

ORDINANCE NO. 2023 - 029

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 **BC COMMERCE CENTER (LGA 2023-003)**, MODIFYING PAGE 89 OF THE FLUA FOR APPROXIMATELY 47.21 ACRES OF LAND, GENERALLY LOCATED ON THE NORTHEAST CORNER OF BOYNTON BEACH BOULEVARD AND ACME DAIRY ROAD, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURAL RESERVE (AGR) TO COMMERCE WITH AN UNDERLYING AGRICULTURAL RESERVE (CMR/AGR) 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 13, 2023, 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 February 1, 2023, 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 March 16, 2023, for Round 23-02 ESR (County Round 23-A2) stating that the Agency
3 had no comment regarding the proposed amendment; and

4 **WHEREAS**, on August 24, 2023, the Palm Beach County Board of County
5 Commissioners held a public hearing to consider adoption of the amendments; and

6 **WHEREAS**, the Palm Beach County Board of County Commissioners has determined
7 that the amendments comply with the requirements of the Community Planning Act.

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

10 **Part I. Amendments to the 1989 Comprehensive Plan**

11 Amendments to the 1989 Comprehensive Plan are hereby adopted and attached to
12 this Ordinance as Exhibit 1:

13 **1. Future Land Use Atlas page 89** is amended as follows:

14 **Application: BC Commerce Center (LGA 2023-003),**

15 **Amendment:** From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural
16 Reserve (CMR/AGR) with conditions,

17 **Location:** Northeast corner of Boynton Beach Boulevard and Acme Dairy Road

18 **Size:** 47.21 acres approximately,

19 **Conditions:** See Exhibit 1;

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

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22 County in conflict with any provision of this ordinance are hereby repealed to the extent of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

24 **Part III. Severability**

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

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

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

33 **Part V. Effective Date**


34 The effective date of this plan amendment, if the amendment is not timely challenged,
35 shall be 31 days after the state land planning agency notifies the County that the plan


1 amendment package is complete. If timely challenged, this amendment shall become
2 effective on the date the state land planning agency or the Administration Commission enters
3 a final order determining this adopted amendment to be in compliance. No development
4 orders, development permits, or land uses dependent on this amendment may be issued or
5 commence before it has become effective. If a final order of noncompliance is issued by the
6 Administration Commission, this amendment may nevertheless be made effective by adoption
7 of a resolution affirming its effective status, a copy of which resolution shall be sent to the
8 state land planning agency.

9 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
10 County, on the 24th day of August, 2023.

11 ATTEST
12 JOSEPH ABRUZZO, CLERK
13 & COMPTROLLER

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

14 By 
15 Deputy Clerk

By 
Gregg K. Weiss, Mayor

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

17 By 
18 County Attorney

19 Filed with the Department of State on the 30th day of August, 2023.

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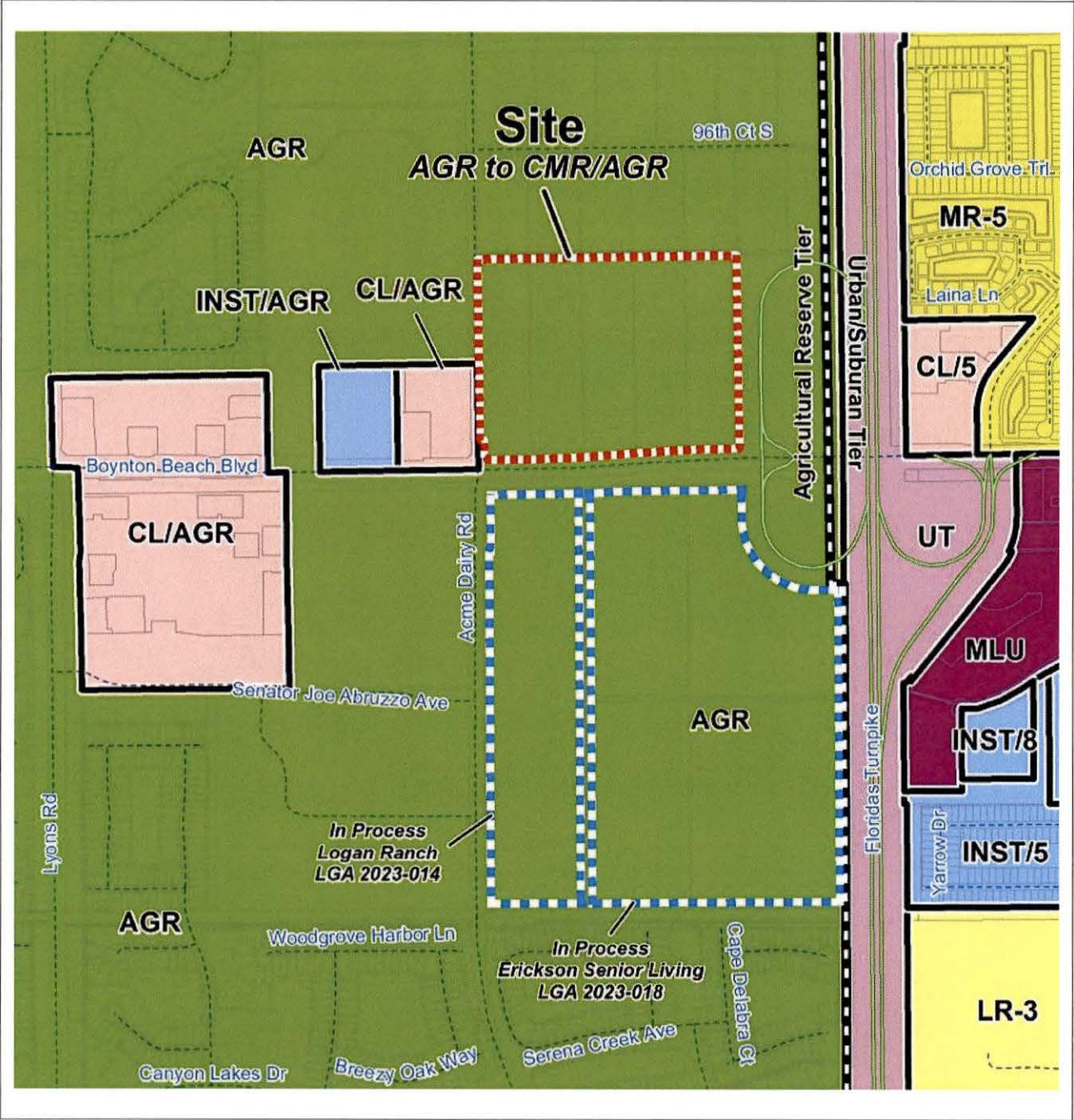
EXHIBIT 1

A. Future Land Use Atlas page 89 is amended as follows:

Amendment No:	BC Commerce Center (LGA 2023-003)
Amendment:	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) with conditions
Location:	Northeast corner of Boynton Beach Boulevard and Acme Dairy Road
Size:	47.21 acres approximately
Property No:	00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010 and 00-42-43-27-05-050-1020

Conditions: Development of the site under the Commerce future land use designation shall be subject to the following:

- 1. A maximum of 3,835 net daily trips, 723 net AM peak hour trips, and 571 net PM peak hour trips.
- 2. Site is limited to 719,764 square feet (0.35 FAR) of uses allowed within the CMR future land use designation



Legal Description

THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THE WEST ONE-HALF (W 1/2) OF TRACT 99, TRACTS 100, 101, 102, 119, 120, 121 AND THE WEST ONE-HALF (W 1/2) OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 30 FEET OF TRACTS 119, 120, 121 AND THE WEST ONE-HALF OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS DESCRIBED IN THAT RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1018, PAGE 449, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN THAT ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 119, 120, 121 AND 122 OF BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND 1/2" ROD MARKING THE INTERSECTION OF THE BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) AND THE BASELINE OF SURVEY FOR ACME DAIRY ROAD SOUTH; THENCE N 89° 26'12" E ALONG THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) FOR A DISTANCE OF 66.97 FEET; THENCE N 00° 33'48" W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE N 46°22'41" W, A DISTANCE OF 37.30 FEET; THENCE N 00°33'48" W, A DISTANCE OF 98.00 FEET; THENCE S 89°26'12" W, ALONG A LINE 184 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE FOR BOYNTON BEACH BOULEVARD (S.R. 804), A DISTANCE OF 25.00 FEET; THENCE S 00°33'48" E, A DISTANCE OF 144.00 FEET; THENCE N 89°26'12" E, A DISTANCE OF 1320.00 FEET; THENCE N 00°33'48" W A DISTANCE OF 65.14 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A CHORD BEARING OF S 86°25'28" W AND A RADIUS OF 8972.64 FEET; THENCE WESTERLY ALONG SAID

CURVE AN ARC DISTANCE OF 434.20 FEET THROUGH A CENTRAL ANGLE OF $02^{\circ}46'22''$ TO A POINT OF REVERSE CURVATURE HAVING A CHORD BEARING OF $S\ 87^{\circ}14'15''\ W$ AND A RADIUS OF 7579.44 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 581.86 FEET THROUGH A CENTRAL ANGLE OF $04^{\circ}23'55''$; THENCE $S\ 89^{\circ}26'12''\ W$ A DISTANCE OF 253.39 FEET TO THE POINT OF BEGINNING. AND SAID LANDS

47.212 ACRES – 2,056,563 SQ. FT.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 1, 2023

Tracey Powell
Deputy Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Dear Tracey Powell:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2023-029, which was filed in this office on August 30, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh