



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
www.pbcgov.com/pzb



**Palm Beach County  
Board of County  
Commissioners**

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Steven L. Abrams, Vice Chairman

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Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

**County Administrator**

Robert Weisman

**INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING & BUILDING**

**TO:** The Honorable Shelley Vana, Chair  
and Members of the Board of County Commissioners

**FROM:** Jon MacGillis, ASLA  
Zoning Director 

**DATE:** March 7, 2012

**RE:** Internet Cafés - information request by Board of County  
Commission

**Request:**

At the February 22, 2012 BCC Hearing staff was requested to provide information relative to how many approved Internet Café businesses are operating in the unincorporated Palm Beach County.

**Results of Zoning Staff Research:**

The Unified Land Development Code (ULDC) does not specifically address "Internet Café's as a use. The Zoning Director has classified this use under the broader use classification of "Indoor Entertainment" The definition of Indoor Entertainment is "an establishing offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alley, bingo parlors, pool halls, billiard parlors and vide game arcades".

Neither the Zoning Division nor the Tax Collector's office currently have a specific classification for Internet Café's therefore, obtaining complete statistics on the number of approved business in PBC has been challenging; and the attached information might not be all-inclusive.



Since the term "Internet Café" was only introduced as a type of business activity in 2010, staffs research of Zoning records for approved Business Tax Receipts was limited to January 1, 2010 to December 31, 2011. For that period, only two Business Tax Receipt (BTR) applications were issued which clearly stated Internet Cafe - Indoor Entertainment less than 3,000 square feet (Attachment 1).

Staff also contacted Ms. Teri Wambach, Navigation Coach and Ms. Linda H. Brown, Navigation Coach, at the Tax Collector's Office to determine if they could confirm our findings. Their response was consistent with Zoning staff as they do not have a specific classification for Internet Café's.

If you have any questions, please contact me at 561-233-5234 or we can discuss these findings at the March 22<sup>nd</sup> Zoning BCC Hearing when the Internet Moratorium Ordinance will be on the agenda for adoption.

**Attachment:** 1. Two Business Tax Receipt applications for Internet Café

JM/fas

C: with Attachments:

Verdenia Baker, Deputy County Administrator

Barbara Alterman, Executive Director PZB

Bob Banks, Assistant County Attorney

Lenny Berger, Assistant County Attorney

Teri Wambach, PBC Tax Collector

Linda H. Brown, PBC Tax Collector

Maryann Kwok, Chief Planner

William Cross, Principal Site Planning-Code Revision Section

Zoning Division Staff

**TAX COLLECTOR, PALM BEACH COUNTY**  
**APPLICATION FOR PALM BEACH COUNTY BUSINESS TAX RECEIPT**  
 (COUNTY ORDINANCE 72-1)

Account # \_\_\_\_\_

Receipt # \_\_\_\_\_

No business tax receipt shall be issued until applicable county and state laws are complied with including, but not limited to, building, zoning, construction industry licensing, fire control and health.

**FICTITIOUS NAME REGISTRATION MUST ACCOMPANY THIS APPLICATION**

**BUSINESS INFORMATION:** *Business*  
 Business Name WPB 45601 SERVICE Start of Business Date Aug 1st 2011  
 Business Address 45601 OKEECHOBEE Applicant Name Arash JAGHJAN  
 City/State WPB Zip 33409 Corporation Name WPB 45601  
 Business Phone 934-640-2822 Mailing Address (if Different) \_\_\_\_\_  
 City/State \_\_\_\_\_ Zip \_\_\_\_\_

\*Federal Employer ID # \_\_\_\_\_ -OR- \*Social Security # \_\_\_\_\_  
 Nature of Business INTERNET CAFE Indoor Entertainment  
 Maximum Number of Employees 5 Machines 40 Rooms \_\_\_\_\_ Restaurant Seating \_\_\_\_\_  
 Were you issued a Notice of Non-Compliance? Yes X No \_\_\_\_\_

I certify that the above information is true and correct, and I understand that any false statements could result in penalties as provided by law.

Signature [Signature] Title GM

**PLEASE NOTE: ZONING APPROVAL MUST BE COMPLETED PRIOR TO RECEIPT ISSUANCE**

\*\*\* See reverse side of this application for instructions \*\*\*

MUNICIPAL/CITY ZONING APPROVAL \_\_\_\_\_ Title BTR-2011-1614  
 UNINCORPORATED/COUNTY ZONING APPROVAL \_\_\_\_\_  
 Legal Description of property (Property Appraiser 355-2866) Indoor Entertainment  
00.42.43.24.00.000.7100  
2000 SF MAC  
 Section 24 Township 43 Range 42 Zoning G7  
 This business is presently served by:  
 Public Water \_\_\_\_\_ Public Sewer \_\_\_\_\_ Onsite Well \_\_\_\_\_ Septic Tank \_\_\_\_\_

- 1) Planning Building and Zoning  
 A. Zoning (U No.) Attach Receipt  
 B. Compliance \_\_\_\_\_  
 C. Building \_\_\_\_\_  
 D. Zoning W. Sander 7/7/11  
 E. Other \_\_\_\_\_
- 2) Fire Marshall \_\_\_\_\_  
 3) Health Department \_\_\_\_\_  
 4) Hotel & Restaurant \_\_\_\_\_  
 5) Prior Use of bay/bldg. \_\_\_\_\_  
 SIC Code \_\_\_\_\_

\*\*\* Signature and Title Designates Approval \*\*\*

**OFFICE USE ONLY:**  
 Class Code \_\_\_\_\_ Branch Office \_\_\_\_\_ Clerk \_\_\_\_\_  
 State License # \_\_\_\_\_  
 Field Service Approval \_\_\_\_\_ Date \_\_\_\_\_

\*Per FS 205.0535(5)

PBCTC Form 65 (01/08)



**ANNE M. GANNON**  
**CONSTITUTIONAL TAX COLLECTOR**  
 Serving Palm Beach County  
 www.taxcollectorpbcc.com

[County Ordinance 72-1 and FS 205.0535(5)]  
 No business tax receipt shall be issued until applicable county and state laws are complied with including, but not limited to, building, zoning, construction industry licensing, fire control and health.

## Application For Palm Beach County Local Business Tax Receipt

### BUSINESS INFORMATION (To be completed by applicant):

**\*\*Instructions & checklist on reverse side\*\***

Check Applicable Box:  New Business  Transfer of Address  Transfer of Ownership  Business Name Change  
 New Business Tax Receipt  Other \_\_\_\_\_

Current Business Tax Receipt # (if applicable): \_\_\_\_\_

Business/DBA/Trade Name: \_\_\_\_\_  
(Division of Corporations requires registration of a fictitious name. Copy of registration must accompany this application)

Corporation / Business Name: \_\_\_\_\_

Owners Name: Mark Dawkins & Ali Khan

Federal Employer ID #: \_\_\_\_\_ \*\*OR\*\* Social Security #: \_\_\_\_\_

Business Address: 4645 Gun Club Rd City: West Palm Beach State: FL ZIP: 33415

Date in business at this location: \_\_\_\_\_ Business Phone Number: (405) 413-2753

Mailing Address (if different above): 9016 NW 147th PL City: Jupiter State: OK ZIP: 73059

E-Mail address: emailmark123@gmail.com

Nature of Business: Internet Cafe \*\*OR\*\* Profession: \_\_\_\_\_  
(Landscaper, Cleaning Service, etc.) (Doctor, Lawyer, etc.)

Maximum Number of: Employees: 2 Machines: 32 Rooms: 1 Restaurant seating: \_\_\_\_\_

Were you issued a Notice of Non-Compliance? Yes  No  less than 3000 sq/ft

I certify, under penalty of law, that the above information is true and correct, and I understand that any false statements could result in penalties as provided by law.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

U.C. Permit 74-126 / Res # 87-497 (Agent, Owner, Rep.) BTRH 2011-0231

### PLEASE NOTE: ZONING APPROVAL MUST BE COMPLETED PRIOR TO APPLICATION SUBMITTAL \*\*See reverse side for details on zoning\*\*

Municipal/City Zoning Approval: \_\_\_\_\_ Title: \_\_\_\_\_

\*\*OR\*\* Unincorporated Zoning Approval/  
 Planning Zoning & Building Approval: \_\_\_\_\_ Title: Planner

PZ&B - Place initials in box if approval from department is required\*\*\* Regulator Signature required on line, when approval has been meet \*\*\*

<input type="checkbox"/> Zoning (U No.) <u>Attach Receipt</u>	<input checked="" type="checkbox"/> Fire Marshall
<input checked="" type="checkbox"/> Compliance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Building	<input type="checkbox"/> Hotel & Restaurant
<input type="checkbox"/> NAICS Code	<input type="checkbox"/> Prior Use of Bay/Bldg.
<input type="checkbox"/> Other	<input type="checkbox"/> Cnty Home Based Affidavit

PGUH 00-42-44-01-28-000-0000

### FOR TCO OFFICE USE ONLY (Signature and title designates approval)

LBTR#/Account #: \_\_\_\_\_ Branch Office: \_\_\_\_\_ CURRENT YR

Till number: \_\_\_\_\_ State/County License Cert #: \_\_\_\_\_ 1 YR

NAICS Code: 53-0036 Receipt #: \_\_\_\_\_ 2 YR

Cust. Relations Guide/ CRA: \_\_\_\_\_ 3 YR

Date: \_\_\_\_\_ Field Service Approval: \_\_\_\_\_ 4 YR

TOTAL FEE DUE: \$ \_\_\_\_\_ 5 YR



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  
22 interpretation.

23           **Section 3. Providing for Repeal of Laws in Conflict**

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

26           **Section 4. Severability**

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

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**Section 5. Providing for a 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA,  
COMPTROLLER BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_ By: \_\_\_\_\_  
Deputy Clerk Shelley Vana, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

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

U:\Zoning\CODEREV\2012\BCC Hearings\Internet Cafe Moratorium\3-22-12 Adoption Hearing\Ord. Internet Cafe Moratorium 3-8-12.docx

EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 3/8/12)

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Part 1. ULDC Art. 1.1.2, 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.

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]

....

I. 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:**

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:** ].

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



EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 3/8/12)

1  
2 Part 2. ULDC Table 3.B.2.A, Airport Use Regulations (page 22 of 228), is hereby amended as  
3 follows:  
4

Reason for amendments: [Zoning/Co. Atty.] To amend all use matrices to reflect the establishment 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 <sup>(1)</sup>	Note <sup>(2)</sup>	Use Applicable to Specific Airport
....					
<b>Recreation Uses</b>					
....					
<u>Internet Café</u>					<u>45.1</u>
....					
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016]					

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7  
8 Part 3. ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 41 of 228), is hereby  
9 amended as follows:  
10

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

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
....								
<b>Recreation Uses</b>								
<u>Internet Café</u>	<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]								
<b>Notes:</b>								
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]								
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004]								
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]								
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]								
<b>Key:</b>								
X Prohibited in Sub-area.								
- Subject to Use Regulations of zoning district.								
P Permitted by Right. [Ord. 2007-013] [2009-040]								
A Class A Conditional or Requested Use								

12  
13  
14 Part 4. ULDC Table 3.B.15.F, IRO Permitted Use Schedule (page 75 of 228), is hereby amended  
15 as follows:  
16

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

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

Use Type	Land Use				NOTE	Use Type	Land Use				NOTE
	C L	C H	C L	C H			C L	C H	C L	C H	
<b>Recreation Uses</b>											
....											
<u>Internet Café</u>					<u>45.1</u>						
....											
[Ord. 2010-005]											
<b>Key:</b>											
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 approval.											
A Permitted subject to Board of County Commission Approval.											

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 3/8/12)

1  
2 Part 5. ULDC Table 3.B.16.E, PRA Use Matrix (page 88 of 228), is hereby amended as follows:  
3

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

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

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
....						
<b>Recreational Uses</b>						
....						
<u>Internet Café</u>						45.1
....						
<b>[Ord. 2011-016]</b>						
<b>Note:</b>						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject 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 structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
<b>Key:</b>						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

5  
6 Part 6. ULDC Table 3.E.1.B, PDD Use Matrix (page 142 of 228), is hereby amended as follows:  
7  
8

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

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

Use Type	PUD					MUPD					MXP		PIPD			LCC		NOTE		
	Pods					FLU					FLU		Use Zone			FLU				
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C	I		M	R
E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	H	V	L	H
S	M	C	V	P			O	O		D	S	O	O	D	M	D	P	P		
....																				
<b>Recreation Uses</b>																				
....																				
<u>Internet Café</u>																				
....																				
<b>[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]</b>																				
<b>Notes:</b>																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																				

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 3/8/12)

1  
2 Part 7. ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 192 of  
3 228), is hereby amended as follows:  
4

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

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

District	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
....											
Recreation Uses											
....											
<u>Internet Café</u>											45.1
....											
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

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8 Part 8. ULDC, Table 4.A.3.A - Use Matrix (page 14 of 161), is hereby amended as follows:  
9

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

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

Use Type	Zoning District/Overlay																NOTE			
	Agriculture/Conservation			Residential					Commercial					Industry/Public						
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I		I	P	I
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L		G	O	P
....																				
Recreation Uses																				
....																				
<u>Internet Café</u>																			45.1	
....																				
[Ord. 2005-002] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]																				
Key:																				
P Permitted by right																				
D Permitted subject to DRO approval																				
S Permitted subject to Special Permit approval																				
B Permitted subject to Zoning Commission approval																				
A Permitted subject to Board of County Commission approval																				

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 3/8/12)

1  
2 Part 9. ULDC Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (Page  
3 50 of 170), is hereby amended as follows:  
4

**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. At the February 23, 2012 BCC Zoning Hearing, the BCC further instructed staff to reduce the moratorium from one-year to six months.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 45. Entertainment, Indoor

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

13 a. CRE District

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

15 b. IL District

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

18 c. CC, CG, and MUPD Districts

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

22 ....

23 **45.1. Internet Café**

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

33 **a. Definition Rules of Construction**

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

- 35 1) The term “upon connection with an object” means insertion, swiping, passing in  
36 range, or any other technical means of physically, electronically, or  
37 electromagnetically connecting an object to a device, or inputting or inserting a  
38 password, code, account or user number, or user name, into a device.  
39 2) The term “object” means a coin, bill, ticket, token, card, password, account or user  
40 number, user name, code, or number, or other object obtained directly or indirectly  
41 through payment of consideration or a donation or obtained as a bonus or  
42 supplement to another transaction involving the payment of consideration or a  
43 donation.  
44 3) The terms “play or operate” includes any activation of a device whether involving the  
45 use of skill, the application of the element of chance, or both, or neither, or the  
46 implementation of an outcome unpredictable to the person activating the device.  
47 4) The term “simulation” includes simulation by means of a computer, computer system,  
48 video display, video system or any other form of electronic video presentation.

49 **b. Moratorium**

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

58  
59 This space left blank intentionally.  
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**Notes:**

Underlined indicates **new** 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:** ].

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 3/8/12)

1  
2 Part 10. ULDC, Table.6.A.1.B, Minimum Off-Street Parking and Loading Requirement [Related  
3 to Medical or Dental Office and Pain Management Clinics] (page of 161), is hereby  
4 amended as follows:  
5

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.

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

Use Type: Commercial	Parking (1)	Loading (2)
...		
Internet Café	1 space per 200 sq. ft. or 1 per 3 seats, whichever is greater.	C
...		
<b>[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2008-037]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 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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50 Moratorium 3-8-12.docx

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