

ORDINANCE NO. 2018 - 029

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 THE SITE SPECIFIC AMENDMENT **HALEY FARMS COMMERCIAL (LGA 2018-023)**, MODIFYING PAGE 76 OF THE FLUA FOR APPROXIMATELY 8.83 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF LAKE WORTH ROAD AND POLO CLUB ROAD, TO REVISE PREVIOUSLY ADOPTED CONDITIONS OF APPROVAL WHILE RETAINING THE FUTURE LAND USE DESIGNATION OF COMMERCIAL HIGH WITH AN UNDERLYING LOW RESIDENTIAL, 2 UNITS PER ACRE (CH/2); 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; 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 163.3184(2)(a), Florida Statutes, provides that comprehensive plan amendments shall follow the expedited state review process except as set forth in Section 163.3184(2)(b) and (c), Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the proposed amendments meet the requirements of Section 163.3184(3)(a), Florida Statutes, to be processed through the expedited state review process, and are being processed through the expedited state review process; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearing on June 8, 2018 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments 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 July 23, 2018 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the state land planning agency and review agencies pursuant to Chapter 163, Part II, Florida Statutes; and

1           **WHEREAS**, Palm Beach County received a letter from the state land planning agency  
2           dated August 31, 2018 stating that the agency had identified no comments related to important  
3           state resources and facilities within the Agency's authorized scope of review that will be  
4           adversely impacted by the amendment contained in this ordinance if adopted; and

5           **WHEREAS**, on October 31, 2018 the Palm Beach County Board of County  
6           Commissioners held a public hearing to consider adoption of the amendments; and

7           **WHEREAS**, the Palm Beach County Board of County Commissioners has determined  
8           that the amendments comply with the requirements of the Community Planning 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 1989 Comprehensive Plan**

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

14          **1. Future Land Use Atlas page 76** is amended as follows:

15          **Application: Haley Farms Commercial (LGA 2018-023)**

16          **Amendment:** To revise conditions of approval on a property with Commercial High with an  
17                  underlying Low Residential, 2 units per acre (CH/2),

18          **Location:** Southeast corner of Lake Worth Road and Polo Club Road,

19          **Size:** 8.83 acres approximately,

20          **Conditions:** See Exhibit 1;

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

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

25          **Part III. Severability**

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

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

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

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**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 31st day of October, 2018.

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

Melissa McKinlay, Mayor

  
County Attorney

Filed with the Department of State on the 7<sup>th</sup> day of November, 2018.

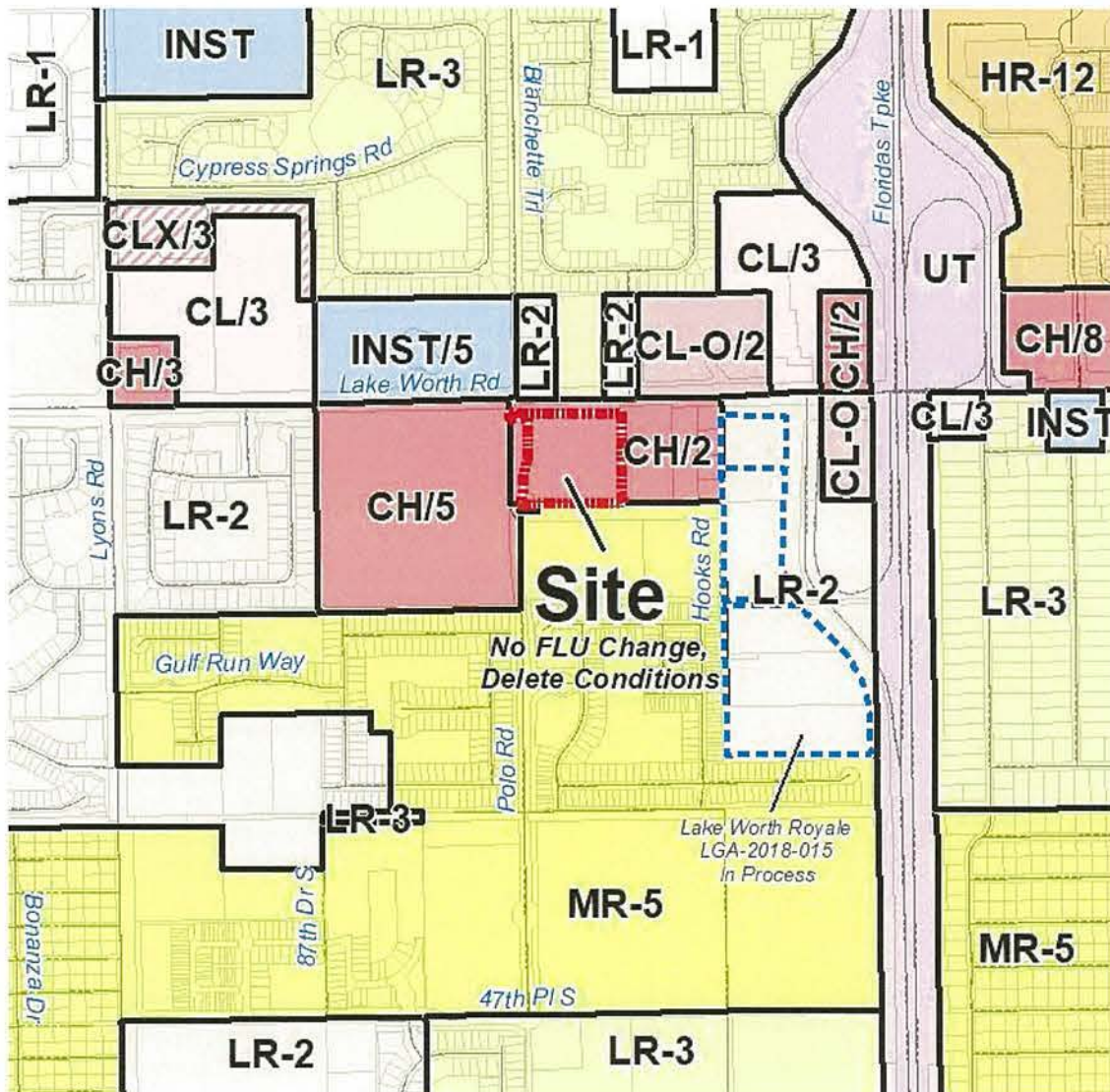


## EXHIBIT 1

**A.** Future Land Use Atlas page **76** is amended as follows:

<b>Amendment No:</b>	<b>Haley Farms Commercial (LGA 2018-023)</b>
<b>Future Land Use:</b>	Commercial High with an underlying Low Residential, 2 units per acre (CH/2)
<b>Location:</b>	Southeast corner of Lake Worth Road and Polo Club Road
<b>Size:</b>	8.83 acres approximately
<b>Property No:</b>	00-42-43-27-05-028-0041; 00-42-43-27-05-028-0042

**Conditions:** See Next Page





**Conditions:** The conditions below were adopted by Ordinance 2009-028. The revisions proposed below apply to the subject site only, and are shown with the deleted language in strike out and added language in underline format.

1. The ~~subject site~~ land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. A maximum of 145,790 s.f. is assigned to the land area within the subject ordinance, with the remaining 154,210 s.f. assigned to the remainder of land area within Ord. 2009-028.
  2. The following design guidelines do not apply to development under the Commercial High designation:
    - If the property is developed with both residential and commercial uses, the site shall provide at least 5% usable open space.
    - Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028.
    - No single retail tenant shall exceed 65,000 SF.
- ~~2. The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with Policy 2.2.2-c (FLUE):~~
- ~~• The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.~~
  - ~~• The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.~~
  - ~~• Vehicular and pedestrian connections shall be provided to all existing and future adjacent development.~~
  - ~~• The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.~~
  - ~~• The internal street network shall form a block structure to facilitate the pedestrian oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human scale elements along streets and in common areas that includes but is not limited to: seating, landscaping, lighting and water or art features.~~
  - ~~• Parking shall be located in structures parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two lane drive aisle and dispersed to strengthen the pedestrian system.~~
  - ~~• The project shall demonstrate a vertical as well as horizontal integration of uses.~~
  - ~~• No single tenant shall exceed 65,000 SF. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use facades along streets. All buildings shall provide four-sided architecture.~~

## Legal Description

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TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATED ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT: PARCEL I

A PORTION OF TRACTS 4 AND 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 4; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°56'30"W. ALONG SAID WEST LINE, A DISTANCE OF 569.86 FEET; THENCE N.89°02'30"E. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 43.18 FEET; THENCE S.00°33'30"W., A DISTANCE OF 254.91 FEET; THENCE S.02°17'54"W., A DISTANCE OF 72.90 FEET; THENCE S.14°42'20"W., A DISTANCE OF 73.49 FEET; THENCE S.03°15'02"W., A DISTANCE OF 171.96 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 5; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 40.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 296.11 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E., A DISTANCE OF 70.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E. ALONG SAID SOUTH LINE, A DISTANCE OF 37.85 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 574.64 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL II

A PORTION OF TRACT 5, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 5; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 85.36 FEET; THENCE S.89°02'30"W. ALONG THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS, A DISTANCE OF 37.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°02'30"W. ALONG SAID SOUTH LINE, A DISTANCE OF 2.15 FEET; THENCE S.00°56'30"E. ALONG A LINE 40.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 5, A DISTANCE OF 278.52 FEET; THENCE N.02°17'54"E., A DISTANCE OF 28.12 FEET; THENCE N.00°33'30"E., A DISTANCE OF 54.52 FEET; THENCE N.02°11'32"W., A DISTANCE OF 125.03 FEET; THENCE N.00°33'30"E. A DISTANCE OF 70.97 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.



CONTAINING 384,464 SQUARE FEET OR 8.827 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

ALSO KNOWN AS:

TRACT 4 AND THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATION ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 4; THENCE SOUTH 00°56'30" EAST ALONG THE EAST LINE OF SAID TRACT 4, TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS A DISTANCE OF 56.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'30" EAST ALONG SAID EAST LINE OF SAID TRACT 4 TO THE NORTH LINE OF PARCEL A, FIELDS AT GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN OFFICIAL PLAT BOOK 123, PAGES 80-95, OF SAID PUBLIC RECORDS ALSO BEING THE SOUTH LINE OF SAID TRACT 4 A DISTANCE OF 603.90 FEET; THENCE SOUTH 89°03'30" WEST ALONG SAID PARCEL A, FIELDS OF GULFSTREAM POLO PUD-PLAT ONE A DISTANCE OF 659.82 FEET; THENCE NORTH 00°56'30" WEST ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET; THENCE NORTH 03°15'02" EAST, A DISTANCE OF 171.96 FEET; THENCE NORTH 14°42'20" EAST, A DISTANCE OF 73.49 FEET; THENCE NORTH 02°17'54" EAST, A DISTANCE OF 72.90 FEET; THENCE NORTH 0°33'30" EAST, A DISTANCE OF 254.91 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN LAKE WORTH DRAINAGE DISTRICT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 6459, PAGE 1957 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°02'30" WEST ALONG SAID SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT EASEMENT A DISTANCE OF 43.18 FEET TO A POINT OF INTERSECTION WITH SAID WEST LINE OF TRACT 4; THENCE NORTH 0°56'30" WEST ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 29.25 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL; THENCE NORTH 89°03'30" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE EAST 40 FEET OF TRACT 5, BLOCK 28, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THAT PORTION OF SUBJECT PROPERTY TAKEN BY PALM BEACH COUNTY AS DESCRIBED IN THAT STIPULATION ORDER OF TAKING RECORDED MARCH 7, 1990 IN OFFICIAL RECORDS BOOK 6377, PAGE 854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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LANDS SITUATE IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 384,464 SQUARE FEET OR 8.827 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 8, 2018

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. 2018-029, which was filed in this office on November 7, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb