

ORDINANCE NO. 15-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND RELATED DATA AND ANALYSIS WITHIN THE FUTURE LAND USE ELEMENT BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "RECREATION" TO "MULTI-FAMILY MODERATE DENSITY (MAXIMUM 6 DU/GROSS PALM BEACH ACRE)" FOR A 0.3-ACRE PIECE OF PRIVATE PROPERTY (COMMONLY KNOWN AS "KAPLAN PARK") THAT IS LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF HAMMON AVENUE AND SOUTH OCEAN BOULEVARD, WHICH HAS AN ADDRESS OF 456 SOUTH OCEAN BOULEVARD; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on August 9, 2017 with the adoption of Ordinance No. 9-17; and

WHEREAS, the Town is amending the future land use map by changing the future land use designation for a 0.3-acre site from "Recreation" to "Multi-Family Moderate Density (Maximum 6 DU/Gross Palm Beach Acre)" that is located on the southwest corner of the intersection of Hammon Avenue and South Ocean Boulevard and known as "Kaplan Park."

WHEREAS, the Town is amending the Data & Analysis in the Recreation/Open Space Element of the Town's Comprehensive Plan by eliminating "Kaplan Park" as a listed park facility, and removing the 0.3 acres from the acreage totals provided for recreation open space within the Town; and,

WHEREAS, after a public hearing pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Town's Comprehensive Plan at their July 17, 2018 meeting; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at their August 15, 2018 meeting, considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and recommended that the Town Council approve on first reading the subject Ordinance amending the Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearing on August 15, 2018, pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Comprehensive Plan, be amended as hereinafter set forth, and transmitted to the Florida Department of Economic Opportunity (DEO).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals

The above recitals are incorporated as fully setforth herein.

Section 2. Amendment of the Comprehensive Plan

The Future Land Use Map shall be amended by changing the future land use designation for a 0.3-acre site from "Recreation" to "Multi-Family Moderate Density (Maximum 6 DU/Gross Palm Beach Acre)" that is located on the southwest corner of the intersection of Hammon Avenue and South Ocean Boulevard (known as "Kaplan Park"), as noted on "Attachment A."

The Data & Analysis in the Recreation/Open Space Element of the Town's Comprehensive Plan shall be amended by eliminating "Kaplan Park" as a listed park facility, and removing the 0.3 acres from the acreage totals provided for recreation open space within the Town, as noted in "Attachment B" (with added language underlined, and removed language ~~stricken~~).

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Comprehensive Plan of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading the 15th day of August 2018, and for second and final reading on this 14th day of November 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

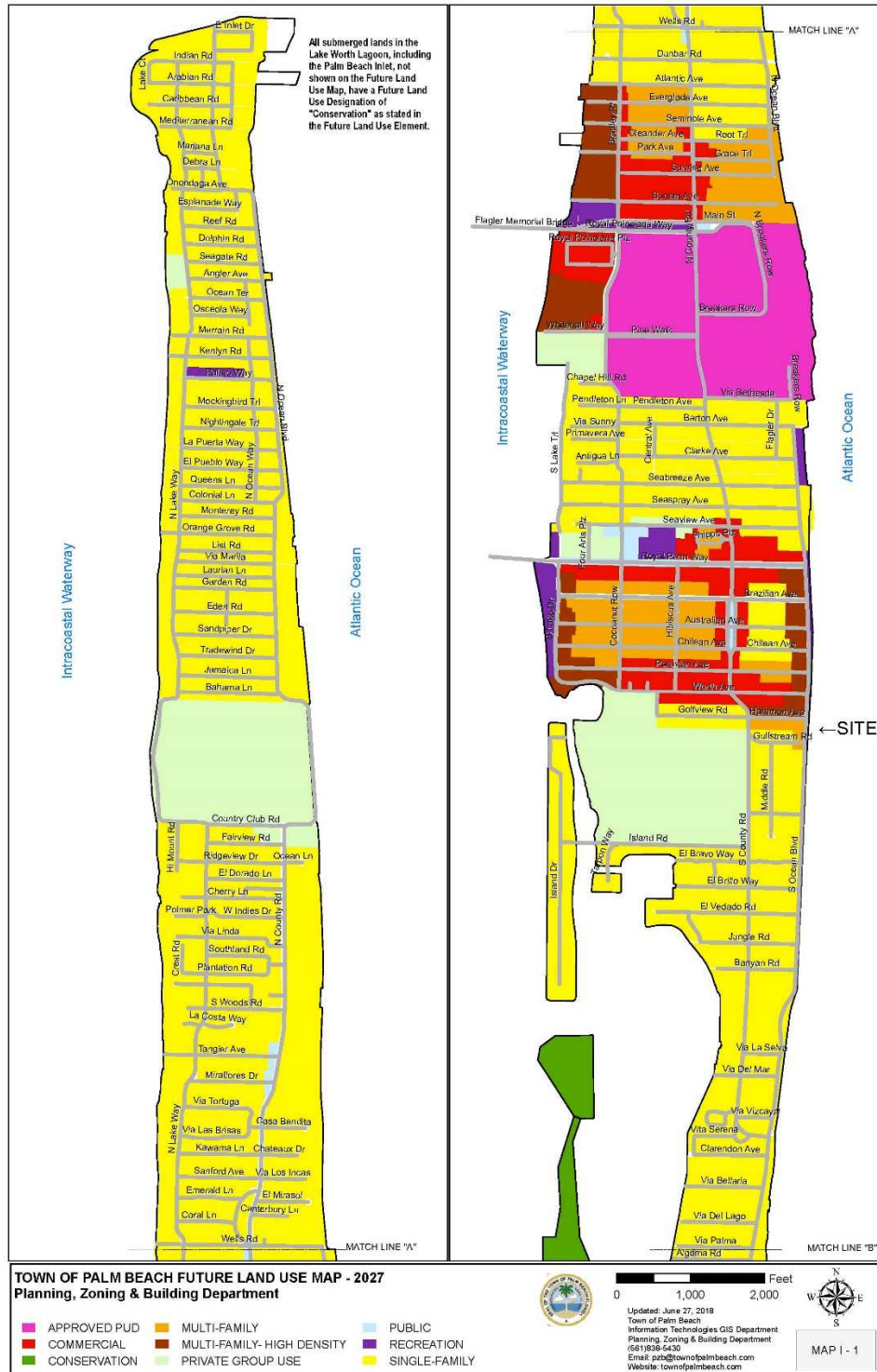
ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

ATTACHMENT "A"



ATTACHMENT “B”

Note: Lake Worth Casino and Beach Complex and Kreusler Park have always be included as part of the Town’s Recreation LOS

**TABLE VI-2
Town Cultural and School Facilities and Private Parks
Town of Palm Beach**

FACILITY	APPROX. ACREAGE
Cultural Facilities	
Flagler Museum	2.80
Kaplan Park (Public Access)	0.30
Palm Beach Preservation Foundation – Ambassador Earl T. Smith Memorial Park and Foundation	0.24
Palm Beach Preservation Foundation – Pan’s Garden	0.43
Preservation Park (Public Access)	0.24
Royal Poinciana Playhouse	0.30
Society of the Four Arts	3.75
School Facilities	
Palm Beach Elementary School	1.60
Palm Beach Day Academy	1.50
Total Cultural and School Facilities Acreage	<u>11.16</u><u>10.86</u>
Acreage towards Town Park LOS (50%)	<u>5.58</u><u>5.43</u>

Note: Cultural Facilities have previously been utilized at 50% to meet the Town’s Recreation LOS.

**TABLE VI-3
Private Clubs and Facilities
Town of Palm Beach**

FACILITY	APPROX. ACREAGE
Mar a Lago	17.51
Bath and Tennis Club	11.69
Palm Beach Country Club	84.01
Breakers	140.00
Everglades Club	91.43

are adequate to provide both the community and neighborhood recreation needs of Town residents. Consequently, it has been the Town's policy to provide a variety of community-serving facilities and activities along its beachfront, and a limited number and scope of neighborhood parks and facilities.

The Town of Palm Beach has been able to provide sufficient recreation acreage to meet or exceed its recreation standard of six acres per one thousand population for its ~~peak-seasonal~~ population through a long and consistent dedication to recreation planning, and the private sector's support through provision of cultural facilities.

EXISTING AND FUTURE RECREATION NEEDS

The development of a cohesive recreation plan for the Town must reflect those factors which affect the optimum size, type and distribution of recreation facilities. Such factors include the size, age and distribution of the existing and future population, and the location and condition of existing facilities, as well as the supporting role which the private sector plays in the recreation network.

The Town's planning standard is six acres of recreation per thousand population. The Town currently has 104.67 acres of park land and open space including the Kreusler Park (Palm Beach County) and Lake Worth Casino and Beach Complex (City of Lake Worth) both of which have always been counted towards the Town's recreation Level of Service (LOS). In addition, the Town has counted 50% of the acreage of the cultural and school facilities within the Town which represents an additional ~~5.58~~5.43 acres resulting in a total of ~~110.25~~110.10 acres of park land and open space. Based on the corrected 2010 U.S. Census population figure for the Town of 8,161 residents, the Town is expected to have a minimum of 48.97 acres of recreation land. Therefore, the Town is exceeding the minimum required LOS for recreation. The Town will continue to meet the LOS for recreation through the year 2027.

Table VI-4
Level of Service for Recreation and Open Space Acreage 2010 - 2025
Town of Palm Beach

Year	Population	Park Acres	Demand	Surplus
2010 ¹	8,161	110.25 <u>110.10</u>	48.97	+61.28 <u>+61.13</u>
2015 ²	8,227	110.25 <u>110.10</u>	49.36	+60.89 <u>+60.74</u>
2020 ²	8,234	110.25 <u>110.10</u>	49.40	+60.85 <u>+60.70</u>
2025 ²	8,425	110.25 <u>110.10</u>	50.55	+59.70 <u>+59.55</u>

¹ 2010 U.S. Census; ² Palm Beach County, 2016

As stated in the preceding sections, the Town of Palm Beach is not a typical community. Town residents place great emphasis on private golf courses, clubs, and cultural enrichment. To a significant extent, these activities add to the Town's public recreational facilities by providing for more personalized, service-oriented, recreation. In 2016, the Town conducted an extensive