

R99 695D

INTERLOCAL AGREEMENT ENTERED INTO BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THE CITY OF PALM BEACH GARDENS AND THE CITY OF WEST PALM BEACH PROVIDING FOR HEIGHTENED REVIEW REGARDING LANDS LOCATED WITHIN THE WESTERN NORTHLAKE BOULEVARD CORRIDOR PLANNING AREA.

This Interlocal Agreement is made this \_\_\_\_\_ day of <sup>APR 20 1999</sup> between the City of Palm Beach Gardens, the City of West Palm Beach, hereinafter referred to as "Cities," and Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County." (The Cities and the County are jointly referred to herein as "parties.")

**WHEREAS**, both the County and the Cities exercise comprehensive planning authority pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as set forth in Part II of Chapter 163, Florida Statutes (herein, the "Planning Act"), and enforce land development regulations to regulate the development of land within the respective areas of jurisdiction of each party; and

**WHEREAS**, the general administration of this agreement is governed by the provisions of Section 163.01, Florida Statutes (1997); and

**WHEREAS**, Palm Beach County and the Cities have determined that it is appropriate to enter into an Interlocal Agreement hereinafter referred to as "Agreement" in order to ensure efficient and orderly development, and intergovernmental coordination and cooperation and provide heightened review of development proposals; and

**WHEREAS**, the orderly planning for future development of both the County and the Cities requires that the procedures set forth herein be followed; and

**WHEREAS**, on September 16, 1998, the Palm Beach County Board of County Commissioners executed a resolution acknowledging the Western Northlake Corridor Land Use Study as a policy and growth management guide and an expression of the desires of the community, in the review of development proposals and plan amendments; and

**WHEREAS**, on November 5, 1998, the City of Palm Beach Gardens executed a resolution acknowledging the Western Northlake Corridor Land Use Study as a policy and growth management guide and an expression of the desires of the community, in the review of development proposals and plan amendments; and

**WHEREAS**, on January 11, 1999, the City of West Palm Beach executed a resolution acknowledging the Western Northlake Corridor Land Use Study as a policy and growth management guide in the review of development proposals and plan amendments in order to preserve and enhance the character within the study area; and

**WHEREAS**, Policy 1.4-d of the Intergovernmental Coordination Element of the 1989 Palm Beach County Comprehensive Plan calls for the County to pursue interlocal agreements with municipalities that have identified future land use designations for adjacent unincorporated areas; and

**WHEREAS**, Objective 1.1.8 of the Future Land Use Element of the Palm Beach Gardens Comprehensive Plan calls for the City to improve coordination with affected and appropriate governments and agencies to maximize their input into the planning and development process and mitigate potential adverse impacts of future development and redevelopment activities; and,

**WHEREAS**, Policy 1.1.8.3 of the Future Land Use Element of the City of Palm Beach Gardens Comprehensive Plan calls for the City to coordinate requests for development orders or permits, as required, with Palm Beach County, adjacent municipalities, the Countywide Intergovernmental Coordination Program, Treasure Coast Regional Planning Council, South Florida Water Management District, and state and federal agencies; and,

**WHEREAS**, Objective 1.1 of the Intergovernmental Coordination Element of the 1989 City of West Palm Beach Comprehensive Plan calls for the City to maintain or develop a formal process for intergovernmental coordination with Palm Beach County and adjacent municipalities which establishes specific coordination activities to occur on a regular basis.

**NOW THEREFORE** in consideration of the covenants made by each party, the mutual obligations, undertakings, and advantages to be realized by the parties hereto, the parties do hereby covenant and decree as follows:

**Section 1. Incorporation of Recitals**

The foregoing recitals are true and correct, were relied on by the parties entering into this Agreement and are a part of and incorporated into this Agreement.

**Section 2. Authority**

This Agreement is entered into pursuant to the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements.

**Section 3. Definitions**

For purposes of this agreement the following terms are defined as follows:

- A. Advising Local Government - the governments other than the jurisdictional local government reviewing a development proposal pursuant to this agreement.
- B. Joint Review - review by jurisdictional government and one or both of the advising governments.

- C. Jurisdictional Local Government - the local government processing the development application.
- D. Western Northlake Boulevard Corridor Planning Area - area described and depicted in Exhibit A, generally consisting of lands located: south of the Beeline Highway; west of the West Palm Beach Water Catchment Area; east of the J.W. Corbett Wildlife Management Area and Seminole Pratt Whitney Road; and north of the southern boundary of Ibis, Rustic Ranches, Bay Hill Estates, and Hamlin Boulevard; is hereby designated as the Western Northlake Boulevard Corridor Planning Area, hereinafter referred to as the "Planning Area."
- E. Planning Director - the planning official designated by each of the parties to implement this Agreement.
- F. Study - Western Northlake Corridor Land Use Study acknowledged by the three local governments party to this Agreement, dated June 8, 1998, as amended, and acknowledged by the parties to this Agreement.

**Section 4. Term**

- A. This agreement shall remain in effect until such time that the agreement is terminated by one or both of the Cities or the County, following the adoption of a resolution for that purpose. As a condition precedent to the termination of this Agreement, the party proposing to take such action shall provide nine (9) months advance written notice of its intention to terminate this agreement unless a shorter period of time is jointly agreed to by the Cities and the County. If one party terminates the agreement, the agreement shall remain in effect for the remaining parties unless an additional party terminates the agreement.
- B. The agreement shall not be applicable to the following comprehensive planning and land development activities within the Planning Area:
  - 1. Preparation, adoption and implementation of optional sector plans prepared pursuant to Section 163.3245, Florida Statutes (Supp. 1998).
  - 2. Preparation, adoption and implementation of Developments of Regional Impact (DRI) adopted pursuant to Chapter 380, Part I, The Florida Environmental Land and Water Management Act of 1972.
  - 3. Development of lands within an approved DRI and lands within an area subject to a conceptual long-term build out overlay which has been adopted by a party and found in compliance by the Department of Community Affairs.

4. Development of lands subject to a Stipulated Settlement Agreement between the jurisdictional local government and the Department of Community Affairs.

**Section 6. Commitment by each Local Government to Consider the Findings of the Western Northlake Boulevard Corridor Land Use Study**

The County and the Cities hereby approve of the Western Northlake Corridor Land Use Study as a policy and growth management guide and an expression of the desires of the community in the review of development proposals and plan amendments, and encourage intergovernmental cooperation and coordination through the implementation of the study findings.

**Section 7. Commitment by each Local Government to Adopt a Policy Providing For A Joint Review Process for Land Use Map Amendments in the Western Northlake Corridor and a map depicting the Western Northlake Boulevard Corridor Planning Area in their respective comprehensive plans**

The County and the Cities hereby agree to place a policy describing the area subject to this agreement and to include a map indicating the boundaries of the Planning Area in their respective comprehensive plans within twelve (12) months of the date this agreement is executed.

**Section 8. Western Northlake Boulevard Corridor Planning Area Procedures**

After this agreement has gone into effect, the procedure to amend local land use maps in areas subject to this interlocal agreement shall be as follows:

- A. Pursuant to the requirements of chapter 163, Part II, Florida Statutes, each local government's Comprehensive Plan shall remain in full force and effect over its jurisdiction. The County and Cities shall have full authority for the preparation and adoption of the applicable comprehensive plans and any amendments thereto pursuant to the Planning Act, and for the adoption, amendment and enforcement of land development regulations thereunder. The parties agree that during the period that this agreement is in effect that the jurisdictional local government shall receive all fees generated from comprehensive plan amendments and re-zonings/development orders in the planning area.
- B. All proposed changes to a land use designation on a party's comprehensive plan land use map or map series within the planning area shall be reviewed for consistency with the findings and conclusions of the Study. Any land use map amendment within the planning area shall require use of a joint review process by the parties as specified in this Agreement. The joint review process shall require that each of the parties process the amendment as outlined below:

1. Joint Consistency Review

- a. The jurisdictional local government, shall be responsible for intake of the amendment application, and notification and submittal of the application to the advising local governments.
- b. Within two (2) working days of receipt of the application, the jurisdictional planning director shall forward a copy of the request to the advising planning directors. All three planning directors shall have five (5) working days from the receipt of the application by the advising planning directors to determine, in writing, if the amendment request is consistent or inconsistent with the Study findings and recommendations. No response is considered a response that the amendment is consistent.
- c. If all of the planning directors determine that the application request is consistent with the Study recommendations, then the joint planning review process shall not be required. The application will be reviewed by the jurisdictional local government against its respective Comprehensive Plan and the Study, with the advising local governments providing comments.
- d. If one of the planning directors determines that the amendment request is inconsistent with the Study recommendations, then the joint planning review process shall be required as specified below.

2. Joint Planning Review

- a. Upon determination that the joint planning review process is required, the jurisdictional local government shall prepare a full staff report and the advising local governments shall prepare a written assessment and recommendation with comments, which shall become an attachment to the jurisdictional staff report. The report shall be available for distribution at least five (5) working days prior to the jurisdictional local government's Local Planning Agency (LPA) public hearing.
- b. The jurisdictional local government LPA shall hold an advertised public hearing. The advising local governments shall be afforded the opportunity to address the jurisdictional local government LPA during the public hearing. The jurisdictional local government LPA shall consider the recommendations of the advising local governments during its deliberations.
- c. The jurisdictional local government elected body shall then hold an advertised public hearing. The advising local governments shall be afforded the opportunity to address the jurisdictional local government elected body during

the public hearing. The jurisdictional local government elected body shall consider the recommendations of the advising local governments during its deliberations.

3. Additional Considerations

- a. The jurisdictional local government shall have exclusive authority to determine consistency with the Study if the joint planning review process is required.
- b. The jurisdictional local government's rules and procedures for the amendment process shall be adhered to in processing the amendment application. The procedures herein shall not be construed to supersede or invalidate the jurisdictional local government's rules and procedures.
- c. During the joint review process, the jurisdictional local government shall be responsible for forwarding any revisions to the application to the advising local governments within two (2) working days of receipt of said revisions.
- d. The jurisdictional local government shall provide the advising local governments with at least five (5) working days notice of all public hearings. The jurisdictional local government shall immediately notify the advising local governments of any requests to postpone scheduled public hearings.

**Section 9. Joint Staff Review of Development Proposals**

All petitions for development approvals requiring public hearings within the Planning Area shall be subject to review by the County and the Cities. The jurisdictional local government shall notify the advising local governments within fifteen (15) working days of the submittal of the application. Each advising local government shall have ten (10) working days, upon receipt of the application, to provide any written or oral comments or objections to ensure that the petition meets the recommendations of the Western Northlake Corridor Land Use Study.

**Section 10. Notification**

All notifications required in this agreement shall be sent to the Planning Directors of each local government at the following addresses:

**City of Palm Beach Gardens**  
10500 North Military Trail  
Palm Beach Gardens, FL 33410  
(561) 775-8295  
(561) 775-1014 (FAX)

**City of West Palm Beach**  
200 2<sup>nd</sup> Street  
West Palm Beach, FL 33402  
(561) 659-8031  
(561) 653-2605 (FAX)

**Palm Beach County**  
100 Australian Ave.  
West Palm Beach, FL 33406  
(561) 233-5300  
(561) 233-5365 (FAX)

**Section 11. Enforcement**

This agreement is valid and enforceable. Only the parties to the agreement have standing to enforce the agreement. A violation of the agreement shall not be deemed a violation of a local comprehensive plan. No third party has standing to enforce the agreement.

**Section 12. Effective Date**

The provisions of this Agreement shall become effective upon the execution of this Agreement by all parties.

**Section 13. Originals**

This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original. All of which together shall constitute one (1) and the same instrument.

**Section 14. Copy filed with the clerk**

A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**Palm Beach County**

ATTEST:  
DOROTHY H. WILKEN, Clerk

By: Carl Zettelmeier  
Deputy Clerk

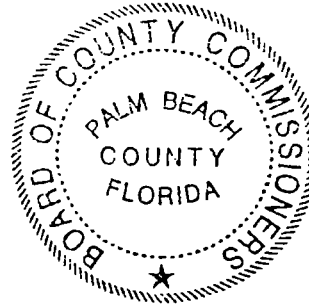
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS:

By: Maudie Ford Fee  
Chair

R99 695D APR 20 1999

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: [Signature]  
County Attorney



**City of Palm Beach Gardens**

ATTEST:

City of Palm Beach Gardens  
by its City Council

By: [Signature]  
City Clerk

By: [Signature]  
Mayor


APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: Carole Wallace  
City Attorney

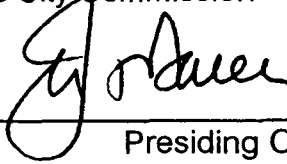


**City of West Palm Beach**

ATTEST:

By:   
Deputy City Clerk

City of West Palm Beach  
by its City Commission





By:   
Presiding Officer

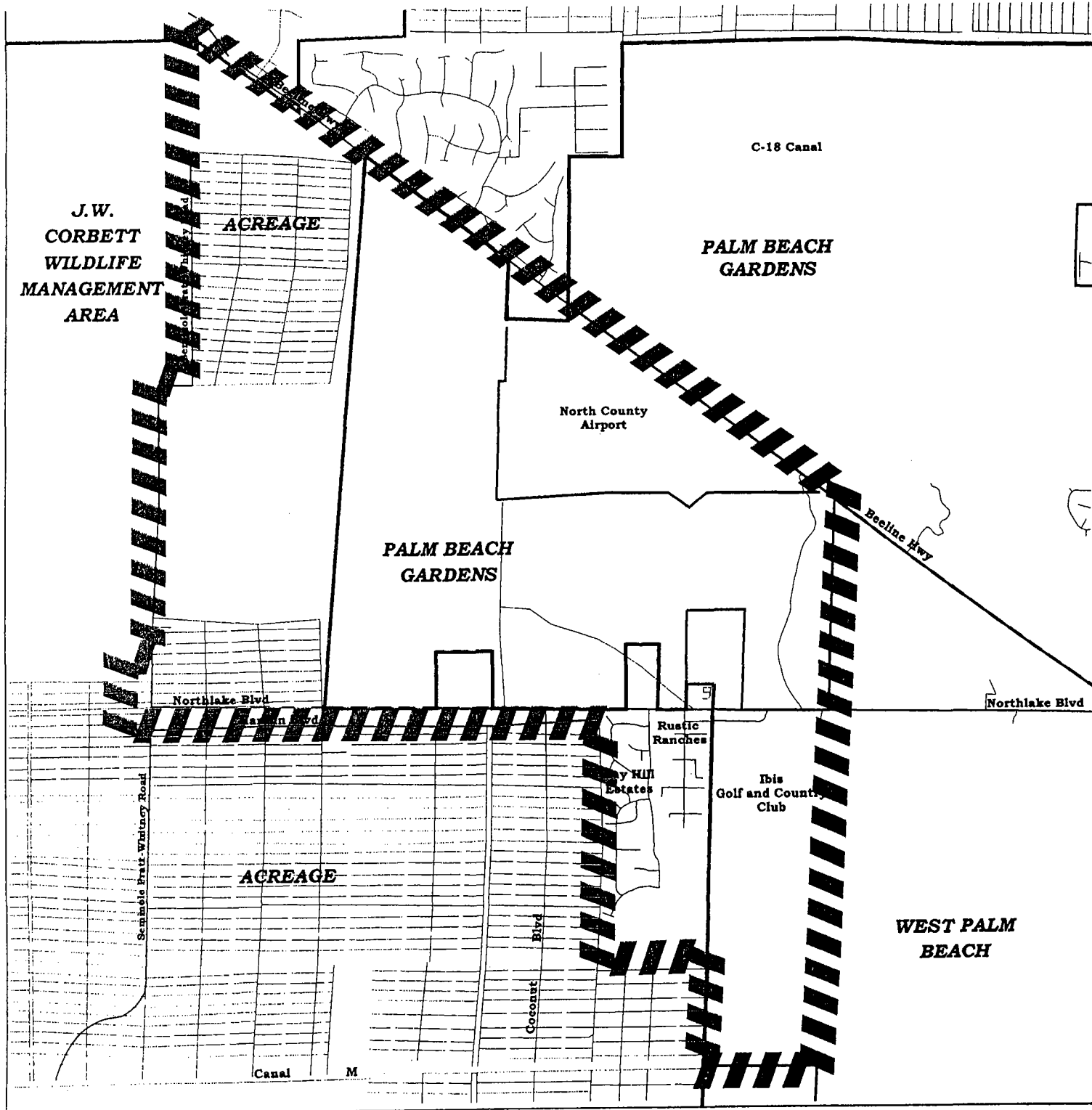
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
City Attorney

**EXHIBIT A  
WESTERN NORTHLAKE  
BOULEVARD CORRIDOR  
PLANNING AREA**

**LEGEND**

- Municipal Boundaries 
- Urban Service Area Boundary (USAB) 
- Municipal/USAB Overlap 
- Western Northlake Boulevard Corridor Planning Area 

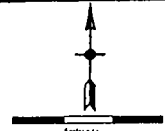


NOTE: MAP IS NOT OFFICIAL, FOR PRESENTATION PURPOSES ONLY



**Planning, Zoning and Building**

100 Australian Avenue  
West Palm Beach, FL 33406  
Phone: (561) 233-5000



Scale: 1" = 1/2" Miles  
Revision Date: 01-27-99  
Drawing: WNP120AREA.DWG  
Author: J. Hubler