

ORDINANCE NO. 2008 - 049

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) FOR THE COCONUT/NORTHLAKE COMMERCIAL III (LGA 2008-025) PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 29 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 30.71 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND COCONUT BOULEVARD, FROM RURAL RESIDENTIAL, ONE UNIT PER TWENTY ACRES (RR-20) TO COMMERCIAL LOW WITH AN UNDERLYING RURAL RESIDENTIAL, ONE UNIT PER FIVE ACRES (CL/RR-5) WITH CONDITIONS; 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 June 6 & 27, and July 11, 2008 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 July 23, 2008 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 October 7, 2008 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 objections to the amendment contained in this ordinance

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act and;

WHEREAS, on December 3, 2008 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 owner of the property that is subject to this comprehensive plan amendment has offered to restrict the use of nearby lands by the placement of a Declaration of Restrictive Covenants and Affirmations of Existing Conservation Easements on said land; and

WHEREAS, the restrictive covenant and affirmation of conservation easements have been provided to the County in recordable form to be recorded after the effective date of this amendment and the resolution of any appeal regarding the amendment.

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 Future Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

1. **Future Land Use Atlas page 29 is amended as follows:**

Application: Coconut/Northlake Commercial III (LGA 2008-025)

Amendment: From Rural Residential, 1 unit per 20 acres (RR-20) to Commercial Low with an underlying Rural Residential, 1 unit per 5 acres (CL/RR-5);

Location: On the southwest corner of Northlake Boulevard and Coconut Boulevard;

Size: Approximately 30.71 acres;

Conditions: Development of the site under the Commercial Low designation shall be limited to the following condition:

- 1) The subject site shall be limited to a maximum of 106,566 SF of non-residential uses.

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 3rd day of December, 2008.


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

By:


Deputy Clerk


John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 10th day of December, 2008.

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Legal Description

PARCEL 2

A PARCEL OF LAND LYING IN THE SOUTH 587.82 FEET OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

BOUNDED ON THE SOUTH BY THE SOUTH LINE OF SAID SECTION 15.

BOUNDED ON THE WEST BY THE RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 135, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY FOR LAKE PARK WEST ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1229, PAGE 131, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

BOUNDED ON THE EAST BY THE RIGHT-OF-WAY FOR COCONUT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 5778, PAGE 1279, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 30.71 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 12017, PAGE 1009, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

00-41-42-15-00-000-7010