.54 ACRES, GENERALLY LOCATED ON  
29 THE EAST SIDE OF CONGRESS AVENUE, APPROXIMATELY  
30 150 FEET SOUTH OF HOLLY ROAD AND 1.5 MILES SOUTH  
31 OF SUMMIT BOULEVARD, FROM COMMERCIAL LOW (CL) TO  
32 COMMERCIAL HIGH, WITH UNDERLYING 5 UNITS PER ACRE  
33 (CH/5); PROVIDING FOR INCLUSION IN THE 1989  
34 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS  
35 IN CONFLICT; PROVIDING FOR SEVERABILITY; AND  
36 PROVIDING FOR AN EFFECTIVE DATE

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

41 WHEREAS, the Palm Beach County Local Planning Agency conducted  
42 its public hearings on February 20 & 27 and March 12, 2004 to review  
43 the proposed amendments to the Palm Beach County Comprehensive Plan  
44 and made recommendations regarding the proposed amendments to the Palm  
45 Beach County Board of County Commissioners pursuant to Chapter 163,  
46 Part II, Florida Statutes; and

47 WHEREAS, the Palm Beach County Board of County Commissioners, as  
48 the governing body of Palm Beach County, conducted a public hearing  
49 pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004  
50 to review the recommendations of the Local Planning Agency, whereupon  
51 the Board of County Commissioners authorized transmittal of proposed  
52 amendments to the Department of Community Affairs for review and  
53 comment pursuant to Chapter 163, Part II, Florida Statutes; and

1           WHEREAS, Palm Beach County received on June 28, 2004 the  
2 Department of Community Affairs "Objections, Recommendations and  
3 Comments Report," dated June 19, 2004 which was the Department's  
4 written review of the proposed Comprehensive Plan amendments; and

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

8           WHEREAS, on August 24, 2004 the Palm Beach County Board of County  
9 Commissioners held a public hearing to review the written comments  
10 submitted by the Department of Community Affairs and to consider  
11 adoption of the amendments; and

12           WHEREAS, the Palm Beach County Board of County Commissioners has  
13 determined that the amendments comply with all requirements of the  
14 Local Government Comprehensive Planning and Land Development  
15 Regulations Act.

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

18           Part I. Amendments to the Future Land Use Atlas of the Land Use  
19 Element of the 1989 Comprehensive Plan

20           The following amendments to the Land Use Element's Future Land  
21 Use Atlas are hereby adopted and attached to this Ordinance:

22           A. Future Land Use Atlas page 7 is amended as follows:

23           Application No.:       Oakwood Lands (LGA 2004-00021)  
24           Amendment:           From Rural Residential, 1 unit per 10 acres  
25                                   (RR-10) to Rural Residential, 1 unit per 5  
26                                   acres (RR-5);  
27           General Location:     Approximately .50 mile north of Indiantown  
28                                   Road and .25 mile west of the Turnpike;  
29           Size:                   Approximately 185 acres;

30           B. Future Land Use Atlas page 8 is amended as follows:

31           Application No.:       Gamot / Charnock / Veins Natural Area (LGA  
32                                   2004-00019)  
33           Amendment:           From Medium Residential, 5 units per acre  
34                                   (MR-5) to Conservation (CON);

1           **General Location:**     Southwest corner of Central Boulevard and  
2                                     Church Street (approximately 15.90 acres);  
3                                     and on the south side of 1<sup>st</sup> Street,  
4                                     approximately 400 feet east of Limestone  
5                                     Creek Road (approximately 6.85 acres);

6           **Size:**                     Approximately 22.40 acres;

7           **C. Future Land Use Atlas page 65 is amended as follows:**

8           **Application No.:**       Congress Avenue / Holly Road II (LGA 2004-  
9                                     00022);

10          **Amendment:**           From Commercial Low (CL) to Commercial  
11                                     High, with underlying 5 units per acre  
12                                     (CH/5);

13          **General Location:**   East side of Congress Avenue, approximately  
14                                     150 feet south of Holly Road and 1.5 miles  
15                                     south of Summit Boulevard;

16          **Size:**                     Approximately 6.54 acres;

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

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

21          **Part III. Severability**

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

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

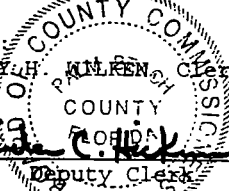
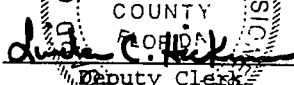

27          The provision of this Ordinance shall become and be made a part  
28          of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
29          Ordinance may be renumbered or relettered to accomplish such, and the  
30          word "ordinance" may be changed to "section," "article," or any other  
31          appropriate word.

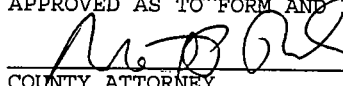
32          **Part V. Effective Date**

33          The effective date of this plan amendment shall be the date a  
34          final order is issued by the Department of Community Affairs or  
35          Administration Commission finding the amendment in compliance in

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

15 APPROVED AND ADOPTED by the Board of County Commissioners of  
16 Palm Beach County, on the 24 day of August, 2004.

17  
18 ATTEST:  PALM BEACH COUNTY, FLORIDA,  
19 DOROTHY H. WILKIN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS  
20  
21 By:  Deputy Clerk By:  Karen T. Marcus, Chair  
22  
23  
24

25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
26  
27   
28 COUNTY ATTORNEY

29  
30 Filed with the Department of State on the 30 day  
31 of August, 2004.

# EXHIBIT 1

A. Future Land Use Atlas page 7 is amended as follows:

**Amendment No.:** Oakwood Lands (2004-00021 LGA)

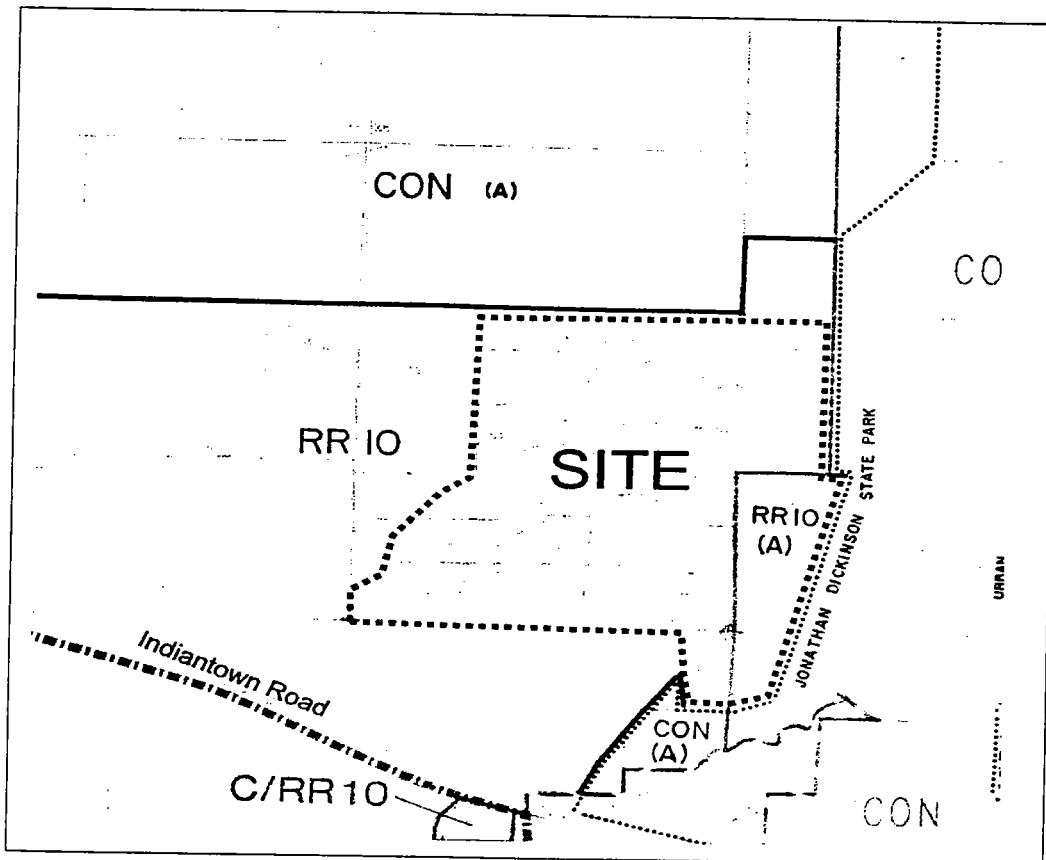
**Amendment:** Rural Residential, 1 unit per 10 acres (RR-10) to Rural Residential, 1 unit per 5 (RR-5)

**Location:** Approximately .50 mile north of Indiantown Road, and .25 mile west of the Florida Turnpike

**Size:** Approximately 185 acres

**Legal Description:** The Southeast one-quarter (SE1/4) of Section 31, Township 40, Range 42; and the West one-half (W1/2) of the Southwest one-quarter of Section 32, Township 40, Range 42.

<b>Property No:</b>	00-42-40-31-00-000-5010	00-42-40-31-00-000-5210
	00-42-40-31-00-000-5020	00-42-40-31-00-000-5220
	00-42-40-31-00-000-5030	00-42-40-31-00-000-5230
	00-42-40-31-00-000-5040	00-42-40-31-00-000-5240
	00-42-40-31-00-000-5050	00-42-40-31-00-000-5250
	00-42-40-31-00-000-5060	00-42-40-31-00-000-5260
	00-42-40-31-00-000-5070	00-42-40-31-00-000-5270
	00-42-40-31-00-000-5080	00-42-40-32-00-000-7020
	00-42-40-31-00-000-5090	00-42-40-32-00-000-7160
	00-42-40-31-00-000-5100	00-42-40-32-00-000-7170
	00-42-40-31-00-000-5110	00-42-40-32-00-000-7280
	00-42-40-31-00-000-5120	00-42-40-32-00-000-7290
	00-42-40-31-00-000-5130	00-42-40-32-00-000-7300
	00-42-40-31-00-000-5140	00-42-40-32-00-000-7310
	00-42-40-31-00-000-5150	00-42-40-32-00-000-7320
	00-42-40-31-00-000-5180	00-42-41-05-00-000-3040
	00-42-40-31-00-000-5190	00-42-41-05-00-000-3130
	00-42-40-31-00-000-5200	00-42-41-06-00-000-1010



B. Future Land Use Atlas page 8 is amended as follows:

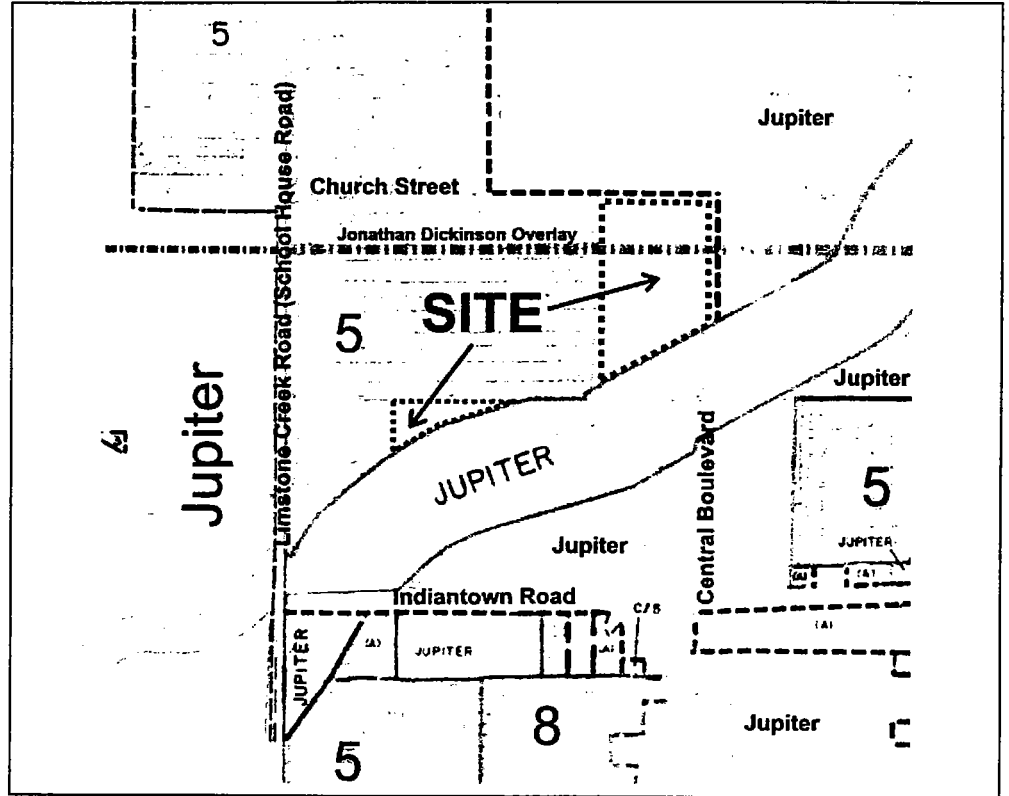
**Amendment No.:** Gamot/Charnock/Veins Natural Area (LGA 2004-00019)

**Amendment:** From Medium Residential, 5 units per 1 acre (MR-5), to Conservation (CON)

**Location:** Southwest corner of Central Boulevard and Church Street (approximately 15.90 acres); and on the south side of 1<sup>st</sup> Street, approximately 400 feet east of Limestone Creek Road (approximately 6.85 acres)

**Size:** Approximately 22.75 acres total

**Property No.:** 00-42-41-03-07-026-0000, 00-42-41-03-07-027-0000 (15.90 acres)  
00-42-41-03-00-000-3070 (6.85 acres)



C. Future Land Use Atlas page 65 is amended as follows:

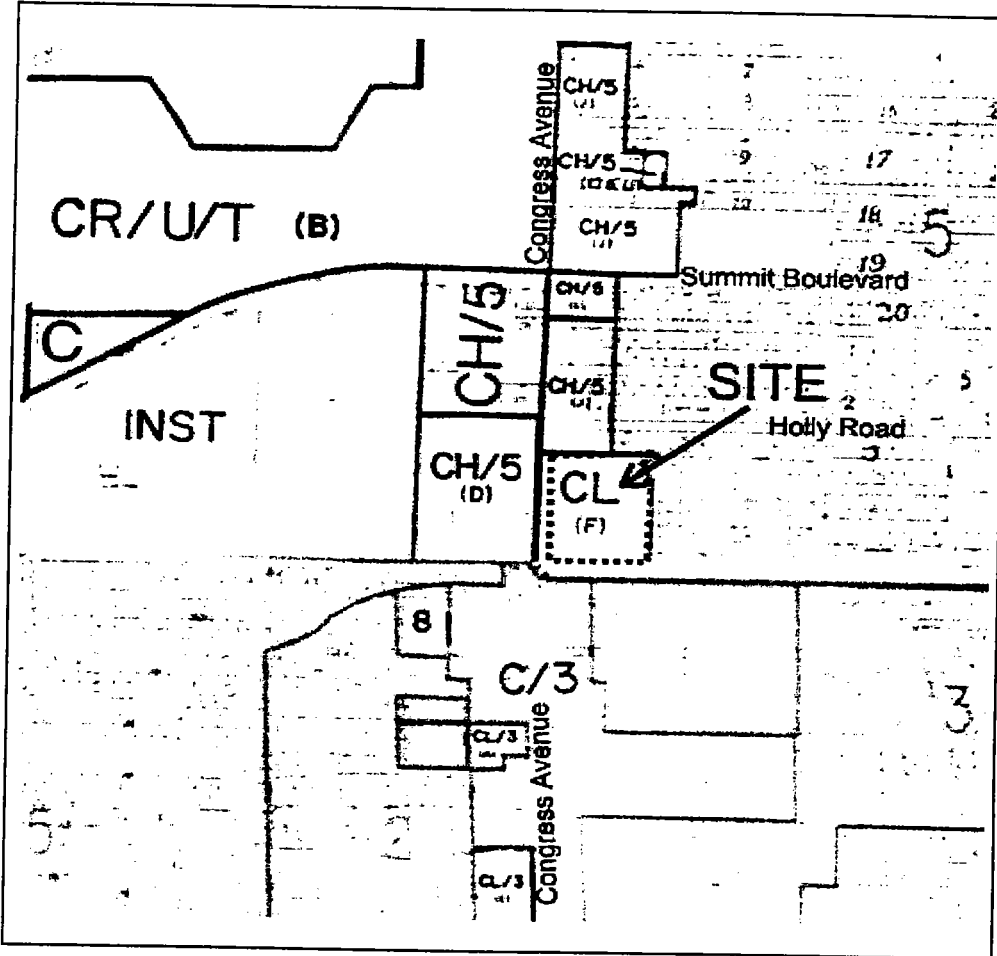
**Amendment No.:** Congress Avenue/Holly Road II (LGA 2004-00022)

**Amendment:** Commercial Low (CL) to Commercial High, with underlying 5 units per acre (CH/5)

**Location:** East side of Congress Avenue, approximately 150 feet south of Holly Road and 1.5 miles south of Summit Blvd.

**Size:** Approximately 6.54 acres (combined)

**Property No.:** 00-44-05-00-000-7010 & 00-44-05-00-000-7030



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 24, 2004  
DATED at West Palm Beach, FL on 8/24/04  
DOROTHY H. WILKEN, Clerk  
By: William Brown D.C.





## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 04-1

<b>Item Name:</b>	<b>Gamot/Charnock/Veins Natural Area (LGA 2004-00019)</b>
<b>Request:</b>	<b>MR-5 to CON</b>
<b>Item Before the Board:</b>	To hold a public hearing on a proposed amendment to the Future Land Use Atlas (FLUA) to change the future land use designation for six parcels, 22.76 acres (collectively), from Medium Residential 5 (MR-5), 5 units per 1 acre, to Conservation (CON). The six parcels are located within the Limestone Creek Natural Area.
<b>Meeting Date:</b>	<b>Final Report, August 24, 2004</b>
<b>Project Manager:</b>	Michael R. Howe, Senior Planner
<b>MOTION:</b> To <i>adopt</i> the proposed amendment.	

- A. **Planning Recommendation:** Staff recommends *approval* based on the findings and conclusions presented in this report.
- B. **LPA Recommendation:** Motion to recommend *approval* passed in a unanimous vote (13-0) at the February 27, 2004 Public Hearing. There was minimal Board discussion on this item and no public comment.
- C. **BCC Transmittal Action:** Motion by Comm. Masilotti, seconded by Comm. McCarty, to *transmit* passed in a unanimous vote (6-0, with Comm Aaronson absent) at the April 5, 2004 Public Hearing. There was minimal Board discussion and no public comment on this item.

## POST TRANSMITTAL ACTION

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- A. **ORC Report Findings:** None
- B. **Response to ORC Report:** None
- C. **Revisions Not Previously Reviewed:** None
- D. **BCC Adoption Action:** Motion by Comm. Aaronson, seconded by Comm. Greene, to ***adopt an ordinance*** passed in a unanimous 5-0 vote (with Comm. Koons and Comm. Marcus absent) at the August 24, 2004 Public Hearing. There was minimal Board discussion and no public comment on this item.

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# I. SUMMARY REPORT

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## A. BACKGROUND

The subject amendment, totaling approximately 22.76 acres is to change the land use on an environmentally sensitive piece of land, known as Gamot/Charnock/Veins Natural Area from Medium Residential 5 (MR-5), 5 units per 1 acre, to Conservation (CON). Gamot/Charnock/Veins is made up of six parcels located in the Limestone Creek area as follows: two parcels on the southwest corner of Central Boulevard and Church Street; and, four parcels on the south side of 1st Street, approximately 400 feet east of Limestone Creek Road. (See Exhibit I: Proposed FLUA Amendment/ Locational Map).

The Gamot/Charnock/Veins Natural Area is part of the larger Limestone Creek Natural Area, and consists of mainly undeveloped land occupied by native vegetation. In addition to hydric hammock, scrubby flatwoods and mesic flatwoods, there are smaller areas of disturbed mesic flatwoods and tidal swamp. Gopher tortoise burrows have been found in the scrubby flatwoods and mesic flatwoods. There are no significant improvements on the natural area.

In addition to preservation of the existing natural resources on the project site, this project envisions the stabilization of eroding creek beds, the enhancement of the disturbed areas, including the implementation of a prescribed burning program as well as exotic vegetation removal and re-vegetation of disturbed areas. In order to facilitate public access to an use of the site for passive recreation, physical improvements are proposed for the Limestone Creek Natural Area including a parking lot, hardened and dirt natural trails, and an informational kiosk with educational exhibits.

The subject parcels were purchased by the County as part of the Conservation Lands Acquisition Program, that utilizes conservation land bond funds. The entire natural area is part of a Florida Communities Trust Florida Forever grant project site. The Grant Contract (R2003-1226) includes a requirement that the land use be changed to conservation.

**Description of the 1999 Conservation Bond Referendum Program:** The County, through the Department of Environmental Resources Management (ERM), has purchased several environmentally sensitive parcels of land in various parts of the County for the purposes of preservation and conservation. The March 1999 Conservation Bond Referendum provided for \$150 million dollars towards a land acquisition program for open space purposes to protect environmentally sensitive lands (ESLs), land for water resources, greenways, agricultural lands and open space. The BCC directed that \$100 million of the proceeds of this bond be dedicated to land acquisitions in the Ag Reserve and that \$50 million dollars be dedicated to land acquisitions throughout the County for ESLs. These natural areas have been acquired to preserve rare and diverse native ecosystems and existing biological diversity, including the endangered, threatened and rare species of plants and animals that live within these areas. The areas will be available to the public for passive recreation, environmental education and scientific research.

## **B. THE PROPOSED AMENDMENT**

### **1. Amendment Intent and Summary**

The intent of the amendment is to change the future land use designation on approximately 22.76 acres known as the Gamot/Charnock/Veins Natural Area. The Gamot and Veins parcels were purchased on July 26, 2002, and the Charnock parcel on September 29, 2003. The Medium Residential 5 (MR-5), 5 units per 1 acre, future land use designation presently assigned to this site will be changed to Conservation (CON) to accurately reflect the use of this site.

### **2. Unified Land Development Code Implications**

This proposed amendment will not result in a subsequent amendment to the County's land development regulations in the Unified Land Development Code (ULDC).

## **C. ISSUE AND DATA/ANALYSIS SUMMARY**

The proposed amendment will implement the 1999 Conservation Bond referendum and place the environmentally sensitive lands, known as Gamot/Charnock/Veins Natural Area into conservation. Further, the amendment will reflect the appropriate land use of the existing parcels.

**1. Justification:** This is a County initiated amendment. The 22.76 acres of the subject properties were purchased with the 1999 Conservation Bond funds and a Florida Communities Trust Florida Forever grant funds for the purpose of conserving and protecting environmentally sensitive lands. The uses allowed by the Conservation future land use designation are consistent with the purpose of the Conservation Program.

**2. Demonstration of Need:** There is a need to change the FLUA to reflect existing conditions and future uses of this site. Thus, the intent of the proposed land use amendment to the Future Land Use Atlas (FLUA) is to change the future land use designation for 22.76 acres from Medium Residential 5 (MR-5), 5 units per 1 acre, to Conservation (CON).

## **D. PUBLIC AND MUNICIPAL REVIEW**

**1. Intergovernmental Plan Amendment Review Committee (IPARC):** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review. The IPARC, of which Palm Beach County is a participating member, functions as a clearing-house for plan amendments. A formal IPARC Notice (requesting comments) was sent on January 16, 2004. To date, no objections to this amendment have been received.

**2. Other Notice:** At the time of the printing of this report no comments have been received from other interested groups, or members of the public. The subject parcels are located within the Town of Jupiter future annexation area.

## **E. ASSESSMENT AND CONCLUSIONS**

There are not any land use issues associated with this proposed amendment. The purpose of the amendment is to change the land use designation to accurately reflect the future use of the subject site and to protect the significant species that reside on the site.

## **F. ALTERNATIVE ACTIONS**

The following courses of action are available to the Board:

1. Recommendation of ***approval***;
2. Recommendation of ***approval with modifications***; or
3. Recommendation of ***denial***.

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## II. EXHIBITS

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1. Proposed FLUA Amendment/Locational Map..... 7



# EXHIBIT 1

**Amendment No.:** Gamot/Charnock/Veins Natural Area (LGA 2004-00019)

**FLUA Page No.:** 8

**Amendment:** From Medium Residential 5 (MR-5), 5 units per 1 acre, to Conservation (CON)

**Location:** Two parcels on the southwest corner of Central Boulevard and Church Street; and, four parcels on the south side of 1st Street, approximately 400 feet east of Limestone Creek Road.

**Size:** Approximately 22.76 acres total

**Property No.:** 00-42-41-03-00-000-3070, 00-42-41-03-00-000-3080, 00-42-41-03-00-000-3070, 00-42-41-03-00-000-3110, 00-42-41-03-07-026-0000, 00-42-41-03-07-027-0000

