4.D19

ORDINANCE NO. 2008 -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 ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **PIONEER/BENOIST FARMS INSTITUTIONAL (SCA 2007-042)**; MODIFYING PAGE **63** BY CHANGING A 5.57 ACRES PARCEL OF LAND LOCATED ON SOUTH SIDE OF PIONEER ROAD, WEST OF FLORIDA TURNPIKE, FROM PARK TO INSTITUTIONAL AND PUBLIC FACILITIES WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8); 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 County Local Planning Agency conducted a public hearing on September 7, 2007, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment 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 August 28, 2008, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies 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 Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

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

A. Future Land Use Atlas page 63 is amended as follows:

Application No.:	Pioneer/Benoist Farms Institutional (SCA 2007-042)
Amendment:	Park To Institutional with an underlying 8 units per acre (INST/8);
General Location:	South side of Pioneer Road, west of Florida Turnpike;
Size:	Approximately 5.57 acres;
Condition:	The site shall be limited to a Congregate Living Facility utilizing the underlying 8 units per acre residential land use category and no other residential uses shall be permitted.

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 provisions 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

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

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28th day of August, 2008.

ATTEST:
SHARON R. BOCK, CLERK

By _____
Deputy Clerk

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

By _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 4th day of September, 2008.

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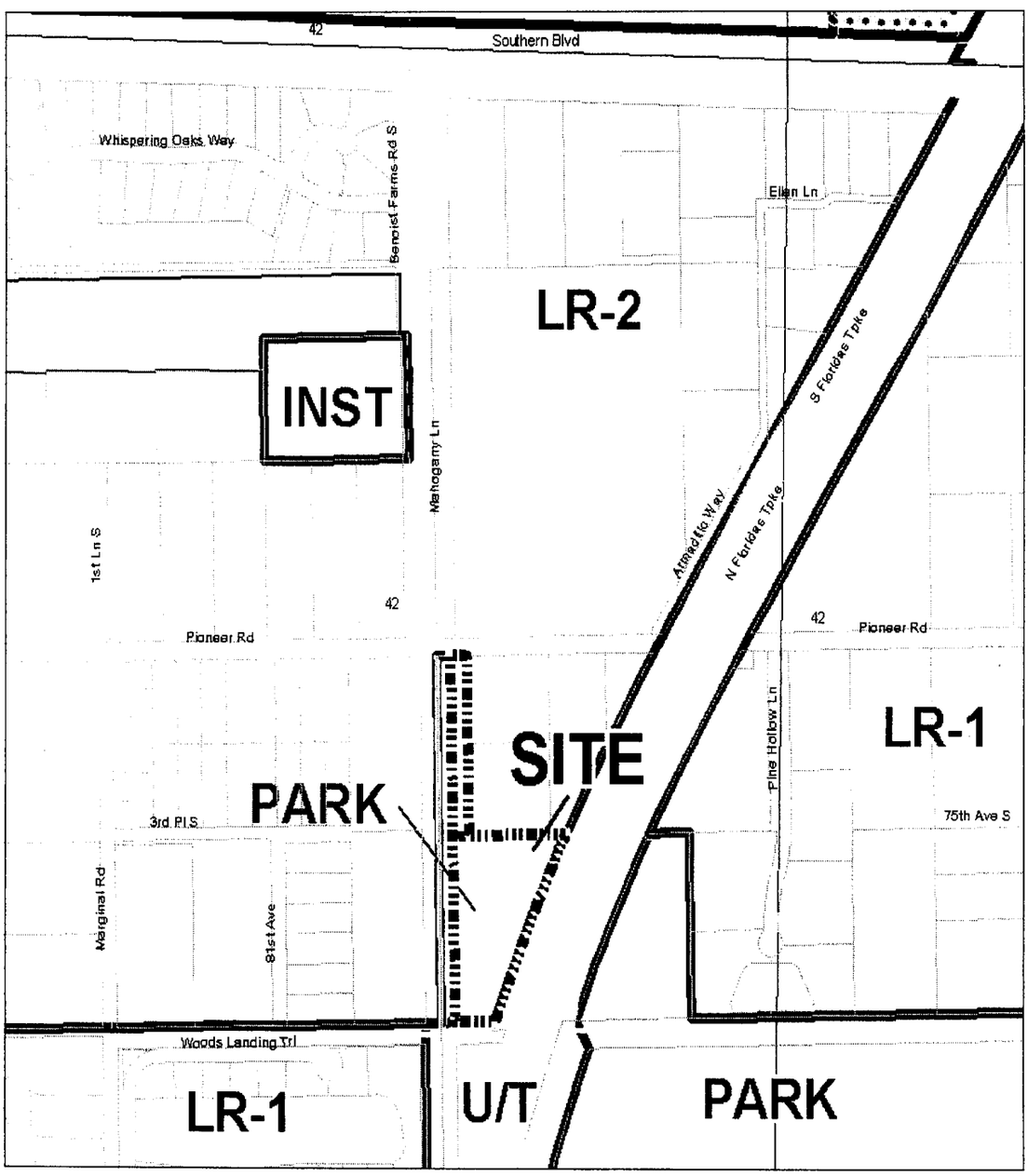
EXHIBIT 1

Amendment No.:	**Pioneer/Benoist Farms Institutional (SCA 2007-042)**
FLUA Page No.:	63
Amendment:	Park to INST/8
Location:	South side of Pioneer Road, west of Florida Turnpike
Size:	5.57 acres
Property No.:	00-42-43-27-05-012-0241
Conditions:	The site shall be limited to a Congregate Living Facility utilizing the underlying 8 units per acre residential land use category and no other residential uses shall be permitted.



Legal Description

THE WESTERLY 100 FEET OF TRACT 24, BLOCK 12, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTHERLY 18 FEET FOR PIONEER ROAD RIGHT–OF–WAY AND THE WESTERLY 35 FEET THEREOF FOR LAKE WORTH DRAINAGE DISTRICT CANAL E–2 RIGHT–OF–WAY.

AND

THAT PART OF TRACT 25, BLOCK 12, THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTHWESTERLY OF AND ADJACENT TO FLORIDA'S TURNPIKE RIGHT–OF–WAY. LESS THE WESTERLY 35 FEET THEREOF FOR LAKE WORTH DRAINAGE DISTRICT CANAL E–2 RIGHT–OF–WAY.

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 28 2008
dated at West Palm Beach, FL on Sept. 11, 2008
By: Judith Cross
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY FLORIDA