

ORDINANCE NO. 2006 -034

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2  
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
4 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989  
5 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.  
6 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE  
7 ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT  
8 **DELRAY MARKETPLACE RESIDUAL (LGA 2006-00009)**,  
9 MODIFYING PAGE 98 OF THE FLUA BY CHANGING THE  
10 FUTURE LAND USE DESIGNATION FOR APPROXIMATELY  
11 0.97 ACRES, GENERALLY LOCATED ON THE NORTHWEST  
12 CORNER OF THE INTERSECTION OF WEST ATLANTIC  
13 AVENUE, AND THE PROPOSED LYONS ROAD EXTENSION,  
14 FROM AGRICULTURAL RESERVE (AGR) TO COMMERCIAL  
15 LOW, WITH AN UNDERLYING AGRICULTURAL RESERVE  
16 (CL/AGR); PROVIDING FOR INCLUSION IN THE 1989  
17 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS  
18 IN CONFLICT; PROVIDING FOR SEVERABILITY; AND  
19 PROVIDING FOR AN EFFECTIVE DATE.  
20

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

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

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

31 **WHEREAS**, the Palm Beach County Local Planning Agency conducted  
32 its public hearings on February 10, 24 and March 24, 2006 to review  
33 the proposed amendments to the Palm Beach County Comprehensive Plan  
34 and made recommendations regarding the proposed amendments to the Palm  
35 Beach County Board of County Commissioners pursuant to Chapter 163,  
36 Part II, Florida Statutes; and

37 **WHEREAS**, the Palm Beach County Board of County Commissioners, as  
38 the governing body of Palm Beach County, conducted a public hearing  
39 pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006  
40 to review the recommendations of the Local Planning Agency, whereupon  
41 the Board of County Commissioners authorized transmittal of proposed  
42 amendments to the Department of Community Affairs for review and  
43 comment pursuant to Chapter 163, Part II, Florida Statutes; and

44 **WHEREAS**, Palm Beach County received on the Department of  
45 Community Affairs "Objections, Recommendations, and Comments Report,"

1 dated June 23, 2006 which was the Department's written review of the  
2 proposed Comprehensive Plan amendments; and

3 **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County  
4 Commissioners held a public hearing to review the written comments  
5 submitted by the Department of Community Affairs and to consider  
6 adoption of the amendments; and

7 **WHEREAS**, the Palm Beach County Board of County Commissioners has  
8 determined that the amendments as modified satisfy the concerns  
9 addressed in the Department of Community Affairs' "Objections,  
10 Recommendations and Comments Report" and comply with all requirements  
11 of the Local Government Comprehensive Planning and Land Development  
12 Regulations Act.

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

15 Part I. Amendments to the Future Land Use Atlas of the Land Use  
16 Element of the 1989 Comprehensive Plan

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

19 **A. Future Land Use Atlas page 98 is amended as follows:**

20 **Application No.:** Delray Marketplace Residual  
21 (LGA 2006-00009)

22 **Amendment:** from Agricultural Reserve (AGR) to  
23 Commercial Low/Agricultural Reserve  
24 (CL/AGR);

25 **General Location:** On the Northwest quadrant of West Atlantic  
26 Avenue and Future Lyons Road;

27 **Size:** Approximately 0.97 acres;

28 **B. Conditions:** This parcel is subject to the following  
29 conditions:

30 1) There shall be no density or intensity allocated to this  
31 site.

32 2) Prior to the adoption public hearing for this proposed  
33 amendment, the applicant must submit a rezoning  
34 application for this parcel to the Traditional  
35 Marketplace Development (TMD) Zoning District.

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

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

5                   **Part III. Severability**

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

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

11                   The provision of this Ordinance shall become and be made a part  
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
13 Ordinance may be renumbered or relettered to accomplish such, and the  
14 word "ordinance" may be changed to "section," "article," or any other  
15 appropriate word.

16                   **Part V. Effective Date**

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

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APPROVED AND ADOPTED by the Board of County Commissioners of  
Palm Beach County, on the 21st day of August, 2006.

ATTEST:  
SHARON R. BOCK, CLERK PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Judith [Signature] Deputy Clerk  
John (Jeff) Koon Tony Masilotti, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
[Signature]  
COUNTY ATTORNEY

Filed with the Department of State on the 29th day  
of August, 2006.

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# EXHIBIT 1

**Amendment No.:** Delray Marketplace Residual (LGA 2006-00009)

**FLUA Page No.:** 98

**Amendment:** From Agricultural Reserve (AGR) to Commercial Low/Agricultural Reserve (CL/AGR)

**Location:** Northwest corner of the intersection of West Atlantic Avenue, and the Proposed Lyons Road extension

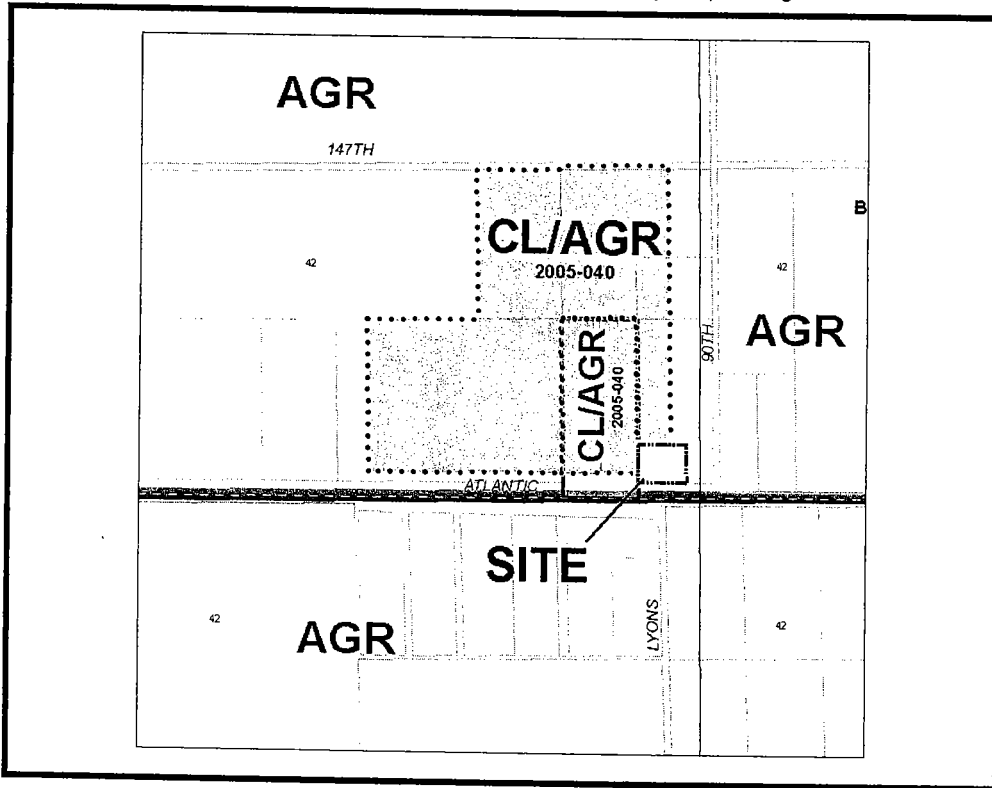
**Size:** Approximately 0.97 ac

**Property No.:** 00-42-46-18-01-000-1281

**Legal Description:** See attached

**Conditions:**

1. There shall be no density or intensity associated with this site.
2. Prior to the adoption public hearing for this proposed amendment, the applicant must submit a rezoning application for this parcel to the Traditional Marketplace Development (TMD) Zoning District.



**LEGAL DESCRIPTION**

THAT PORTION OF TRACT 128, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOW:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 128 THENCE S.1°06'52"E., ALONG CORNER THE WEST LINE OF SAID TRACT 128, A DISTANCE OF 546.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.1°06'52"E., ALONG SAID WEST LINE, A DISTANCE OF 211.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST ATLANTIC AVENUE; THENCE N.89°24'45"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 101.09 FEET; THENCE N.90°00'00"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 108.93 FEET TO A POINT ON A LINE 210 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 128; THENCE N.1°06'52"W., ALONG SAID PARALLEL LINE, A DISTANCE OF 210.04 FEET; THENCE S.90°00'00"W., A DISTANCE OF 210.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.97 ACRES, MORE OR LESS

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on AUG 21 2006  
dated at West Palm Beach, Fl on 9-7-2006  
By: Judith Crislow  
Deputy Clerk

