

47.87

ORDINANCE NO. 2009 - 005

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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 **STATE ROAD 7 / CARLYLE CLF (SCA 2009-004)**; MODIFYING PAGE 80 BY CHANGING A 9.17 ACRES PARCEL OF LAND LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY 1/2 MILE NORTH OF LANTANA ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE & COMMERCIAL LOW WITH AN UNDERLYING 2 UNITS PER ACRE (LR-2 & CL/ 2) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE & COMMERCIAL LOW WITH AN UNDERLYING 8 UNITS PER ACRE (HR-8 & CL/ 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 January 16, 2009, 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

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4 are hereby repealed to the extent of such conflict.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 provisions 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

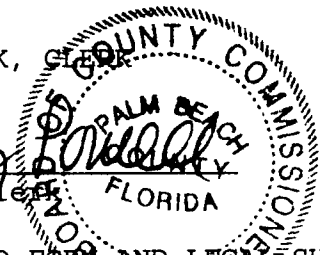
17 This amendment shall not become effective until 31 days after
18 adoption. If challenged within 30 days after adoption, this amendment
19 shall not become effective until the state land planning agency or the
20 Administration Commission, respectively, issues a final order
21 determining the amendment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

22 **APPROVED AND ADOPTED** by the Board of County Commissioners of
23 Palm Beach County, on the 30th day of March, 2009.

24
25 ATTEST:
26 SHARON R. BOCK, Clerk

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

27
28 BY: Mary L. Boddie
29 Deputy Clerk
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BY: Jeff Koons
Jeff Koons, Chairman

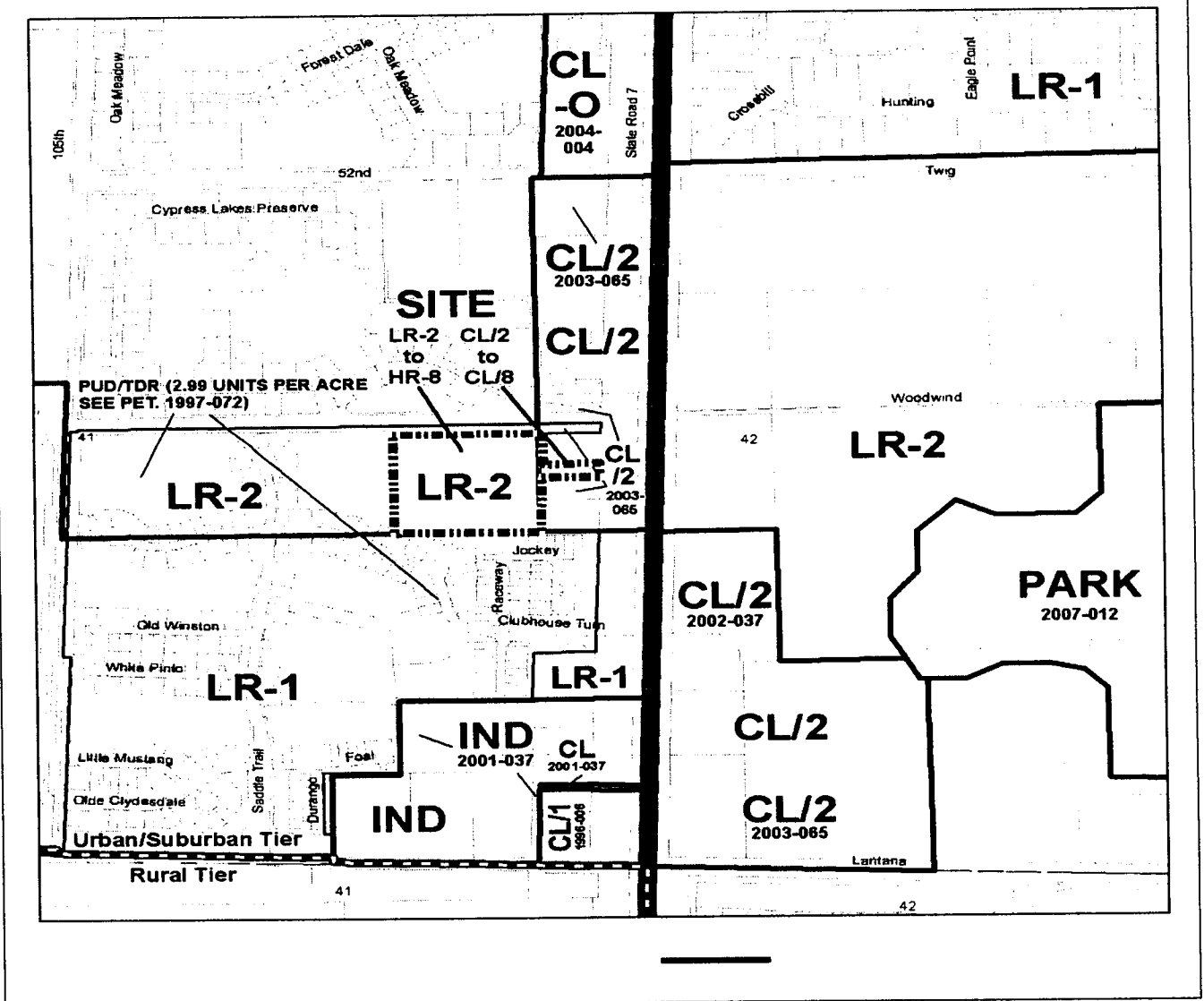
32 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

33
34 [Signature]
35 COUNTY ATTORNEY

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37 Filed with the Department of State on the 3rd day
38 of April, 2009.
39

Exhibit 1

Amendment No.:	State Road 7 / Carlyle CLF (SCA 2009-004)			
FLUA Page No.:	80			
Amendment:	Low residential, 2 units per acre & Commercial Low with an underlying 2 units per acre (LR-2 & CL/ 2) to High Residential, 8 units per acre & Commercial Low with an underlying 8 units per acre (HR-8 & CL/ 8)			
Property No.:	PCN	Acres	Original FLU	FLU
	00-42-43-27-05-035-0174	8.53	LR-2	HR-8
	00-42-43-27-05-035-0171	0.64	CL-2	CL-8
Size:	9.17 total acres (approximately)			
Location:	West side of State Road 7 approximately 1/2 mile north of Lantana Road			
Conditions:	The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to Low Residential, two units per acre (LR-2).			



COMMENCE at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17; thence Northerly, along said Westerly right-of-way line, a distance of 564.39 feet, more or less, to a point of intersection with a line 97.00 feet Southerly of and parallel with, as measured at right angles of, the North line of said Tract 17; thence South 87°31'37" West, along said parallel line, said parallel line also being the Easterly prolongation of the Southerly line of Tract B1, THOROUGHbred LAKE ESTATES PLAT 1, according to the plat thereof, recorded in Plat Book 91, Page 75, said Public Records, a distance of 158.37 feet, more or less, to the West right-of-way line of State Road No. 7, Parcel No. 130, as recorded in Official Records Book 10616, Page 482, said Public Records, and the POINT OF BEGINNING of the following described parcel of land; thence South 00°00'52" East, along said West right-of-way line (said West right-of-way line is assumed to bear South 00°00'52" East and all other bearings are relative thereto), a distance of 173.92 feet; thence departing said right-of-way line, South 87°33'51" West a distance of 263.48 feet; thence North 00°00'52" West, parallel with said West right-of-way line of State Road No. 7, Parcel No. 130, a distance of 173.75 feet to a point on a line, 97 feet Southerly of and parallel with, as measured at right angles to, the North line of said Tract 17, (said parallel line being common with the Southerly line of said Tract B1); thence North 87°31'38" East, along said parallel line, a distance of 263.49 feet to said West right-of-way line of State Road No. 7, Parcel No. 130, and the POINT OF BEGINNING.

Containing in all, 9.171 Acres, more or less.