

ORDINANCE NO. 2007 -014

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 ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **BELVEDERE/JOG COMMERCIAL SW (SCA-2007-00004)**; MODIFYING PAGE 64 OF THE FLUA BY CHANGING APPROXIMATELY 2.55 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF BELVEDERE ROAD AND JOG ROAD FROM LOW RESIDENTIAL, TWO UNITS PER ACRE (LR-2) TO COMMERCIAL LOW WITH AN UNDERLYING RESIDENTIAL DESIGNATION OF TWO UNITS PER ACRE (CL/2); 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; and

**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**, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

**WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

**WHEREAS**, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

**WHEREAS**, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Palm Beach International Airport Overlay Committee conducted a public hearing on January 10, 2007, to review the proposed amendment and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on January 19, 2007, to review the proposed amendment

1 to the Palm Beach County Comprehensive Plan and made recommendations  
2 regarding the proposed amendments to the Palm Beach County Board of  
3 County Commissioners pursuant to Chapter 163, Part II, Florida  
4 Statutes; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners, as  
6 the governing body of Palm Beach County, conducted a public hearing  
7 pursuant to Chapter 163, Part II, Florida Statutes, on February 23,  
8 2006, to review the recommendations of the Local Planning Agency and  
9 to consider adoption of the amendments; and

10 **WHEREAS**, the Palm Beach County Board of County Commissioners has  
11 determined that the amendment complies with all requirements of the  
12 Local Government Comprehensive Planning and Land Development  
13 Regulation Act.

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

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

18 The following amendment to the Future Land Use Element's Future  
19 Land Use Atlas is hereby adopted and is attached to this Ordinance:

20 **A. Future Land Use Atlas page 64 is amended as follows:**

21 **Application No.:** Belvedere/Jog Commercial SW (SCA-2007-  
22 00004)

23 **Amendment:** From Low Residential, Two Units per Acre  
24 (LR-2) to Commercial Low with an underlying  
25 residential designation of two units per  
26 Acre (CL/ 2);

27 **General Location:** Southwest corner of Belvedere Road and Jog  
28 Road;

29 **Size:** Approximately 2.55 acres;

30 **B. Conditions:** This parcel is subject to the following  
31 conditions:

32 1) Limit the proposed development to 22,215 SF of commercial  
33 uses.  
34

35 Part II. Repeal of Laws in Conflict

36 All local laws and ordinances applying to the unincorporated area

1 of Palm Beach County in conflict with any provision of this ordinance  
2 are hereby repealed to the extent of such conflict.

3 **Part III. Severability**

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

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

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

14 **Part V. Effective Date**

15 This amendment shall not become effective until 31 days after  
16 adoption. If challenged within 30 days after adoption, this amendment  
17 shall not become effective until the state land planning agency or the  
18 Administration Commission, respectively, issues a final order  
19 determining the amendment is in compliance.

20 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
21 Palm Beach County, on the 27th day of August, 2007.

22 ATTEST:

23 SHARON R. BOCK, CLERK

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

26  
27 By: Judith Crocchia  
28 Deputy Clerk  
29

30 By: Addie L. Greene  
31 Addie L. Greene, Chairperson

32 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

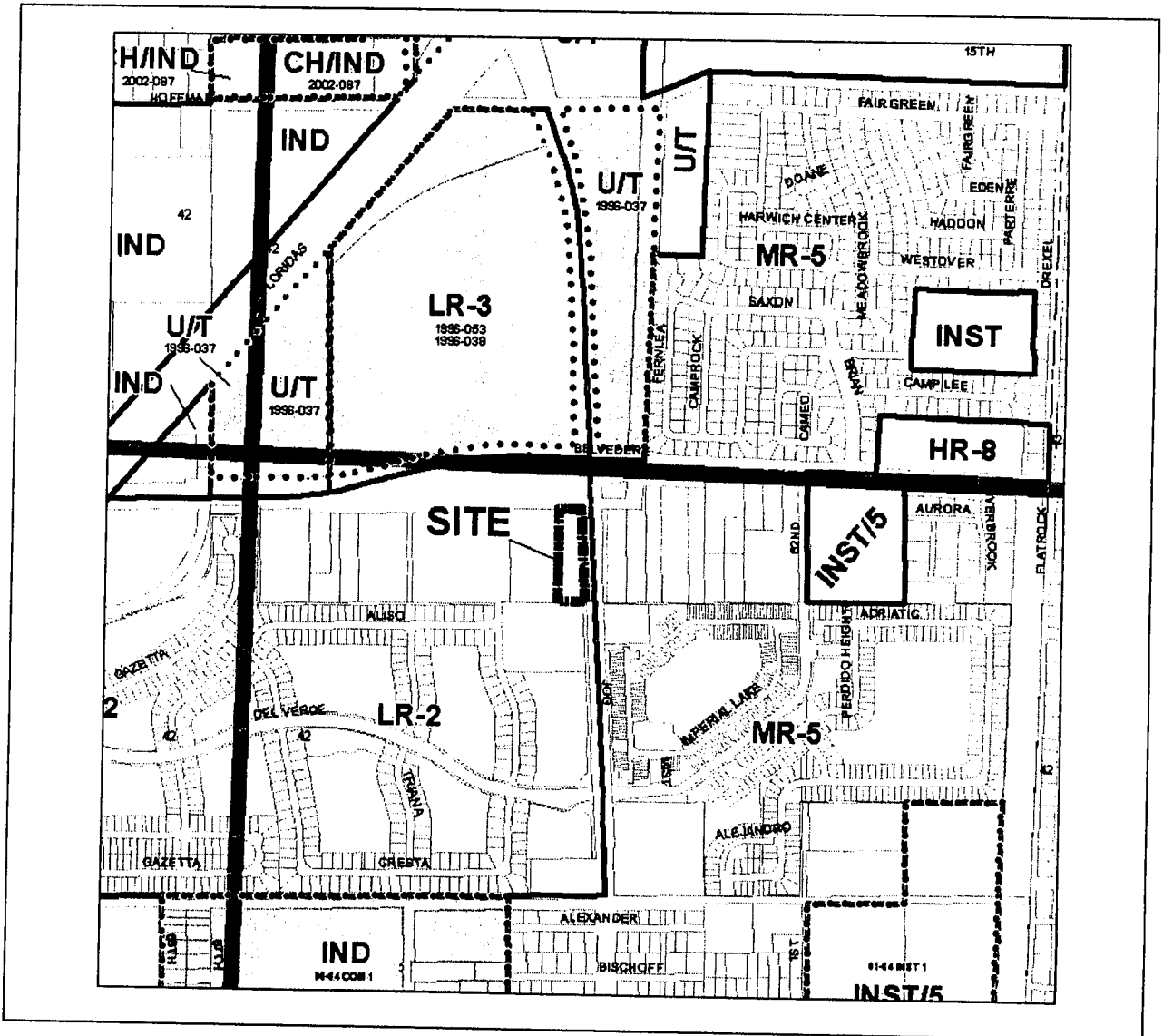
33 [Signature]  
34 COUNTY ATTORNEY

35 Filed with the Department of State on the 4th day  
36 of September, 2007.  
37

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EXHIBIT 1

**Amendment No.:** Belvedere/Jog Commercial SW (SCA-2007-00004)  
**FLUA Page No.:** 64  
**Amendment:** From Low Residential, Two Units per Acre (LR-2) to Commercial Low with an underlying Residential Designation of Two Units per Acre (CL/2)  
**Location:** Southwest corner of Belvedere Road and Jog Road  
**Size:** 2.55 acres  
**Property No.:** 00-42-43-27-05-005-0051, 00-42-43-27-05-005-0054  
**Legal Description:** See Attached  
**Condition:** Limit the proposed development to 22,215 SF of commercial uses.



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**EXHIBIT 2**

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THE WEST ½ OF THE EAST ½ OF TRACT 5, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, WHICH LIES SOUTH OF THE PALM BEACH CANAL, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF THE EAST ¼ OF TRACT 5, BLOCK 5, LYING WEST OF THE JOG ROAD RIGHT OF WAY, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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