

ORDINANCE NO. 2008 -048

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 **LAKE WORTH COMMERCIAL AMENDMENT (LGA 2008-009)**, MODIFYING PAGES 76 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 37.85 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTH SIDE OF LAKE WORTH ROAD EAST OF LYONS ROAD, FROM LOW RESIDENTIAL, TWO UNITS PER ACRE (LR-2), TO COMMERCIAL HIGH WITH AN UNDERLYING TWO UNITS PER ACRE (CH/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;

**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**, 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 Palm Beach County Local Planning Agency conducted its public hearings on June 6 & 27, and July 11, 2008 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, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments

Report," dated October 7, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained objections to the amendment contained in this ordinance;

**WHEREAS**, on December 3, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

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

**Part I. Amendments to the Future Land Use Atlas of the Future Land Use Element of the 1989 Comprehensive Plan**

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

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

**Application:** Lake Worth Commercial (LGA 2008-009)

**Amendment:** Low Residential, 2 units per acre (LR-2) to Commercial High with an underlying 2 units per acre (CH/2);

**Location:** South side of Lake Worth Road east of Lyons Road;

**Size:** Approximately 37.85 acres;

**Conditions:** Development of the site under the Commercial High designation is subject to the following conditions:

- 1) The subject site is limited to maximum of 396,000 square feet of commercial retail non-residential uses or equivalent traffic generating uses.
- 2) The subject site is limited to building permits for 65,500 square feet of retail development (the equivalent of 268 PM peak hour trips) until construction has commenced for the

recommended improvements at the Lake Worth Road and Turnpike interchange, providing for new southbound ramps. If construction of these improvements has not been assured by the time of concurrency application for this Project, the property owner shall be solely responsible for assuring funding of this improvement or shall demonstrate by means of the concurrency traffic study at that time the improvement is no longer required to satisfy Test 2 of the County's Traffic Performance Standards for the proposed Project.

3) The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC):

- The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, live/work and residential. One of these uses must be live/work 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.
- The project shall have pedestrian oriented design that includes a main street and internal street networks. Vehicular and/or pedestrian connections shall be provided to all existing and future contiguous development where feasible. Building mass, placement, and build to lines shall be utilized to provide a spatial definition along streets. Additionally, 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 structured 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 in front of building shall be strictly limited 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 100,000 square feet and shall not be a big box. Single large tenants must have architectural façade treatments or liner tenants to reduce large single use frontage facades along streets. All buildings shall provide four-sided architecture.
- 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.

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

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

#### **Part III. Severability**

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

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

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

#### **Part V. Effective Date**

The effective date of this plan amendment shall be the date a

final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 3rd day of December, 2008.

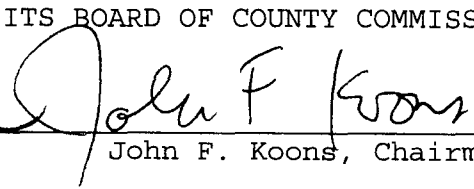
ATTEST:

SHARON R. BOCK, CLERK  
& COMPTROLLER

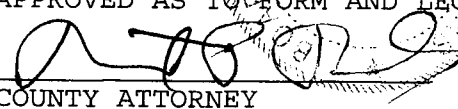
PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By:

  
Deputy Clerk

  
John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
COUNTY ATTORNEY

Filed with the Department of State on the 10th day of  
December, 2008.

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## EXHIBIT 1

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

**Amendment No.:** Lake Worth Commercial (LGA 2008-009)

**FLUA Page No.:** 76

**Amendment:** Low Residential, 2 units per acre (LR-2) to Commercial High with an underlying 2 units per acre (CH/2)

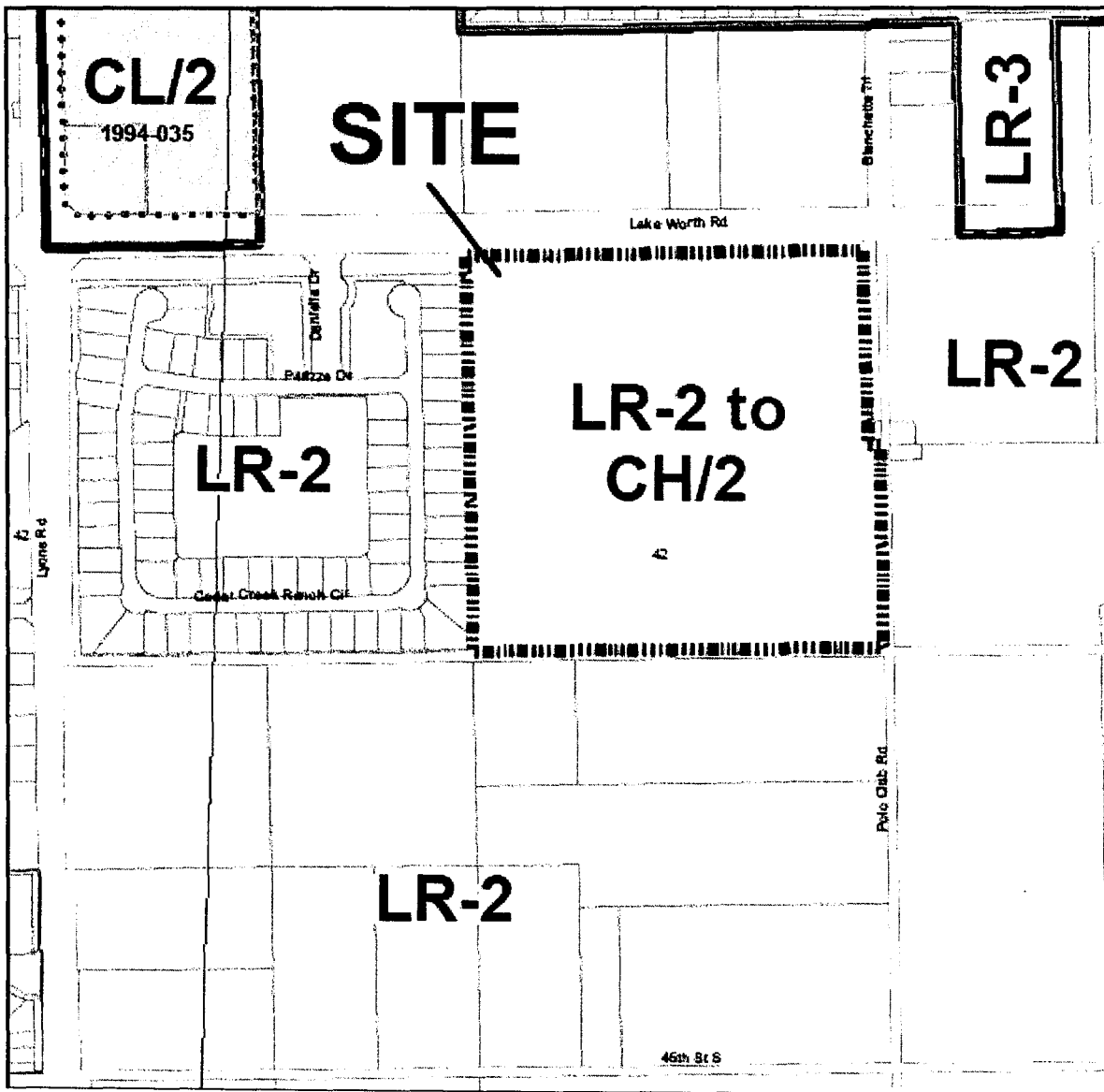
**Location:** South side of Lake Worth Road east of Lyons Road

**Size:** 37.85 acres

**Property No.:** 00-42-43-27-05-028-0051

**Conditions:** Development of the site under the Commercial High designation is subject to the following conditions:

- 1) The subject site is limited to a maximum of 396,000 square feet of commercial retail non-residential uses or equivalent traffic generating uses.
- 2) The subject site is limited to building permits for 65,500 square feet of retail development (the equivalent of 268 PM peak hour trips) until construction has commenced for the recommended improvements at the Lake Worth Road and Turnpike interchange, providing for new southbound ramps. If construction of these improvements has not been assured by the time of concurrency application for this Project, the property owner shall be solely responsible for assuring funding of this improvement or shall demonstrate by means of the concurrency traffic study at that time the improvement is no longer required to satisfy Test 2 of the County's Traffic Performance Standards for the proposed Project.
- 3) The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC):
  - The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, live/work and residential. One of these uses must be live/work or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.
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  - 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.



### **Legal Description**

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TRACT 5, LESS THE NORTH 52.14 FEET AND LESS THE EAST 40 FEET THEREOF; TRACT 6 LESS THE NORTH 52.14 FEET THEREOF; TRACT 11 AND TRACT 12, ALL IN BLOCK 28, THE PALM BEACH FARMS PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 1,648,929 SQUARE FEET OR 37.854 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, CONVENANTS, AND RIGHTS-OF-WAY OF RECORD.

PARCEL CONTROL NUMBER: 00-42-43-27-05-028-0051