

ORDINANCE NO. 2018 - 028

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 **RESORT LIFESTYLE COMMUNITIES (LGA 2018-007)**, MODIFYING PAGE 76 OF THE FLUA FOR APPROXIMATELY 10.02 ACRES OF LAND, GENERALLY LOCATED ON THE NORTH SIDE OF PALOMINO DRIVE, APPROXIMATELY 0.15 MILES EAST OF STATE ROAD 7, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO CONGREGATE LIVING RESIDENTIAL WITH AN UNDERLYING LOW RESIDENTIAL, 2 UNITS PER ACRE (CLR/2) 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; 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 January 12, 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 June 8, 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: Resort Lifestyle Communities (LGA 2018-007)**

16 **Amendment:** From Low Residential, 2 units per acre (LR-2) to Congregate Living Residential
17 with an underlying Low Residential, 2 units per acre (CLR/2),

18 **Location:** North side of Palomino Drive, approximately 0.15 east of State Road 7,

19 **Size:** 10.02 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

By Melissa McKinlay
Melissa McKinlay, Mayor

By [Signature]
County Attorney

Filed with the Department of State on the 7th day of November, 2018.

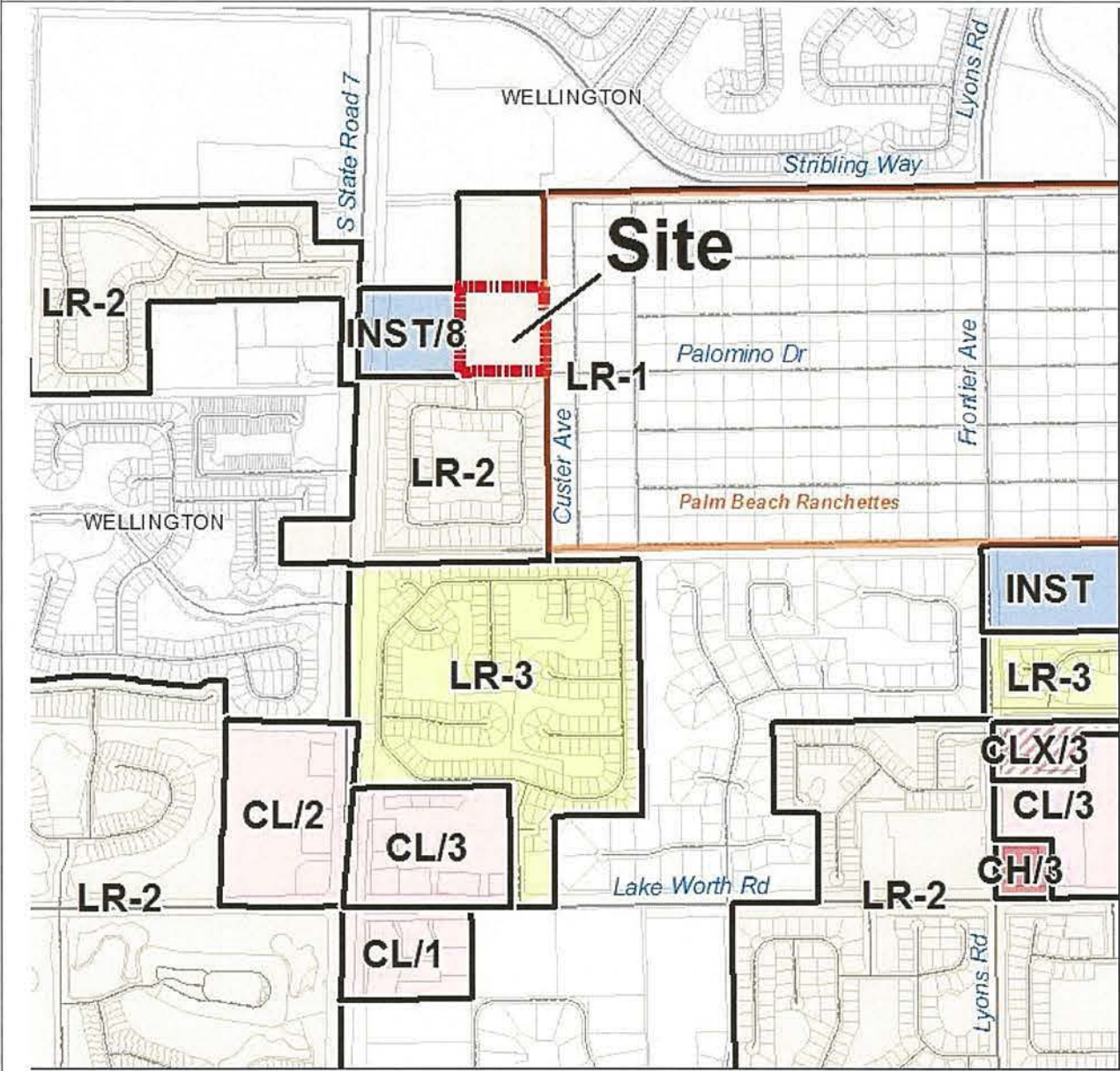
EXHIBIT 1

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

Amendment No:	Resort Lifestyle Communities (LGA 2018-007)
Amendment:	From Low Residential, 2 units per acre (LR-2) to Congregate Living Residential with an underlying Low Residential, 2 units per acre (CLR/2)
Location:	North side of Palomino Drive, approximately 0.15 east of State Road 7
Size:	10.02 acres approximately
Property No:	00-42-43-27-05-025-0090

Conditions:

- 1. Development of the site as a Congregate Living Facility is limited to a maximum density of 8 units per acre; any other residential use is limited to the Low Residential, 2 units per acre designation.
- 2. The easternmost 100 feet of the site shall be limited to landscaping, water/dry retention, parking, access, and drainage.



Legal Description

(PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND OFFICIAL RECORDS BOOK 9510, PAGE 1371)

TRACT 9, BLOCK 25, THE PALM BEACH FARMS CO., PLAT 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, PAGE 45; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 436,522 SQUARE FEET OR 10.02116 ACRES, MORE OR LESS.



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. 2018-028, which was filed in this office on November 7, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb