

ORDINANCE NO. 2008 - 035

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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 **SR7/PALOMINO INSTITUTIONAL (SCA 2008-016)**; MODIFYING PAGE 76 BY CHANGING A 8.29 ACRES PARCEL OF LAND LOCATED ON NORTHEAST CORNER OF STATE ROAD 7 AND PALOMINO DRIVE, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO INSTITUTIONAL WITH UNDERLYING RESIDENTIAL 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 February 22, 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 August 28,
3 2008, to review the recommendations of the Local Planning Agency and
4 to 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 76** is amended as follows:

16 **Application No.:** Sr7/Palomino Institutional
17 (SCA 2008-016)

18 **Amendment:** Low Residential, 2 units per acre (LR-2) to
19 Institutional with an underlying 8 units
20 per acre (INST/8);

21 **General Location:** Northeast corner of State Road 7 and
22 Palomino Drive;

23 **Size:** Approximately 8.29 acres.

24 **Condition:** The underlying density of 8 units per acre
25 (INST/8) shall only be utilized for the
26 development of a Congregate Living Facility
27 (CLF).

28
29 **Part II. Repeal of Laws in Conflict**

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32 are hereby repealed to the extent of such conflict.

33 **Part III. Severability**

34 If any section, paragraph, sentence, clause, phrase, or word of
35 this Ordinance is for any reason held by the Court to be
36 unconstitutional, inoperative or void, such holding shall not affect

1 the remainder of this Ordinance.

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

3 The provisions of this Ordinance shall become and be made a part
4 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
5 Ordinance may be renumbered or relettered to accomplish such, and the
6 word "ordinance" may be changed to "section," "article," or any other
7 appropriate word.

8 **Part V. Effective Date**

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

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

16 ATTEST:
17 SHARON R. BOCK,

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

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21 By: Judith Croshaw
22 Deputy Clerk

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

23
24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

25
26
27 [Signature]
COUNTY ATTORNEY

28
29 Filed with the Department of State on the 4th day
30 of September, 2008.
31

EXHIBIT 1

Amendment No.: SR7/Palomino INST (SCA 2008-016)

FLUA Page No.: 76

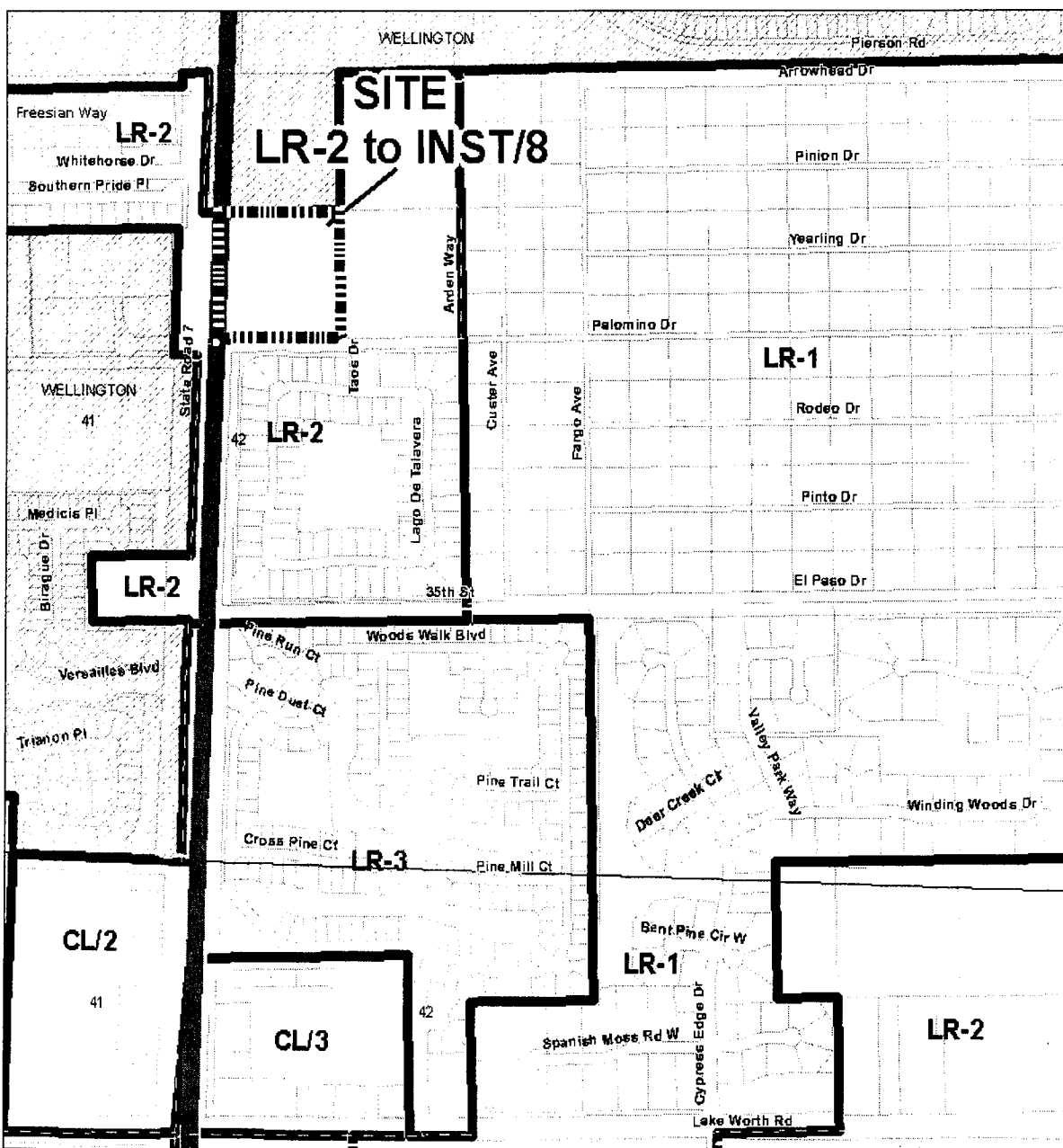
Amendment: LR-2 to INST/8

Location: Northeast corner of State Road 7 and Palomino Drive

Size: 8.29 acres

Property No.: 00-42-43-27-05-025-0080

Conditions: The underlying density of 8 units per acre (INST/8) shall only be utilized for the development of a Congregate Living Facility (CLF).



Legal Description

TRACT 8, IN BLOCK 25, THE PALM BEACH FARMS CO. NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, LESS THE WEST 40 FEET THEREOF CONVEYED TO LAKE WORTH DRAINAGE DISTRICT BY QUIT CLAIM DEED RECORDED 12/10/71 IN O.R. BOOK 1959, PAGE 1074, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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, Fla. on AUG 27 2008

By: *Judith Crisler*
Deputy Clerk

