1 2	ORDINANCE 2012
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVAL FOR INTERNET CAFÉS, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS ARTICLE 1 - DEFINITIONS AND ACRONYMS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; CHAPTER B OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS; CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS; ARTICLE 4 - USE REGULATIONS CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 6 - PARKING; CHAPTER A, PARKING; 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.
20	WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile
21	Land Development Regulations consistent with its Comprehensive Plan into a single
22	Land Development Code; and
23	WHEREAS, pursuant to this statute the Palm Beach County Board of County
24	Commissioners (BCC) adopted the Unified Land Development Code (ULDC)
25	Ordinance 2003-067, as amended from time to time; and
26	WHEREAS, the BCC desires to further amend the ULDC, based upon public
27	participation and advice from the Palm Beach County Land Development Regulation
28	Advisory Board; and
29	WHEREAS, the Land Development Regulation Commission has found these
30	amendments to the ULDC to be consistent with the Palm Beach County Comprehensive
31	Plan; and
32	WHEREAS, the BCC hereby elects to conduct its public hearings on this
33	Ordinance at 9:30 a.m.; and
34	WHEREAS, the BCC has conducted public hearings to consider these
35	amendments to the ULDC in a manner consistent with the requirements set forth in
36	Section 125.66, Florida Statutes; and
37	WHEREAS, internet cafes have opened in the county in several municipalities
38	and in the unincorporated area; and
39	WHEREAS, internet cafes utilize forms of gaming and gambling that may
40	involve, or could lead to, illegal activities; and

1	WHEREAS, the BCC has requested that the issue of internet cafes be referred to
2	the Intergovernmental Plan Amendment Review Committee (IPARC) for study and
3	recommendations; and
4	WHEREAS, whereas the BCC deems it in the best interest of the public health,
5	safety and welfare of the county to direct county staff to study and evaluate this issue
6	and to place a moratorium on the acceptance of applications for and the issuance of
7	any development permits, business tax receipts or any other approval for such facilities
8	for a period of up to one year; and
9	WHEREAS, adoption of the moratorium will provide Palm Beach County an
10	opportunity to develop regulations that address the secondary effects of internet cafés
11	and their impacts on the community or alternatively to consider prohibiting additional
12	internet cafes from opening in unincorporated Palm Beach County.
13	
14	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
15	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:
16	Section 1. Adoption
17	The amendments set forth in Exhibit A, attached hereto and made a part hereof,
18	are hereby adopted.
19	Section 2. Interpretation of Captions
20	All headings of articles, sections, paragraphs, and sub-paragraphs used in this
21	Ordinance are intended for the convenience of usage only and have no effect on

interpretation.

Section 3. Providing for 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.

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1	Section 5. Providing for a Savings Clause
2	All development orders, permits, enforcement orders, ongoing enforcement
3	actions, and all other actions of the Board of County Commissioners, the Zoning
4	Commission, the Development Review Officer, Enforcement Boards, all other County
5	decision-making and advisory boards, Special Masters, Hearing Officers, and all other
6	County officials, issued pursuant to the regulations and procedures established prior to
7	the effective date of this Ordinance shall remain in full force and effect.
8	Section 6. Inclusion in the Unified Land Development Code
9	The provisions of this Ordinance shall be codified in the Unified Land
10	Development Code and may be reorganized, renumbered or re-lettered to effectuate
11	the codification of this Ordinance.
12	Section 7. Providing for an Effective Date
13	The provisions of this Ordinance shall become effective upon filing with the
14	Department of State.
15	
16	APPROVED and ADOPTED by the Board of County Commissioners of Palm
17	Beach County, Florida, on this the day of, 20
	SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA, COMPTROLLER BY ITS BOARD OF COUNTY COMMISSIONERS
	By: By: Shelley Vana, Chair
	Deputy Clerk Shelley Vana, Chair
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY
18	By: County Attorney
19 20 21	EFFECTIVE DATE: Filed with the Department of State on the day of
22	, 20
23 24 25 26 27 28 29	U:\Zoning\CODEREV\2012\BCC Hearings\Internet Cafe Moratorium\2-23-12 1st Reading\Ord. Internet Cafe Moratorium 2-10-12.docx

EXHIBIT A

INTERNET CAFÉ SUMMARY OF AMENDMENTS

(Updated 1/12/12)

Part 1. ULDC Art. 1.I.2, Definitions (pages 55 and 66 of 115), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] To establish a moratorium on internet cafés until the ULDC is amended to establish standards for this use; to clarify that internet cafés are not considered indoor entertainment us; and to provide a definition for internet café.

4 CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

E. Terms defined herein or referenced in this Article shall have the following meanings:

23. **Entertainment, Indoor -** An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. An internet café shall not be considered an indoor entertainment use. [Ord. 2005-002]

....

. Terms defined herein or referenced in this Article shall have the following meanings:

• • • •

- 32. Internet Café Any facility, whether identified as an arcade, game room, internet café, sweepstakes redemption center or by any other name, that utilizes slot machines, simulated gambling devices or similar equipment. A simulated gambling device means any device that, upon connection with an object is available to play or operate a simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff, including money, credit, tickets or tokens to be exchanged for cash or to receive merchandise or any other thing of value. This definition only applies to establishments marketed to adults and shall not apply to game rooms or arcades generally targeted to minors that do not utilize slot machines, simulated gambling devices or similar equipment. The following rules of construction apply to this definition of internet café:
 - a. The term "upon connection with an object" means insertion, swiping, passing in range, or any other technical means of physically, electronically, or electromagnetically connecting an object to a device, or inputting or inserting a password, code, account or user number, or user name, into a device.
 - b. The term "object" means a coin, bill, ticket, token, card, password, account or user number, user name, code, or number, or other object obtained directly or indirectly through payment of consideration or a donation or obtained as a bonus or supplement to another transaction involving the payment of consideration or a donation.
 - c. The terms "play or operate" includes any activation of a device whether involving the use of skill, the application of the element of chance, or both, or neither, or the implementation of an outcome unpredictable to the person activating the device.
 - d. The term "simulation" includes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

[Renumber accordingly.]

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Notes:

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EXHIBIT A

INTERNET CAFÉ SUMMARY OF AMENDMENTS

(Updated 1/12/12)

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Part 2. ULDC Table 3.B.2.A, Airport Use Regulations (page 22 of 228), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] To amend all use matrices to reflect the establish of internet café as a new use.

5

Table 3.B.2.A - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note (2)	Use Applicable to Specific Airport					
Recreation Uses										
Internet Café					<u>45.1</u>					
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016]										

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ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 41 of 228), is hereby Part 3. amended as follows:

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Reason for amendments: [Zoning/Co. Atty.]To amend all use matrices to reflect the establish of internet café as a new use.

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Table 3.B.14.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)				
	Recreation Uses											
Internet Café	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>				

[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]

Notes:

- Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]
- A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004] Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]
- Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]

Key:

- Prohibited in Sub-area.
- Subject to Use Regulations of zoning district
- Permitted by Right. [Ord. 2007-013] [2009-040]
- Class A Conditional or Requested Use

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Part 4. ULDC Table 3.B.15.F, IRO Permitted Use Schedule (page 75 of 228), is hereby amended

15 16

> Reason for amendments: [Zoning/Co. Atty.] To amend all use matrices to reflect the establish of internet café as a new use.

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Table 3.B.15.F - IRO Permitted Use Schedule (continued)

		Lanc	l Use		N					N		
Use Type	C	C H	СГО	СНО	O T E	Use Type	CL	СН	СГО	СНО	O T E	
Recreation Use												
Internet Café					<u>45.1</u>							
[Ord. 2010-005]												
Key:												
P Permitted by right.												
D Permitted subject to DRO approval.					•							
L Permitted by right, subject to accessory use limitations.												
S Permitted subject to Special Permit a												
A Permitted subject to Board of County Commission Approval.												

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Notes:

<u>Underlined</u> indicates <u>new</u> text. If being relocated destination is noted in bolded brackets [Relocated to:]. Stricken indicates text to be deleted.

Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].

.... A series of four bolded ellipses indicates language omitted to save space.

INTERNET CAFÉ **SUMMARY OF AMENDMENTS**

(Updated 1/12/12)

1 2 3

Part 5. ULDC Table 3.B.16.E, PRA Use Matrix (page 88 of 228), is hereby amended as follows:

[Zoning/Co. Atty.] To amend all use matrices to reflect the establish of Reason for amendments: internet café as a new use.

Table 3.B.16.E - PRA Use Matrix (1)(2)(3)

	Table 3.D. 10.E - FNA USE Wat	(1)	<u>(-//-/</u>								
lloo '	Tuna		Transe	ct Sub-	Zones		Note				
Use '	туре	UC 1	UC 2	UC 3	UI 1	UI 2	Note				
Recr	eational Uses										
Inter	net Café						<u>45.1</u>				
[Ord	. 2011-016]										
Note											
1.	Deviations from this table shall be prohibited.										
2. 3.	Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential	Setbacks	3								
3.	Those uses that were legally established prior to the adoption of	Zoning	Resolu	tions R-	10-134	4 and R	-10-1345				
	(Applications 2010-00667 and 00668, UC and UI Districts, re-	espective	ely) sha	all be p	ermitted	d to co	ntinue in				
	accordance with Art. 1.E, Prior Approvals, or 1.F, Non-confo	rmities.	Chang	ge in u	se perr	nitted s	ubject to				
	limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.										
4.	The change in use for a previously approved non-residential struc	ture sha	ıll be pe	rmitted	by right	, if in co	mpliance				
	with Art. 3.B.16.E.2.a, Right to Continue or Change Use.										
Key: P S D B A											
Р	Permitted by Right										
S	Permitted subject to Special Permit approval.										
D	Permitted subject to DRO approval.										
В	Permitted subject to Zoning Commission Approval.										
Α	Permitted subject to Board of County Commission Approval.										

Part 6. ULDC Table 3.E.1.B, PDD Use Matrix (page 142 of 228), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Att.] To amend all use matrices to reflect the establish of internet café as a new use.

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Table 3.E.1.B - PDD Use Matrix Continued

			PUE)				M	IUP	D			МХ	PD	F	PIPE)			LC	CC	
			Pods					FLU							Use Zone					FL	.U	
Use Type	R	С	R	С	Α	С	С	С	С	С	ı	ı	С	С	1	С	ı	М	R	С	С	N
	E	0	E	ı	G	L	н	L	н	R	N	N	н	н	N	0	N	н	٧	L	н	0
	s	М	С	v	R			О	0		D	S		0	D	М	D	Р	Р			т
					1							Т			1		1	D	D			E
					Р										L		G					
			Rec	reat	ion	Use	s															
Internet Café																						<u>45.1</u>
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord.	200	B-03	37] [Ord	. 20	09-0	40]	[Or	d. 2	010	-005	5] [C	ord.	201	0-02	22]						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special																						
R Permitted in the district only if approved by the Boa																						

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Notes:

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EXHIBIT A

INTERNET CAFÉ SUMMARY OF AMENDMENTS

(Updated 1/12/12)

Reason for amendments: [Zoning/Co. Att.] To amend all use matrices to reflect the establish of internet

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Part 7.

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District

café as a new use.

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Pods

Res

228), is hereby amended as follows:

Neighborhood

Center (NC)

Table 3.F.1.F - Traditional Development Permitted Use Schedule

Open

Space/ Rec

TND Urban/Suburban (U/S) Exurban/Rural

ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 192 of

NC Open Res Space/ Rec

Recreation Uses

U/S

Ex/

Rural

AGR

Preserve

Dev.

0 T

E S

[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] Notes:
P F
D F
S F

Permitted by right.

- Permitted subject to approval by the DRO. Permitted in the district only if approved by Special Permit.
- Requested Use

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Part 8. ULDC, Table 4.A.3.A - Use Matrix (page 14 of 161), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Att.] To amend all use matrices to reflect the establish of internet café as a new use.

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Table 4.A.3.A - Use Matrix Continued

				Z	onir	ng Di	istric	ct/Ov	verla	ıy										
	Agriculture/ Conservation				R	esid	al			Co	omm	erci	ial	Ind	olic	N				
Use Type	Р	Α	Α	Α	R	R	R	R	R	С	С	С	С	С	С	I	I	Р	I	0
	С	G	Р	R	υ	E	т	s	М	N	L	С	н	G	R	L	G	0	Р	Т
		R		s	s						О		0		Е				F	E
				Α	Α															
				R	ecr	eatio	n U	ses	_											
											-			-						
Internet Café																				<u>45.1</u>

[Ord. 2005-002] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]

Key:

- Permitted by right
- D Permitted subject to DRO approval
- S B Permitted subject to Special Permit approval
- Permitted subject to Zoning Commission approval
- Permitted subject to Board of County Commission approval

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Notes:

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Part 9. ULDC Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (Page 50 of 170), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] BCC directed staff at the December 1, 2011 BCC Zoning Hearing to review and evaluate the practices of internet cafés and to impose a moratorium on new applications for internet café approvals.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

45. Entertainment, Indoor

An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. An internet café shall not be considered an indoor entertainment use. [Ord. 2005 - 002]

a. CRE District

An indoor entertainment shall not be located in a CRE district with RR FLU designation.

IL District

An indoor entertainment facility exceeding three acres in the IL district, the use shall rezone to the CRE district.

CC, CG, and MUPD Districts

- An indoor entertainment use less than 3000 square feet is a permitted use. 1)
- Banquet and reception facilities as a principal use are subject to Class A conditional 2) use or requested use.

<u>45.1.</u>

Any facility, whether identified as an arcade, game room, internet café, sweepstakes redemption center or by any other name, that utilizes slot machines , simulated gambling devices or similar equipment. A simulated gambling device means any device that, upon connection with an object is available to play or operate a simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff, including money, credit, tickets or tokens to be exchanged for cash or to receive merchandise or any other thing of value. This definition only applies to establishments marketed to adults and shall not apply to game rooms or arcades generally targeted to minors that do not utilize slot machines, simulated gambling devices or similar equipment.

Definition Rules of Construction

The following rules of construction apply to this definition of internet café:

- 1) The term "upon connection with an object" means insertion, swiping, passing in range, or any other technical means of physically, electronically, or electromagnetically connecting an object to a device, or inputting or inserting a password, code, account or user number, or user name, into a device.
- The term "object" means a coin, bill, ticket, token, card, password, account or user number, user name, code, or number, or other object obtained directly or indirectly through payment of consideration or a donation or obtained as a bonus or supplement to another transaction involving the payment of consideration or a donation.
- 3) The terms "play or operate" includes any activation of a device whether involving the use of skill, the application of the element of chance, or both, or neither, or the implementation of an outcome unpredictable to the person activating the device.
- The term "simulation" includes simulation by means of a computer, computer system, <u>video display, video system or any other form of electronic video presentation.</u>

- 1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this ordinance, upon the acceptance of zoning applications and all applicable requests for zoning approval for internet cafés;
- This Ordinance shall expire upon the earlier of the following: one year from the effective date of this ordinance or upon the effective date of Unified Land Development Code amendments dealing with internet cafés to be considered by the Board of County Commissioners during the moratorium.

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Notes:

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ULDC, Table.6.A.1.B, Minimum Off-Street Parking and Loading Requirement [Related to Medical or Dental Office and Pain Management Clinics] (page of 161), is hereby

Part 10.

amended as follows:

Reason for amendments: [Zoning/Co. Atty.]

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

rable on the minimum on choose ariting and redund redundance of the											
Use Type: 0	Commercial	Parking (1)	Loading (2)								
Internet Café		1 space per 200 sq. ft. or 1 per 3 seats, whichever is greater.	<u>C</u>								
[Ord. 2005-002] [[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2008-037]										
Loading Key:											
Standard "A" -	One space for the	first 5,000 square feet of GFA, plus one for each a	dditional 30,000 square feet of GFA.								
Standard "B" -	One space for the	first 10,000 square feet of GFA, plus one for each	additional 15,000 square feet of GFA.								
Standard "C" -	One space for the	first 10,000 square feet of GFA, plus one for each	additional 100,000 square feet of GFA.								
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.											
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.											
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.											

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Notes:

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