

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

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**UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS**

**Title:** Adoption Hearing for a Phase 2 Privately Initiated Amendment (PIA) application of UDKS – Joni Brinkman by Urban Design Kilday Studios, Agent.

**Request:** to amend the ULDC to establish regulations for a new Regional Recreation Pod within the Planned Industrial Development District (PIPD) district, and to allow Outdoor Entertainment as a Class A Conditional Use (aka Surf Ranch Florida).

**SUMMARY:**

On March 23, 2017, the Board of County Commissioners (BCC) approved the Phase 1 PIA application request of Urban Design Kilday Studios (UDKS), to initiate amendments to the ULDC to allow for Outdoor Entertainment uses within a Planned Industrial Park Development (PIPD).

The Phase 2 PIA application is being processed with a concurrent Development Order Amendment and Class A Conditional Use (DOA/CA 2017-00572) application for the Palm Beach Park of Commerce, to allow for the development of an Outdoor Entertainment venue known as Surf Ranch Florida. However, the proposed ULDC amendments would apply to any PIPD within unincorporated Palm Beach County.

The proposed Surf Ranch would be comprised of a man made surfing lake and support facilities intended for “*public recreational and competition purposes*”, which may include larger events requiring separate County approvals for Special Events. Details can be found in the applicants attachments, or in online videos and promotional materials, such as: <http://www.kswaveco.com/>. Additional information pertaining to the site specific Park of Commerce DOA/CA, including application backup, scheduled administrative meetings, as well as tentative Public Hearing dates, can be found online at the following Zoning Division webpage: <http://discover.pbcgov.org/pzb/NewsReleases/Surf-Ranch.aspx>.

Pursuant to initiation by the BCC, the Applicant and Staff coordinated to address issues initially identified by staff, resulting in the current request discussed herein.

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

**BACKGROUND:**

The PIPD is intended to encourage the expansion of PBC’s economic base through new industrial investment, and is a predominantly industrial development district, with exceptions for support uses intended to provide essential onsite services to serve the PIPD workforce, residents (where applicable) and clients. Preserving industrial lands has repeatedly been cited as crucial to ensuring that PBC can compete to attract or retain industries seeking to relocate or expand.

While there are a number of industrial areas within the County, there are only three existing PIPDs:

1. the 1, 323-acre Park of Commerce located in Northwestern PBC at the intersection of the Beeline Highway (SR 710) and Pratt Whitney Road (SR 711), which is partially developed and predominantly industrial.
  2. the 483-acre Vista Center PIPD, which is mostly developed with a mix of industrial, residential, recreational (including a 183-acre golf course and clubhouse) and other commercial uses.
  3. the 66-acre Turnpike Crossing East Industrial Property PIPD, a partially developed industrial project approved for 1,023,921 square feet of Warehouse and accessory office uses.
- \* A fourth PIPD is anticipated at the future Inland Logistics Center to be located in the Glades, to be primarily comprised of regional serving warehouse and transshipment uses.

The Park of Commerce is also located within the Research and Technology Overlay (RTO), and the Bioscience Research Protection Overlay (BRPO), both of which also establish protections for critical industrial, manufacturing, research and development activities from encroachment of incompatible land uses and activities, which is further clarified below under Comprehensive Plan Consistency Determination. The future Inland Logistics Center is located in the Glades Area Overlay (GAO), which is intended to allow for expedited approval and/or additional flexibility in uses permitted, among other provisions to encourage development in the western Glades Tier.

See also “Reasons for Amendments” for additional background information on the proposed amendments.

#### **PLANNING DIVISION COMPREHENSIVE PLAN CONSISTENCY:**

The proposed amendment “*would fall under a larger umbrella of uses that are generally cited as “recreation” uses in the County’s Comprehensive Plan. Per the Comprehensive Plan, the Industrial (IND) Future Land Use designation is expected to have uses other than those that are exclusively industrial uses. Similarly, the Plan indicates that the Planned Industrial Park Development (PIPD) zoning district consists of economic activity centers which include other value-added activities, but do not have to be exclusively industrial uses. Recreational uses fit within these allowances, and do not necessitate a location within a commercial pod. Allowing the use in IND/PIPD would be consistent with and/or further multiple County Directions in the Future Land Use Element. In addition, neither the United Technologies Corporation (Pratt Whitney) Protection Area Overlay (UTCPAO) nor the Bioscience Research Protection Overlay (BRPO) expressly forbids recreation uses within their respective overlays. Therefore, providing the Outdoor Entertainment as recreational use in a PIPD, within a pod that is intended to serve larger, value-added, regional recreation purposes, does not conflict with either the UTCPAO or the BRPO Objective and Policies, and is generally consistent with the IND FLU and PIPD zoning.*”

#### **RECOMMENDATION(S) AND CONSISTENCY DETERMINATION**

**Staff Recommendation:** Staff recommends a motion to Adopt.

**LDRAB/LDRC:** The proposed ULDC amendments were presented to the Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) on July 26, 2017. The LDRAB recommended to accept staff’s recommendation, motion passed (11-0) and, LDRC determination of consistency with the Comprehensive Plan, motion passed (11 – 0).

**BCC Public Hearings:** Approved (6-0) on August 24, 2017, Request for Permission to Advertise for First Reading on September 28, 2017. Approved (4-0) on September 28, 2017, First Reading and to Advertise for Adoption Hearing on October 26, 2017.

#### **MOTION:**

To ADOPT 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 USE (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.**

Part	Reasons for Amendments
<p><b>1.</b> ULDC Art. 3.E.5, Planned Industrial Park Development</p>	<p>1. Update provisions under Purpose and Intent and Objectives and Standards, to recognize that the Outdoor Entertainment use proposed for the new PIPD Regional Recreation Pod will not be subject to limitations on support uses, in accordance with Comprehensive Plan provisions that recognize that a PIPD may include uses “...intended to serve larger, value-added, regional recreation purposes.”</p>
	<p>2. Establish new Regional Recreation Pod intended to accommodate other recreational value-added activities consistent with the economic activity center intent of the PIPD. The table further clarifies that the Regional Recreation Pod not required, but optional, by establishing that there is no “minimum” requirement, while limiting overall size to a “maximum” of five percent of the overall PIPD, thus ensuring that the PIPD remains a “predominantly industrial development.” This is further emphasized through existing Land Use Mix provisions requiring a minimum of 60% of the overall PIPD be industrial.</p>
	<p>3. Clarify provision intended to encourage reasonably compact and contiguous design of individual pods and method used to calculate minimum of maximum land use mix.</p>
	<p>4. Establish Property Development Regulations (PDRs) for proposed Regional Recreation Pod. PDRs are required for all Pods within a Planned Development District.</p>
	<p>5. Relocate language allowing for exception from minimum setbacks in industrial pods to improve ease of use. Provisions allowing for exceptions from tabular data have been found to be easier to understand when established as a note within the applicable table.</p>
	<p>6. Differentiate between existing neighborhood serving Recreation Pod provisions and the new Regional Recreation Pod, retaining reference to “Neighborhood” recreation uses permitted in accordance with the provisions for a PUD Recreation Pod, which by default applies to the PUD “REC” Pod column of the Art. 4 Use Matrices.</p>
	<p>7. Establish new Regional Recreation Pod, and clarify that the uses permitted are limited to the Outdoor Entertainment use requested by the PIA application. Subsequently, a separate Regional “REC” column will not be added to the Art. 4 Use Matrices at this time. While additional uses may be added at a later date, the current limitation is in accordance with the scope of the PIA submitted by the applicant.</p>
<p><b>2.</b> ULDC Art. 4.B.3.C.4, Outdoor Entertainment</p>	<p>1. As noted in Part 1 above, the PIA application only proposes allowing for one principal use in the Regional Recreation Pod at this time, along with provisions to allow for a collocated Special Event. Hence, a Regional “REC” column will “not” be added to the Use Matrix, and the Supplementary Standards below will serve to establish that the Outdoor Entertainment use will be permitted subject to Class A Conditional Use approval.</p>
	<p>2. Establish requirement that the applicant notify the Palm Beach County Business Development Board (BDB), to ensure that the BDB is aware of any proposal that might reduce, however minimally, available industrial lands.</p>
	<p>3. Retain additional setbacks proposed by applicant, which are further detailed in the applicant’s justification as follows “...to provide for substantial buffering of the impacts to residential uses. Smaller uses deemed to still provide support services to residents and workforce would not be impacted by these code revisions.”</p>
	<p>[Zoning] Incorporate LDRAB recommendation to provide an additional reference to more restrictive setbacks proposed by PIA applicant for any Outdoor Entertainment use proposed within the new PIPD Regional Recreation Pod. The LDRAB raised concerns that the note would provide additional clarification for when the more restrictive setback would apply.</p>



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.

1            **Section 6. Inclusion in the Unified Land Development Code**

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

5  
6            **Section 7. Providing for an Effective Date**

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

9  
10           **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
11 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

12

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

13

14

15           **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of  
16 \_\_\_\_\_, 20\_\_\_\_.

# EXHIBIT A

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

1  
2 Part 1. ULDC Art. 3.E.5, Planned Industrial Park Development (pages 166 and 168 of 218, is  
3 hereby amended as follows:  
4

### 5 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

#### 6 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

#### 7 Section 5 Planned Industrial Park Development (PIPD)

##### 8 A. General

##### 9 1. Purpose and Intent

10 The purpose of the PIPD district is to create an industrial development alternative, which  
11 provides employment opportunities for industries, manufacturing, research and development  
12 and encourages internal trip capture by offering support uses. The intent of a PIPD is to  
13 promote creative design approaches to community planning and site design for planned  
14 industrial developments. Support uses, such as hotels, offices, commercial, institutional, ~~and~~  
15 residential and recreation, are intended to serve the PIPD workforce and residential  
16 populations, with exception to regional serving recreation uses permitted within the Regional  
17 Recreation Pod. [Ord. 2004-040] [Ord. 2014-025]  
18

##### 19 B. Objectives and Standards

##### 20 1. Design Objectives

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

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

##### 38 C. Thresholds

##### 39 1. General

40 A PIPD shall comply with Table 3.A.3.C, FLU Designation and Corresponding Planned  
41 Development District, and with the following thresholds: [Ord. 2006-004]  
42

##### 43 b. Land Use Mix

44 Land uses shall be grouped into Pods which limit and define the types of uses within a  
45 specific area of a PIPD. Table 3.E.5.D, PIPD Land Use Mix, indicates the range of each  
46 pod within a PIPD. [Ord. 2014-025]  
47  
48  
49  
50

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52

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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
<b>Industrial</b>	60%	100%
Light <u>Industrial</u>	20%	100%
General <u>Industrial</u> (1)	-	50%
<b>Commercial</b>	-	20% (max. 15 ac) (2)
<b>Residential</b>	-	20%
<u>Recreation</u>	-	<u>20%</u>
<u>Neighborhood Recreation</u>	.006 acre (3)	20%
<u>Regional Recreation</u>	-	<u>5%</u>
<b>[Ord. 2014-025]</b>		
<b>Notes:</b>		
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. <b>[Ord. 2014-025]</b>		
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. <b>[Ord. 2014-025]</b>		

**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	<u>(1)</u>	45%	25	C – 15 R – 40	25	C – 15 R – 40
General Industrial	2 ac	200	200	<u>(1)</u>	45%	25	C – 20 R – 40	25	C – 20 R – 40
Commercial	Apply MUPD, MXPD or TMD regulations								
Residential	Apply PUD regulations								
<u>Neighborhood Recreation</u>	Apply PUD Recreation Pod and Neighborhood Park regulations								
<u>Regional Recreation</u>	<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								
<b>[Ord. 2004-040] [Ord. 2014-001]</b>									
<b>Notes:</b>									
<b>C</b> 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.									
<b>R</b> 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. <b>[Ord. 2007-001]</b>									
2. <i>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. <b>[Ord. 2004-040]</b></i>									

**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)

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)a. 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)b. 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)c. 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)d. Neighborhood Park**

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

**b. 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.

##### **c. 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.

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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 **de. Location**  
2 Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.  
3 **ed. Setbacks**  
4 No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located  
5 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>
<b>Notes:</b>	
<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>	

6

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