

ORDINANCE NO. 2020 - 009

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 A SITE SPECIFIC SMALL SCALE AMENDMENT **BOYNTON BEACH ASSISTED LIVING FACILITY (SCA 2020-008)**, MODIFYING PAGE 94 OF THE FLUA FOR APPROXIMATELY 3.59 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTH SIDE OF WOOLBRIGHT ROAD, APPROXIMATELY 250 FEET WEST OF SOUTH JOG ROAD, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL LOW WITH AN UNDERLYING LOW RESIDENTIAL, 3 UNITS PER ACRE (CL/3) TO COMMERCIAL LOW-OFFICE WITH AN UNDERLYING CONGREGATE LIVING RESIDENTIAL (CL-O/CLR) 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**, Section 163.3187(2), 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 requested 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 its public hearing on March 13, 2020 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 the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on June 25, 2020 to review the recommendations of the Local Planning Agency and to consider adoption of the amendment; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendments comply with the requirements of the Community Planning Act.

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

3           **Part I. Amendments to the 1989 Comprehensive Plan**

4           Amendments to the 1989 Comprehensive Plan are hereby adopted and attached to  
5 this Ordinance as Exhibit 1:

6           **A. Future Land Use Atlas page 94** is amended as follows:

7           **Application:**       **Boynton Beach Assisted Living Facility (SCA 2020-008)**

8           **Amendment:**     From Commercial Low with an underlying Low Residential, 3 units  
9                                   per acre (CL/3) to Commercial Low – Office with an underlying  
10                                  Congregate Living Residential (CL-O/CLR),

11          **Location:**        South side of Woolbright Road, approximately 250 feet west of  
12                                  South Jog Road,

13          **Size:**             3.59 acres approximately,

14          **Conditions:**     See e\Exhibit 1;

15          **Part II. Repeal of Laws in Conflict**

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17 County in conflict with any provision of this ordinance are hereby repealed to the extent of  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

19          **Part III. Severability**

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

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

24          The provision of this Ordinance shall become and be made a part of the 1989 Palm  
25 Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or  
26 re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"  
27 "article," or any other appropriate word.



28          **Part V. Effective Date**

29          This amendment shall not become effective until 31 days after adoption. If challenged  
30 within 30 days after adoption, this amendment shall not become effective until the state land  
31 planning agency or the Administration Commission, respectively, enters a final order  
32 determining the adopted amendment is in compliance.

1                   **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach

2                   County, on the 25th day of June, 2020.

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

5  
6                   By                    By   
7                   Deputy Clerk                   Dave Kerner, Mayor

8  
9                   APPROVED AS TO FORM AND LEGAL SUFFICIENCY

10  
11                   By   
12                   County Attorney

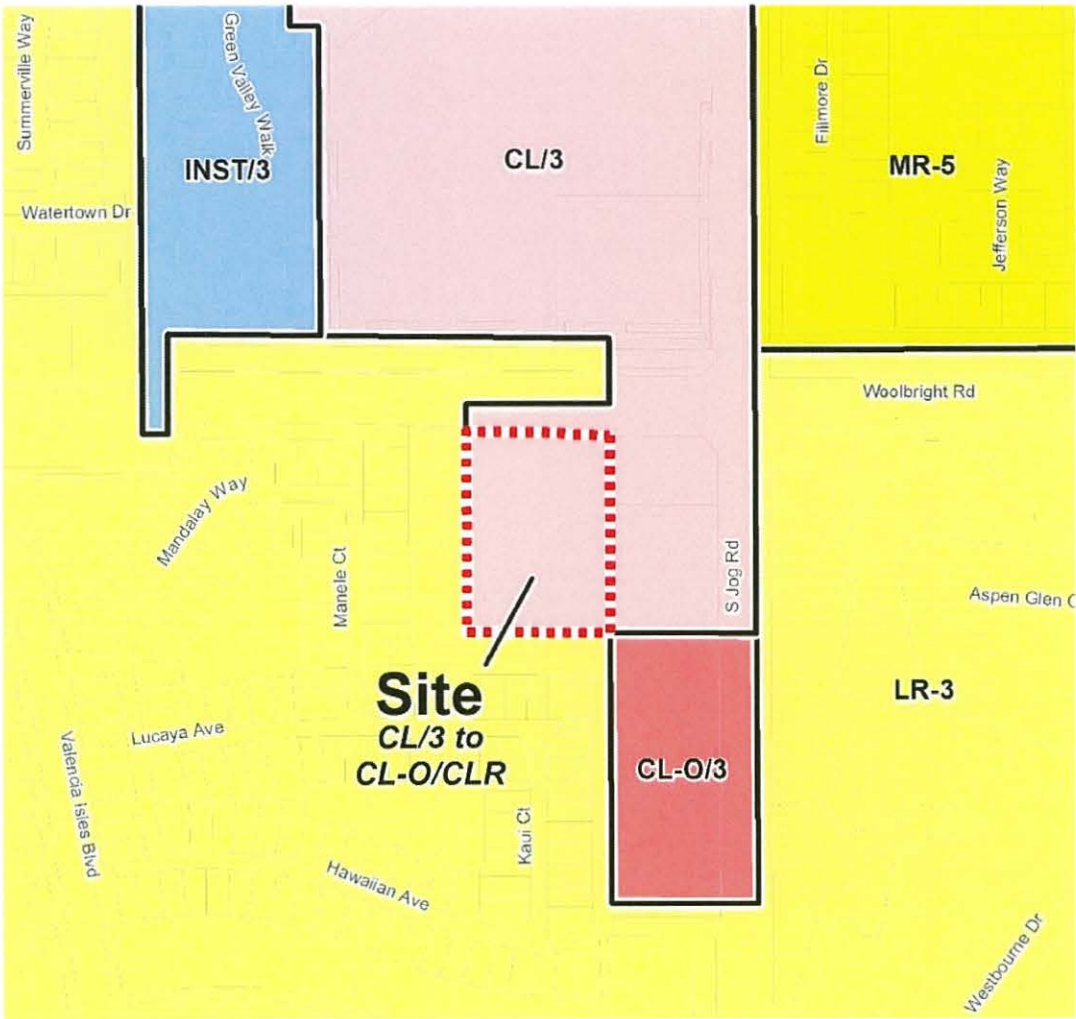
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15                   Filed with the Department of State on the 29th day of June, 2020.

EXHIBIT 1

A. Future Land Use Atlas page 94 is amended as follows:

Amendment No:	Boynton Beach Assisted Living Facility (SCA 2020-008)
Amendment:	From Commercial Low with an underlying Low Residential, 3 units per acre (CL/3) to Commercial Low – Office with an underlying Congregate Living Residential (CL-O/CLR)
Location:	South side of Woolbright Road, approximately 250 feet west of S. Jog Road
Size:	3.59 acres approximately
Property No:	00-42-45-34-29-001-0000
CLF Density:	The Congregate Living Residential future land use designation allows a maximum density of up to 8 units per acre for a Congregate Living Facility (CLF) use on this site.

**Conditions:**  
The following condition adopted by Ordinance 2007-019 is proposed to be revised as shown below with added text in underline and deleted text in strike out:  
~~To limit the subject parcel to a maximum 50,000 sq. feet of non-retail uses only.~~  
The maximum density for a CLF on the subject site is up to 8 units per acre.



## Legal Description

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 (FEE):

THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 51 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY,

LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 'OS15' OF "VALENCIA ISLES-PLAT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°11'20" WEST ALONG THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE- QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN SAID PLAT OF "VALENCIA ISLES-PLAT ONE", A DISTANCE OF 136.19 FEET; THENCE SOUTH 89°25'00" EAST, ALONG A LINE 51 .00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN DEED BOOK 113, PAGE 227, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, A DISTANCE OF 334.76 FEET TO A POINT ON THE WEST LINE OF TRACT "D", "WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGE 83-84 AND ALSO BEING THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE SOUTH 00°11'57" EAST ALONG SAID WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD", A DISTANCE OF 152.01 FEET TO A POINT BEING THE SOUTHWEST CORNER OF TRACT "C" AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE NORTH 86°42'46" WEST, A DISTANCE OF 335.37 FEET TO THE POINT OF BEGINNING.

ALSO LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "OS15" OF THE PLAT OF VALENCIA ISLES-PLAT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THENCE WITH A BEARING OF SOUTH 86° 42' 46" EAST ALONG THE SOUTHERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN O.R. BOOK 16469, PAGE 1118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 335.37 FEET TO A POINT LYING ON THE WESTERLY BOUNDARY OF THE PLAT OF "WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGES 83-84 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT "C" AND THE NORTHWEST CORNER OF TRACT "A" OF SAID PLAT; THENCE WITH A BEARING OF SOUTH 00° 11' 57" EAST ALONG THE WESTERLY LINE OF TRACT "A" OF SAID PLAT OF "WOOLBRIGHT JOG MUPD", FOR A DISTANCE OF 0.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89° 25' 33" WEST FOR A DISTANCE OF 80.04 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 82° 16' 00" WEST FOR A DISTANCE OF 43.78 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89° 04' 54" WEST FOR A DISTANCE OF 211.40 FEET TO A POINT LYING ON THE EASTERLY LINE OF THE PLAT OF "VALENCIA ISLES PLAT ONE" AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A BEARING OF NORTH 00° 11' 26" WEST ALONG SAID EASTERLY LINE OF THE PLAT OF

"VALENCIA ISLES PLAT ONE", FOR A DISTANCE OF 9.38 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY HAS BEEN RE-PLATTED AND IS NOW DESCRIBED AS FOLLOWS:

ALL OF THE PLAT OF WOOLBRIGHT OFFICE CENTER-MUPD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, PAGE 179, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2 (EASEMENT): NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS AS SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT DATED FEBRUARY 10, 2005, AND RECORDED IN OFFICIAL RECORDS BOOK 18127, PAGE 1044 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3 (EASEMENT): NON-EXCLUSIVE UNDERGROUND POTABLE WATER AND SANITARY SEWER UTILITY EASEMENT SET FORTH IN THAT CERTAIN UTILITY CROSS EASEMENT AND AGREEMENT DATED JUNE 28, 2001 AND RECORDED IN OFFICIAL RECORDS BOOK 12947, PAGE 987 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINS 3.59 ACRES

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

June 29, 2020

Honorable Sharon R. Bock  
Clerk and Comptroller  
Palm Beach County  
301 North Olive Avenue  
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2020-009, which was filed in this office on June 29, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb