

REVISIONS
4/13/99

ORDINANCE 18, 1999

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS PROVIDING FOR SUSPENSION OF ACCEPTANCE OF APPLICATIONS FOR CONCURRENCY CERTIFICATIONS FOR A SPECIFIC PERIOD; PROVIDING FOR EXEMPTIONS; PROVIDING A PROCEDURE TO SEEK AN EXEMPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Beach Gardens finds and declares that in order to promote the health, safety, morals and general welfare of the City, it is necessary to amend the City land development regulations so that they adequately address the maintenance and enhancement of various public facility and services level-of-service standards, and to implement the City's comprehensive plan and its Vision and Strategic Plan, and thereby promote and maintain the quality of development within the City; and

WHEREAS, the City Council has approved and the City Administration has begun to implement the revision of the land development regulations so as to accomplish these municipal purposes, including initiating a request for proposals for planning consultant services, initiating certain code revisions, and employing additional in-house planning assistance; and

WHEREAS, in recent months, and because of the sale of the MacArthur Foundation large city landholdings, the City has been made aware of greatly increased interest on the part of private developers to develop large parcels of heretofore undeveloped land within the City, at a greatly accelerated pace; and

WHEREAS, the City and the Purchasers of and successors in interest to the same MacArthur Foundation landholdings have entered into an agreement with the City to cooperate on the necessary study and phasing of projects so as to better evaluate the impacts of potential development; and

WHEREAS, the City has a responsibility to ensure that growth and development within the City occurs consistent with the public health, safety and general welfare, and to maintain its standards for quality growth and development; and

WHEREAS, it is necessary to suspend the acceptance by the City of applications for concurrency certification for projects that will create additional impacts on City services and facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALM BEACH GARDENS:

Section 1. No applications for concurrency certification, except as provided herein, shall be accepted by the City of Palm Beach Gardens for a period of sixty (60) days subsequent to the date this ordinance becomes effective.

Section 2. Applications for concurrency certifications which are filed with the City and accepted by staff as complete prior to the effective date of this ordinance, except as the processing of those applications are agreed to be suspended by applicants, shall continue to be processed by the City of Palm Beach Gardens in accordance with the rules, procedures, regulations and ordinances in effect on the effective date of this ordinance.

Section 3. The following shall be exempted from the suspension provisions of this ordinance, provided that applicants proceed under the procedures in Section 4.

- a. Concurrency certification applications for property which, without the certification, would suffer a temporary regulatory taking under the criteria described in Reahard v. Lee County, 968 F.2d 1131 (11th Cir. 1992), that is, on the basis of the facts of the particular case, whether the landowner will be denied substantially all beneficial use of the property, considering the economic impact of the temporary suspension and the extent to which the temporary suspension has interfered with the landowner's investment-backed expectations. Among the factors to be analyzed under these criteria are: the history of the property, the history of the development, the history of the property's zoning and regulation, any change in development when title passed, the present nature and extent of the property, the reasonable expectations of the landowner and neighboring landowners, and any diminution of the landowner's investment-backed expectations; or
- b. Concurrency certification applications for property that is vested pursuant to law; or
- c. Projects exempted from concurrency certification pursuant to Section 90-62, Code of Ordinances of the City of Palm Beach Gardens.

Section 4. Any applicant desiring an exemption from this ordinance shall submit an application for exemption to the growth management department, with accompanying evidence that the applicant is entitled to the exemption pursuant to Section 3. The department shall make a determination of the applicant's eligibility for the exemption and render a written decision thereon within 14 calendar days of receipt of a complete application. The determination may be appealed to the Zoning Board of Appeals, pursuant to Division 2, Article III of Chapter 118 of the City's Code of Ordinances (as amended), within 14 calendar days of the written decision.

Section 5. If any provision of this ordinance shall be held by any court of competent

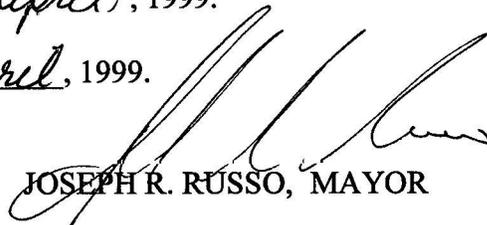
jurisdiction to be unconstitutional or invalid for any cause not essentially controlling the other provisions hereof, the same shall be considered as eliminated and not affecting the validity of such other provisions.

Section 6. This ordinance shall take effect upon second reading and adoption in accordance with law and the Charter of the City of Palm Beach Gardens.

Placed on first reading this 19th day of March, 1999.

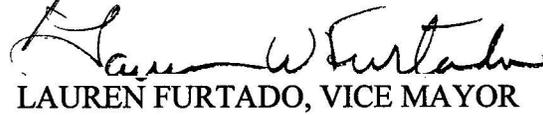
Placed on second reading this 15th day of April, 1999.

Passed and adopted this 15th day of April, 1999.

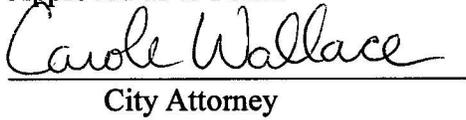

JOSEPH R. RUSSO, MAYOR

Attest:


Linda Koser
City Clerk

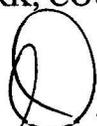

LAUREN FURTADO, VICE MAYOR

Approved as to Form:


Carole Wallace
City Attorney

ERIC JABLIN, COUNCIL MEMBER


DAVID CLARK, COUNCIL MEMBER


CARL SABATELLO, COUNCIL

VOTE:	AYE	NAY	ABSENT
MAYOR RUSSO	<u>✓</u>	___	___
VICE MAYOR FURTADO	<u>✓</u>	___	___
COUNCILMAN JABLIN	___	___	<u>✓</u>
COUNCILMAN CLARK	<u>✓</u>	___	___
COUNCILMAN SABATELLO	<u>✓</u>	___	___

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Linda M. Francis** who on oath says that she is **Classified Advertising Supervisor** of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being **Notice** in the matter of **Zoning Change** in the --- Court, was published in said newspaper in the issues of **March 22, 1999**.

Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Linda M. Francis

Sworn to and subscribed before this 22 day of March, A.D. 1999

[Signature]

Personally known **XX** or Produced Identification _____
Type of Identification Produced _____

Karen McLuston
Notary Public, State of Florida
Commission No. CC 591337
My Commission Exp 11/15/2000
1-800-3-NOTARY - Etn Notary Service & Recording Co.

NO. 562880

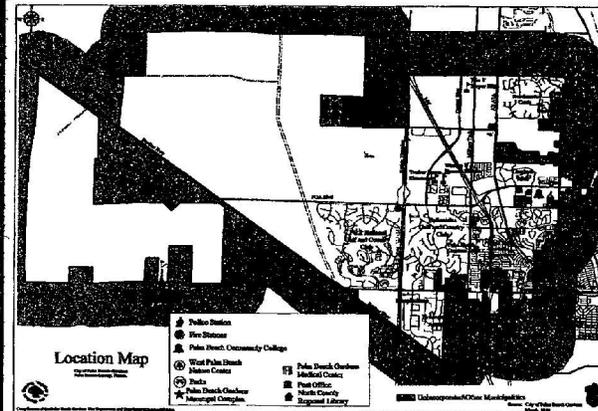
NOTICE OF ZONING CHANGE CITY OF PALM BEACH GARDENS

PLEASE TAKE NOTICE and be advised that the City Council of the City of Palm Beach Gardens proposes to adopt the following ordinance:

ORDINANCE 18, 1999

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS PROVIDING FOR SUSPENSION OF ACCEPTANCE OF APPLICATIONS FOR DEVELOPMENT PERMITS FOR A SPECIFIC PERIOD; PROVIDING FOR EXCEPTIONS; PROVIDING A PROCEDURE TO SEEK AN EXEMPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public hearing on the ordinance will be held on Monday, March 29, 1999 at 7:00 o'clock P.M. or as soon thereafter as can be heard, in the Council Chambers of the Municipal Complex located at 10500 North Military Trail, Palm Beach Gardens, Florida 33410:



This Ordinance shall affect all areas, lands and properties located within the City of Palm Beach Gardens.

All members of the public are requested to attend and participate in said meeting. Said proposed Ordinance may be inspected by members of the public in the Office of the City Clerk located at the Municipal Complex Building during regular business hours, Monday through Friday, 8:00 a.m. - 4:30 p.m., except for holidays.

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council, with respect to any matter considered at this hearing, such interested person will need a record of the proceedings, and for such purpose any need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

LINDA V. KOSIER, CMC
CITY CLERK
CITY OF PALM BEACH GARDENS

PUBLISH: Monday, March 22, 1999

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Peter W. Ortado** who on oath says that he is **Classified Advertising Supervisor** of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being a **Notice** in the matter of **Zoning Change** in the --- Court, published in said newspaper in the issues of **April 2, 1999**.

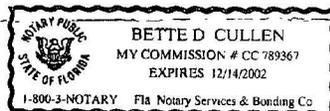
Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Peter W. Ortado

Sworn to and subscribed before this 2 day of April, A.D. 1999

Bette D. Cullen

Personally known XX or Produced Identification _____
Type of Identification Produced _____



NO. 565/56

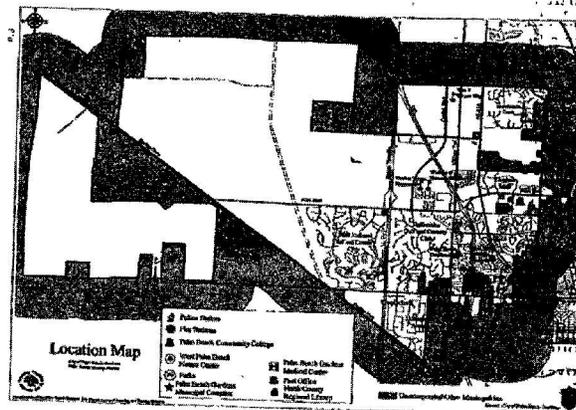
NOTICE OF ZONING CHANGE CITY OF PALM BEACH GARDENS

PLEASE TAKE NOTICE and be advised that the City Council of the City of Palm Beach Gardens proposes to adopt the following ordinance:

ORDINANCE 18, 1999

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS PROVIDING FOR SUSPENSION OF ACCEPTANCE OF APPLICATIONS FOR DEVELOPMENT PERMITS FOR A SPECIFIC PERIOD; PROVIDING FOR EXCEPTIONS PROVIDING A PROCEDURE TO SEEK AN EXEMPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public hearing on the ordinance will be held on Thursday, April 15, 1999, at 7:00 o'clock P.M., or as soon thereafter as can be heard, in the Council Chambers of the Municipal Complex located at 10500 North Military Trail, Palm Beach Gardens, Florida 33410.



This Ordinance shall affect all areas, lands and properties located within the City of Palm Beach Gardens. All members of the public are requested to attend and participate in said meeting. Said proposed Ordinance may be inspected by members of the public in the Office of the City Clerk located at the Municipal Complex Building during regular business hours, Monday through Friday, 8:00 a.m. - 4:30 p.m., except for holidays.

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council, with respect to any matter considered at this hearing, such interested person will need a record of the proceedings, and for such purpose may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

LINDA V. KOSIER, CMC
CITY CLERK
CITY OF PALM BEACH GARDENS

PUBLISH: Friday, April 2, 1999