ORDINANCE 2017-

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:
Section 1. Adoption

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

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

Section 2. Interpretation of Captions

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

Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability

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

Section 5. Savings Clause

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

By: [Signature]
Deputy Clerk

Palm Beach County, Florida, By
its Board of County Commissioners

By: [Signature]
Paulette Burdick, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]
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 (PODS)

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 workforce;

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]

Notes:

- Underlined indicates new text.
- Strikethrough indicates text to be deleted. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to:] or [Partially relocated to: ].
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PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA]
SUMMARY OF AMENDMENTS
(Updated 9/28/17)

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

<table>
<thead>
<tr>
<th>Pods</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>60%</td>
<td>100%</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>20%</td>
<td>100%</td>
</tr>
<tr>
<td>General Industrial (1)</td>
<td>20%</td>
<td>50%</td>
</tr>
<tr>
<td>Commercial</td>
<td>20%</td>
<td>60%</td>
</tr>
<tr>
<td>Recreation</td>
<td>20%</td>
<td>100%</td>
</tr>
<tr>
<td>Neighborhood Recreation</td>
<td>20%</td>
<td>50%</td>
</tr>
<tr>
<td>Regional Recreation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[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]

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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]

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

<table>
<thead>
<tr>
<th>Pods</th>
<th>Lot Dimensions</th>
<th>Max. FAR (1)</th>
<th>Maximum Building Coverage</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Size</td>
<td>Width and Depth</td>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>1 ac</td>
<td>100 200</td>
<td>(1)</td>
<td>45%</td>
</tr>
<tr>
<td>General Industrial</td>
<td>2 ac</td>
<td>200 200</td>
<td>(1)</td>
<td>45%</td>
</tr>
<tr>
<td>Residential</td>
<td>Apply MUDP, MXPD or TMD regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Neighborhood Recreation</td>
<td>Apply PUD Recreation Pod and Neighborhood Park regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Recreation</td>
<td>1 ac</td>
<td>100 200</td>
<td>(1)</td>
<td>30%</td>
</tr>
<tr>
<td>Civic</td>
<td>Apply PUD Civic regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Notes:
1. 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.
2. Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.
3. The maximum FAR shall be in accordance with the FLU Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2004-040]

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4. 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]

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E. Pods

4. Recreation Pods

a. Neighborhood Recreation Pod

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PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA]
SUMMARY OF AMENDMENTS
(Updated 9/28/17)

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

1. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod.

[Ord. 2004-040] [Ord. 2008-003] [Ord. 2017-007]

2. Location

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

3. Recreation Area

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

4. Neighborhood Park

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

5. Regional Recreation Pod

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

1) Use Regulations

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

2) Location

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

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

ARTICLE 4 USE REGULATIONS

CHAPTER B USE CLASSIFICATION

Section 3 Recreation Uses

C. Definitions and Supplementary Use Standards for Specific Uses

4. Entertainment, Outdoor

a. Definition

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

b. Typical Uses

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

5. Approval Process - PIPD Regional Recreation Pod Exception

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

1) Notification to Business Development Board

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

2) Residential Separation

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

3) Collocated Special Event

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

d. Location

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PIP/D OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA]
SUMMARY OF AMENDMENTS
(Updated 9/28/17)

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

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

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

<table>
<thead>
<tr>
<th>Adjacent Use</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential and streets</td>
<td>50 feet</td>
</tr>
<tr>
<td>Residential District or Use (1)</td>
<td>100 feet (1)</td>
</tr>
</tbody>
</table>

Notes:
(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.

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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