

ORDINANCE NO. 2009 - 011

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 JOG/MORIKAMI INST (SCA 2008-031); MODIFYING PAGE 103 BY CHANGING A 7.29 ACRES PARCEL OF LAND LOCATED ON THE NORTH SIDE OF MORIKAMI PARK ROAD, APPROXIMATELY 275 FEET WEST OF JOG ROAD, FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3) TO INSTITUTIONAL (INST); 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 August 15, 2008, 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

1 the governing body of Palm Beach County, conducted a public hearing  
2 pursuant to Chapter 163, Part II, Florida Statutes, on May 28, 2009,  
3 to review the recommendations of the Local Planning Agency and to  
4 consider adoption of the amendments; and

5 WHEREAS, the Palm Beach County Board of County Commissioners has  
6 determined that the amendment complies with all requirements of the  
7 Local Government Comprehensive Planning and Land Development  
8 Regulation Act.

9 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
10 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

11 Part I. Amendments to the Future Land Use Atlas of the Land Use  
12 Element of the 1989 Comprehensive Plan

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

15 A. Future Land Use Atlas page 103 is amended as follows:

16 Application No.: Jog/Morikami INST(SCA 2008-031)  
17 Amendment: Low Residential, 3 units per acre (LR-3) to  
18 Institutional (INST);  
19 General Location: North side of Morikami Park Road,  
20 approximately 275 feet west of Jog Road;  
21 Size: Approximately 7.29 acres;  
22 Condition: None

23 Part II. Repeal of Laws in Conflict

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26 are hereby repealed to the extent of such conflict.

27 Part III. Severability

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

32 Part IV. Inclusion in the 1989 Comprehensive Plan

33 The provisions of this Ordinance shall become and be made a part  
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
35 Ordinance may be renumbered or relettered to accomplish such, and the  
36 word "ordinance" may be changed to "section," "article," or any other

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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 May, 2009.

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

By: Judith Cross Deputy Clerk By: John F. Koons John F. Koons, Chairman

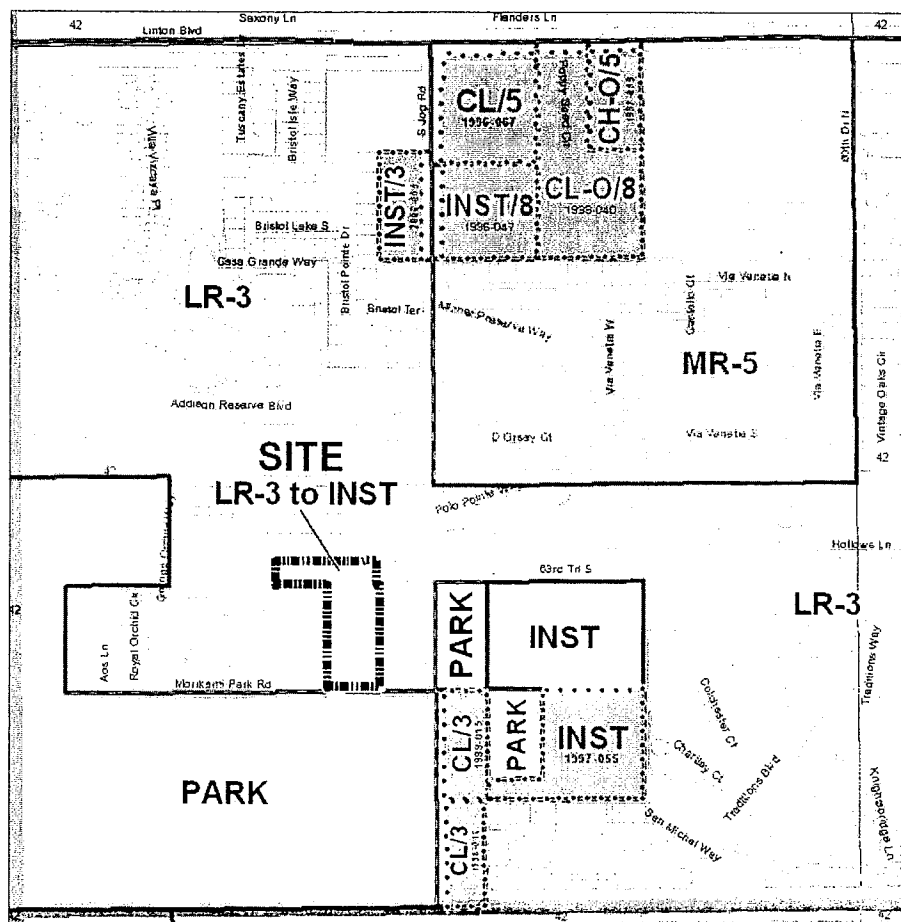
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]  
COUNTY ATTORNEY

Filed with the Department of State on the 4th day of June, 2009.

EXHIBIT 1

Amendment No.: Jog/Morikami INST (SCA 2008-031)  
FLUA Page No.: 103  
Amendment: LR-3 to INST  
Location: North side of Morikami Park Road, approximately 275' west of Jog Road  
Size: 7.29 acres  
Property No.: 00-42-46-27-00-000-7210 and 00-42-46-27-00-000-7090  
Condition: None



## Legal Description

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A PARCEL OF LAND SITUATE IN SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST ONE-HALF (E 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 27, LESS THE NORTH 525.56 FEET THEREOF. TOGETHER WITH : THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 27, LESS THE FOLLOWING THREE (3) PARCELS: THE NORTH 525.56 FEET THEREOF; THE SOUTH 30 FEET THEREOF, AND THE EAST 20 FEET THEREOF.

TOGETHER WITH:

A PARCEL OF LAND SITUATE IN SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 680.41 FEET OF THE EAST 20 FEET OF THE WEST ONE-HALF (W1/2) OF THE EAST ONE-HALF (E1/2) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET THEREOF.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (  PALM BEACH )      COUNTY ORDINANCE # ( 2009 -011 )  
(e.g., 00-001)

PRIMARY KEYFIELD  
 DESCRIPTOR: (  COMPREHENSIVE PLANNING )

SECONDARY KEYFIELD  
 DESCRIPTOR: (  LAND USE PLANNING )

OTHER KEYFIELD  
 DESCRIPTOR: ( \_\_\_\_\_ )

ORDINANCE DESCRIPTION: (  COMP PLAN AMENDMENT )  
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (  89-17 )      AMENDMENT # 2: ( \_\_\_\_\_ )

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: ( \_\_\_\_\_ )      REPEAL # 3: ( \_\_\_\_\_ )

REPEAL # 2: ( \_\_\_\_\_ )      REPEAL # 4: ( \_\_\_\_\_ )

(Others repealed: List all that apply): \_\_\_\_\_

(FOR OFFICE USE ONLY):      COUNTY CODE NUMBER: ( \_\_\_\_\_ )

KEYFIELD 1 CODE: ( \_\_\_\_\_ )      KEYFIELD 2 CODE: ( \_\_\_\_\_ )

KEYFIELD 3 CODE: ( \_\_\_\_\_ )

Rev. 4/10/04