

## ORDINANCE 2009-36

1 AN ORDINANCE OF THE TOWN OF  
2 LAUDERDALE-BY THE SEA, FLORIDA,  
3 AMENDING CHAPTER 30 "UNIFIED LAND  
4 DEVELOPMENT REGULATIONS," ARTICLE V  
5 "ZONING," DIVISION 2 "DISTRICTS," SECTION 30-  
6 261 "B-1-A DISTRICT-BUSINESS" IN ORDER TO  
7 PROVIDE THAT COMMUNITY THEATRES AND  
8 CULTURAL CENTERS ARE PERMITTED USES IN  
9 THE B-1-A DISTRICT; FURTHER AMENDING  
10 SECTION 30-271 "B-1 DISTRICT-BUSINESS" IN  
11 ORDER TO PROVIDE THAT COMMUNITY  
12 THEATRES AND CULTURAL CENTERS ARE  
13 PERMITTED USES IN THE B-1 DISTRICT;  
14 PROVIDING FOR SEVERABILITY; PROVIDING  
15 FOR CODIFICATION; AND PROVIDING FOR AN  
16 EFFECTIVE DATE.  
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19 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code  
20 of Ordinances are periodically necessary in order to ensure that the Town's land  
21 development regulations are current and consistent with the Town's planning and  
22 regulatory needs; and

23 **WHEREAS**, the Town Commission has determined that it is in the best interest of  
24 the Town to amend Section 30-261 of the Code of Ordinances to provide that community  
25 theaters and cultural centers shall be permitted uses within the B-1-A Business district; and

26 **WHEREAS**, the Town Commission has determined that it is in the best interest of  
27 the Town to amend Section 30-271 of the Code of Ordinances to provide that community  
28 theaters and cultural centers shall be permitted uses within the B-1 Business district; and

29 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning  
30 Agency, has reviewed this Ordinance at a duly noticed hearing on November 11, 2009,  
31 and recommended its approval; and

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32           **WHEREAS**, the Town Commission has reviewed this Ordinance at a duly  
33 noticed hearing and determined that it is consistent with the City’s comprehensive plan;  
34 and

35           **WHEREAS**, the Town Commission hereby finds and declares that adoption of  
36 this Ordinance is necessary, appropriate, and advances the public interest.

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38   **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
39 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

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41           **SECTION 1.** The preceding “Whereas” clauses are ratified and incorporated as  
42 the legislative intent of this Ordinance.

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44           **SECTION 2.** Amending Article V “Zoning,” Division 2 “Districts,” Section 30-  
45 261 “B-1-A district--Business,” to read as follows:

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47                           **Sec. 30-261. B-1-A district--Business.**

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52                           (b)B-1-A uses permitted:

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(1) Use. No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended, or designed for any of the following uses; office building, drug-store, restaurant, including sidewalk cafés which would be appurtenant to, and a part of, a restaurant, market, sundries, bakery, specialty shop, giftware, clothing, furniture, radio repair and sales, electric supply, cooking schools, catering, motorized scooter or moped sales and rentals,

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shoe sales and repair, beauty schools and hair salons; and community theaters and cultural centers; construction shall be limited to one building on B-1-A lots 50 feet or less in width. Restaurant for the purposes of this subdivision, is any establishment where facilities are provided for preparing and serving food to the public.

\* \* \* \* \*

**SECTION 3.** Amending Article V "Zoning," Division 2 "Districts," Section 30-

271 "B-1 district--Business," to read as follows:

**Sec. 30-271. B-1 district--Business.**

(a) *Use.*

No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended, or designed for any of the following uses: office building, drug (store), restaurant, market, sundries, bakery, specialty shop, gift shop, coin-operated dry cleaning and laundry and/or pickup station, hardware, clothing, furniture, radio repair and sales, electric supply, cooking schools, catering businesses, motorized scooter sales or moped sales and rentals, shoe sales and repair, beauty schools and hair salons, fishing pier, bait and tackle shop, bicycle rental shop with no outside storage; ~~and dental laboratory;~~ and community theaters and cultural centers; construction shall be limited to one (1) on B-1-A lots 50 feet or less in width. Drive-through services that are accessory to a use in this zoning district shall be allowed only as a conditional use requiring Planning and Zoning Board review and Town Commission approval, provided that any approval of the drive-through use by the Town Commission shall specifically establish the location and traffic flow pattern of the drive through. "Restaurant," for the purposes of this subdivision, is any establishment where facilities are provided for preparing and serving food to the public in an enclosed building.

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102           **SECTION 4. Severability.** If any section, sentence, clause or phrase of this  
103 Ordinance is held to be invalid or unconditional by any court of competent jurisdiction, then  
104 said holding shall in no way affect the validity of the remaining portions of this Ordinance.

105           **SECTION 5. Effective Date.** This Ordinance shall become effective immediately  
106 upon adoption on second reading.

107           **SECTION 6. Codification.** This Ordinance shall be codified.

108           **SECTION 7. Adoption.**

109           Passed on the first reading, this \_\_\_ day of \_\_\_\_\_, 2010

110           Passed on the second reading, this \_\_\_ day of \_\_\_\_\_, 2010

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\_\_\_\_\_  
Mayor Roseann Minnet

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First Reading

Second Reading

117 Mayor Minnet

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118 Vice-Mayor McIntee

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119 Commissioner Clotey

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120 Commissioner Silverstone

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121 Commissioner Dodd

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122 Attest:

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124 \_\_\_\_\_  
Town Clerk, June White

125 (CORPORATE SEAL)

126 Approved as to form:

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128 \_\_\_\_\_  
Susan L. Trevarthen, Town Attorney