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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **A PRIVATELY INITIATED AMENDMENT (PIA) APPLICATION, TO ESTABLISH REGULATIONS FOR A NEW REGIONAL RECREATION POD WITHIN THE PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD) DISTRICT, AND TO ALLOW OUTDOOR ENTERTAINMENT AS A CLASS A CONDITIONAL (AKA SURF RANCH FLORIDA), AMENDING ARTICLE 3, OVERLAYS AND ZONING DISTRICTS: CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); AND, ARTICLE 4, USE REGULATIONS: CHAPTER B, USE CLASSIFICATION. PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.**

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

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

1 **Section 1. Adoption**

2 The amendments set forth in Exhibits listed below, attached hereto and made a part
3 hereof, are hereby adopted.

- 4 ▪ Exhibit A - Phase 2 Privately Initiated Amendment (PIA), PIPD/Outdoor Entertainment
5 [aka Surf Ranch Florida]

6
7
8 **Section 2. Interpretation of Captions**

9 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
10 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

11
12 **Section 3. Repeal of Laws in Conflict**

13 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
14 repealed to the extent of such conflict.

15
16 **Section 4. Severability**

17 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
18 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
19 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
20 Ordinance.

21
22 **Section 5. Savings Clause**

23 All development orders, permits, enforcement orders, ongoing enforcement actions, and
24 all other actions of the Board of County Commissioners, the Zoning Commission, the
25 Development Review Officer, Enforcement Boards, all other County decision-making and
26 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
27 pursuant to the regulations and procedures established prior to the effective date of this
28 Ordinance shall remain in full force and effect.

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Section 6. Inclusion in the Unified Land Development Code

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an Effective Date

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 26th day of October, 2017.

SHARON R. BOCK, CLERK & COMPTROLLER

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

By: 
Deputy Clerk



By: 
Paulette Burdick, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 31st day of October, 2017.

EXHIBIT A

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA)
PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA]
SUMMARY OF AMENDMENTS
(Updated 9/28/17)

Part 1. ULDC Art. 3.E.5, Planned Industrial Park Development (pages 166 and 168 of 218, is hereby amended as follows:

ARTICLE 3 OVERLAYS & ZONING DISTRICTS

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 5 Planned Industrial Park Development (PIPD)

A. General

1. Purpose and Intent

The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research and development and encourages internal trip capture by offering support uses. The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. Support uses, such as hotels, offices, commercial, institutional, ~~and~~ residential and recreation, are intended to serve the PIPD workforce and residential populations, with exception to regional serving recreation uses permitted within the Regional Recreation Pod. [Ord. 2004-040] [Ord. 2014-025]

....
B. Objectives and Standards

1. Design Objectives

A PIPD shall comply with the following objectives: [Ord. 2014-025]

- a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected work force;
- b. Be designed as a predominantly industrial development, with exception to the EDC FLU designation, which shall be primarily utilized by office and research parks, but may also include manufacturing and processing, research and development, wholesale distribution and storage of products. [Ord 2014-025] [Ord. 2016-042]
- c. Preserve natural features, scenic areas and native vegetation to the extent possible;
- d. Encourage the co-location of industrial processes, products, and services;
- e. Provide for support uses intended to serve the PIPD workforce and residential populations, or on-site essential services for industries, employees, and clients;
- f. Protect nearby existing and future non-industrial land uses and activities;
- g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;
- h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping and/or railroad lines; and
- i. Encourage the expansion to PBC's economic base through new industrial investment, or regional serving recreation uses.

C. Thresholds

1. General

A PIPD shall comply with Table 3.A.3.C, FLU Designation and Corresponding Planned Development District, and with the following thresholds: [Ord. 2006-004]

....
b. Land Use Mix

Land uses shall be grouped into Pods which limit and define the types of uses within a specific area of a PIPD. Table 3.E.5.D, PIPD Land Use Mix, indicates the range of each pod within a PIPD. [Ord. 2014-025]

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Notes:

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EXHIBIT A

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA)
 PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA]
 SUMMARY OF AMENDMENTS
 (Updated 9/28/17)

Table 3.E.5.C - PIPD Land Use Mix

Pods	Minimum	Maximum
Industrial	60%	100%
Light <u>Industrial</u>	20%	100%
General <u>Industrial</u> (1)	-	50%
Commercial	-	20% (max. 15 ac) (2)
Residential	-	20%
Recreation	-	<u>20%</u>
<u>Neighborhood</u> Recreation	.006 acre (3)	20%
<u>Regional</u> Recreation	-	<u>5%</u>
[Ord. 2014-025]		
Notes:		
1. A General Industrial Pod shall only be permitted with an IND FLU designation. General Industrial Pods shall be prohibited with an EDC FLU designation. [Ord. 2014-025]		
2. The maximum commercial acreage shall not apply to an Economic Development Center (EDC).		
3. Minimum Recreation Pod requirement only applies to Residential Pods. Other residential uses such as Live/Work located in other than a Residential Pod shall still comply with Art. 5.D, Parks and Recreation – Rules and Recreational Standards. [Ord. 2014-025]		

c. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PIPD, excluding Preserve Areas. Neighborhood parks, water management tracts and local roads which are internal to a residential-pod rather than a separate pod or tract shall be credited toward the maximum residential land area requirement in Table 3.E.5.D, PIPD Land Use Mix.

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D, PIPD Property Development Regulations: [Ord. 2004-040]

Table 3.E.5.D - PIPD Property Development Regulations

Pods	Lot Dimensions			Max. FAR (1)	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side (2)	Street	Rear (2)
Light Industrial	1 ac	100	200	(1)	45%	25	C – 15 R – 40	25	C – 15 R – 40
General Industrial	2 ac	200	200	(1)	45%	25	C – 20 R – 40	25	C – 20 R – 40
Commercial	Apply MUPD, MXPDP or TMD regulations								
Residential	Apply PUD regulations								
<u>Neighborhood</u> Recreation	Apply PUD Recreation Pod and Neighborhood Park regulations								
<u>Regional</u> Recreation	<u>1 ac</u>	<u>100</u>	<u>200</u>	<u>(1)</u>	<u>30%</u>	<u>25</u>	<u>C – 20</u> <u>R – 40</u>	<u>25</u>	<u>C – 20</u> <u>R – 40</u>
Civic	Apply PUD Civic regulations								
[Ord. 2004-040] [Ord. 2014-001]									
Notes:									
C Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.									
R Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.									
1. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
2. <u>Land uses, which abut open space 40 feet in width or greater, may substitute a 20-foot side or rear setback if a 40-foot setback is required. [Ord. 2004-040]</u>									

1. **Setbacks**

~~Land uses, which abut open space 40 feet in width or greater, may substitute a 20 foot side or rear setback if a 40 foot setback is required. [Ord. 2004-040]~~ [Relocated above into Table 3.D.5.D, PIPD Property Development Regulations]

E. Pods

4. **Recreation Pods**

a. **Neighborhood Recreation Pod**

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EXHIBIT A

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS (Updated 9/28/17)

1 A PIPD with a residential pod shall provide recreation uses based on the number of units
2 provided. Site improvements shall be provided in accordance with Article 5.D, PARKS &
3 RECREATION Rules and Recreation Standards.

4 **1)a. Use Regulations**

5 Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod.
6 [Ord. 2004-040] [Ord. 2008-003] [Ord. 2017-007]

7 **2)b. Location**

8 A recreation pod shall not have vehicular access from an arterial or collector that is not
9 part of the interior circulation system of the PIPD. No recreation facility shall maintain
10 direct physical access to any arterial or collector bordering or traversing the PIPD.

11 **3)c. Recreation Area**

12 In residential pods, recreation areas shall be provided in accordance with Art. 5.D,
13 Parks & Recreation - Rules and Regulations Standards, for use by the residents of the
14 pod and their guests. [Ord. 2017-007]

15 **4)d. Neighborhood Park**

16 Neighborhood parks shall be provided in residential pods developed in accordance
17 with Table 3.E.2.D, PUD Property Development Regulations.

18 **b. Regional Recreation Pod**

19 A Regional Recreation Pod is intended to accommodate regional serving recreation uses
20 that further the intended economic activity center and value added activities envisioned for
21 and allowed within a PIPD.

22 **1) Use Regulations**

23 Uses shall be limited to Outdoor Entertainment in accordance with the Supplementary
24 Standards of Art. 4.B.3.C.4, Outdoor Recreation.

25 **2) Location**

26 A Regional Recreation Pod shall have frontage on an Arterial or Collector.

27
28
29 **Part 2. ULDC Art. 4.B.3.C.4, Outdoor Entertainment (page 67 of 204), is hereby amended as**
30 **follows:**

31
32 **ARTICLE 4 USE REGULATIONS**

33 **CHAPTER B USE CLASSIFICATION**

34 **Section 3 Recreation Uses**

35 **C. Definitions and Supplementary Use Standards for Specific Uses**

36 **4. Entertainment, Outdoor**

37 **a. Definition**

38 An establishment offering recreational opportunities or games of skill to the general public
39 where any portion of the activity takes place in the open for a fee, excluding golf courses
40 and public parks.

41 **b. Typical Uses**

42 Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities,
43 tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind
44 surfing.

45 **c. Approval Process – PIPD Regional Recreation Pod Exception**

46 An Outdoor Entertainment use that serves to promote economic benefits, such as
47 enhanced tourism, job creation, and an amenity for business recruitment, and which
48 provides for national recognition as a unique recreational facility, may be allowed within
49 the Regional Recreation Pod of a PIPD subject to Class A Conditional Use approval, and
50 the following:

51 **1) Notification to Business Development Board**

52 The applicant shall include documentation confirming that the Business Development
53 Board (BDB) has been notified of the application for Class A Conditional Use approval,
54 including tentative BCC Public Hearing dates, prior to certification for Public Hearing.

55 **2) Residential Separation**

56 Shall be located a minimum of 1,000 feet from a residential use or vacant parcel with
57 a residential FLU designation.

58 **3) Collocated Special Event**

59 A Special Event may be collocated with an Outdoor Entertainment use subject to DRO
60 approval, in accordance with the provisions of Art. 4.B.11.C.6, Special Event.

61 **d. Location**

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EXHIBIT A

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS (Updated 9/28/17)

1 Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.

2 **ed. Setbacks**

3 No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located
4 closer to the property line than as follows:

Table 4.B.3.C – Outdoor Entertainment Setbacks

Adjacent Use	Minimum Setback
Non-residential and streets	50 feet
Residential District or Use <u>(1)</u>	100 feet <u>(1)</u>
Notes:	
<u>(1) Outdoor Entertainment within a PIPD Regional Recreation Pod shall be subject to the setbacks of Art. 4.B.3.C.4.c.2), Residential Separation.</u>	

5

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 31, 2017

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2017-032, which was filed in this office on October 31, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb