

ORDINANCE NO. 2009 -003

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
4 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
5 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
6 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE
7 ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **LAKE**
8 **WORTH/ KIRK COMMERCIAL SW (SCA 2009-001)**;
9 MODIFYING PAGE 77 BY CHANGING A 2.40 ACRES PARCEL
10 OF LAND LOCATED ON SOUTH SIDE OF LAKE WORTH ROAD,
11 500 FT WEST OF KIRK ROAD, FROM COMMERCIAL HIGH
12 CH/8 FRONT 140 FEET, RESIDENTIAL HIGH RH-18 IN
13 REAR PORTION TO COMMERCIAL HIGH CH/18; PROVIDING
14 FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989
16 COMPREHENSIVE PLAN; AND PROVIDING FOR AN
17 EFFECTIVE DATE.
18

19 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of
20 County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
21 No. 89-17; and

22 **WHEREAS**, the Palm Beach County Board of County Commissioners
23 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
24 II, Florida Statutes; and

25 **WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides
26 comprehensive plan amendments directly related to small scale
27 development activity may be made by local governments without regard
28 to statutory limits regarding the timing and frequency of plan
29 amendments; and

30 **WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides
31 that small scale development amendments require only one public
32 hearing before the governing board which shall be an adoption public
33 hearing; and

34 **WHEREAS**, a property owner has initiated an amendment to the
35 Future Land Use Atlas of the 1989 Comprehensive Plan; and

36 **WHEREAS**, the proposed amendment meets the criteria of a small
37 scale development amendment per Section 163.3187(1)(c), Florida
38 Statutes; and

39 **WHEREAS**, the Palm Beach County Local Planning Agency conducted a
40 public hearing on October 10, 2008, to review the proposed amendment
41 to the Palm Beach County Comprehensive Plan and made recommendations
42 regarding the proposed amendment to the Palm Beach County Board of
43 County Commissioners pursuant to Chapter 163, Part II, Florida
44 Statutes; and

45 **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 January 29,
3 2009, 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 77 is amended as follows:**

16 **Application No.:** Lake Worth/ Kirk Commercial SW
17 (SCA 2009-001)

18 **Amendment:** Commercial High CH/8 & Residential High RH-
19 18 to Commercial High with an underlying 18
20 units per acre (CH/18);

21 **General Location:** South side of Lake Worth Road, west of Kirk
22 Road;

23 **Size:** Approximately 2.40 acres.

24
25 **Part II. Repeal of Laws in Conflict**

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

29 **Part III. Severability**

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

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

35 The provisions of this Ordinance shall become and be made a part
36 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

1 Ordinance may be renumbered or relettered to accomplish such, and the
2 word "ordinance" may be changed to "section," "article," or any other
3 appropriate word.

4 **Part V. Effective Date**

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

10 **APPROVED AND ADOPTED** by the Board of County Commissioners of
11 Palm Beach County, on the 29th day of January, 2009.

12 ATTEST:

13 SHARON R. BOCK, Clerk

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

16 By: Judith Crank

17 Deputy Clerk

18 By: Jeff Koons

19 Chairman

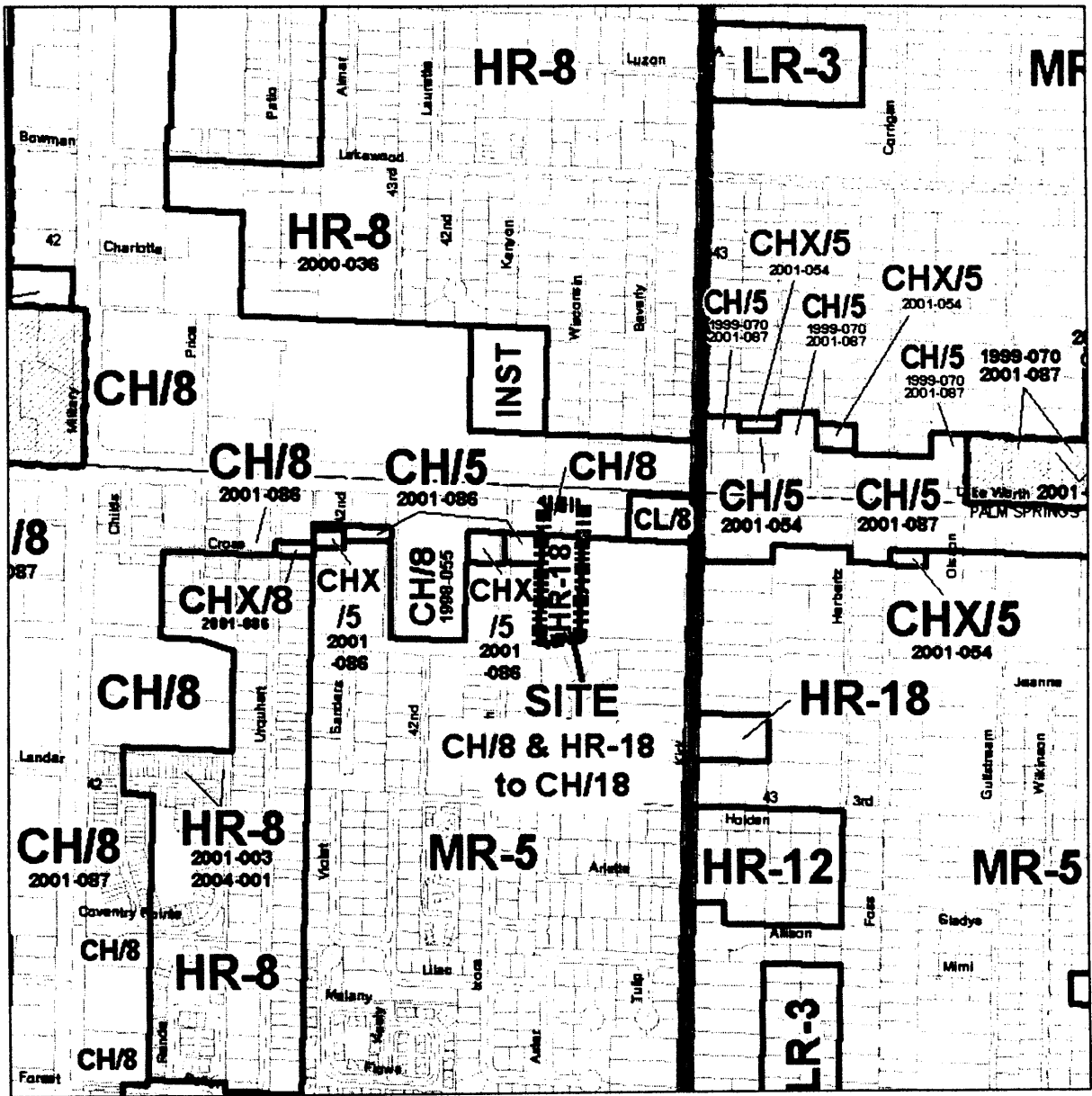
20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

21 [Signature]
22 COUNTY ATTORNEY

23 Filed with the Department of State on the 9th day
24 of February, 2009.
25
26
27

EXHIBIT 1

Amendment No.: Lake Worth/ Kirk Commercial SW (SCA 2009-001)
FLUA Page No.: 77
Amendment: CH/8 and RH/18 to CH/18
Location: South of Lake Worth Road, west of Kirk Road
Size: 2.40 acres
Property No.: 00-42-44-25-00-000-1370
Conditions: None



Legal Description

2.40 acres represented by 00-42-44-25-00-000-1370

THE EAST 10 FEET OF THE SOUTH 466 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ALSO THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING PARCELS CONVEYED TO COUNTY OF PALM BEACH, STATE OF FLORIDA, FOR ROAD AND DRAINAGE PURPOSES TO WIT; FROM THE NORTHWEST CORNER OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, RUN SOUTH 1°53'25" WEST FOR 58 FEET; THENCE RUN SOUTH 86°54'01" EAST FOR 166.39 FEET TO A POINT ON THE EAST LINE OF SAID WEST HALF OF WEST HALF OF NORTHEAST QUARTER OF NORTHEAST QUARTER OF NORTHEAST QUARTER; THENCE RUN NORTH 1°53'18" EAST, FOR 58.50 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 25; THENCE RUN NORTH 87°04'21" WEST, ALONG SAID SECTION LINE FOR 166.38 TO POINT OF BEGINNING. CONTAINING 0.091 OF AN ACRE, MORE OR LESS, SUBJECT TO EXISTING ROAD AND CANAL RIGHT OF WAY, ALSO FROM THE SOUTHWEST CORNER OF SAID WEST HALF OF WEST HALF OF NORTHEAST QUARTER OF NORTHEAST QUARTER OF NORTHEAST QUARTER, RUN EASTERLY ALONG THE SOUTH LINE OF SAID WEST HALF OF WEST HALF OF NORTHEAST QUARTER OF NORTHEAST QUARTER OF NORTHEAST QUARTER FOR A DISTANCE OF 166.43 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE RUN NORTH 1°53'18" EAST, ALONG THE EAST LINE OF SAID WEST HALF OF WEST HALF OF NORTHEAST QUARTER OF NORTHEAST QUARTER OF NORTHEAST QUARTER FOR A DISTANCE OF 30.46 FEET; THENCE RUN SOUTH 82°37'01" WEST, FOR A DISTANCE OF 168.60 TO POINT OF BEGINNING.

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 JAN 29 2009

dated at West Palm Beach, FL JAN 29 2009

By: Quath

Deputy Clerk

