



AGENDA ITEM MEMORADUM

Item No. 12 a.i.

Development Services

Linda Connors *LC*

Department

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> September 11, 2012	August 31 st

**Subject to Change*

- Presentation Reports Consent **Ordinance**
- Resolution Quasi-Judicial Old Business New Business

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Ordinance 2012-15: Commission Priority 5 – Code Clean Up.

EXPLANATION: Ordinance 2012-15 (Exhibit 1) addresses the Commission's fifth planning priority set for FY12 in a budget workshop last summer. This project was dubbed the "code cleanup" and focused on resolving inconsistencies between the Charter, Plan and Code. As you know, the Charter can only be changed by a vote of the people, so these changes follow all of the current provisions of the Charter, including the heights, and do not rezone any properties or create new zoning districts. The proposed amendments in this Ordinance:

- Address pyramidal zoning (to the extent allowed by the Charter),
- Improve the language that explains the intent and purpose of the zoning districts,
- Remove the existing inclusion of some of the applicable County regulations into the Code of Ordinances, and instead provide for the adoption by reference of all County regulations that apply to annexed areas pursuant to the applicable annexation agreements with the County,
- Revise the Code to ensure that it is internally consistent with the Town Charter for rezonings, and
- Delete the additional planned development regulations created in 2007 that have never been applied to property within the Town.

The Planning and Zoning Board reviewed the proposed changes during their August 15th meeting and recommended approval of the proposed amendments with a 3-0 vote. For ease of the Commission's review, we have incorporated the exhibits from the Planning and Zoning Board's staff report for your review and consideration. These exhibits include:

- Exhibit 2 – A summary description of the proposed amendments
- Exhibit 3 – The Town's Zoning Map
- Exhibit 4 – AG 2001-01 – the Annexation Agreement referenced in Exhibit 2
- Exhibit 5 – Ordinance 2007-14 – also referred to in Exhibit 2.

The majority of the changes proposed in Ordinance 2012-15 eliminate outdated language that is not relevant to the Code, add language to ensure that the Code is consistent with the Town Charter, and delete language that is inconsistent with the Town's regulatory procedures.

Additionally, staff has recommended changes to the following Code provisions:

1. Eliminating the requirement for a 5' landscape strip to divide driveways in the RD-10 (duplex) zoning district. Staff is recommending this amendment as the requirement does not result in feasible design of duplex driveways nor does it result in creating an attractive landscape strip area. (Line 772)



2. Prohibiting gravel driveways in all Town zoning districts. Currently, the code prohibits gravel driveways in our single family and duplex zoning districts. We are recommending prohibiting gravel driveways in all zoning districts. Staff conducted a field survey in the zoning districts that would be affected by this change and found only one gravel driveway that would be impacted by this amendment. This driveway would be considered legal non-conforming. (Lines 694 and 783)
3. Changing the requirement for approval of plans regarding the elevation of filled land from the Town Commission to the Floodplain Administrator, who is currently the Town Engineer. Staff is recommending this change because the Floodplain Administrator has the professional knowledge necessary to review the applications based on the criteria included in the Code. (Line 915)
4. Amending the requirement that a deck cannot be higher than the seawall to apply this requirement only to any portion of a deck located within five (5) feet of the seawall. This is suggested to eliminate current ambiguity. (Line 965)

The close scrutiny of the Code necessary to complete this task identified the need to update and revise other sections of the Land Development Code that transcend the scope of this priority. We anticipate addressing these issues in the near future. The tasks that we will be addressing include:

1. Evaluating the existing built environment in relationship to the applicable County zoning regulations at the time of the annexations;
2. Reorganizing the current parking language and providing additional parking standards, such as angled parking;
3. Reviewing current site plan review standards and recommending amendments to streamline and clarify the review process and submittal requirements;
4. Addressing accessory uses; and
5. Providing procedures for the relocation of buildings.

RECOMMENDATION: We recommend approval of Ordinance 2012-15 on First Reading. Second Reading will be scheduled for the October 9, 2012 Commission meeting.

- EXHIBITS:**
- Exhibit 1 – Ordinance 2012-15
 - Exhibit 2 – A summary description of the proposed amendments
 - Exhibit 3 – The Town's Zoning Map
 - Exhibit 4 – AG 2001-01
 - Exhibit 5 – Ordinance 2007-14

Reviewed by Town Attorney
 Yes No

Town Manager Initials *CA*

ORDINANCE 2012-15

1
2
3 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
4 **THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED**
5 **LAND DEVELOPMENT REGULATIONS, OF THE CODE**
6 **OF ORDINANCES TO ADDRESS PLANNING PRIORITY 5**
7 **TO ADDRESS PYRAMIDAL ZONING, IMPROVE THE**
8 **PURPOSE AND INTENT OF EXISTING ZONING**
9 **DISTRICTS, DELETE UNUSED PUD REGULATIONS AND**
10 **IMPROVE INTERNAL CONSISTENCY BY AMENDING**
11 **ARTICLE I “IN GENERAL”; BY AMENDING ARTICLE V**
12 **“ZONING”; AND ARTICLE VI, “PLANNED UNIT**
13 **DEVELOPMENT REGULATIONS”, PROVIDING FOR**
14 **SEVERABILITY, CONFLICTS, CODIFICATION, AND AN**
15 **EFFECTIVE DATE**

16
17 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
18 Ordinances are periodically necessary in order to ensure that the Town’s land development
19 regulations are current and consistent with the Town’s planning and regulatory needs; and

20 **WHEREAS**, the Town Commission established seven planning priorities including
21 general code clean up to address pyramidal zoning, improve the purpose and intent of existing
22 zoning districts, update PUD regulations and improve internal consistency (“Priority #5”); and

23 **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to
24 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
25 and such notice was given of this amendment on July 10, 2012; and

26 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
27 reviewed the revisions proposed in this Ordinance at a duly noticed public hearing on August 15,
28 2012, and provided a recommendation of approval of the proposed revisions; and

29 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance
30 at duly noticed public hearings, as required by law, and after having received input from and
31 participation by interested members of the public and staff, the Town Commission has determined
32 that this Ordinance is consistent with the Town’s Comprehensive Plan and is in the best interest of
33 the Town, its residents, and its visitors.

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

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

38 **SECTION 2. Amendment.** Article I, In General, of Chapter 30, Unified Land
39 Development Regulations, of the Code of Ordinances is hereby amended as follows¹:

40 **ARTICLE I. - IN GENERAL**

41 ...

42 **Sec. 30-11. - Procedures and requirements for rezoning.**

43 ...

44 **(b) Application process.**

45 (1) An application for a change of zoning district boundaries, a change of zoning district for any
46 plot or an amendment to this chapter may be filed at the initiation of the Town Commission and
47 the owner of the property which is the subject of the change or said owner's designee.

48 **(2) Requirement for Referendum Vote:**

49 **a. Residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10,
50 **RM-15, RM-16, RM-25 and PUD as of March 20, 2006, may not be re-zoned for any
51 **other use whatsoever except by a referendum vote of the registered voters of the Town in
52 **the manner established in Article IV, Section 4.7 of the Town Charter.********

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

53 b. The Town may not create new categories of zoning without approval of such
54 categories by a similar referendum vote; and all provisions of such new categories of
55 zoning must be submitted to the voters for approval.

56 (2) (3) The Town Commission shall hold hearings on the application as required for the adoption
57 of ordinances as set forth in F.S. § 166.041, as it may be amended from time to time. The Town
58 commission at a regularly scheduled meeting, which is held after review of the application by the
59 Planning and Zoning Board, shall hear the first reading of the ordinance approving the
60 application. After considering all relevant information, including recommendations from the
61 Planning and Zoning Board and comments from the public, the Town Commission shall either
62 approve the application on first reading with or without conditions, stipulations, restrictions or
63 limitations as are reasonably required to achieve the purpose of this chapter or deny the
64 application. If the ordinance approving the application is denied on the first reading, the
65 application shall be deemed denied. If the ordinance approving the application is approved on the
66 first reading, then a second reading shall be scheduled. At the second reading of the ordinance
67 approving the application, the Town Commission, after considering all relevant information,
68 including the recommendations of the Planning and Zoning Board and comments from the
69 public, shall either approve the application as presented, approve the application with conditions,
70 stipulations, restrictions or limitations reasonably required to achieve the purpose of the
71 ordinance or deny the application.

72 ...

73 SECTION 3. Amendment. Article V, Zoning, of Chapter 30, Unified Land
74 Development Regulations, of the Code of Ordinances is hereby amended as follows²:

75 **ARTICLE V. - ZONING**

76 **DIVISION 1. - GENERALLY**

77 ...

78 **Sec. 30-152. - Intent.**

79 (a) Such regulations shall be ~~made in accordance~~ implemented in a manner consistent with a the
80 adopted Town of Lauderdale-By-The-Sea e Comprehensive pPlan, and designed to lessen
81 congestion in the streets; to secure safety from fire, panic, and other damages; to promote health
82 and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to
83 avoid undue concentration of population; to facilitate the adequate provisions of transportation,
84 water, sewerage, schools, parks and other public requirements.

² Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

85 ...

86 **Sec. 30-157. - Map of zoning districts.**

87 ...

88 (b) The official zoning map shall be maintained as a digital format document. The most recent
89 version of the map shall be kept on file, in printed form, in the Development Services Office of
90 the Town. The Town Commission may amend the zoning map from time to time by ordinance:
91 subject to the requirements for a referendum vote for approval of rezoning of residential zoning
92 districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and
93 PUD as of March 20, 2006, as further provided in Article IV, Section 4.7 of the Town Charter.
94 The official zoning map shall be notated to list all revision dates.

95 ...

96 **Subdivision A. - Generally**

97 **Sec. 30-181. - Establishment of zoning districts.**

98 ...

99 (b) Zoning district designations. The land and water areas of the Town of Lauderdale-By-The-
100 Sea are zoned in accord with zoning districts. These zoning districts are designated as follows:

(1) Town Zoning Districts are subject to the provisions of Article VII - Planning and Zoning, as set forth in the Town Charter, Part I of the Town Code of Ordinance:

R-5:	Motel
RS-4:	Residential single family dwellings
RS-5:	Residential single-family dwellings
RD-10:	Residential two family (<u>duplex</u>) dwellings
RM-25:	Residential multi-family dwellings
RM-50:	Residential multi-family dwellings
B-1-A	Business
B-1:	Commercial
PUD:	Planned unit development
CF:	Community facility district
P:	Recreation and open space

(2) Broward County Zoning Districts that are applicable to development approved by Ordinance

adopted by the Broward County Board of County Commissioners prior to September 11, 1991 and subject to provisions of Article VII - Planning and Zoning, as set forth in the Town Charter, Part I of the Town Code of Ordinance:

* R-5:	<u>Motel</u>
*PUD:	<u>Planned unit development</u>

101

(3) Broward County Zoning Districts in Effect Prior to October 1, 2001 that are applicable to Annexed Areas and subject to the provisions of Article VII - Planning and Zoning, as set forth in the Town Charter, Part I of the Town Code of Ordinance:

*RS-4:	<u>Residential single-family dwellings</u>
*RS-5:	<u>One-family detached dwelling</u>
*RM-15	<u>Multi-family dwellings</u>
*RM-16	<u>Multi-family dwellings</u>
*RM-25:	<u>Multi-family dwellings</u>
* _	<u>Broward County Zoning Districts Indicated on Town Zoning Map</u>

102

103 Sec. 30-182. - Purpose and intent of zoning districts.

104 The following ~~portions of this~~ section defines the purpose and intent of the Town zoning districts
105 established by this chapter:

106 ~~(1) Motel (R-5) district. The motel (R-5) district is intended to implement motel uses at the 50~~
107 ~~motel units per acre maximum or at the 25 dwelling units per acre maximum, classification of~~
108 ~~the Town of Lauderdale By The Sea Future Land Use Plan by providing for areas of motel~~
109 ~~development approved by ordinance adopted by the Broward County Board of County~~
110 ~~Commissioners prior to September 11, 1991.~~

111 ~~(2) (a) Low density dwelling (RS-4 and RS-5) districts. The RS-4 (four) and RS-5 (five units per~~
112 ~~acre maximum) districts are is intended to provide areas within the Town for single family~~
113 ~~detached dwellings at a maximum density of five (5) dwelling units per acre, consistent with~~
114 ~~implement the low single-family residential classifications of the Town of Lauderdale-By-The-~~
115 ~~Sea Future Land Use Plan.~~

116 ~~(3) (b) Low medium density dwelling (RD-10) district. The RD-10 district is intended to provide~~
117 ~~areas within the Town for low medium density single family detached residences or two-family~~

118 (duplex) units implement at a maximum density of ten (10) dwelling units per acre, consistent
119 with the low medium multi-family residential, ten dwelling units per acre maximum,
120 classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan by providing for
121 low-medium density dwelling districts in the town.

122 (4) (c) Medium-high density dwelling (RM-25) district. The RM-25 district is intended to
123 implement the medium-high multi-family residential, 25 dwelling units per acre maximum,
124 classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan, with a maximum
125 density of twenty-five (25) dwelling units per acre for residential uses and fifty (50) units per
126 acre for hotel and motel uses.

127 (5) (d) High density dwelling (RM-50) district. The RM-50 district is intended to implement the
128 high multi-family residential, 50 dwelling units per acre maximum, classification of the Town of
129 Lauderdale-By-The-Sea Future Land Use Plan, with a maximum density of fifty (50) dwelling
130 units per acre for residential uses and one-hundred (100) units per acre for hotel and motel uses.

131 (6) (e) Commercial (B-1 and B-1-A) districts. The B-1 and B-1-A districts are intended to
132 implement the commercial classification of the Town of Lauderdale-By-The-Sea Future Land
133 Use Plan by providing for a business area to service shopping and personal service needs, as
134 further described below:

135 (1) The B-1-A district is intended to meet the shopping and service needs of the Town
136 residents and visitors. The B-1-A district limits certain uses which could have a
137 detrimental effect on the local community if these uses were permitted to exist without
138 certain standards being met. The B-1-A district is located primarily in the center of the
139 Town's Business District.

140

141 (2) The B-1 district is intended to provide for the location of commercial business
142 establishments dependent upon high visibility. The B-1 district limits certain uses which
143 could have a detrimental effect on abutting residential neighborhoods if these uses were
144 permitted to exist without certain standards being met. The B-1 district is located
145 primarily on Commercial Boulevard.

146 (7) PUD. The PUD district is intended to implement the high multi-family residential, 50
147 dwelling units per acre maximum, classification of the Town of Lauderdale-By-The-Sea Future
148 Land Use Plan by providing for areas of planned, mixed-use development approved by ordinance
149 adopted by the Broward County Board of County Commissioners prior to September 11, 1991.

150 (8) (f) Community facilities (CF) district. The CF district is intended to implement the
151 community facility classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan,
152 and to provide for suitable locations for development serving public needs, including

153 government, religious facilities, educational facilities and other public purpose facilities which
154 generally benefit the community.

155 (9) (g) Recreation and open space (P) district. The P district is intended to implement the
156 recreation and open space classification of the Town of Lauderdale-By-The-Sea Future Land Use
157 Plan by providing for areas for the development of nonprofit active or passive recreational
158 facilities and the preservation of open space.

159 **~~Sec. 30-183.—Town zoned RM-25 district; exceptions.~~**

160 ~~The entire area of Lauderdale By The Sea, except Unit "A" and Unit "B" of the inclusive~~
161 ~~subdivision known as Silver Shores and the inclusive subdivision known as Beverly Shores~~
162 ~~(zoning for which is provided in this article) is zoned RM-25 district except the parts specifically~~
163 ~~zoned under other types of districts as provided hereinafter.~~

164 **~~Sec. 30-184.—Lauderdale Surf and Yacht Estates.~~**

165 ~~Zoning and restrictions of record as of this date of the inclusive subdivision known as~~
166 ~~Lauderdale Surf and Yacht Estates, owned by Lauderdale Surf and Yacht Estates, Inc., are to~~
167 ~~remain, insofar as deed restrictions pertain and remain legally constitutional; however, the~~
168 ~~regulation of erection, construction, renovation, repair or removal of all buildings, structures,~~
169 ~~usage of premises which apply to the Town in general shall likewise apply within the full~~
170 ~~provisions of this article. Zoning and building requirements of all properties not specifically~~
171 ~~indicated on records of present date are hereby declared applicable for regulation under this~~
172 ~~article. Effective June 14, 1988, Lots 21 and 22, Block 1 shall be zoned RM-50.~~

173 **~~Secs. 30-185-183.—30-200. - Reserved.~~**

174 ...

175 **~~Subdivision B.—R-5 District Regulations Reserved~~**

176 **~~Sec. 30-201.—R-5 district—Motel zoning district.~~**

177 (a) ~~Density. No property shall be developed to a density exceeding the maximum limits of 50~~
178 ~~motel units per acre or 25 dwelling units per acre.~~

179 (b) ~~Uses permitted.~~

180 (1) ~~Any use permitted in an R-4 district, subject to the limitations, requirements and~~
181 ~~procedure prescribed for such use.~~

182 (2) ~~Hotel, motel, tourist home, lodging house, boardinghouse, villas, bungalow court.~~

183 (3) ~~Private club, lodge, fraternity, sorority and other similar uses, not operated for profit.~~

184 ~~(4)Institutions of an educational, philanthropic or eleemosynary character, not operated~~
185 ~~for profit, other than penal or correctional institutions or vocational or trade schools.~~

186 ~~(5)Medical or dental office or clinic.~~

187 ~~(6)Colleges and universities offering courses of study leading to an academic degree and~~
188 ~~meeting the academic requirements of the Southern Association of Colleges and~~
189 ~~Secondary Schools.~~

190 ~~(7)Accessory uses and structures, not involving a business, except as provided in section~~
191 ~~39-894.~~

192 ~~Accessory uses and structures, not involving a business, except as provided in section 39-~~
193 ~~894.~~

194 ~~(c)Special accessory uses.~~

195 ~~(1)Hotel, apartment hotel and motels having 50 or more units may have restaurants,~~
196 ~~nightclubs, dining rooms or bars which are located in the main building and which are of~~
197 ~~such design and size as to cater primarily to the guests of the main use, subject to the~~
198 ~~provisions of all regulations of Broward County.~~

199 ~~(2)Hotels, apartment hotels, multiple dwellings and motels having 100 or more guest~~
200 ~~rooms may have retail stores, personal service shops, offices and similar uses for the~~
201 ~~convenience of their guests.~~

202 ~~(3)The special accessory uses permitted under paragraphs (c)(1) and (c)(2) above shall be~~
203 ~~subject to the following limitations and requirements:~~

204 ~~a.Access to such special accessory uses shall be limited to the interior of the~~
205 ~~building, and there shall be no direct public access from the exterior of the~~
206 ~~building; provided that the doors for exit purposes only may be located in the~~
207 ~~exterior walls of the building.~~

208 ~~b.For each street front, one sign not to exceed 15 square feet in area shall be~~
209 ~~allowed for each 100 feet of street frontage or fraction thereof; but in no case shall~~
210 ~~the total of such signs exceed two signs per street frontage. Such signs shall be~~
211 ~~used to advertise the following accessory uses: Restaurants, dining rooms and~~
212 ~~cocktail lounges. Such accessory uses may be advertised only upon these~~
213 ~~permitted signs.~~

214 ~~e.There shall be no show windows or displays relating to such special accessory~~
215 ~~uses on the exterior of the building or visible from any street, waterway, ocean~~
216 ~~front or adjacent property.~~

217 d. ~~The space occupied by such special accessory uses shall be on the interior of the~~
218 ~~building, and there shall be no evidence or indication of the existence of such~~
219 ~~special accessory uses on or from the exterior of the building.~~

220 ~~(d)Plot size. Every plot shall be not less than 100 feet in width and 10,000 square feet in area;~~
221 ~~provided that a plot consisting of a single lot of record on the effective date of this ordinance, not~~
222 ~~less than 50 feet in width, may be utilized for a one family dwelling.~~

223 ~~Plot size. Every plot shall be not less than 100 feet in width and 10,000 square feet in~~
224 ~~area; provided that a plot consisting of a single lot of record on the effective date of this~~
225 ~~ordinance, not less than 50 feet in width, may be utilized for a one family dwelling.~~

226 ~~(e)Height. No building or structure, or part thereof, shall be erected or altered to a height~~
227 ~~exceeding three stories or 44 feet.~~

228 ~~(f)Plot coverage. The combined area occupied by all main and accessory buildings and structures~~
229 ~~shall not exceed the percent given in the following table for various heights of buildings:~~

230 (1)Height Percent
231 One-story55
232 Two-story55
233 Three-story50

234 ~~(g)Yards.~~

235 ~~(1)Front yard. Every plot shall have a front yard not less than 25 feet [in depth].~~

236 ~~(2)Side yards.~~

237 ~~a. One family or two family dwellings. Every plot used for a one family or two~~
238 ~~family dwelling shall supply side yards as specified for zoning districts for one~~
239 ~~family or two family residences.~~

240 ~~b. Other permitted uses. Every plot utilized for any other use permitted in a R-5~~
241 ~~district shall provide a side yard on each side, each of which shall be at least ten~~
242 ~~feet in width; provided that the above required width of side yard shall be~~
243 ~~increased by two feet for each ten feet, or major fraction thereof, by which the~~
244 ~~height of the building exceeds 22 feet.~~

245 ~~e. Corner plots. Upon corner plots, there shall be a front yard as hereinbefore~~
246 ~~specified and a side yard on the side street at least 15 feet in width.~~

247 ~~(3)Rear yard. Every plot shall have a rear yard not less than 25 feet in depth.~~

248 ~~(h)Minimum floor area. The minimum floor area of a one family dwelling shall be 600 square~~
249 ~~feet; the minimum floor area of a dwelling unit in a two family dwelling shall be 400 square feet;~~
250 ~~the minimum floor area of a dwelling unit in a multiple dwelling shall be 400 square feet; and the~~

251 minimum floor area of a rental sleeping room in a hotel, motel, lodging house, tourist home or
252 similar use shall be 150 square feet.

253 **Secs. 30-202—30-210. - Reserved.**

254 **Sec. 30-211. - RS-5 district—Residence.**

255 ~~All parts of the Town of Lauderdale By The Sea designated by plat restriction as residence "A"~~
256 ~~and all parts of Unit "A" and Unit "B" of the inclusive subdivision known as Silver Shores not~~
257 ~~specifically zoned otherwise, and Lots 21 and 22, Block 1, of the Lauderdale Surf and Yacht~~
258 ~~Estates Subdivision, recorded in Plat Book 22, page 46 of the public records of the County, shall~~
259 ~~be referred to as RS-5 district. The entire inclusive subdivision known as Beverly Shores is~~
260 ~~hereby specifically zoned as RS-5 district.~~

261 (a) Use.

262 (1) No building or premises shall be used, and no building with its usual
263 accessories shall be erected or altered other than a building or premises used
264 exclusively for a single-family dwelling.

265 (2) Construction on lots of 80 feet or less in width shall be limited to one building
266 to a lot.

267 (3) Vacation rental is a permitted accessory use if a vacation rental certificate is
268 first obtained pursuant to section 30-327.

269 (b) Height.

270 No building shall exceed two stories.

271 (c) Residence setbacks.

272 (1) Front setback. No residence shall have a front setback of less than 25 feet or
273 more than 35 feet.

274 ~~(with exceptions for apartment front setbacks set out in section 30-241(j)(i)).~~
275 ~~Restriction shall be made, for this use, of a distance greater than 35 feet from the~~
276 ~~front line unless it is intended to construct, at some later date, a building or~~
277 ~~structure for other use, and in such event this intention must be plainly indicated~~
278 ~~on the plot plan and placed on file with the Building Inspector. Construction~~
279 ~~limited to one building on each platted lot consisting of 80 feet or less in width.~~

280 (2) Side setback. No building or any part thereof shall be erected on any lot closer
281 than 7.5 feet to either side lot line ~~in areas zoned RS-4, RS-5, and RD-10.~~

282 (3) Rear setback. No residence or accessory building thereof shall have a rear
283 setback of less than ten feet for a single story and less than 12 feet for two stories;
284 except that where the rear of ~~RS-4, RS-5, and RD-10 zoned~~ the lots abuts the
285 Intracoastal or inland waterways, a minimum 15-foot rear setback from the
286 seawall shall be required.

287 (4) Roof overhangs. Front and rear roof overhangs, cornices, or eaves, may
288 project or extend no more than 36 inches into a required setback ~~in any area zoned~~
289 ~~RS-4, RS-5 or RD-10~~ except side roof overhangs may only extend within five feet
290 from the property line.

291 (5) Corner lot side setbacks. ~~In RS-5 area~~ Corner lot side setbacks abutting a
292 street shall be 15 feet excepting all that area on the east side of West Tradewinds
293 Avenue between South Tradewinds and North Tradewinds where the west
294 exposure setback shall be 20 feet.

295 (6) Roof construction ~~in RS-5 area~~. One-story buildings ~~in the RS-5 area~~ shall be
296 limited to gable and hip type roof construction. Flat or gravel roof construction
297 shall be prohibited on one-story buildings ~~in the RS-5 area~~ with the following
298 specific exceptions:

299 ...

300 (d) Density. Dwelling units constructed ~~in the RS-5 district~~ shall not exceed a net
301 density of five dwelling units per acre.

302 ...

303 (f) Minimum building size. No building shall be erected on any lot, not a waterfront lot,
304 which does not comprise at least 1,200 ground floor square feet of floor space, exclusive
305 of utility rooms, porches, garages and/or carports; and no building shall be erected on any
306 waterfront lot, the main structure of which does not comprise at least 1,300 ground floor
307 square feet of floor space, exclusive of utility rooms, porches, garages, and/or carports.

308 ...

309 **Secs. 30-202 ~~212~~—30-210. ~~220~~. Reserved.**

310 **Secs. ~~30-212~~—~~30-210~~ Reserved.**

311 **Sec. 30-221. - RD-10 district—Duplex.**

312 **(a) ~~Unit "A" Silver Shores.~~**

313
314

The following part of the platted area of Unit "A" of the inclusive subdivision known as Silver Shores is zoned RS-10 district:

Block	Lot Numbers
3	1, 2, 3, 4, 7
4	1, 2, 3, 4, 7
5	1, 2, 3, 4, 7
6	2, 3, 4, 5, 6, 7, 8
7	1, 2, 3, 4, 5, 6, 7, 8, 19, 20,
9	21, 22, 23, 24, 25, 26, 27, 28, 29
12	1, 2, 3, 4, 5, 6, 7

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(b) ~~Unit "B" Silver Shores.~~

The following part of the platted area of Unit "B" of the inclusive subdivision known as Silver Shores is zoned as RS-10 district:

Block	Lot Numbers
14	2, 3, 4, 5, 6, 7, 8, 9, 10, 11
15	12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22
16	1, 2, 3, 4, 5, 6, 7
17	1, 2, 3, 4, 5, 6, 7
18	7, 8, 9, 10, 11, 12
28	7, 8, 9, 10, 11, 12, 25
29	1, 2, 3, 4, 5, 6, 7

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and platted area known as Golden Shores, lots 14 and 15.

323

(e) ~~(a)~~ Use.

324
325
326

(1) No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single- family dwelling or two-family dwelling (duplex).

327

(2) Construction limited to one building only on lots of 80 feet or less in width.

328
329

(3) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.

330 (d) (b) Height.

331 No building shall exceed two stories.

332 (e) — (c) Duplexes Setbacks.

333 All setbacks shall conform to the following: ~~RS-5 residence setbacks for RS-5 districts.~~

334 ~~All roof construction shall conform to RS-5 specifications noted under RS-5 district.~~

335 (1) Front setback. No residence shall have a front setback of less than 25 feet.

336 (2) Side setback. No building or any part thereof shall be erected on any lot closer
337 than 7.5 feet to either side lot line.

338 (3) Rear setback. No residence or accessory building thereof shall have a rear
339 setback of less than ten feet for a single story and less than 12 feet for two stories;
340 except that where the rear lot abuts the Intracoastal or inland waterways, a
341 minimum 15-foot rear setback from the seawall shall be required.

342 (4) Roof overhangs. Front and rear roof overhangs, cornices, or eaves, may
343 project or extend no more than 36 inches into a required setback except side roof
344 overhangs may only extend within five feet from the property line.

345 (f) (d) Density.

346 Dwelling units ~~constructed in the RD-10 District~~ shall not exceed a net density of ten
347 dwelling units per acre.

348 (e) Minimum building size. No building shall be erected on any lot, not a waterfront lot,
349 which does not comprise at least 1,200 ground floor square feet of floor space, exclusive
350 of utility rooms, porches, garages and/or carports; and no building shall be erected on any
351 waterfront lot, the main structure of which does not comprise at least 1,300 ground floor
352 square feet of floor space, exclusive of utility rooms, porches, garages, and/or carports.

353 ...

354 ~~Sec. 30-222. Silver Shores, Beverly Shores; building and use regulations.~~

355 ~~The regulation of erection, construction, renovation, repair or removal of all buildings, structures~~
356 ~~and usage of premises which apply to the Town in general shall likewise apply to Units "A" and~~
357 ~~"B" of the inclusive subdivision known as Silver Shores as well as the inclusive subdivision~~
358 ~~known as Beverly Shores within the full provisions of this chapter and are hereby declared~~
359 ~~applicable for regulation under this article.~~

360 ~~Sec. 30-223. Silver Shores; zoning regulations, exceptions.~~

361 The entire platted area of Units "A" and "B" of the inclusive subdivision known as Silver Shores
362 is zoned residence RS-5 district except the parts specifically zoned under other types of districts
363 as hereinafter provided.

364 **Sec. 30-224. — In general; size of buildings.**

365 In the platted areas of Units "A" and "B" of the inclusive subdivision known as Silver Shores as
366 well as in the entire area of the inclusive subdivision known as Beverly Shores, as well as all
367 other sections of the Town of Lauderdale By The Sea, no building shall be erected on any RS-5,
368 RD-10, RM-25, B-1 lot, not a waterfront lot, which does not comprise at least 1,200 ground floor
369 square feet of floor space, exclusive of utility rooms, porches, garages and/or carports; and no
370 building shall be erected on any RS-5, RD-10, RM-25, B-1 waterfront lot, the main structure of
371 which does not comprise at least 1,300 ground floor square feet of floor space, exclusive of
372 utility rooms, porches, garages, and/or carports.

373 **Secs. 30-225. 222.—20-240. - Reserved.**

374 ...

375 **Subdivision E. - RM-25 District Regulations**

376 **Sec. 30-241. - RM-25 district—Apartments and Lodging.**

377 1. The following part of the platted area of Unit "A" of the inclusive subdivision known
378 as Silver Shores is zoned as RM-25 district: All of Block 1; Lots 2, 3 and 4 of Block 2;
379 Lots 5 and 6 of Block 3; Lots 5 and 6 of Block 4; Lots 5 and 6 of Block 5; and Lot 1 of
380 Block 6. All other parts of the Town of Lauderdale By The Sea, except Units "A" and
381 "B" of the inclusive subdivision known as Silver Shores, the inclusive subdivision known
382 as Beverly Shores (zoning for which is provided in this article) and Lots 21 and 22, Block
383 1, of the subdivision known as Lauderdale Surf and Yacht Estates, not specifically set out
384 in the preceding sections, is zoned as RM-25 district.

385

386 2. Use. No building or premises shall be used and no building with the usual accessories
387 shall be erected or altered other than a building or premises arranged, intended or
388 designed for any one or more of the following uses:

389 ...

390 (r) Minimum building size. No building shall be erected on any lot, not a waterfront lot, which
391 does not comprise at least 1,200 ground floor square feet of floor space, exclusive of utility
392 rooms, porches, garages and/or carports; and no building shall be erected on any waterfront lot,
393 the main structure of which does not comprise at least 1,300 ground floor square feet of floor
394 space, exclusive of utility rooms, porches, garages, and/or carports.

395

396 ...

397 **Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60 feet**
398 **in width or less in the RM-25 districts.**

399 These provisions are intended to encourage the redevelopment of property within
400 the Town. These provisions shall apply only to existing lots or plots of 60 feet or less in
401 width west of or fronting on Bougainvillea Drive. These provisions shall not be
402 applicable to lots or plots that are created by the subdivision of wider lots or plots. The
403 provisions of the Town's Land Development Code shall continue to apply, especially
404 those pertaining to the development within an RM-25 district, except that the provisions
405 herein set forth shall apply to the redevelopment of lots or plots 60 feet in width or less to
406 the extent of a conflict.

407 ...

408 **Subdivision F. - RM-50 District Regulations**

409 **Sec. 30-251. - RM-50 district—Hotel.**

410 ~~The area to be regulated by the provisions of this division is all of Block "A" of~~
411 ~~Lauderdale Surf and Yacht Estates, according to the plat thereof as recorded in Plat Book~~
412 ~~22, page 46, of the public records of Broward County, Florida, and Lots 10 and 11 of~~
413 ~~Bainbridge Condra Subdivision, 56-15B, Parcel Y.~~

414 (a) *Uses permitted.*

415 No building or structure or part thereof shall be erected, altered or used, or land or
416 water used, in whole or in part, for other than one or more of the following specified
417 uses:

418 ...

419 **Subdivision G. - Business Zoning District Regulations**

420 ...

421 **Sec. 30-261. - B-1-A district—Business.**

422 (a) ~~Area affected.~~

423 ~~The area to be affected by the provisions of this subdivision is Lots 50, 51, 52 and~~
424 ~~53, fronting on Bougainvillea Drive and Lots 55, 56, 57 and 58, fronting on Poinciana~~
425 ~~Street, all in Block 28, Town of Lauderdale By The Sea, according to the plat thereof as~~
426 ~~recorded in Plat Book 6, page 2, of the public records of Broward County, Florida.~~

427 (b) (a) *B-1-A uses permitted.*

428 ...

429 ~~Sec. 30-262~~ (8) Setbacks

430 ...

431 ~~Sec. 30-263.~~ (9) Penalty for violation

432 ...

433 ~~Secs. 30-264, 262.~~—30-270. - Reserved

434 ...

435 Subdivision H. - B-1 District Regulations

436 Sec. 30-271. - B-1 district—Business

437 ~~The following part of the Town of Lauderdale By The Sea is zoned as B-1~~
438 ~~district: All of Blocks 5, 6, 13, 14, 20, 21, east half of Block 19 and Lots 18 and 19 of~~
439 ~~Block 28, according to the plat thereof recorded in Plat Book 6, page 2, of the public~~
440 ~~records of Broward County. The following part of the platted area of Unit "A" of the~~
441 ~~inclusive subdivision known as Silver Shores is zoned as B-1 district: All of Blocks A, B,~~
442 ~~C, D, E, F, G, and Lot 1 of Block 2. The following part of the platted area of Unit "B" of~~
443 ~~the inclusive subdivision known as Silver Shores is zoned as B-1 district: All of blocks H,~~
444 ~~J, K, L, M and Lot 1 of Block 14, according to the plat thereof recorded in Plat Book 31,~~
445 ~~of the public records of Broward County.~~

446 ...

447 (9) Minimum building size.

448 No building shall be erected on any lot, not a waterfront lot, which does not comprise at
449 least 1,200 ground floor square feet of floor space, exclusive of utility rooms, porches,
450 garages and/or carports; and no building shall be erected on any waterfront lot, the main
451 structure of which does not comprise at least 1,300 ground floor square feet of floor
452 space, exclusive of utility rooms, porches, garages, and/or carports.

453 ...

454 ~~Sec. 30-272.~~ (10) - Setbacks.

455 ~~Sec. 30-273.~~ (11) - Seagrape Drive to West Tradewinds only; general provisions.

456 ...

457 ~~Secs. 30-274, 272.~~ -30- ~~280, 290.~~ - Reserved.

458 ...

459 **Subdivision I. B-2 District Regulations**

460 **Sec. 30-281. — Development plans to be approved.**

461 ~~Any development in the B-1 district shall be permitted only upon review and approval of~~
462 ~~plans for such development by the Town Planning and Zoning Board which shall act as a~~
463 ~~site plan review committee. In reviewing development plans, the Board shall consider the~~
464 ~~effect of the proposed development on existing and future buildings in the vicinity and~~
465 ~~may impose conditions and restrictions upon the construction, location and operation of~~
466 ~~any development, including, but not limited to, lighting, building setbacks, off-street~~
467 ~~parking and loading, vehicular accessway and landscaping, as may be deemed necessary~~
468 ~~to promote the general objective of this subdivision and to minimize any injury to the~~
469 ~~value of the property in the neighborhood. All buildings or structures shall be of C.B.S.~~
470 ~~or reinforced concrete construction and shall be designed with every practical~~
471 ~~consideration for appearance, safety, fire protection, health, light and air. All final plans~~
472 ~~and specifications of any building or structure shall be approved by the Town Building~~
473 ~~Inspector. Failure to maintain such conditions and restrictions as may have been imposed~~
474 ~~shall constitute a violation of this subdivision.~~

475 ...

476 **Sees. 30-282 — 30-290. — Reserved.**

477 ...

478 **Subdivision J. - CF District—Community Facilities**

479 **Sec. 30-291. - Community facilities district.**

480 ~~The area to be regulated by the provisions of this division include government-owned~~
481 ~~community facilities which are designated in a CF land use category on the Town land~~
482 ~~use plan.~~

483 The Community Facilities district is intended to provide for suitable locations for development
484 servicing public needs, including government purposes, religious facilities, educational facilities
485 and other public purpose facilities which generally benefit the community, consistent with the
486 Town's Comprehensive Plan.

487 ...

488 **Subdivision L. - Supplemental Regulations**

189 ...

490 Sec. 30-313. - General provisions.

- 491 (a) Drainage facilities.
- 492 (b) Use of buildings.
- 493 (c) Moving of Buildings.
- 494 (d) Fences, Walls and Hedges.
- 495 (e) Regulations applicable to El Mar Drive
- 496 (f) Use, public areas.
- 497 (g) Aesthetic design.
- 498 (h) Two fronts.
- 499 (i) Standards for Driveways and Parking Strips.
- 500 (j) Standards for Swales in Single family and two-family (duplex) dwelling.
- 501 (k) Standards for Driveways for Single-family and two-family (duplex) dwellings.
- 502 (l) Paving drainfield areas.
- 503 (m) Satellite television antennas and dishes.
- 504 (n) Lighting.
- 505 (o) Control of Lighting for Protection of Sea Turtle Nesting Areas.
- 506 (p) Elevation of filled land.
- 507 (q) Swimming pools, pool decks, patios, hot tubs and spas.
- 508 (r) Decks
- 509 (s) Other mechanical and plumbing equipment.
- 510 (t) Accessory buildings and structures.
- 511 (u) Generator regulations.

512
513 These general provisions shall govern development within the corporate limits of the Town, as
514 follows:

515 ~~(1) Plans. Individual plans and/or specifications for all buildings shall be submitted to the~~
516 ~~building inspection department for approval before starting any construction, renovation or~~
517 ~~removal of same. Approval shall not be given for construction of two or more buildings of any~~
518 ~~type or kind from the same or identical set of plans and/or specifications.~~

519 (2) (a) Drainage facilities. All improved property, whether new construction or renovation or
520 repair of present property, must provide adequate drainage facilities and drainage fields and all
521 well and drainage locations must be shown on a site plan ~~and must be approved by the Building~~
522 ~~Inspection and Health Departments~~ in accordance with all applicable regulations..

523 (3) (b) Use of buildings. No building or structure shall be erected on any lot for any purpose or
524 use other than as applicable in said district Non-use variances may be granted pursuant to
525 Section 30-8, Article I- In General.

526

527 (c) Moving of Buildings.

528 No permit shall be granted, nor shall any building or structure be moved into the
529 corporate limits of the Town, and no building or structure shall be moved from one
530 location within the Town to another location within the Town. ~~However, without~~
531 submittal of an application may be made to the Planning and Zoning Board of the Town
532 to seek its recommendation to permit building or structure to be moved; and should the
533 Planning and Zoning Board make a special finding that said building or structure will
534 conform to the existing Town plan, and in harmony with the existing neighboring
535 structures, such recommendation shall be submitted to the Town Commission for final
536 action of rejection or approval. In any event, should permission be granted by the Town
537 Commission, said building or structure shall, nevertheless, conform to all applicable
538 zoning and building requirements ~~the provisions of the Town building code.~~

539 (4)-(d) Fences, Walls and Hedges.

540 (1) Height, design, and location of fences, walls, hedges.

541 a. Height. The maximum height of any fence or wall shall be six feet, except where the
542 fence or wall abuts property with business zoning, in which case the maximum height is
543 eight feet. The height of fences, walls, hedges or plantings of whatever composition shall
544 be measured from the natural contour of the ground on adjoining lots.

545 b. Construction. All fences and walls shall comply with the Florida Building Code.

546 c. Cement or concrete walls:

547 1. Cement or concrete walls are permitted in all zoning districts, and must comply
548 with the standards outlined in subsection 2. below.

549 2. Except when a new wall directly abuts an existing wall or fence preventing
550 compliance with this requirement, walls shall be finished on both sides with
551 materials satisfying industry standards, such as painted stucco, prefinished block,
552 or other prefinished materials, shall be compatible with proposed or existing
553 buildings, and shall meet the following design guidelines:

554 i. Cement or concrete walls in the RS-4, RS-5 and RD-10 zoning districts
555 which exceed four feet in height must provide a minimum of 25 percent
556 openings to allow air circulation.

557 ii. Walls shall be designed with changes in material, color, texture, or
558 profile to avoid the massive, linear aspect and monotony of otherwise
559 plain walls. Walls over two feet in height shall not form a continuous
560 straight line without an offset, change of direction, or significant vertical
561 feature every ten feet to break up the length of the wall.

562 iii. Walls shall include finishing features such as, but not limited to,
563 changes in texture or color, variety of materials, capstones, decorative
564 painting or bands of tile.

565 d. Fence/wall top features. The top of a fence or wall may contain architectural features
566 and light fixtures. However, such features shall not extend more than 18 inches above the
567 maximum height of the fence or wall, and the combined width of the features shall not
568 exceed 20 percent of the total linear length of the fence or wall.

569 e. Gates. A fence or wall may have a pedestrian entrance with a gate. Such an
570 entranceway, including any archway, may be no greater than eight feet in height, and no
571 more than eight feet in width. Gates must swing or slide in a manner which does not
572 obstruct public rights of way.

573 f. Maintenance. All fences and walls shall be maintained in good repair and in a secure
574 manner. All defective structural and decorative elements shall be repaired or replaced in a
575 workmanlike manner, to match as closely as possible the original materials and
576 construction of the fence or wall. All surfaces shall have all graffiti and loose material
577 removed. Any damaged portion of a fence or wall shall be repaired or replaced in a
578 manner consistent with these standards. Any patching or resurfacing shall match the
579 existing materials and shall be impervious to the elements, when possible.

580 g. Hedges. A hedge is defined as any grouping of plants or bushes placed so close
581 together so as to obscure visibility. All hedges shall be planted and maintained by
582 property owners within the property lines and shall not encroach into the adjacent
583 properties or right-of-way (ROW). The height of a hedge shall be maintained not to
584 exceed 12 feet in all zoning districts.

585 h. Visibility limitations. No fences or walls shall be constructed within 25 feet of the
586 front property line or within 30 feet of the clear site triangle at the corner of the property
587 on residential lots. No walls, fences, hedges or plantings shall be planted or maintained to
588 a height exceeding 30 inches above the crown of the roadway within sight visibility
589 triangles: within 25 feet of the intersection of the front and side street property lines,
590 within ten feet of any driveway, within ten feet from the intersection point of the edge of
591 a driveway and alley or street, and within 15 feet from the intersection point of the
592 extended property lines at an alley and a street.

593 i. Chain link fences. Chain link fences shall be completely hidden from view when
594 viewed from any portion of the right-of-way in RS-5, RD-10 and RM-25 zoned property.
595 Chain link fences are prohibited in any business zoning district.

596 j. Placement of finished side. Except when a new wall or fence directly abuts an existing
597 wall or fence preventing compliance with this requirement, fences and walls finished on

598 only one side shall be placed to have the finished side facing out. If a fence or wall is
599 erected and any portion is placed with an unfinished side facing out due to an abutting
600 obstacle, then that portion shall be finished within 180 days of the obstacle being
601 removed.

602 k. Prohibited fence types. Barbed wire, electrified or razor wire fences, and fences or
603 walls topped with barbed, electric or razor wire are prohibited, and shall not be erected or
604 maintained on any property.

605 l. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools
606 along zero lot ~~lines~~ lines may be built to height not to exceed eight feet subject to
607 building setbacks requirements of the residential zoning district where fence/walls are
608 erected.

609 ~~(5) Hardship. Setbacks on property which evidence indicates that adherence to established~~
610 ~~zoning regulations would create hardships to owner for valid and particular reasons may be~~
611 ~~modified upon appeal to the Board of Adjustment.~~

612 ~~(6) Reserved.~~

613 ~~(7) (e) Regulations applicable to El Mar Drive.~~

614 (1) Parking, El Mar Drive. It shall be unlawful to use the central park area of El Mar
615 Drive for parking purposes, unless so designated by a sign and ordinance.

616 ~~(8) (2) -Walks, across El Mar.~~ No concrete or other walkways shall be permitted to cross
617 El Mar Drive except at street intersections unless the property owner agrees to provide at
618 all times such maintenance as to ensure an equal level of street and concrete walk. Failure
619 to do so may incur a fine of \$25.00 or removal of such walkway upon written prior
620 notice.

621 ~~(9) (f) Use, public areas. It shall be unlawful for any person or group of persons to use any public~~
622 ~~area, park, street or thoroughfare as the site or location for the temporary or permanent~~
623 ~~construction, erection, or installation of shuffleboard courts, tennis courts, croquet courts, putting~~
624 ~~greens, outdoor fireplaces, or for any and all similar physical installations any structure of any~~
625 ~~kind, or removal of any vegetation or structure thereon temporary or otherwise, without express~~
626 ~~permission, upon written application, from the Town Commission. See Chapter 17 of the Town~~
627 ~~Code of Ordinances.~~

628 ~~Violation or failure to comply with this provision may incur the penalty provided under section~~
629 ~~1-12 and/or removal of such installation upon written prior notice. If approved, such use may be~~
630 ~~terminated or cancelled at any time by the Town Commission effective upon 30 days' written~~
631 ~~notice.~~

632 ~~(10) Reserved.~~

633 ~~(11) Reserved.~~

634 ~~(12) Reserved.~~

635 ~~(13) Trees, removal. No person or group of persons may remove trees, shrubs or the like from~~
636 ~~any public area, park, street or thoroughfare without express permission upon written application~~
637 ~~from the Town Planning and Zoning Board.~~

638 ~~(14) (g) Aesthetic design. Plan and specifications may be disapproved from a standpoint of~~
639 ~~aesthetic design, as it is deemed unsuitable to the best interests of the Town and its citizens to~~
640 ~~erect a building, the design of which plainly shows it to No structure shall be of an~~
641 ~~exhibitionistic character. Examples of which might portray, in form and coloring, a milk bottle,~~
642 ~~bean pot, articles of food, clothing, a windmill or the like. See Article I - In General, Sec. 30-9~~
643 ~~Architectural standards.~~

644 ~~(15) Trailers. No trailers shall be permitted for transient, temporary or permanent residence, nor~~
645 ~~shall such trailers be parked, occupied or unoccupied overnight on any public or private property,~~
646 ~~nor shall hauling trailers be parked overnight on any public or private property within the~~
647 ~~corporate limits.~~

648 ~~(16) Temporary buildings. It shall be unlawful to occupy for residence any temporary building or~~
649 ~~utility building until the main building or buildings shall have been at least 50 percent completed.~~

650 ~~(17) Plans and specifications. Plans and specifications for buildings or structures, alterations,~~
651 ~~repairs, improvements, replacements and additions costing \$5,000.00 or over, whether regulated~~
652 ~~under the jurisdiction of the State Hotel Commission or not, shall be prepared or approved and~~
653 ~~bear the seal of a duly registered architect or structural engineer. Nothing in the provision of this~~
654 ~~subsection shall be construed to allow or permit the successive use of plans and specifications~~
655 ~~prepared for one location, in another location or locations unless they be revised by the architect~~
656 ~~or engineer to comply with the provisions of this paragraph.~~

657 ~~(18) Facade. Any building constructed on any interior lot shall be designed in such a manner as~~
658 ~~to present a facade of pleasing appearance facing the street.~~

659 ~~(19) Size of buildings. Minimum ground floor building area requirements, exclusive of porches,~~
660 ~~earports, etc., shall be as follows: Ocean Drive, Bougainvillea Drive and Poinciana Street—1,200~~
661 ~~ground floor square feet. El Mar Drive—1,200 ground floor square feet. All areas of the~~
662 ~~inelusive subdivisions known as Silver Shores and Beverly Shores, Golden Shores, Surf and~~
663 ~~Yacht Estates—1,300 ground floor square feet on waterfront lots and 1,200 ground floor square~~
664 ~~feet on nonwaterfront lots, all measurements to be defined as interior measurements of exterior~~
665 ~~walls.~~

666 ~~(20)(h)~~ Two fronts. Any nonresidential use on the first floor of a building that is located in the
667 B-1-A or B-1 zoning district, extending from street to street on inside lots, shall have two fronts
668 facades and entrances. Double front yard setbacks are not required.

669 ~~(21) Sheds and shanties. It shall be unlawful to move, erect or install construction sheds or~~
670 ~~shanties in or on any property within the Town of Lauderdale By The Sea unless a building~~
671 ~~permit has first been applied for and/or obtained for the construction in connection with which~~
672 ~~the aforesaid sheds or shanties shall be used. Said construction sheds or shanties shall be moved,~~
673 ~~erected or installed only upon a revocable permit issued by the Town Building Inspector. The~~
674 ~~location of such sheds on the building lot shall be at the direction and by permission of the~~
675 ~~Building Inspector.~~

676 ~~(22) Front setback, meaning. The term "front setback" wherever used in this article shall be~~
677 ~~interpreted to mean the setback from the street on which the front of the lot faces.~~

678 ~~(23) Driveways and parking strips~~

679 (i) Standards for Driveways and Parking Strips.

680 (1) Driveways and parking strips paved or sealed with any hard surface material shall be
681 provided with catch basin drainage.

682 (2) Where the contour of the ground causes surface water to drain to the street, said catch
683 basins shall be constructed inside the roadway on Town property or on private property
684 and shall trap the water drained from the premises.

685 (3) Catch basins shall be of sufficient size and capacity to dispose of said water in
686 accordance with best engineering standards and practices as determined by the Building
687 Inspector.

688 (4) The area of Town property between the property line and the edge of the roadway
689 shall be graded to an elevation not greater than that of the abutting edge of the roadway.

690 (5) All grading and paving between the sidewalk and roadway edge on A1A (Ocean
691 Drive) shall be subject to the Florida Department of Transportation specifications and
692 permits requirements for such work shall be obtained from the department of
693 transportation.

694 (6) Gravel driveways are prohibited.

695

696 ~~(23.5)~~

697 (j) Standards for Swales in Single family and two-family (duplex) dwelling.

698 (1) Paving or construction of the swale area of the public right-of-way in the RS-4, RS-5
699 and RD-10 zoning districts shall comply with the following:

700 a. For the purpose of these regulations, the term "swale" is defined as: the land
701 area between the paved roadway surface and the road right-of-way line.

702 b. Grading: All grassed areas and other permeable areas within the public right-
703 of-way shall be graded so that they are lower than the adjacent public street and
704 driveway pavement. Following construction or reconstruction of the swale area,
705 the property owner adjacent to the swale shall be responsible for maintaining the
706 swale in good condition, regularly watered and mowed.

707 c. Paved driveways are allowed within the swale area connecting to the adjacent
708 property.

709 d. Maintenance of Swale. Owners of 50-foot lots in the RM-25 zoning district
710 are required to maintain a minimum of 2½ feet of swale on each side of the
711 frontal property lot line of their property with sodded or seeded grass, except
712 when the maintenance of a grass swale will require the elimination of Code
713 required parking.

714 e. Landscaping.

715 1. Swale areas shall be maintained with grass, ground cover or Xeriscape
716 landscaping.

717 2. All ground cover or Xeriscape landscaping shall not encroach into the
718 paved roadway or public sidewalk.

719 3. Ground cover shall be defined as a low-growing plant that, by nature of
720 its growth characteristics, completely covers the ground and does not
721 exceed two feet in height.

722 4. Single trunk trees shall not be planted closer than one-half the distance
723 between the edge of pavement and the front of the sidewalk or in the
724 absence of a sidewalk, the right-of-way line or property line.

725 5. Non-native species and hedges are prohibited.

726 6. In those instances where the abutting property owner plants trees
727 and/or landscaping materials within the swale area of the public right-of-
728 way, any damage caused by roots or broken branches shall be the
729 responsibility of the abutting property owner.

730 7. Prior to any plantings or removal of trees and/or landscaping materials
731 within the swale area of the public right-of-way, the abutting property
732 owner shall be required to obtain a permit from the Town Manager and
733 comply with the regulations set forth in section 17-5 of the Town Code.
734 Prior to the issuance of any permit, the abutting property owner shall
735 execute an agreement to hold the Town harmless for any damages and/or
736 costs caused by the maintenance and repair of utilities or future right-of-
737 way improvements.

738 ~~d-8.~~ Trees shall not be planted closer than 20 feet from the intersection of any
739 street. Trees shall be a minimum of six feet in height at the time of planting. The
740 adjacent property owner shall maintain and trim swale trees. Tree limbs shall be
741 maintained at least eight feet above the sidewalk and ten feet above the roadway.
742 Trees shall not be planted closer than 20 feet from a street light pole, utility pole,
743 fire hydrant, traffic sign, traffic signal pole or street name sign.

744 ~~e. Paved driveways are allowed within the swale area connecting to the adjacent~~
745 ~~property.~~

746 (k) Standards for Driveways for Single-family and two-family (duplex) dwellings.

747 (1) Driveways shall be constructed of non-asphalt pavement such as concrete, pavers,
748 stamped concrete and brick or other material approved by the Town Commission.

749 ~~f. All swales in the RS-5 zoning district that exceed the allowable maximum pavement width~~
750 ~~whether connected to the driveway or not shall conform to the table outlined in subsection g.~~

751 ~~g.~~ (2) Maintenance of driveways.

752 The property owner is responsible for maintaining and repairing the entire driveway
753 including any portion in or crossing the swale.

754 (3) Design of driveways.

755 a. Driveways shall be setback at least two and one-half feet from the side property
756 line and provide a two and one-half-foot radius (or flare) at the connection with
757 the roadway.

758 b. Driveways shall be designed with a minimum four inch swale within the right-
759 of-way between the roadway and the property line to enhance drainage to the
760 swale area and not to the adjacent street and not restrict the drainage flow of the
761 swale area.

762 c. Permeable areas shall be maintained at the grades originally approved unless
763 otherwise authorized by the Town Commission, ~~and~~

d. Design of driveways - single-family and two-family (duplex) dwellings.

1. Single family and two-family (duplex) dwellings shall comply with the following requirements unless an exception is granted by the Town Commission.

RS-4 and RS-5 Zoning District:

Lot Frontage	Maximum Pavement Width
Less than 75 feet	30 feet
75 feet or greater	40% of frontage

RD-10 Zoning District:

Lot Frontage	Maximum Pavement Width
Less than 100 feet	40 feet
100 feet or greater	40% of frontage

~~Driveways in the RD-10 zoning district shall be designed, constructed and maintained with landscape features, at least five feet in width, which divide the driveway in a manner prohibiting uninterrupted paved surfaces in excess of one-half of the maximum allowable pavement width.~~

~~Owners of 50-foot lots in the RM-25 zoning district are required to maintain a minimum of 2½ feet of swale on each side of the frontal property line of their property with sodded or seeded grass, except when the maintenance of a grass swale will require the elimination of Code required parking.~~

~~Adjacent 50-foot lots under single ownership and use shall only be required to landscape the portion of the property at either end of the combined lots.~~

~~(23.6)~~

~~Gravel driveways are prohibited in RS-4, RS-5, and RD-10.~~

~~(23.7)~~ 2. Driveways in RS-4, RS-5, and RD-10 shall be constructed of non-asphalt pavement such as concrete, pavers, stamped concrete, and brick or other material approved by the Town Commission. Asphalt driveways permitted and constructed prior to the effective date of these regulations shall be allowed to continue as a legal nonconformity subject to the following provisions:

(1)-i. No driveway shall be enlarged upon or altered in any way that increases its nonconformity.

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~~(2)~~-ii. Should such driveway be destroyed by any means to an extent that surpasses 50 percent of the replacement cost of the driveway, it shall not be reconstructed except in conformity with the provisions of this section and any other applicable land development regulations.

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~~(3)~~-iii. Should such driveway be destroyed by any means to an extent less than 50 percent of its replacement cost, it may be restored only upon application to the building and zoning department.

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~~(4)~~-iv. A nonconforming asphalt driveway may be maintained and repairs and alterations may be made. Any repairs, alterations, or resurfacing of the nonconforming driveway by more than 50 percent must comply with the requirements that non-asphalt materials be utilized as referenced above.

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~~(24)~~ (1) Paving drainfield areas. Paving in RS-5, RD-10, RM-25, RM-50, and B-1 zoned areas with asphalt or any other hard surface materials shall be prohibited in the areas under which drainfields or drainage facilities are located. Paving shall be prohibited in any setback area where such paving would interfere with the natural drainage necessary for the area or for the roof water from any construction located on the lot, or where such paving would cause the surface water to drain upon adjoining property.

~~(25)~~ Reserved.

~~(26)~~-(m) Satellite television antennas and dishes.

a. (1) Definition. The term "satellite television antenna" or "satellite dish" shall mean an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

b. (2) Compliance with building code. In addition to the requirements set forth in this subsection, all satellite television antennas and satellite dishes installed within the Town greater than two feet in diameter shall comply with all provisions of the building code adopted in this Code.

e. (3) Requirements in RS-5 and RD-10 districts. All satellite antennas or satellite dishes located in RS-5 single-family and RD-10 duplex residential districts shall comply with the following:

1. a. Setback requirements for satellite television antennas or satellite dishes shall be consistent with the setback requirements set forth in section 30-~~262~~ 261(8)

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826 2. b. The maximum diameter of satellite television antennas or satellite dishes be
827 ten feet.

828 3. c. Satellite television antennas or satellite dishes will be installed to minimize
829 the height thereof and shall not exceed 12 feet.

830 4. d. All satellite antennas and satellite dishes shall be screened from view from
831 abutting properties and public rights-of-way.

832 5. e. No roof-mounted satellite dish shall be permitted.

833 6. f. No satellite dish shall serve more than one single-family home.

834 7. g. Notwithstanding the provisions of subparagraph ~~(26)~~ (m) c.2 of this section,
835 no satellite dishes or antennas shall be permitted in side yards or front yards.

836 ~~d.~~ (4) Requirements in other districts. Satellite television antennas or satellite dishes
837 located in districts other than single-family districts shall meet the following
838 requirements:

839 1. a. Installation of any satellite television antenna or satellite dish shall conform
840 to all zoning setback requirements for the district in which such antenna or dish is
841 to be installed.

842 2. b. No satellite television antenna or satellite dish installed in a multi-family
843 district shall serve more than one multi-family complex which is controlled by a
844 single property owner, or association or board.

845 3. c. No television antenna or satellite dish installed in a business district shall
846 serve more than one business.

847 4. d. All satellite antennas or satellite dishes installed in zoning districts other than
848 single-family residences shall meet all landscaping, height and installation
849 requirements set forth in subparagraph ~~(26)~~ c. of this section.

850 5. e. No roof-mounted satellite dish shall be permitted.

851 ~~e.~~ (5) Application for installation. All applications for satellite television antenna or
852 satellite dish installations shall be submitted to the Planning and Zoning Board and shall
853 include the following:

854 1. a. Three copies of the survey and three copies of the site plan showing the exact
855 location of the satellite television antenna or satellite dish on the property in
856 compliance with all the codes and ordinances of the Town;

857 2. b. Two sets of signed and certified engineering plans by an engineer registered
858 in the State detailing all installation requirements and specifications mandated by
859 the building code or this Code;

860 3. c. Three copies of a landscaping plan showing placement, size and type of
861 landscape material;

862 4. d. Sufficient information, as determined by the Planning and Zoning Board,
863 that the installation of a satellite television antenna or satellite dish is not erected
864 over a sewer pipe, underground conduit, wire or apparatus or within a public
865 easement or utility easement.

866 f. (6) Application fee. All applications for the installation of a satellite television antenna
867 or satellite dish shall be accompanied by an application fee of \$50.00 payable to the
868 Town.

869 g. (7) Grounding. All satellite television antennas and satellite dishes shall be grounded
870 against direct lightning strike.

871 h. (8) Contest of provisions. Any person wishing to contest any term or provision of this
872 subsection may do so before the Board of Adjustment.

873 i. (9) Small satellite dishes.

874 1. a. The term "small satellite dish" shall mean an apparatus, 18 inches or smaller
875 in diameter, capable of receiving communications from a transmitter or a
876 transmitter relay located in planetary orbit.

877 2. b. The regulations which govern satellite television antennas and satellite
878 dishes as set forth in this section of the Land Development Code shall be
879 applicable to small satellite dishes with the following exceptions:

880 i. Small satellite dishes may be roof-mounted, provided they are not
881 visible from a point five feet directly above the centerline of the right-of-
882 way immediately to the front of the structure on which they are mounted.

883 ii. Planning and Zoning Board review for the installation of a small
884 satellite dish is not required. Application for a permit to install a small
885 satellite dish shall be made by submitting a drawing of the dishes along
886 with the manufacturer's specifications for installation to the Town
887 Building Department accompanied by a \$50.00 fee payable to the Town.
888 Review of the application shall be by the Town Building Official or
889 his/her designee and shall be limited to compliance with the
890 manufacturer's specifications for installation, the provisions of this section

891 of the Land Development Code and the applicable provisions of the South
892 Florida Building Code, if any.

893 ~~(27)-(n)~~ Lighting. Where lighting facilities are provided for parking areas, they shall be designed
894 and installed so as to reflect the light away from any contiguous residential zoned property.

895 (o) Control of Lighting for Protection of Sea Turtle Nesting Areas.

896 (1) No lighting shall be installed, maintained or illuminated on public or private
897 property that would directly illuminate the beach from sunset to sunup during the sea
898 turtle nesting period from March 1 through October 31 of each year.

899 (2) Property owners are responsible for ensuring that all lighting along the beach is
900 controlled so as not to illuminate the beach from sunset to sunup during this period.

901 (3) Measures to be employed by property owners for the installation, maintenance and
902 control of all lighting in a direct line of sight of the beach, including interior lights visible
903 from the beach through windows, shall be consistent with the standards and guidelines
904 contained in Chapter 62B-55 of the Florida Administrative Code and in Technical Report
905 97-06 of the Broward County Beach Lighting Management Plan, as amended from time
906 to time. All site plans for new development and redevelopment along the beach shall be
907 required to demonstrate that the proposed development or redevelopment will comply
908 with this section by identifying the specific measures that will be employed to control
909 lighting.

910 (4) For existing development along the beach, property owners shall be required to
911 immediately implement measures not involving any capital expenditures, such as
912 switching-off exterior lights that illuminate the beach and closing existing draperies to
913 shield interior lights during the turtle nesting period. By March 1, 2003, property owners
914 shall implement all appropriate measures necessary to fully comply with this section.

915 ~~(28)-(p)~~ Elevation of filled land. There shall be no land filled or elevated resulting in the
916 elevation of the area in question above the natural elevation of the adjacent ground surface
917 without first obtaining the approval of the ~~Town Commission~~ Floodplain Administrator. In order
918 to obtain review and approval by the ~~Town Commission~~ Floodplain Administrator the applicant
919 must first obtain the following:

920 a- (1) A description of the extent to which any watercourse will be altered or relocated as
921 a result of the proposed development;

922 b- (2) A depiction of the elevation in relation to the adjacent property; and

923 ~~e-~~ (3) Engineering calculations confirming that stormwater runoff will be retained on-
924 site and that the proposed development will not create flooding issues on adjacent
925 properties. Review and approval by the Town Planner.

926 ~~(29)~~ (q) Swimming pools, pool decks, patios, hot tubs and spas; setbacks and enclosure required.

927 (1) No swimming pool, hot tub or spa shall be constructed within a front yard setback,
928 unless the lot is a corner lot. Swimming pools, hot tubs and spas shall have the following
929 minimum setback regulations:

930 a. All water bearing wall surfaces shall have a minimum five-foot setback from
931 the property lines.

932 b. All water bearing wall surfaces shall have a minimum five-foot setback from
933 any public right-of-way.

934 c. Notwithstanding any other regulation of this Code, fencing to enclose a
935 swimming pool, hot tub or spa is permitted in the front setback, but shall not
936 obstruct the view within any sight distance triangle.

937 d. Screen enclosures, pool decks, patios, porches and terraces:

938 1. Shall be permitted in the required side yard or rear yard only or in the
939 front yard of a corner lot with a pool located in the front yard, and shall be
940 located at least two and one-half feet from lot lines.

941 2. In addition, the location of screen enclosures, pool decks, patios,
942 porches and terraces shall not obstruct the view within any sight distance
943 triangle and will need to be located outside of any utility easement areas,
944 unless the property owner obtains consent from the applicable utility(s) to
945 allow any of these structures in the easement area.

946 ~~d-(2)~~ All swimming pools shall be enclosed by an open mesh screen enclosure or a fence
947 or wall a minimum of five feet in height of such design and material as will prevent
948 unauthorized access to the pool area. All screen doors and fence gates shall be equipped
949 with a self-locking mechanism.

950 ~~e-(3)~~ Swimming pools or spas on lots that directly abut a waterway or other water area
951 shall not require enclosure along such waterway or water area.

952 ~~Screen enclosures, pool decks, patios, porches and terraces shall be permitted in the required side~~
953 ~~yard or rear yard only or in the front yard of a corner lot with a pool located in the front yard, and~~
954 ~~shall be located at least two and one-half feet from lot lines. In addition, the location of screen~~
955 ~~enclosures, pool decks, patios, porches and terraces will need to be located outside of any utility~~
956 ~~easement areas, unless the property owner obtains consent from the applicable utility(s) to allow~~
957 ~~any of these structures in the easement area, and shall not obstruct the view within any sight~~
958 ~~distance triangle.~~

959 (r) Decks.

960 (1) Decks that abut a plot line that is a waterway may be allowed, but are not required, to
961 extend to the waterway.

962 (2) There can be a gap between the deck and the dock provided the spacing between the
963 deck and dock is properly secured.

964 (3) Decks need not be constructed to be flush with any dock or seawall area. However,
965 any portion of a decks located within five (5) feet of the seawall cannot be constructed
966 higher than the seawall.

967 ~~(30)~~(s) Other mechanical and plumbing equipment setback requirements.

968 (1) Notwithstanding any provision of the Land Development Code which prohibits the
969 use of setback areas, mechanical and plumbing equipment, including, but not limited to,
970 air conditioner units, lawn irrigation pumps, water purification devices, and swimming
971 pool or spa accessories, may be installed in a side or rear setback in all zoning districts,
972 provided that no portion of the equipment may:

973 a. Be within five feet of the adjacent property line;

974 b. Exceed five feet high;

975 c. Exceed eight feet in length; or

976 d. Occupy more than 40 square feet of the property.

977 For properties which contain legal nonconforming mechanical and/or plumbing
978 equipment located within a setback area less than five feet from the adjacent
979 property line and installed prior to March 25, 2003, such equipment may be
980 replaced or relocated. However, in no case may the equipment be located within a
981 setback area less than three feet eight inches from the adjacent property line.

982 ~~(31)~~(t) Accessory buildings and structures.

983 (1) On a lot containing a single-family, duplex or townhouse dwelling, side and rear yard
984 setbacks not abutting a street may be reduced to five feet for accessory uses and
985 structures.

986 ~~a-~~(2) Accessory buildings may not exceed one story on any lot containing a single-family
987 detached dwelling unit.

988 ~~b-~~(3) Accessory buildings shall not exceed half the height of any principal building on
989 lots containing two-family or multiple-family dwellings. On any plot containing grouped
990 dwellings of varying heights, accessory buildings shall not exceed half the height of the
991 lowest building on the plot.

992 e.~~(4)~~ One-story accessory buildings shall be at least ten feet from any other accessory
993 building and ten feet from any principal building on the same plot or parcel.

994 ~~d.~~(5) The aggregate floor area of all accessory buildings shall not exceed five percent of
995 the plot area.

996 e.~~(6)~~ No accessory building shall contain more than 50 percent of the floor area of the
997 principal building.

998 ~~f.~~(7) Accessory buildings in commercial zoning districts may be allowed, subject to
999 Town Commission approval. Staff shall apply the standards listed above as best as
1000 possible before the Town Commission reviews the accessory building in the commercial
1001 zoning district.

1002 ~~(32)~~(u) Generator regulations. Except for generators serving a public purpose and owned and
1003 operated by the Town, and which are therefore exempt from these regulations, portable or
1004 permanent generators temporarily or permanently placed on the ground, on a stand or on a
1005 trailer, shall not be placed in the required front setback or any street side setback. Generators
1006 shall be located in accordance with the following requirements:

1007 (a) (1) One portable or permanent generator with an output of not more than 60 KW
1008 shall be allowed in a required side or rear yard setback provided said generator meets the
1009 following conditions:

1010 1. a. The generator is set back a minimum of five feet from the property line.

1011 2. b. The generator shall not, at any time or for any purpose, exceed the maximum
1012 decibels allowed at the property line as set forth in section 13-6 of the Code.

1013 3. c. The highest point on the generator shall not exceed a maximum of seven feet
1014 above the neighboring property owner's grade.

1015 4. d. The generator is completely screened from adjacent properties by a wall at
1016 least four feet high or the same height as the generator (including the height of the
1017 exhaust muffler), whichever is greater.

1018 5. e. The generator's exhaust is, as much as practically feasible, vented upwards or
1019 directed away from neighboring properties.

1020 6. f. The generator shall be used only during periods of power outages or for
1021 periodic testing and necessary maintenance operation and shall not be used to sell
1022 power back to a power company or for use by power customers during periods of
1023 peak demand.

1024 7. g. The generator shall be operated for routine testing and maintenance purposes
1025 not more than one time in any seven-day period and no test shall exceed 30
1026 minutes. Testing of emergency generators is permitted Monday through Thursday
1027 only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00
1028 p.m. and 3:00 p.m.

1029 8. h. Testing may be conducted when the unit is being repaired, provided that
1030 such testing period shall not exceed 30 minutes and shall be conducted only
1031 between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday,
1032 excluding holidays.

1033 9. i. Generators are not permitted on the roof of a building.

1034 (b) (2) Provided that a portable or permanent generator is permanently or temporarily
1035 placed on the ground, on a stand, or on a trailer and is not located within required side or
1036 rear yard setback areas, the following conditions shall apply:

1037 1. a. If the generator's output capability is greater than 60 KW, it shall be placed
1038 on the property only in conformance with the setback requirements applicable to a
1039 principal structure.

1040 2. b. The generator shall not, at any time or for any purpose, exceed the maximum
1041 decibels allowed at the property line as set forth in subsection (a)(2) of this
1042 section.

1043 3. c. If the generator's output capacity is greater than 100 KW, it shall be subject
1044 to site plan review as defined in section 30-121 of the Code of Ordinances and
1045 shall be housed in an enclosed building with landscaping as approved by the
1046 Planning and Zoning Board.

1047 4. d. If the generator is greater than 60 KW and is 100 KW or less, and is visible
1048 from a street or public way, it shall be completely screened from adjacent
1049 properties by a wall at least four feet high or the same height as the generator
1050 (including the height of the exhaust muffler), whichever is greater.

1051 5. e. If the generator is 60 KW or less and is visible from a street or public way,
1052 its location shall be subject to approval by the Planning and Zoning Board.
1053 Intervening landscape material shall not be considered when determining a
1054 generator's visibility.

1055 6. f. The generator's exhaust is, as much as practically feasible, vented upwards or
1056 directed away from neighboring properties.

1057 7. g. The generator shall be used only during periods of power outages, periods of
1058 power reductions resulting from the exercise of utility load control programs or
1059 for periodic testing and necessary maintenance operation and shall not be used to
1060 sell power back to a power company.

1061 8. h. The generator shall be operated for routine testing and maintenance purposes
1062 not more than one time in any seven-day period and no test shall exceed 30
1063 minutes. Testing of emergency generators is permitted Monday through Thursday
1064 only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00
1065 p.m. and 3:00 p.m.

1066 9. i. Testing may be conducted when the unit is being repaired, provided that such
1067 testing period shall not exceed 30 minutes and shall be conducted only between
1068 the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding
1069 holidays.

1070 ~~10.~~ j. Generators are not permitted on the roof of a building.

1071 ~~(e)~~ (3) Notwithstanding subsection (a), the Director of Development Services or designee
1072 may grant a setback waiver allowing a generator with an output capability in excess of 60
1073 KW to be located within a required side or rear yard setback, provided the applicant
1074 submits to the Town a site plan and evidence or testimony substantiating each of the
1075 following conditions:

1076 ~~1.~~ a. The output of a 60 KW or less generator is incapable of providing enough
1077 electricity for the basic necessity of occupying a building and/or protecting
1078 interiors or possessions in a building from the damaging effects of prolonged loss
1079 of power.

1080 ~~2.~~ b. The proposed location is not merely for the convenience or preference of the
1081 applicant, but that there is no other location outside of the required setbacks that
1082 will provide for safe placement of the generator.

1083 ~~3.~~ c. The proposed location represents the minimum intrusion into the required
1084 setback(s) necessary to safely accommodate the generator.

1085 ~~(d)~~ (4) The following requirements shall apply to fuel storage tanks for generators for
1086 single-family and duplex structures:

1087 ~~1.~~ a. One (1) above ground tank not to exceed six feet in height and 250 gallons
1088 shall be permitted. Up to two above-ground tanks, not to exceed a total collective
1089 capacity of 250 gallons, and subject to the requirements of this subsection, shall
1090 be allowed in lieu of one 250-gallon above-ground tank. Above ground fuel
1091 storage tanks shall be completely screened from adjacent properties by a at least

1092 four feet high or the same height as the tank itself. Fuel storage tanks shall be
1093 subject to the same setback and location regulations for generators provided in
1094 this subsection except that a fuel storage tank may also be placed in the street side
1095 yard, setback a minimum of five feet from the property line. Upon a showing that
1096 it is impossible to place the tank in the rear yard, or to comply with the setbacks
1097 on either side yard, the Town Manager may approve a waiver to the minimum
1098 tank setback requirement, provided the tank is set as close as possible to the
1099 building, fully screened as required in this section, and that both the tank and the
1100 screening are setback a minimum of three feet from the property line.

1101 ~~2.~~ b. In lieu of an above ground fuel storage tank, one underground fuel storage
1102 tank, not to exceed 500 gallons, shall be permitted subject to the same setback and
1103 location regulations for generators provided in this subsection. However,
1104 underground fuel storage tanks may be located within the required front yard
1105 setback or required side yard setback, provided it is not located within five feet of
1106 any public right-of-way or utility easement.

1107 ~~(e)~~ (5) The following requirements shall apply to fuel storage tanks for generators for all
1108 other structures (excluding single-family and duplex):

1109 ~~1.~~ a. All tanks shall be subject to the same setback and regulations for generators
1110 provided in this subsection. Fuel storage tanks shall comply with the Florida
1111 Building Code (FBC) and the Florida Fire Prevention Code (FFPC).

1112 ~~2.~~ b. Any tank over 1,000 gallons, not located within an enclosed building or
1113 underground, shall be subject to site plan review as defined in section 30-121 of
1114 the Code of Ordinances.

1115 ~~3.~~ c. Underground fuel storage tanks may be located within the required front yard
1116 setback provided they are not located within five feet of any public right-of-way
1117 or utility easement.

1118 ~~4.~~ d. All tanks shall be completely screened from the right-of-way and
1119 neighboring properties by a wall. If the wall exceeds the maximum height of walls
1120 within the zoning district, but it is the minimum height necessary to adequately
1121 screen the tank, then this section shall prevail over any other wall height
1122 restrictions.

1123 ~~(f)~~ (6) All fuel storage tanks shall be properly permitted in accordance with all applicable
1124 county, state, and federal regulations.

1125 (g) (7) If an administrative waiver is not granted pursuant to subsection (c) the applicant
1126 may appeal the administrative decision to the Board of Adjustment pursuant to section
1127 30-7 of the Code.

1128 **SECTION 4. Amendment.** Article VI, Planned Unit Development Regulations, of
1129 Chapter 30, Unified Land Development Regulations, of the Code of Ordinances is hereby
1130 amended as follows³:

1131 **ARTICLE VI. - ~~PLANNED UNIT DEVELOPMENT REGULATIONS~~ RESERVED**

1132 ~~Sec. 30-441. Purpose.~~

1133 ~~The purpose of this article is to set forth regulations and development standards for all New~~
1134 ~~Town Planned Unit Development (PUD) zoning districts within the town. The PUD district is~~
1135 ~~intended to apply only to planned developments approved by ordinance of the Broward County~~
1136 ~~Board of County Commissioners prior to September 11, 1991.~~

1137 ~~Sec. 30-442. Definitions.~~

1138 ~~Master development plan. The ordinance rezoning land to PUD, together with the site plan for~~
1139 ~~PUD drawn in conformity with any conceptual site plan requirements, a development schedule,~~
1140 ~~provisions for the method of administration of all common open space, and a statement that~~
1141 ~~appropriate covenants shall be included in all conveyances requiring the maintenance of private~~
1142 ~~open space for the purposes intended.~~

1143 ~~Phase. A specified portion of a planned development that may be developed as an individual~~
1144 ~~component, as specified within the development schedule of a PUD.~~

1145 ~~Planned development. An area of land developed as a single entity or in phases in conformity~~
1146 ~~with the master development plan of a PUD.~~

1147

1148 ~~Sec. 30-443. Conformance to master development plan.~~

1149 ~~(a) In addition to the requirements of this article, all residential uses within PUD districts shall be~~
1150 ~~subject to the general use regulations set forth in the LDR applicable to conventional new Town~~
1151 ~~residential zoning districts.~~

1152 ~~(b) No plat approval, final site plan approval or building permits shall be issued by the town, and~~
1153 ~~no development shall commence, unless in conformity with the approved master development~~

³ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

1154 plan, unless a change or deviation is approved by the Town of Lauderdale-By-The-Sea as
1155 provided for in this article.

1156 (c) All development shall be in conformity with the final site development plan.

1157 (d) The master development plan shall set forth the criteria for determining major and minor
1158 changes and deviations.

1159 (e) The approval of a master development plan shall not relieve an applicant from the requirement
1160 to comply with final site plan requirements of Article IV of this chapter.

1161 (f) Subsequent to the approval of the master development plan and any subsequent plat and final
1162 site plan, all development within a PUD shall be controlled by the final site plan.

1163 Sec. 30-444. — Major and minor deviations.

1164 (a) The approved master development plan shall set forth specific criteria for the determination of
1165 what constitutes minor and major deviations from the plan. The [approval authority] may
1166 approve minor changes and deviations from the approved master development plan that are in
1167 compliance with the applicable provisions and intent of these regulations, and which do not
1168 depart from the principal concept of the approved master development plan. Approved minor
1169 changes and deviations may become effective without formally amending the master
1170 development plan, but shall be recorded in the public records of Broward County, Florida as an
1171 addendum to the master development plan.

1172 (b) Should the determine that a requested change or deviation from the approved master
1173 development plan does not comply with the applicable provisions and intent of these regulations,
1174 or departs from the principal concept of the approved master development plan or otherwise
1175 exceeds the criteria for determining minor changes contained in the master development plan, the
1176 shall refer such change to the Planning and Zoning Board for a public hearing and
1177 recommendation. The applicant may then request the Town Commission to consider such change
1178 or deviation.

1179 (c) Upon request for a change or deviation from the approved master development plan, the Town
1180 Commission may take such action as it deems appropriate. If the Town Commission approves
1181 the change or deviation, a new master development plan shall be filed incorporating the changes
1182 or deviations, which shall subsequently be recorded in the public records of Broward County,
1183 Florida as an amended master development plan.

1184 (d) All hearings relating to major changes to a master development plan shall proceed in
1185 accordance with the requirements of section 30-11, Procedures and Requirements for Rezoning.

1186 (e) Copies of the recorded master development plan shall be filed with the Town.

1187 Sec. 30-445. — Common open space.

1188 ~~(a) All common open space shall be preserved for its intended purpose as expressed in the master~~
1189 ~~development plan. The developer shall choose one or a combination of the following three~~
1190 ~~methods of administering common open space:~~

1191 ~~(1) Dedication to the Town of the common open space. This method is subject to formal~~
1192 ~~acceptance by the Town in its sole discretion.~~

1193 ~~(2) Conveyance to one or more associations, nonprofit corporations or other appropriate~~
1194 ~~entities provided all persons and entities owning property within the planned~~
1195 ~~development are members of one or more of the associations, nonprofit corporations or~~
1196 ~~other entities so that the common open space will be used as specified on the master~~
1197 ~~development plan and all common open space will be properly maintained.~~

1198 ~~(3) Retention of ownership, control and maintenance of all common open space by the~~
1199 ~~developer.~~

1200 ~~If the developer elects to administer common open space through one or more associations,~~
1201 ~~nonprofit corporations or other entities, said organizations shall conform to the following~~
1202 ~~requirements:~~

1203 ~~a. The organization shall be created prior to the sale of any property within any phase of the PUD.~~

1204 ~~b. Membership shall be mandatory for all property owners within the planned development.~~

1205 ~~c. The organization shall comply with the following:~~

1206 ~~1. Manage all common open space and recreational and cultural facilities that are not~~
1207 ~~dedicated to the public; and~~

1208 ~~2. Provide for the maintenance, administration and operation of said land and any other~~
1209 ~~land within the planned development not publicly or privately owned.~~

1210 ~~(b) All privately owned open space shall conform to the use intended by, and remain as expressed~~
1211 ~~in, the master development plan through the inclusion of appropriate covenants in all conveyance~~
1212 ~~of land within the PUD. The covenants shall run with the land and be for the benefit of present~~
1213 ~~and future property owners.~~

1214 ~~(e) All common open space and public recreational and cultural facilities shall be specifically~~
1215 ~~included in a development schedule to be included in the master development plan and be~~
1216 ~~completed by the developer in accordance with such schedule.~~

1217 ~~Sec. 30-446. — General development regulations.~~

1218 ~~(a) Minimum size for PUD development shall be five contiguous acres.~~

1219 ~~(b) There is no minimum lot size except as specified by the master development plan.~~

1220 ~~(e)There is no minimum distance between structures except as specified by the master~~
1221 ~~development plan.~~

1222 ~~(d)There is no maximum height except as specified by the master development plan.~~

1223 ~~(e)Minimum setback shall be 25 feet for all lots abutting a public road right of way.~~

1224 ~~(f)There is no minimum setback for lots that do not abut a public road right of way except as~~
1225 ~~specified by the master development plan.~~

1226 ~~(g)The maximum density permitted in a PUD shall be governed by the adopted future land use~~
1227 ~~plan map.~~

1228 ~~(h)Each dwelling unit or other permitted use shall have access to a public street either directly or~~
1229 ~~indirectly via an approach, private road, or other area dedicated to the public or private use or~~
1230 ~~common easement guaranteeing access. The Town shall be allowed access on privately owned~~
1231 ~~roads, easements and common open space to ensure public safety protection of the area, to meet~~
1232 ~~emergency needs, to conduct Town services, and to generally ensure the health and safety of the~~
1233 ~~residents of the PUD.~~

1234 ~~(i)All PUDs shall be subject to the regulations pertaining to off street parking and loading,~~
1235 ~~lighting, landscaping, property maintenance and signs as provided in other articles of the ULDR.~~

1236 **Sec. 30-447. – Planned residential communities.**

1237
1238 ~~(a) Purpose: The planned residential community is intended to encourage the use of~~
1239 ~~innovative land planning and site design techniques to create enhanced living and~~
1240 ~~working environments. The regulations applicable to planned residential communities are~~
1241 ~~intended to encourage the efficient use of land by providing for a variety of residential~~
1242 ~~unit types, conservation of natural amenities as common open space; and providing for~~
1243 ~~accessory and supporting nonresidential uses in accordance with commercial flexibility~~
1244 ~~provisions of town's land use plan.~~

1245 ~~(b)Permitted uses:~~

1246 ~~(1)Single family and multi-family residences at a density in conformance with the~~
1247 ~~future land use map of the comprehensive plan.~~

1248 ~~(2)Special residential facilities, as defined in the special residential facilities~~
1249 ~~permitted uses subsection of the comprehensive plan, future land use element.~~

1250 ~~(3)Accessory nonresidential uses that are compatible with planned residential~~
1251 ~~communities, to the extent permitted by the flexibility provisions of the land use~~
1252 ~~plan, limited to the following:~~

1253 ~~a.Hotels and motels.~~

1254 ~~b.Community facilities and utilities.~~

1255 ~~c.Open space, parks and recreation facilities.~~

1256 d. Professional offices, personal service and retail sales, including
1257 automobile service stations with no on-site repairs.
1258 e. Aviation and marine facilities.

1259

1260 **Sec. 30-448. — Planned special complexes.**

1261 (a) Purpose: The planned special complex is intended to encourage the use of innovative
1262 land planning and site design techniques to accommodate highly intensive uses permitted
1263 by the applicable land use plan designation, including public facilities or mixed use
1264 developments that may not be appropriately addressed by other planned developments.
1265 The flexibility provisions of the land use plan may also be used to provide density and
1266 intensity bonuses within a planned special complex that encourages the efficient use of
1267 land.

1268 (b) Permitted uses:

1269 (1) Cultural, recreation, amusement, exhibition and education centers.

1270 (2) Community facilities and utilities.

1271 (3) Aviation and marine facilities.

1272 (4) Nonspecial complex uses that are compatible with special complexes, limited
1273 to the following:

1274 a. Multi-family residences.

1275 b. Hotels and motels.

1276 c. Professional offices, personal services and retail sales.

1277 d. Warehouses and distribution facilities.

1278 e. Open space, parks and recreation.

1279

1280 **Secs. 30-449 441.—30-470. - Reserved.**

1281

1282 **SECTION 5.** Severability. If any section, sentence, clause or phrase of this Ordinance
1283 is held to be invalid or unconditional by any court of competent jurisdiction, then said holding
1284 shall in no way affect the validity of the remaining portions of this Ordinance.

1285 **SECTION 6.** Conflicts. All ordinances or parts of Ordinances and all Resolutions or
1286 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

1287 **SECTION 7.** Codification. This Ordinance shall be codified.

1288 **SECTION 8.** Effective Date. This Ordinance shall become effective immediately upon
1289 adoption on second reading.

1290 **SECTION 9.** Adoption. Passed on the first reading, this __ day of _____, 2012.
1291 Passed and adopted on the second reading, this __ day of _____, 2012.

1292

1293

1294

Mayor Roseann Minnet

1295

1296

First Reading

Second Reading

1297

Mayor Minnet

1298

Vice-Mayor Sasser

1299

Commissioner Brown

1300

Commissioner Dodd

1301

Commissioner Vincent

1302

1303 Attest:

1304

1305

1306

Town Clerk, June White, CMC

1308

1309 (CORPORATE SEAL)

1310

1311 Approved as to form:

1312

1313

Susan L. Trevarthen, Town Attorney

1315

Summary of Changes to Chapter 30 in Priority 5 Ordinance

ARTICLE I. - IN GENERAL

Sec. 30-11. - Procedures and requirements for rezoning.

Including language to be consistent with the Town Charter, which states that residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD as of March 20, 2006, may not be re-zoned for any other use whatsoever except by a referendum vote of the registered voters of the Town.

ARTICLE V. - ZONING

DIVISION 1. - GENERALLY

Sec. 30-152. - Intent.

This section is revised to provide for more appropriate reference to the Town's adopted Comprehensive Plan.

Sec. 30-157. - Map of zoning districts.

This section now includes language to be consistent with Section 7.1(9) of the Town Charter, which states that residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD as of March 20, 2006, may not be re-zoned for any other use whatsoever except by a referendum vote of the registered voters of the Town.

Subdivision A. - Generally

Sec. 30-181. - Establishment of zoning districts.

A review of the zoning districts provided herein revealed the need to revise this section of the Code to accurately reflect the following:

- The Town Zoning Districts only include the RS-5, RD-10, RM-25, RM-50, B-1-A, B-1, CF and P zoning districts.
- As per the language provided in the Motel (R-5) and PUD districts, these are Broward County Zoning Districts that are applicable to development that was approved by Ordinance adopted by the Broward County Board of County Commissioners prior to September 11, 1991 - as shown on the zoning map. There are only a few developed properties in the north end of Town that are currently zoned with these designations.

As per the Town Charter, these zoning districts are also subject to provisions of Article VII - Planning and Zoning, as set forth in the Town Charter, Part I of the Town Code of Ordinances. As such, Section 7.1(9) prohibits changes to these zoning districts, and

properties currently zoned with these districts may not be rezoned to other districts, without a referendum vote.

The Town adopted Ordinance 2007-14 which incorporated County language related to these districts into the Code, without a referendum vote. However, that ordinance did not just incorporate the County regulations; it also purported to make changes to some of the regulations in these districts (for example, the setbacks). To the extent that ordinance attempted to change the regulations without the requisite referendum, it was legally ineffective in doing so. Therefore, the applicable zoning regulations are the Broward County zoning regulations that were in effect for the Motel (R-5) and the PUD as of Sept. 11, 1991.

This Ordinance simply references the effective County regulations and does not incorporate them completely. A copy of the applicable Broward County zoning regulations for the Motel (R-5) and PUD will be kept on file in the Development Services Department, and will be utilized for administration of the Motel (R-5) and PUD zoning districts for properties so designated on the Town Zoning Map.

Additionally, it is recommended that the Town Zoning Map include an "asterisk" to identify these Broward County zoning districts.

- A review of the Annexation Agreement between the Town and Broward County, (AG 2001-01), which provided for the annexation of properties located within the Intracoastal/Beach Area in October 2001, revealed that the Broward County Zoning designations, including the RS-4, RS-5, RM-15, RM-16 and RM-25 that were in effect prior to Oct. 1, 2001, are the effective zoning regulations for the annexed areas as reflected on the Town Zoning Map. The Agreement provides that these regulations will remain in place, unless the Town decides to amend its comprehensive plan to assign Town comprehensive plan categories and amend its Code to assign Town zoning districts to the annexed properties.

These Broward County zoning districts are also subject to the Town Charter requirements. As such, no changes can be made to these Broward County zoning districts, and properties currently zoned with these districts may not be rezoned to other districts, without a referendum vote.

The Town adopted Ordinance 2007-14 which incorporated County language related to these districts into the Code, without a referendum vote. However, that ordinance did not just incorporate the County regulations; it also purported to make changes to some of the regulations in these districts (for example, the setbacks). To the extent that ordinance attempted to change the regulations without the requisite referendum, it was legally ineffective in doing so. Therefore, the applicable zoning regulations are the Broward County

zoning regulations that were in effect for the RS-4, RS-5, RM-15, RM-16 and RM-25 zoning districts prior to Oct. 1, 2001.

This Ordinance simply references the effective County regulations and does not incorporate them completely. A copy of the applicable Broward County zoning regulations for the RS-4, RS-5, RM-15, RM-16, and RM-25 zoning districts in effect as of October 1, 2001, will be kept on file in the Development Services Department and will be utilized in the administration of these Broward County zoning districts.

Additionally, it is recommended that the Town Zoning Map include an "asterisk" to identify these Broward County zoning districts.

Sec. 30-182. - Purpose and intent of zoning districts.

Revisions are proposed to improve the purpose and intent of the Town Zoning Districts in the RS-5, RD-10, RM-25, RM-50, CF, and P zoning districts, and to include the purpose and intent of the B-1-A and B-1 zoning districts that were recently and substantially amended by the Town.

These revisions are consistent with the respective Future Land Use Designations, as provided in the Town's adopted Comprehensive Plan.

As previously noted, the Motel (R-5) and PUD intent and purpose will be removed, and the Broward County zoning regulations that were in effect as of September 11, 1991 will be kept on file as the applicable regulations for these Broward County zoning districts.

Sec. 30-183. - Town zoned RM-25 district; exceptions.

This section was deleted because a legal description is not needed, nor is it the appropriate method for denoting zoning in that the zoning of all property is reflected on the Town Zoning map. Similar changes were also made to Sections 30-184, 30-211, 30-223, 30-241, 30-251, 30-361, and 30-371.

Sec. 30-184. - Lauderdale Surf and Yacht Estates.

This section is revised because it deals with deed restrictions and construction, neither of which is regulated by Chapter 30. Construction is regulated by the Florida Building Code.

Subdivision B. - MOTEL (R-5) District Regulations

As noted above, we are recommending deleting this section from the code. A copy of the applicable Broward County zoning regulations will be kept on file for administration by the Department.

Sec. 30-211. - RS-5 district—Residence.

The following revisions are proposed to improve the RS-5 district, which WILL NOT result in any substantive changes.

- Clean up of language regarding current code restriction that no single family building can be set back further than 35 feet.
- Remove references to the RS -5 within the text (not needed since all of the regulations under this section *apply* to the RS-5).
- Remove references to other zoning districts within the text - as this section *only applies* to the RS-5 district.

Sec. 30-222. - Silver Shores, Beverly Shores; building and use regulations.

Deleted. Construction is regulated by the Florida Building Code.

Sec. 30-224. - In general; size of buildings.

Deleted here, and copied the requirement for the minimum building size in each of the zoning districts where it applies: RS-5, RD-10, RM-25 and B-1, which affects Sections 330-211, 30-241 and 30-271.

Subdivision E. - RM-25 District Regulations

Subdivision I. B-2 District Regulations

Sec. 30-281. - Development plans to be approved.

Deleted this section as there is no B-2 zoning reflected on the Town Zoning map.

Also, the language in the text refers to B-1, which has recently been amended by the Town to list the uses permitted in the B-1 district.

Subdivision J. - CF District—Community Facilities

Sec. 30-291. - Community facilities district.

Revised purpose and intent to more accurately reflect the CF zoning district, consistent with the Town's adopted Comprehensive Plan.

ARTICLE VI. - PLANNED UNIT DEVELOPMENT REGULATIONS

Sec. 30-441 - 30-446.

As noted above, we are recommending deleting this section from the code. A copy of the applicable Broward County zoning regulations will be kept on file for administration by the Department.

Sec. 30-447. - Planned residential communities.

Sec. 30-448. - Planned special complexes.

Delete the PRC and PSC sections as these were "zoning districts" created by Ordinance 2007-14, are not currently mapped anywhere in the Town, and were not approved by referendum and are therefore ineffective under the Town Charter restrictions.

Subdivision L. - Supplemental Regulations

Sec. 30-313. - General provisions.

There are the general provisions that are provided in this section of the Code. Revisions proposed to this section are described below:

(1) Revisions are proposed to: remove internal inconsistencies in the language; renumber subsections; add a "table" in the beginning of the section for ease of administration of the regulations; and, move regulation subsections accordingly.

(2) Revisions have been proposed to delete the following general provisions: provisions that are outdated and vague; provisions that are more appropriately regulated by other Town code sections; and, provisions that are regulated by the Florida Building Code. These revisions also include changes to relocate subsections to more appropriate locations.

- Construction and building plans.
Construction and building permits are regulated by Florida Building Code.

- Setback Hardship.
Regulated by Variance requirements of Section 30-9 of Chapter 30.

- Violation or failure to comply with this provision may incur the penalty provided under section 1-12.
All code violations are subject to the provisions as provided in Section 1-12.
- Trees, removal.
Regulated by Article VII Landscape Code Sections 30-480 and 30- 479.
- Parking of Trailers.
Regulated by Subdivision L - Supplemental Regulations and Article II Parking, Stopping or Standing of the Town Code of Ordinances
- Use of Temporary buildings.
Restricted by Florida Building Code.
- Plans and specifications.
Requirements for Site Plan -Regulated by Article IV Site Plan Procedures and Requirements.
Building Permit Plans are regulated by Florida Building Code.
- Facade treatment.
Vague provision. Architectural Design Standards and Aesthetic Facade treatment regulated in Section 30-9.
- Minimum Size of buildings.
Recommend delete from this section and copy into applicable zoning districts.
- Construction of Sheds and shanties.
This provision deals with the construction of such structures, which is regulated by the Florida Building Code.

Regulation of accessory uses and structures is provided for in this section, which would apply to any accessory structure.
- Landscape required for adjacent 50-foot lots under single ownership.
Landscape requirements for all uses are provided in Article VII Landscape Code.

(3) The following proposed revisions would result in a change to the current regulations:

- Requirement for 5 foot landscape strip to divide driveways in the RD-10 zoning district.

Recommend deleting this requirement as it does not result in feasible design of duplex driveways in the RD-10 district, nor does it result in creating an attractive landscape strip area.

- **Gravel Driveways.**
Gravel driveways are currently prohibited in RS-4, RS-5, and RD-10 zoning districts. We are recommending prohibiting gravel driveways in all zoning districts.

A field survey revealed only one gravel driveway located in an RM-25 zoning district. An existing gravel driveway would be legal nonconforming.

- **Elevation of filled land.**
Recommend revision to change requirement for approval of plans by the Town Commission, to require approval of plans by the Floodplain Administrator.

Include compliance with engineering standards as part of the criteria for review and approval.

- **Decks.**
This change is proposed to address ambiguity in the code that has been flagged by the Town Planner.

The intent is to clarify the current code requirement that a deck cannot be higher than the seawall, by providing language that this applies to the portion of a deck that abuts and that is located within 5 feet of a seawall.

Town of Lauderdale By The Sea

EXHIBIT 3

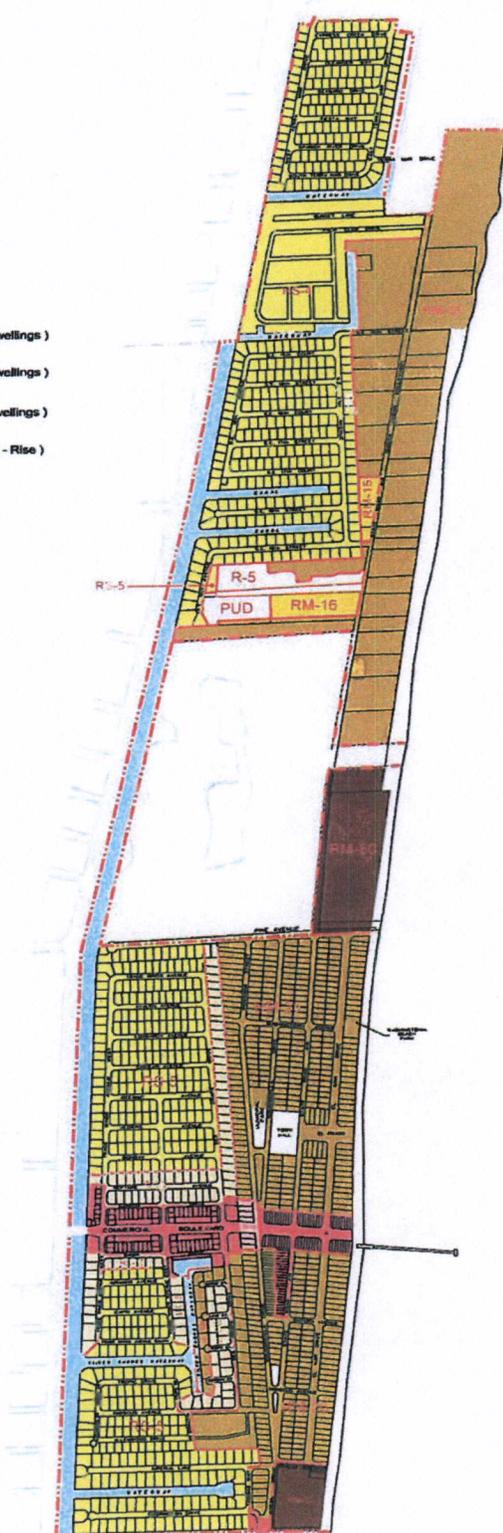
ZONING MAP

LEGEND

-  Town Boundary
 -  Zoning District Line
- Town Zoning Districts**
-  RS - 4 Residence, Single - Family Dwelling (4 Dwelling Units / Net Acre)
 -  RS - 5 Residence, Single - Family Dwelling (5 Dwelling Units / Net Acre)
 -  RD - 10 Residence, Two - Family Dwelling (Duplex) (10 Dwelling Units / Net Acre)
 -  RM - 15 Residence, Apartments, Hotels, etc. (Multiple Dwellings) (15 Dwelling Units / Net Acre)
 -  RM - 16 Residence, Apartments, Hotels, etc. (Multiple Dwellings) (18 Dwelling Units / Net Acre)
 -  RM - 25 Residence, Apartments, Hotels, etc. (Multiple Dwellings) (25 Dwelling Units / Net Acre)
 -  RM - 50 Hotel, Motel, Apartment Hotel, Apartments (High - Rise) (50 Dwelling Units / Net Acre)
 -  R - 5 Motel District
 -  PUD Planned Unit Development District
 -  B - 1A Business, Retail Business
 -  B - 1 Business, Retail Business
 -  WATER Unzoned Area

No.	Revisions	Date
1	REVISED ZONING MAP TO 100' FRONT SETBACK TO RM-15	10/05
2	REVISED LAND DEVELOPMENT CODE	05/07
3	REPAIRED OVERLAY DISTRICTS	05/07

All property north of Pine Avenue are represented by County zoning districts



north



Graphic Scale
Map Update: May 2011

AGREEMENT

Between

BROWARD COUNTY

and the

TOWN OF LAUDERDALE-BY-THE-SEA

related to

ANNEXATION OF THE "INTRACOASTAL/BEACH AREA "

This is an Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, hereinafter referred to as "COUNTY," and the TOWN OF LAUDERDALE-BY-THE-SEA, a Florida municipal corporation, hereinafter referred to as "TOWN."

WHEREAS, in order to establish the background, context, and frame of reference for this Agreement and the objectives and intentions of COUNTY and TOWN, the following statements, representations, and explanations are predicates for the undertakings and commitments included within the provisions which follow and shall be construed as essential elements of the mutual considerations upon which this Agreement is based; and

WHEREAS, it is the purpose and intent of this Agreement for COUNTY and TOWN to provide for a means by which each governmental entity may exercise cooperatively its respective powers and privileges in order to achieve a smooth transition of the Intracoastal/Beach Area from the COUNTY to the TOWN; and

WHEREAS, this Agreement is an interlocal agreement entered into pursuant to Section 163.01, Florida Statutes, the Florida Intergovernmental Cooperation Act of 1969, as amended. Prior to the effectiveness of any provisions of this Agreement and any amendments hereto, this Agreement including any amendments shall be filed as provided by Section 163.01(11); and

WHEREAS, the State of Florida approved Chapter 99-465, Laws of Florida (1999), during the 1999 legislative session which resulted in the portions of the unincorporated area in Broward County described in Section 4 of Chapter 99-465, Laws of Florida (1999) (hereinafter sometimes referred to as the "Intracoastal/Beach Area"), being annexed into the municipal boundaries of the TOWN after the electors in the Intracoastal/Beach Area voted to annex into TOWN; and

WHEREAS, annexation of the Intracoastal/Beach Area into the TOWN will be effective October 1, 2001; and

WHEREAS, it is mutually beneficial to TOWN and COUNTY to ensure a smooth transition of the Intracoastal/Beach Area from the COUNTY to TOWN; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, and covenants hereinafter set forth, COUNTY and TOWN agree as follows:

ARTICLE 1

DEFINITIONS AND IDENTIFICATIONS

- 1.1 Agreement - means this document, Articles 1 through 6, inclusive. Other terms and conditions are included in the exhibit that is expressly incorporated by reference.
- 1.2 Board - The Broward County Board of County Commissioners.
- 1.3 Town Contract Administrator - The Town of Lauderdale-By-The-Sea Town Manager is the Town Contract Administrator.
- 1.4 County Contract Administrator - The Broward County Administrator is the County Contract Administrator.

ARTICLE 2

SERVICES AND REVENUE

The obligations and commitments of COUNTY and TOWN regarding transition of the Intracoastal/Beach Area from COUNTY to TOWN under this Agreement are as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference. In addition, TOWN shall hire a qualified professional or professionals to perform a study and develop a neighborhood plan. COUNTY shall contribute Twenty-five Thousand Dollars (\$25,000.00) to TOWN for the study and development of the neighborhood plan. The study and neighborhood plan shall be done by a qualified professional (or professionals) who is not an employee of TOWN. The Twenty-five Thousand Dollars (\$25,000.00) to be contributed by COUNTY shall be payable to TOWN within thirty (30) days of submission of a written invoice referencing this Agreement and sufficient documentation of TOWN's payment of such amount to the professional or professionals conducting the study and developing the neighborhood plan.

ARTICLE 3

EFFECTIVENESS. TERM

This Agreement shall become effective on October 1, 2001. The obligation of COUNTY to continue providing services identified in Exhibit "A" shall terminate as provided in Exhibit A. Notwithstanding any other provision to the contrary, if a COUNTY obligation to act or to provide service identified in Exhibit "A" pursuant to this Agreement exists after September 30, 2002, COUNTY shall have the right to discontinue providing such service at any time by giving at least 30 days' prior written notice to TOWN, after which time it shall be TOWN's obligation and responsibility to act or provide such service.

ARTICLE 4

GOVERNMENTAL IMMUNITY AND LIABILITY RISK

Nothing contained in this Agreement is intended to serve as a waiver of sovereign immunity by any party. TOWN assumes the risk for any and all loss and liability which results from this Agreement, if any, which are not the fault of COUNTY. COUNTY urges TOWN to insure against potential loss and liability through TOWN's insurance carrier as COUNTY does not assume or accept responsibility or liability for TOWN by any means, whether insurable or otherwise, when such loss or liability is not the fault of COUNTY; provided COUNTY shall be liable for any loss and liability caused by COUNTY.

ARTICLE 5

TERMINATION

In the event of breach, this Agreement may be terminated by the aggrieved party, acting by and through its governing body, upon not less than thirty (30) days written notice to the other party. Such written notice shall specifically identify the breach. This Agreement may also be terminated by either parties' Contract Administrator upon such notice as such Contract Administrator deems appropriate under the circumstances in the event such Contract Administrator determines that termination is necessary to protect the public health or safety. Notice of termination shall be provided in accordance with the "NOTICES" section of this Agreement.

ARTICLE 6

MISCELLANEOUS

6.1 OWNERSHIP OF DOCUMENTS

Any and all reports, photographs, surveys, and other data and documents created in connection with this Agreement are and shall remain the property of the party that created same and TOWN shall accept from COUNTY for lawful management, retention, destruction, and/or disclosure any such document delivered to TOWN by COUNTY.

6.2 AUDIT RIGHT AND RETENTION OF RECORDS

TOWN and COUNTY shall have the right to audit the books, records, and accounts that are related to this Agreement. TOWN and COUNTY shall keep such books, records, and accounts as may be necessary in order to record complete and correct entries related to this Agreement.

TOWN and COUNTY shall preserve and make available, at reasonable times for examination and audit, all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for the required retention period of the Florida Public Records Act (Chapter 119, Fla. Stat.), if applicable, or, if the Florida Public Records Act is not applicable, for a minimum period of three (3) years after termination of this Agreement. If any audit has been initiated, the books, records, and accounts shall be retained until completion of the audit; provided, that if audit findings have not been resolved, such books, records, and accounts shall be retained until resolution of the audit findings.

6.3 NONDISCRIMINATION

Neither party shall unlawfully discriminate against any person in its operations and activities or in its use or expenditure of funds in fulfilling its obligations under this Agreement. Each party shall affirmatively comply with all applicable provisions of the Americans with Disabilities Act (ADA), including Titles I and II of the ADA (regarding nondiscrimination on the basis of disability), and all applicable regulations, guidelines, and standards. In addition, each party shall take affirmative steps to ensure nondiscrimination in employment against disabled persons.

Each party's decisions regarding the delivery of services under this Agreement, if any, shall be made without regard to or consideration of race, age, religion, color, gender, sexual orientation (Broward County Code, Chapter 16 ½), national origin, marital status, physical or mental disability, political affiliation, or any other factor which cannot be lawfully used as a basis for service delivery.

Neither party shall engage in or commit any discriminatory practice as described in or in violation of the Broward County Human Rights Act (Broward County Code, Chapter 16½) in performing any services, if any, pursuant to this Agreement.

6.4 INDEPENDENT CONTRACTOR

No partnership, joint venture, or other relationship is created hereby. Neither COUNTY nor TOWN extends to the other's agent(s) any authority of any kind to bind them in any respect whatsoever.

6.5 THIRD PARTY BENEFICIARIES

Neither TOWN nor COUNTY intend to directly or substantially benefit a third party by this Agreement. Therefore, the parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against either of them based upon this Agreement.

6.6 NOTICES

Whenever either party desires to give notice to the other, such notice must be in writing, sent by certified United States Mail, postage prepaid, return receipt requested, or by hand delivery with a request for a written receipt of acknowledgment of delivery, addressed to the party for whom it is intended at the place last specified. The place for giving notice shall remain the same as set forth herein until changed in writing in the manner provided in this section. For the present, the parties designate the following:

FOR BROWARD COUNTY:

Broward County Administrator
Governmental Center, Room 409
115 South Andrews Avenue
Fort Lauderdale, Florida 33301

FOR TOWN:

Town Manager
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

6.7 ASSIGNMENT

Neither this Agreement nor any interest herein shall be assigned, transferred, or encumbered.

6.8 WAIVER OF BREACH

Neither COUNTY's nor TOWN's failure to enforce any provision of this Agreement shall be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

6.9 COMPLIANCE WITH LAWS

Each party shall comply with all federal, state, and local laws, codes, ordinances, rules, and regulations with respect to its commitments, duties, responsibilities, and obligations pursuant to this Agreement.

6.10 SEVERANCE

In the event a court of law should find any part of this Agreement to be invalid or unenforceable, the remaining terms of the Agreement shall be considered unaffected and enforceable to the fullest extent of the law, provided the parties' original intent is not materially affected by exclusion of an unenforceable or invalid provision.

6.11 JOINT PREPARATION

In interpreting this Agreement, no significance shall be given to the fact that one party may have authored the Agreement; rather, this Agreement shall be construed as a mutually acceptable document fully and fairly negotiated by the parties hereto.

6.12 PRIORITY OF PROVISIONS

If there is a conflict or inconsistency between any term, statement, requirement, or provision of any exhibit attached hereto, any document or events referred to herein, or any document incorporated into this Agreement by reference and a term, statement, requirement, or provision of Articles 1 through 6 of this Agreement, the term, statement, requirement, or provision contained in Articles 1 through 6 shall prevail and be given effect.

6.13 CONSTRUCTION OF AGREEMENT

The truth and accuracy of each "Whereas" clause set forth above are acknowledged by the parties and same are hereby incorporated into and made a part of this Agreement. It is the intent of the parties that this Agreement shall be liberally construed and interpreted consistent with the "Whereas" clauses set forth herein so as to fully effectuate its purposes and intent.

6.14 JURISDICTION, VENUE, WAIVER OF JURY TRIAL

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the state of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the state courts of the Seventeenth Judicial Circuit and venue for litigation arising out of this Agreement shall be in such state courts. By entering into this Agreement, TOWN and COUNTY hereby expressly waive any rights either party may have to a trial by jury of any civil litigation related to this Agreement.

6.15 AMENDMENTS

No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the Board and TOWN.

6.16 PRIOR AGREEMENTS

This document represents the final and complete understanding of the parties and incorporates or supersedes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein. The parties agree that there is no commitment, agreement, or understanding concerning the subject matter of this Agreement that is not contained in this written document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representation or agreement, whether oral or written.

6.17 AGREEMENT FOR FIRE AND EMERGENCY MEDICAL SERVICES (EMS)

The parties have entered into a separate agreement, dated January 25, 2000 and amended September 19, 2000, titled, "INTERLOCAL AGREEMENT Between BROWARD COUNTY and TOWN OF LAUDERDALE-BY-THE-SEA Providing for DELIVERY OF EMERGENCY MEDICAL SERVICES BY BROWARD COUNTY WITHIN THE MUNICIPAL SERVICES BENEFIT UNIT AND COOPERATIVE DELIVERY OF FIRE PROTECTION SERVICES IN ACCORDANCE WITH A MUTUAL RESPONSE PLAN". It is not the intent of the parties to alter or affect the terms of such Fire and EMS agreement, and in the event of a conflict, the terms of the Fire and EMS agreement shall prevail.

6.18 AGREEMENT FOR BROWARD COUNTY BUILDING SERVICES

The parties have entered into a separate agreement, dated August 20, 1996, titled, "INTERLOCAL AGREEMENT Between BROWARD COUNTY and TOWN OF

LAUDERDALE-BY-THE-SEA FOR ISSUANCE OF PERMITS, INCLUDING INSPECTIONS, PLAN REVIEW AND BUILDING OFFICIAL SERVICES TO BE PERFORMED BY THE BROWARD COUNTY BUILDING AND PERMITTING DIVISION". It is not the intent of the parties to alter or affect the terms of such Building Services agreement, and in the event of a conflict, the terms of the Building Services agreement shall prevail.

6.19 REPRESENTATION OF AUTHORITY

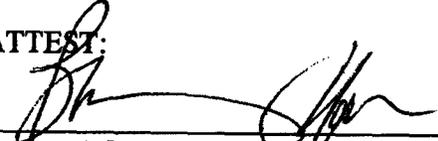
The individuals executing this Agreement on behalf of any entity hereby represent and warrant that they are on the date of this Agreement duly authorized by all necessary and appropriate action to execute this Agreement on behalf of their principal.

6.20 MULTIPLE ORIGINALS

Multiple copies of this Agreement may be executed by all parties, each of which, bearing original signatures, shall have the force and effect of an original document.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the 23rd day of October 20 01, and TOWN, signing by and through its Mayor and Town Clerk, duly authorized to execute same.

COUNTY

ATTEST:


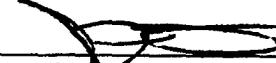
Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners



Insurance requirements
approved by Broward County
Risk Management Division

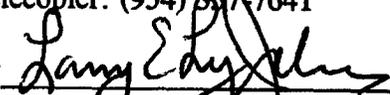
Mary M. Meister 10/23/01
By _____ (Date)

BROWARD COUNTY, by and through
its Board of County Commissioners

By 

John E. Rodstrom, Jr., Chair
23rd day of October, 2001

Approved as to form by
EDWARD A. DION, County Attorney
for Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By  10/23/01

Larry H. Lyman-Johnson (Date)
Deputy County Attorney

AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF LAUDERDALE-BY-THE-SEA RELATED TO ANNEXATION OF THE "INTRACOASTAL/BEACH AREA"

TOWN

THE TOWN OF
LAUDERDALE-BY-THE-SEA

ATTEST:

By *Oliver Parker*

Honorable Oliver Parker, Mayor of
the Town of Lauderdale-By-The-Sea

Wendy A Mathisen
WENDY A Mathisen, Town Clerk

16 day of OCTOBER 2001

Approved as to form:

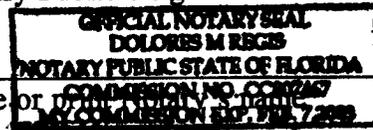
(SEAL)

By *James Cherof* 10/16/01
James Cherof, Town Attorney

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 16 day of OCTOBER, 2001 by Oliver Parker and WENDY A. MATHISEN, respectively, as Mayor and Town Clerk of the Town of Lauderdale-By-The-Sea, a Florida municipal corporation, and both executing the foregoing on behalf of the Town of Lauderdale-By-The-Sea. Oliver Parker and WENDY A. MATHISEN are personally known to me or, respectively, have produced _____ and PERSONALLY KNOWN as identification.

Dolores M Regis
Notary Public's signature



Type or print Notary's name

LEL:
LaudbySea.a01
#01-017
10/9/01

EXHIBIT A

The respective obligations and commitments of the COUNTY and TOWN are as follows:

1. Types of Services Transitioned to TOWN - Except as otherwise provided in this Agreement, TOWN shall be responsible for all municipal-level services beginning October 1, 2001. This transition does not include Fire Protection and Emergency Medical Services or building services which shall continue to be provided by COUNTY pursuant to separate agreements.

2. Building Code Services - All outstanding building permits shall be inspected and finalized by COUNTY, including expired building permits which are renewed. Any permit application submitted before the effective date of the annexation shall be issued, inspected, and finalized by COUNTY. Any permit application submitted after the effective date of the annexation shall be issued, inspected, and finalized by TOWN. COUNTY shall continue to monitor and enforce building code violations for compliance for a period of time not to exceed one year from the effective date of the annexation. After that time, TOWN shall be notified that COUNTY will close its files, after which it shall be TOWN's responsibility to ensure compliance. All records for all building permits issued by COUNTY prior to the effective date of the annexation shall remain as part of COUNTY's public records and COUNTY shall endeavor not to destroy such records unless they are first offered to TOWN at no charge payable to COUNTY by TOWN. COUNTY shall provide TOWN officials, with free, open, and unlimited access to all records needed in the performance of their duties during regular business hours that are being maintained by COUNTY.

3. Zoning Code Services - All records for all zoning permits issued by COUNTY prior to the effective date of the annexation shall remain as part of COUNTY's public records and COUNTY shall endeavor not to destroy such records unless they are first offered to TOWN at no charge payable to COUNTY by TOWN. COUNTY shall continue to monitor and enforce pending zoning matters as of the effective date of annexation for compliance for a period of time not to exceed one year from the effective date of the annexation. After that time TOWN shall be notified that COUNTY will close its files, after which it will be TOWN's responsibility to ensure compliance in those matters. All outstanding applications for zoning permits, including but not limited to variances and site plans and certificates of use, shall be inspected and finalized by COUNTY. TOWN shall be responsible for the review and approval of all applications for the extension of the effectiveness of variances approved by COUNTY prior to October 1, 2001. Any permit application submitted after the effective date of the annexation shall be issued, inspected, and finalized by TOWN.

Zoning designations under the Broward County Zoning Code shall remain in effect until TOWN adopts an ordinance changing the zoning designations. Upon annexation, TOWN

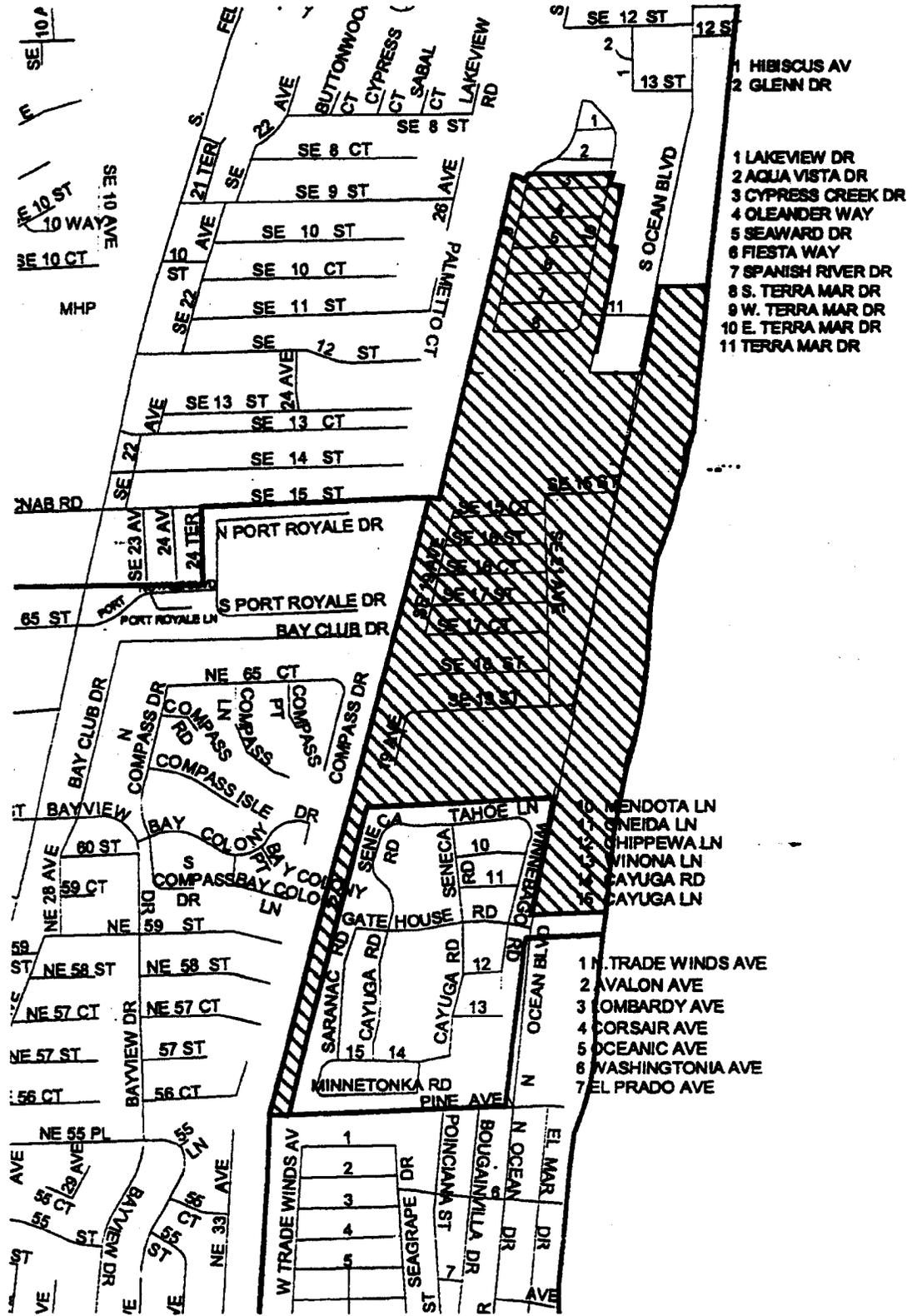
shall be responsible for enforcement of all other provisions of the TOWN's code of ordinances within the annexed area.

4. **Engineering and Right-of-Way Management** - COUNTY and TOWN acknowledge that jurisdiction and responsibility for, and title to, all public roads and public rights-of-way associated therewith lying within the Intracoastal Beach/Area described in Chapter 99-465, Laws of Florida (1999), including, but not limited to, those described in Exhibit "B," hereinafter referred to as "transferred roads," shall transfer from the COUNTY to the TOWN effective October 1, 2001, pursuant to Section 12 of Chapter 99-465, Laws of Florida (1999). TOWN and COUNTY agree and acknowledge that all legal rights, title, interest, and responsibilities, including, but not limited to, the planning, design, construction, improvement, and maintenance of the transferred roads are relinquished by COUNTY and accepted by TOWN effective October 1, 2001, however:
 - A. All records for all permits issued by COUNTY prior to the effective date of the annexation shall remain as part of COUNTY's public records and COUNTY shall endeavor not to destroy such records unless they are first offered to TOWN at no charge payable to COUNTY by TOWN.
 - B. All outstanding engineering permits shall be inspected and finalized by COUNTY.
 - C. Bonds held for outstanding Engineering permits will be maintained until successful completion of the one-year warranty maintenance period.
 - D. Any permit issued after the effective date of the annexation shall be issued, inspected, and finalized by TOWN, except as provided herein below and except as otherwise provided for in Exhibit "A."
 - E. COUNTY shall continue to monitor outstanding engineering permits for compliance through the warranty maintenance period until final acceptance by COUNTY. After acceptance, COUNTY shall notify TOWN that COUNTY will close its files, and it shall be the TOWN's responsibility to ensure compliance.
5. **Street Maintenance** - Upon the effective date of the annexation, TOWN hereby irrevocably accepts responsibility for maintenance of the transferred roads. However, COUNTY shall complete any street maintenance project in process as of the effective date of the annexation.
6. **Planning and Development Review** - COUNTY shall be responsible for review and approval of all applications for plats or applications for amendments to plats within the annexed area which are received by Broward County prior to October 1, 2001. All plats approved by the Broward County Board of County Commissioners prior to the effective date of the annexation shall be entitled to be recorded as if such a plat was still located within the unincorporated area. TOWN shall be responsible for neighborhood planning as of the effective date of annexation. COUNTY shall be responsible for the review and approval of all final site plan applications which are received by Broward County prior to October 1, 2001. COUNTY shall be responsible for review and approval of all

applications for amendments to site plans that received a development order from Broward County prior to October 1, 2001 if the application for amendment is filed with Broward County prior to October 1, 2001. The Future Unincorporated Land Use Element of the Broward County Comprehensive Plan shall remain in effect until TOWN adopts an ordinance changing such land use designation by a majority of the full governing board of TOWN. Upon annexation, TOWN shall be responsible for implementation and administration of the Future Unincorporated Land Use Element of the Broward County Comprehensive Plan within the annexed area.

7. Waterway Management and Maintenance - Upon the effective date of the annexation, TOWN agrees to accept conveyance and ownership of all water bodies which shall irrevocably and unconditionally become owned by TOWN upon the effective date of this Agreement. All storm sewers and associated storm water outfalls serving roads that are transferred to TOWN as part of the annexation shall be owned by TOWN. Storm sewers and the associated outfalls that primarily serve roads that will remain COUNTY's responsibility shall remain the responsibility of COUNTY. Such storm sewers and associated outfalls that will transfer to TOWN are identified on Exhibit "C."
8. Allocation of Revenues - TOWN shall coordinate the notification and filing for the necessary steps to ensure that all appropriate State revenue sources, franchise fees and utility taxes applicable to the Intracoastal/Beach Area currently being collected by COUNTY are transitioned to TOWN and any such revenues, fees or taxes shall be collected by TOWN. Such revenues earned on or after October 1, 2001 shall belong to TOWN. Upon TOWN's request, COUNTY shall make documents relating to these revenues available to TOWN for inspection. If revenues due TOWN are received by COUNTY, those revenues shall be remitted to TOWN without payment of interest by COUNTY. Revenues earned prior to October 1, 2001 shall belong to COUNTY.
9. Garbage Collection - COUNTY shall continue to provide waste collection and recycling services until December 31, 2001.
10. Beach Access Easements - TOWN agrees to accept from COUNTY, in substantially the form set forth in Exhibit D, conveyance and ownership of two (2) easement parcels designated for beach access in accordance with the terms of such easements and TOWN shall keep open and maintain such easements in perpetuity for the benefit of the general public (such form being that provided in Section 125.411, Fla. Stat.).

EXHIBIT B Intracoastal / Beach Area



This map is for conceptual purposes only and should not be used for legal boundary determinations.

PREPARED BY: PLANNING SERVICES DIVISION
DEPARTMENT OF PLANNING AND
ENVIRONMENTAL PROTECTION

EXHIBIT "C"

The following is a list of storm sewers and outfalls that will transfer to the Town pursuant to Exhibit A, Section 7:

1. **5' Drainage easements by plat of Bel Air Isle (Plat Book 40, Page 43, Broward County Records).**
 - a. Between Lots 18 and 19, Block 1.
 - b. Between Lots 27 and 28, Block 1.
 - c. Between Lots 36 and 37, Block 1.
 - d. Between Lots 46 and 47, Block 1.

2. **Drainage outfall canals by plat of Bel Air Isle (Plat Book 40, Page 43, Broward County Records).**
 - a. All canals dedicated on said plat of Bel Air Isle.

3. **Drainage outfall canal by Instrument.**

That portion of a body of water known as the "Spanish River" as recorded in O.R. 2537, Page 407, Broward County Records.

4. **Drainage easements by Instrument.**
 - a. The South 10 feet of the north 25 feet of Lot 8, Block 11, Terra Mar Island Estates, First Addition, Plat Book 31, Page 10, Broward County, Florida (O.R. 3513, Page 685)
 - b. The East 10 feet of the Northernmost 30 feet of Lot 57, Block 1, according to the plat of BEL-AIR as recorded in Plat Book 32, Page 10 of the Public Records of Broward County, Florida (O.R. 16127, Page 0396).
 - c. The Southerly 3 feet of Lot 44, Block 1, of BEL-AIR Subdivision shown on the plat thereof recorded in Plat Book 32, Page 10 of the public records of Broward County, Florida. (O.R. 1413, Page 192).
 - d. The Northerly 3 feet of Lot 43, Block 1, of BEL-AIR Subdivision shown on the plat thereof recorded in Plat Book 32, Page 10 of the public records of Broward County, Florida. (O.R. 1413, Page 191).
 - e. The South 6 feet of Lot 37, Block 1 of BEL-AIR subdivision according to the plat thereof as recorded in Plat Book 32, Page 10 of the public records of Broward County, Florida. (O.R.1777, Page 277).
 - f. The South 6 feet of Lot 40, Block 1 of BEL-AIR subdivision according to the plat thereof recorded in Plat Book 32, Page 10 of the public records of Broward County, Florida. (O.R.1777, Page 278).
 - g. The North 6 feet of Lot 39, Block 1 of BEL-AIR subdivision according to the plat thereof as recorded in Plat Book 32, Page 10 of the public records of Broward County, Florida. (O.R.1777, Page 278).
 - h. The East 5 feet of Lot 15, Block 1 of BEL-AIR ISLE as recorded in Plat Book 40. Page 43 of the public records of Broward County, Florida. (O.R. 6205, Page 90).

EXHIBIT "C"

5. Existing outfall pipes (no easement).

North side of Lot 1, Block 1, of BEL-AIR ISLE as recorded in Plat Book 40, Page 43 of the public records of Broward County, Florida.

Between Lot 32 and Lot 33, of Bel Air Addition as recorded in Plat Book 33, Page 5 of the public records of Broward County, Florida.

Between Lot 3 and Lot 4, Block 1, of TERRA MAR ISLAND ESTATES as recorded in Plat Book 29, Page 12 of the public records of Broward County, Florida.

EXHIBIT D

This instrument prepared by
Larry E. Lymas-Johnson, Esq.
115 S. Andrews Ave., Ste 423
Ft. Lauderdale, FL 33301

QUITCLAIM DEED
(Pursuant to F. S. 125.411)

THIS DEED, made this ____ day of _____, _____, by BROWARD COUNTY, a political subdivision of the State of Florida (the "GRANTOR"), whose address is Governmental Center, Room 423, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, and THE TOWN OF LAUDERDALE-BY-THE-SEA, a Florida municipal corporation (the "GRANTEE"), whose post office address is: 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308.

W I T N E S S E T H:

That GRANTOR for and in consideration of the sum of TEN DOLLARS (\$10.00) to it in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to GRANTEE, its heirs, successors and assigns, forever, those certain easements over the following described lands, lying and being in Broward County, Florida, to wit:

PARCEL ONE:

A parcel of land in Government Lot 1, Section 7, Township 49 South, Range 43 East, Broward County, Florida, bounded as follows: On the North by a line parallel to and 3,450 feet southerly from, measured at right angles to, the East and West Quarter/Section line in Section 6, of said Township and Range; on the South by a line 3,460 feet southerly from, measured at right angles to, the said East and West Quarter line; on the West by the East right of way line of State Road A-1-A, and on the East by the Atlantic Ocean.

PARCEL TWO:

The South 10 feet of the following described parcel: A parcel of land in Section 7, Township 49 South, Range 43 East, Broward County, Florida, bounded as follows:

On the South by a line parallel to and 1,180 feet northerly from, measured at right angles to, the South boundary of the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4) of said Section 7, and the easterly extension of said South boundary. On the North by a line 300 feet northerly from, measured at right angles to, the South boundary hereof. On the West by the easterly right-of-way line of State Road No. A-1-A. And on the East by the waters of the Atlantic Ocean.

Originally conveyed to Grantor by Order of Taking issued by the Circuit Court of the Seventeenth Judicial Circuit for Broward County, No. 71-4390 "J" Franza, dated May 26, 1972, recorded in the Official Records of Broward County at Book _____, Page _____.

SUBJECT TO all existing public purpose utility and government easements and rights of way.

AND FURTHER SUBJECT TO THE CONDITION THAT THIS GRANT IS GIVEN TO GRANTEE TO HAVE AND TO HOLD the same expressly and solely for beach access in accordance with the terms of such easements and the party of the second part shall keep open and maintain such easements in perpetuity for the benefit of the general public. In the event the easements are no longer used for the express purposes provided herein, then the said party of the first part, its successors and assigns, shall have the right to re-enter and retake the easements.

IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

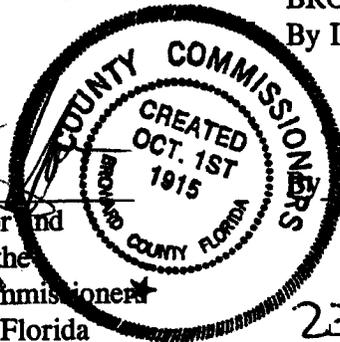
(Official Seal)

ATTEST:

County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida

BROWARD COUNTY, FLORIDA

By Its Board of County Commissioners



_____, Chair

23rd day of October, 2001

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ORDINANCE NO. 2007-14

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES TO PROVIDE A COMPREHENSIVE REVISION TO THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE RENUMBERING AND RECODIFICATION OF THE LAND DEVELOPMENT REGULATIONS AS CHAPTER 30 OF THE CODE OF ORDINANCES; AMENDING OR ADDING PROVISIONS REGARDING FINAL SITE PLANS, SITE PLAN REQUIREMENTS FOR PERVIOUS AREA AND GREENSPACE, ARCHITECTURAL STANDARDS FOR THE RD-10, RM-25, AND RM-50 ZONING DISTRICTS, PROCEDURES AND REQUIREMENTS FOR REZONING INCLUDING APPLICATION PROCESS AND REQUIREMENTS, VESTED RIGHTS DETERMINATIONS, QUASI-JUDICIAL PROCEEDINGS, GENERAL PROVISIONS INCLUDING LEGISLATIVE INTENT, PURPOSE, RULES OF INTERPRETATION, EFFECTIVE STAFF DECISIONS, ENFORCEMENT, VIOLATIONS AND PENALTIES AND COMPUTATION OF TIME, DEFINITIONS, NON-CONFORMING USES AND STRUCTURES, INCLUDING PROVISIONS FOR EXTENSIONS, ALTERATION, ENLARGEMENT AND RECONSTRUCTION, ZONING MAP, INTERPRETATION OF DISTRICT BOUNDARIES, PURPOSE AND INTENT OF ZONING DISTRICTS, CORNER LOT LANDSCAPING IN THE RS-5 ZONING DISTRICT, PLANNED UNIT DEVELOPMENT REGULATIONS, OFF-STREET PARKING REQUIREMENTS IN THE RM-25 ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1-A ZONING DISTRICT, OFF-STREET PARKING REQUIREMENTS IN THE B-1 ZONING DISTRICT, BOATS, BOAT LIFTS AND BOAT HOUSES, BOAT DAVITS, HEIGHT OF FENCES, WALLS AND HEDGES, SWIMMING POOL AND DECK SETBACK REQUIREMENTS, ACCESSORY BUILDINGS AND STRUCTURES, OFF-STREET PARKING AND LOADING REQUIREMENTS, TELECOMMUNICATION TOWERS AND ANTENNAS, WINDOW AWNINGS AND ENTRANCE CANOPIES, SIGNS, AND LANDSCAPING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1
2 **WHEREAS**, the Town Commission and the Town Administration have been engaged in
3 the study of the Town's Land Development Regulations for the purpose of clarifying, modifying
4 and modernizing provisions of the Land Development Regulations; and
5

6 **WHEREAS**, the Town Commission finds that it is in the best interest health, safety and
7 public welfare of the community to implement comprehensive amendments to the Town's Land
8 Development Regulations; and
9

10 **WHEREAS**, the Town Commission finds that reorganizing and renumbering the Land
11 Development Regulations will assist in use and application of those regulations.
12

13 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF**
14 **LAUDERDALE BY THE SEA:**
15

16 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being
17 true and correct and are incorporated herein by this reference.
18

19 **Section 2.** Chapter 24 of the Town's Code of Ordinances, the Town's Land
20 Development Regulations are hereby amended to incorporate the additions, deletions, and
21 amendments as set forth in the Unified Land Development Regulation documents of September
22 2007, a copy of which is attached and incorporated herein as Exhibit "A".
23

24 **Section 3.** That if any section, subsection, sentence, clause, phrase, work or amount of
25 this ordinance shall be declared unconstitutional or invalid by competent authority, then the
26 remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.
27

28 **Section 4.** That all ordinances or parts of ordinances inconsistent with or in conflict
29 herewith shall be and they are hereby repealed insofar as there is conflict or inconsistency.
30

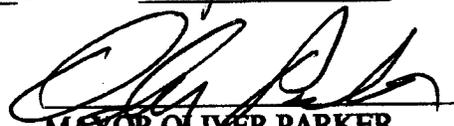
31 **Section 5.** The Town's current at Chapter 24, Land Development Regulation following the
32 additions, deletions and amendments contained herein shall be renumbered Chapter 30 with
33 sequential section and sub-section Effective Date. This Ordinance shall become effective upon
34 passage.
35

36

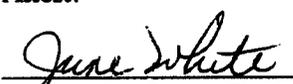
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PASSED FIRST READING THE 11 DAY OF Sept, 2007.

PASSED SECOND READING THE 25 DAY OF Sept, 2007.


MAYOR OLIVER PARKER

	First Reading	Second Reading
Mayor Parker	<u>Aye</u>	<u>Aye</u>
Vice-Mayor Yanni	<u>Aye</u>	<u>Aye</u>
Mayor Pro Tem Clark	<u>Aye</u>	<u>Aye</u>
Commissioner McIntee	<u>Aye</u>	<u>Aye</u>
Commissioner Silverstone	<u>Aye</u>	<u>Aye</u>

Attest:

June White, Town Clerk

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Exhibit “A”

Unified Land Development Regulations

September 2007

1 **Amending Section 24-4.3(g) as follows:**

- 2
- 3 (1) Upon approval of a site plan by the Town Commission, the applicant shall have one (1)
4 year to secure a building permit from the Town's permitting authority when the property
5 which is the subject of the site plan is west of the coastal construction line and eighteen
6 (18) months when the property is east of the coastal construction line.
- 7 (2) The granting of approval for a major site plan amendment recommences the running of
8 the above referenced time periods. The granting of approval of a minor site plan
9 amendment does not recommence the running of the above referenced time periods.
- 10 (3) If an application fails to secure a building permit in allowed time, all previous approvals
11 shall become null and void.
- 12 (4) A clearing and grubbing permit shall not constitute a building permit for site plan review
13 purposes.
- 14 (5) The Town Commission, at its discretion, may extend the approval of a site plan for an
15 additional time period not to exceed one-year, provided a request for extension is filed
16 prior to the expiration of the original one-year period. In granting such extensions the
17 Town Commission may require modifications to or impose additional conditions on the
18 site plan.
- 19
- 20

21 **Amending Section 24-4.4(a) (1) as follows:**

22

23 (11) Pervious area and greenspace.

- 24 a. The area covered by structures and impervious surface shall not exceed seventy-five
25 percent (75%) for commercial and seventy-five percent (75%) for residential uses. For
26 the purposes of this requirement all other use, such as, but not limited to, utilities,
27 transportation and office park, shall be included in the commercial category. In mixed
28 use developments, the most restrictive of the applicable impervious area limitations
29 shall be utilized.
- 30 1. Pervious areas may be used to satisfy requirements for landscaping and setbacks,
31 buffer strips, drain fields, passive recreation areas, or any other purpose that does
32 not require covering with a material that prevents infiltration of water into the
33 ground. Pervious brick material may not be counted towards the required
34 landscaped pervious area. If a property fronts the beach and the property owner
35 has riparian rights on the beach, the portion of the property that has beach area
36 cannot be counted towards the required landscaped pervious area.
- 37 2. In the case of the use of an impervious material which does not cover all the
38 surface to which it is applied, credit towards the computation of the pervious area
39 shall be given according to the percentage of pervious area that is retained.
- 40 (a) Pervious paving blocks may not be used within major driveways, loading
41 zones, actively used parking stalls in commercial or industrial
42 developments, or any other area that may cause a liability to the property
43 owner.
- 44 (b) Pervious paving blocks may be used in overflow parking areas, park and
45 recreation parking facilities, and residential areas. In all cases where the

1 pervious paving blocks are used where pedestrian traffic is prevalent, the
2 block voids shall be planted with a non-runner species of grass in the
3 block voids, such as but not limited, to zoysia and bermuda grass.
4 However, pervious brick material may not be counted towards the
5 required landscaped pervious area.
6

7 3. In cases where the ~~ULDR town-zoning-code~~ allows some required parking stalls
8 to be grassed, no credit towards the computation of pervious area shall be granted
9 for such areas.

10 b. Each proposed development shall include provisions for the application of best
11 management practices to enhance retention areas such as grass ponds, grass
12 swales, French drains, or combinations thereof, and shall meet all requirements of
13 the applicable 208 Areawide Wastewater Treatment Plan.
14
15

16 **Section 24-5.191 thru and including 24-5.278 move to Section 30-05 thru 30-09 related to**
17 **the Comprehensive Plan, Planning and Zoning Board, Local Planning Agency, Board of**
18 **Adjustment and Variances.**

19 **Deleting Sections 24-5.270 thru and including Section 24-5.274 related to Architectural**
20 **Review Board and renumbering Section 24-5.275 thru and including 24-5.278 to Section**
21 **30-09 read as follows:**
22

23
24 **ARCHITECTURAL STANDARDS.**

25
26 **Compliance with standards required.**

27
28 **All development, including new construction, reconstruction, alterations and additions within the**
29 **B-1-A, B-1, R-5, RD-10, RM-25, and RM-50 districts of the Town shall comply with the**
30 **following architectural standards.**

- 31
32 1. **The architectural type shall be in accordance with the classical style of the Spanish,**
33 **Venetian, Italian or other Mediterranean or similar harmonious architecture, except that**
34 **buildings the Town Commission has designated as a “historical landmark” shall conform to**
35 **the architecture or the existing building.**
36 2. **Marked stucco to simulate shutters flanking window openings, and indiscriminate use of**
37 **stucco “scoring” or “cut lines,” unless they perform a function in the design, shall not be**
38 **permitted.**
39 3. **Where particular treatments such as scoring, slump brick or other architectural motifs are**
40 **employed, these shall “return” on the abutting elevations.**
41 4. **Indiscriminate use of brick shall not be permitted.**
42 5. **Where wood or metal columns are used, the same shall be well-proportioned.**
43 6. **Shutters shall be architecturally designed to enhance the structure and all tracks and**
44 **housing shall be concealed from view when not in use.**
45 7. **Rooftop equipment such as that used in air-conditioning and any other type of mechanical**
46 **or service equipment shall be screened from view.**

- 1 8. Air cooled condensing and/or compressor equipment, water cooling towers and other type
2 of mechanical equipment or apparatus installed on or attached to a premises shall be
3 screened from view from the street, waterway, or adjoining properties by a wall and
4 landscaping.
- 5 9. Exposed concrete or masonry block shall not be permitted. With the exception of red or
6 other brick, crab orchard or other stone, and architecturally formed and detailed concrete,
7 all masonry surfaces shall be stuccoed.
- 8 10. If metal garage doors are used, they shall be painted.
- 9 11. No exposed air conditioning ductwork or exposed solar tanks shall be permitted.
- 10 12. Buildings and structures shall not be of a design that is plainly of an exhibitionistic
11 character in form and coloring. By way of example, a milk bottle, bean pot, articles of
12 food, clothing, a windmill or the like would be in violation of this provision.
- 13 13. The materials, slope, construction, locations and design of awnings and canopies shall be
14 subject to approval by the town.
- 15 14. Any building extending from street to street on inside lots shall have two (2) fronts.
- 16 15. Façade. Any building constructed on any lot shall be designed in such a manner as
17 to present a façade of pleasing appearance facing all streets.
- 18 16. The plans and specifications shall be in accordance with all other applicable code
19 provisions.

20
21 **Adding new Section 30-11 of the ULDR called Rezoning Procedures as follows:**

22
23
24 **PROCEDURES AND REQUIREMENTS FOR REZONING**

25
26 **Purpose.**

27
28 **It is the purpose of this article to establish procedures and requirements for the rezoning of lands**
29 **within the Town.**

30
31 **Application process.**

32 **(a) An application for a change of zoning district boundaries, a change of zoning district for any**
33 **plot or an amendment to this chapter may be filed at the initiation of the Town commission and**
34 **the owner of the property which is the subject of the change or said owner's designee.**

35 **(c) The Town commission shall hold hearings on the application as required for the adoption of**
36 **ordinances as set forth in Section 166.041, Florida Statutes, as it may be amended from time to**
37 **time. The Town commission at a regularly scheduled meeting, which is held after review of the**
38 **application by the planning and zoning board, shall hear the first reading of the ordinance**
39 **approving the application. After considering all relevant information, including**
40 **recommendations from the planning and zoning board and comments from the public, the Town**
41 **commission shall either approve the application on first reading with or without conditions,**
42 **stipulations, restrictions or limitations as are reasonably required to achieve the purpose of this**
43 **chapter or deny the application. If the ordinance approving the application is denied on the first**
44 **reading, the application shall be deemed denied. If the ordinance approving the application is**

1 approved on the first reading, then a second reading shall be scheduled. At the second reading of
2 the ordinance approving the application, the Town commission, after considering all relevant
3 information, including the recommendations of the planning and zoning board and comments
4 from the public, shall either approve the application as presented, approve the application with
5 conditions, stipulations, restrictions or limitations reasonably required to achieve the purpose of
6 the ordinance or deny the application.

7
8 Standards, guidelines and review criteria.
9

10 With respect to any pending legislation concerning a rezoning or amendment or supplement to
11 these regulations, the reviewing agency(ies) shall consider and evaluate changes in relation to all
12 pertinent factors, including, but not limited to, the following:
13

14 (1) The character of the district and its peculiar suitability for particular uses as well as the
15 compatibility of the district with surrounding districts and uses and the impact upon
16 neighboring communities and residences.

17 (2) Conservation of the value of buildings and encouraging the most appropriate use of land
18 and water throughout the Town.

19
20 (3) The applicable portions of any current municipal plan and programs, such as land use,
21 trafficways, recreation, schools, neighborhoods, drainage and housing.
22

23 (4) The needs for the Town for land areas for specific purposes to serve population and
24 economic activities.
25

26 (5) Whether there have been substantial changes in the character of development of areas in
27 or near the area under consideration.
28

29 (6) The facts and opinions presented to the reviewing agencies through public hearings.
30

31 (7) The anticipated impact of the developmental proposal or the maximum development
32 permissible under the requested zoning upon the natural environment, the economy, the
33 housing market and existing and programmed public facilities and services, both within
34 and beyond the property.
35

36 (8) The impact of the proposed development on the existing road network.
37

38 (9) The impact of the proposed development on the Town road network and the ability of the
39 existing (which shall include planned and funded improvements) to service the proposed
40 development or number of units sought.
41

42 (11) Consistency with the comprehensive plan.

1
2 (12) Compatibility and consistency with abutting land use, developments, zoned property,
3 and platted property and the impact on said properties.

4
5 Application requirement.

6
7 (a) An application for an amendment to a provision of this chapter shall contain information
8 sufficient in detail to reasonably appraise the Town manager, the planning and zoning
9 board and the Town commission of the nature and substance of the proposed amendment
10 and the reasons therefore.

11
12 (b) An application for the rezoning of a particular parcel of land other than an application
13 initiated by a Town agency shall contain the following:

14 (1) Proof of ownership of the property, and if the owner is not the applicant, proof of the
15 applicant's authority to make such application.

16 (2) A survey or sketch and description of the property.

17
18 (3) Other information as required on an application form to be prepared by the Town
19 Manager.

20
21 Notification requirements shall be in a method described in the Town code of Ordinances for
22 quasi-judicial proceedings as amended from time to time.

23
24 **Adding Section 30-12 titled Vested Rights Determinations as follows:**

25
26 **VESTED RIGHTS DETERMINATIONS.**

27
28 (1) The Town recognizes that certain land development rights of property owners may be vested
29 with respect to approved land uses, density or intensity of development and/or staging or phasing
30 of development. Any person claiming vested rights to develop property shall make application
31 for a vested rights determination.

32 a) The Town Manager or his or her designee shall review the application and any supporting
33 documents and shall consult with other staff and the Attorney's Office. Within forty-five (45)
34 days after the receipt of a complete and sufficient application, the Town Manager or his or her
35 designee shall either grant the application for vested rights or respond to the applicant in writing
36 the reason or reasons for denial. The decision shall be mailed by U.S. Mail to the address
37 indicated on the application, return receipt requested.

38 b) If the applicant disagrees with the determination of the Town Manager, he or she may appeal
39 the decision of the staff by notifying the Town in writing that he or she is appealing the decision.
40 The notification shall be received by the Town no later than thirty (30) days after the Town
41 "renders" his or her decision on the application. If the notification is not received within thirty
42 (30) days after rendition of the decision, the applicant is deemed to have waived his or her right

1 to challenge the decision. For the purposes of this section, the term “renders” means the date the
2 applicant initials or otherwise indicates receipt of the decision. However, in the event the
3 decision is not accepted or is returned, the term “renders” means ten (10) calendar days after the
4 date the decision was mailed.

5 c) Upon receipt by the Town of a timely notice of appeal, the appeal shall be assigned to a
6 hearing officer. The procedures for conducting hearings shall be approved by a Resolution of the
7 Town Commission. The hearing shall be set for no later than sixty (60) days from the date of the
8 notice of appeal unless an extension of time is requested or agreed to by the applicant.

9 d) The Town Attorney shall represent the Town in the administrative hearing. The hearing
10 officer shall determine whether vested rights have been created pursuant to the provisions set
11 forth within this section, applicable statutes, or established case law and shall determine whether
12 any time limitation is applicable to such vested rights.

13 e) Nothing in this Section prohibits the Town staff from reconsidering and reversing a denial of a
14 vested rights application at any time prior to the start of the hearing before the Hearing Officer.

15 f) The hearing officer shall within forty-five (45) days of the hearing issue a proposed order
16 which shall include findings of fact and conclusions of law with respect to the claim of vested
17 rights.

18 g) The Town Commissioners shall within thirty (30) days of receipt of the proposed order issue
19 its determination which shall be in the form of a resolution.

20 **Renumber the complete quasi-judicial proceedings Section 1-13 of the code from the**
21 **general section of the code and moved into the new ULDR Section 30-13.**

22
23 **Amend Section 1-13(d) (2) as follows:**
24

25 (2) Notification and required forms to be completed by affected persons, the petitioner and
26 the town.

- 27 a. At least ~~thirty (30)~~ fifteen (15) calendar days prior to the proceeding, town shall
28 provide a legal advertisement to be published in a newspaper of general paid
29 circulation in Broward County and of general interest and readership in the
30 community, not one of limited subject matter. Said notice shall state the name of
31 the petitioner for the requested action, the date, time and location of the
32 proceeding, and the location and times where and when the petition and any back-
33 up information may be reviewed. In addition, the notice shall inform all affected
34 persons that they will be allowed to present evidence at the hearing, bring forth
35 witnesses, and cross-examine witnesses provided they notify and file the required
36 forms provided by the town clerk's office, the substance of which is described in
37 subsection (d) below.
- 38 b. No later than ~~thirty (30)~~ fifteen (15) calendar days prior to the proceeding, a mail
39 notice containing the same information as the legal advertisement shall be sent to
40 each real property owner within three hundred (300) feet of the subject property

1 as each is listed in the records of the county property appraiser. Mail notice may
2 be provided by bulk mail, first class mail or certified mail, return receipt
3 requested.
4

5 **Adding new general provisions to the ULDR Section 30-20 as follows:**
6

7 GENERAL PROVISIONS

8 Title.

9 These regulations shall be known and referred to as the "Lauderdale-by-The-Sea Unified Land
10 Development Regulations". The abbreviated reference will be "LBS ULDR" or "ULDR" or
11 "LDR".
12

13 Legislative intent.

14 It is the intent of the Town Commission that the LBS ULDR set forth uniform regulations for the
15 development or redevelopment of property in the Town that are consistent with:

- 16 1. The Town of Lauderdale-By-The-Sea Charter,
- 17 2. The Town of Lauderdale-By-The-Sea Comprehensive Plan,
- 18 3. The goals, objectives and policies contained in the Comprehensive Plan,
- 19 4. Chapter 163, Florida Statutes.

20 Purpose.

21 These regulations are enacted to protect, promote, improve and enhance the public health, safety
22 and general welfare of the citizens of the Town of Lauderdale-By-The-Sea, through the adoption
23 of minimum regulations controlling the use of land, buildings and structures, and improvements
24 thereto.

25 These regulations implement the goals, objectives and policies of the adopted Comprehensive
26 Plan of the Town of Lauderdale-By-the-Sea regarding preservation of community character;
27 maintenance of a rational pattern of land use; protection of natural resources; assurance of
28 adequate public infrastructure concurrent with development impacts; protection and
29 enhancement of taxable values of land and buildings; and, appropriate administration of
30 procedures and enforcement activities.

31
32 General rules of interpretation.

33 Certain words or phrases used in these regulations are defined in the ULDR. If a word or phrase
34 has been defined, than it shall have the meaning provided in the definition.

35 Where a word or phrase has not been defined, then the definition of the word or phrase contained
36 in the most recent edition of Webster's Unabridged Dictionary shall prevail.

37 To resolve any ambiguity in the construction or meaning of any section of these regulations, the
38 following rules shall apply, in descending order of importance:

- 1 1. Adherence to literal meaning.
- 2 2. Adherence to commonly accepted meaning.
- 3 3. Expressions of intent by the Town Commission as contained in the enacting legislation.
- 4 4. Legislative history and conditions surrounding adoption of the regulation.
- 5 5. The history of interpretation by the administrators of the regulation.

6 No interpretation is permitted which would give one person or entity a greater right or privilege
7 to use property than is given to surrounding property owners.

8 Interpretation should, in all cases, favor the least intrusive use of property, rather than an
9 expansion, intensification, or increase in use.

10
11 Compliance with regulations required.

12 Except as hereinafter provided, no land or water area, nor building or structure, may be used
13 unless it is for a purpose permitted in the district in which it is located, and in accordance with
14 area and dimensional requirements, off-street parking and loading, open space, pervious area,
15 height, bulk, design, and all other provisions of the ULDR regulating the development of land.
16 Furthermore, no building shall be erected, converted, enlarged, reconstructed, moved, or
17 structurally altered except in conformance with these regulations.

18
19 Non-binding effect of staff decisions.

20 An action taken or comment made by any Town employee regarding a development for which
21 approval by the Town Commission is required is advisory and not binding upon the Town
22 Commission in its review of the application for a development permit; nor does it carry with it
23 any right to approval of the development permit applications. No act or omission by a Town
24 employee in the interpretation of administration of the ULDR is binding if the act or omission
25 results in an incorrect interpretation or application of the ULDR.

26
27 Enforcement

28 1. It shall be the duty of the Town Manager or his/her designee to administer the enforcement
29 of the provisions of these regulations and to refuse to issue any permit for any building or
30 for the use of any premises, which would violate same.

31 2. For the purpose of inspection, the Town Manager or his/her designee shall have free access
32 to materials and work at all times and shall have the power to stop work pending
33 investigation as to materials, work, grades, use, and other provisions of these regulations.

34 3. In case any building is erected, constructed, reconstructed, altered, repaired, or converted,
35 or any building or land is used in violation of these regulations, enforcement of the ULDR
36 may take the form of code enforcement action, notice to appear for violation of code,
37 injunctive relief, or any other administrative or judicial means of enforcement.

1 Violations and penalties.

2 Any person, firm, corporation or other entity which shall violate or fail to comply with any of the
3 provisions of these regulations or with any of the requirements thereof, or who shall build or
4 alter any buildings in violation of any detailed statement or plan submitted and approved
5 hereunder, shall be guilty of a Town ordinance violation and shall be liable to a fine of not more
6 than five hundred dollars (\$500.00) per day. Each day such violation shall be permitted to exist
7 shall constitute a separate offense.

8 The owner or owners of any building or premises, or part thereof, where anything in violation of
9 these regulations shall be placed or shall exist, and any architect, builder, contractor, agent,
10 person, or corporation employed in connection therewith and who has assisted in the commission
11 of any such violation may be guilty of a separate offense, and upon conviction, fined as
12 hereinbefore provided.

13
14 Computation of time.

15 All reference to day(s) means calendar day(s)

16 If the last day of a time period is a Saturday, Sunday or legal holiday, the period shall run until
17 the end of the next day that is neither a Saturday, Sunday nor legal holiday.

18
19 **Adding additional definitions to the ULDR Section 30-20 as follows:**

20
21 **DEFINITIONS.**

22 Purpose.

23 The purpose of this article is to provide rules of interpretation of words and phrases, and to
24 define words, phrases and abbreviations contained within this chapter.

25 Word usage.

26 In the interpretation of this chapter, the following provisions and rules of this section shall be
27 observed and applied, except when the context clearly requires otherwise:

- 28 1. Words or phrases used or defined in one tense or form shall includes other tenses and
29 derivative forms.
- 30 2. Words or terms in the singular form shall include the plural form, and words or terms in the
31 plural form shall include the singular form.
- 32 3. The masculine gender shall include the feminine, and the feminine gender shall include the
33 masculine.
- 34 4. The word "shall" is mandatory.
- 35 5. The word "may" is discretionary and is not mandatory.
- 36 6. The word "person" includes individuals, firms, corporations, associations, trusts, and any
37 other similar entity either singular or plural.
- 38 7. The word "town" shall mean the Town of Lauderdale-By-The-Sea.

1 8. The phrase “planning and zoning board” shall mean the Town of Lauderdale-By-The-Sea
2 Planning and Zoning Board.

3 9. The phrase “local planning agency” shall mean the Town of Lauderdale-By-The-Sea Local
4 Planning Agency.

5 Abbreviations.

6 The following abbreviations are used in this chapter and shall have the following meaning:

7 ac acre

8 DRC development review committee

9 du dwelling unit

10 ft. foot or feet

11 LPA local planning agency

12 max. maximum

13 MF multi-family

14 min. minimum

15 PZB planning and zoning board

16 sq. ft. square feet

17 SFR single family residential

18 ULDR Unified Land Development Regulations of the Town of Lauderdale The-
19 Sea;

20
21 Definitions.

22
23 Accessory. A use or structure on the same lot with, and of a nature customarily incidental and
24 subordinate to, the principal use or structure.

25 Acre. An area of contiguous land comprised of 43,560 square feet.

26 Acreage, gross. The total number of acres in an area, including acreage used or proposed for
27 streets, lakes, canals and other proposed land uses permitted in residential areas by the Town of
28 Lauderdale By The Sea Comprehensive Plan, but specifically excluding the Intracoastal
29 Waterway.

30 Acreage, net. The total number of acres in an area including utility ingress and egress
31 easements, but exclusive of land used or proposed for streets, lakes, canals, waterways and other
32 proposed land uses permitted in residential areas by the Town of Lauderdale- By-The-Sea
33 Comprehensive Plan.

34 Alley. A public thoroughfare or way which normally provides a secondary means of access to
35 abutting properties.

36 Building. Any structure, of either a temporary or permanent nature, that is enclosed and has a
37 roof.

38 Building Height. No building shall be erected or altered to exceed three (3) stories above grade
39 or thirty-three (33) feet above grade level, except when provided for in this ordinance. In these
40 cases, no building shall be erected or altered to exceed four (4) stories above grade or forty-four
41 (44) feet above grade level. Any building that has more than three (3) stories above grade shall

1 comply with the requirements and limitations of Section 7 of the Lauderdale-By-The-Sea
2 Charter. Rooftop parapet walls, safety railings and chimneys not exceeding four (4) feet in
3 height above the roof, and elevator shafts, stairways, mechanical equipment and their enclosures,
4 not exceeding ten percent (10%) of the horizontal roof area, shall not be subject to this height
5 limit.

6 Carport. A permanent roofed structure providing space for the parking of vehicles and enclosed
7 on not more than three sides.

8 Code. The Town of Lauderdale-By-The-Sea Code of Ordinances.

9 Commission. The Town Commission of Lauderdale-By-The-Sea.

10 Community residential facility, category 1. A housing facility that is licensed by the State of
11 Florida for no more than eight (8) individuals who require treatment, care, rehabilitation or
12 education. The facility is usually referred to as a group home. This includes individuals who are
13 elderly, dependent children, physically disabled, developmentally disabled, or individuals not
14 overtly of harm to themselves or others. The facility provides a family living environment
15 including supervision and care necessary to meet the physical, emotional and social needs of the
16 individuals. It may or may not provide education or training. It may or may not have more than
17 one (1) kitchen within the housing facility. There may be more than one (1) special residential
18 facility category 1 on a parcel.

19 Community residential facility, category 2. A housing facility that is licensed by the State of
20 Florida for nine (9) to sixteen (16) non-elderly individuals who require treatment, care,
21 rehabilitation or education. The facility is usually referred to as a group home. This includes
22 individuals who are dependent children, physically disabled, developmentally disabled, or
23 individuals not overtly of harm to themselves or others. The facility provides a family living
24 environment including supervision and care necessary to meet the physical, emotional and social
25 needs of the individuals. It may or may not provide education or training. It may or may not
26 have more than one (1) kitchen within the housing facility. There may be more than one (1)
27 special residential facility category 2 on a parcel.

28
29 Community residential facility, category 3.

30 1. A housing facility that is licensed by the State of Florida for more than sixteen (16) non-
31 elderly individuals who require treatment, care, rehabilitation or education. This includes
32 individuals who are dependent children, physically disabled, developmentally disabled, or
33 individuals not overtly of harm to themselves or others; or

34 2. Any housing facility licensed by the State of Florida for more than eight (8) unrelated
35 elderly individuals; or

36 3. Governmentally subsidized housing facilities entirely devoted to care of the
37 elderly, dependent children, the physically handicapped, developmentally disabled, or
38 individuals not overtly of harm to themselves or others; or

39 4. Any not-for-profit housing facility for unrelated elderly individuals; or

- 1 5. Any housing facility that provides a life-care environment. A life-care environment
2 shall include, but is not limited to, creation of a life estate in the facility itself and provision
3 of off-site or on-site medical care.
- 4 Contiguous. The state of sharing an edge or a boundary, such that there is no space in
5 between the edge or boundary.
- 6 Density, net. The number of dwelling units existing or proposed in an area divided by the net
7 acreage of the area.
- 8 Development. The use of any structure, land or water; the change, expansion or addition to any
9 use, land or water; the carrying out of any building activity, or the making of any change in the
10 appearance of any structure, land or water, or the subdividing of land into two (2) or more
11 parcels.
- 12 Development order. An order authorizing the granting, denying, or granting with conditions of
13 an application for a development permit.
- 14 Development permit. Any building permit, zoning permit, plat approval, or rezoning,
15 certification, variance, or other action having the effect of permitting development.
- 16 Development review committee. The development review committee (DRC) of the Town of
17 Lauderdale-By-The-Sea, Florida.
- 18 Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy
19 by one or more persons.
- 20 Dwelling unit. A room or group of rooms, occupied or intended to be occupied as separate
21 quarters by one (1) family living as a single housekeeping unit.
- 22 Dwelling, apartment hotel. A building designed for, or containing, both apartment dwellings and
23 individual hotel guest rooms under resident supervision.
- 24 Dwelling, bed and breakfast. A building or part thereof, other than a motel or hotel. Where
25 sleeping accommodations and breakfast are provided for transient guests, and which also serves
26 as the residence of the operator.
- 27 Dwelling, condominium. A dwelling based upon a condominium form of ownership of real
28 property created pursuant to Chapter 718, Florida Statutes.
- 29 Dwelling, condominium hotel. A hotel or motel comprised of units that are owned by an
30 individual, corporation, or any other legal entity having mandatory membership into an
31 association comprised of all owners within the same development, and is a building or buildings
32 collectively, "facility" containing individual guest rooms, units, or efficiencies for which daily,
33 weekly or monthly lodging is provided as transient accommodations.
- 34 Dwelling, duplex. A dwelling unit within the whole of a residential building that is divided
35 vertically or horizontally into two (2) dwelling units, each unit having direct and individual
36 access to the outside.
- 37 Dwelling, efficiency. A furnished dwelling unit partitioned or separated into one bathroom, one
38 living area, inclusive of sleeping area dwelling which contains a cooking area, but no stove or
39 oven.

1 Dwelling, multi-family. A dwelling unit within a residential building containing or designed to
2 contain three (3) or more dwelling units. The term multi-family dwelling includes, but is not
3 limited to, townhouse, apartment or condominium.

4 Dwelling, single family. A building comprised of a completely detached residential dwelling
5 unit, designed for and occupied by one (1) family only.

6 Dwelling, timeshare. An accommodation of a timeshare plan, as defined in Chapter 721, Florida
7 Statutes, which is divided into timeshare periods. Any timeshare dwelling unit in which a door or
8 doors connecting two or more separate rooms capable of being locked to create two (2) or more
9 separate dwelling units may only constitute one timeshare unit for purposes of Chapter 721,
10 Florida Statutes, but shall count as two (2) or more dwelling units for purposes of density
11 calculations.

12 Dwelling, townhouse. A dwelling unit within the whole of a residential building that is divided
13 vertically into three (3) or more dwelling units, each unit having direct and individual access to
14 the outside.

15 Easement. A right of use acquired to use or control property of another for a designated purpose.

16 Essential Services. The erection, construction, alteration or maintenance by public utilities or
17 municipal or other governmental agencies, of underground or overhead gas, electrical, steam or
18 water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes,
19 conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer
20 substations and other similar equipment and accessories in connection therewith, reasonably
21 necessary for the furnishing of adequate service by such public utilities or municipal or other
22 government agencies or for the public health or safety or general welfare.

23 Family. One (1) or more persons occupying a dwelling and living as a single housekeeping unit.

24 Floor area. This term shall mean the total gross floor area contained within the external
25 perimeter of the exterior enclosing walls.

26 Grade. For the purpose of calculating building height or structure, grade level shall mean 24
27 inches above the crown of the highest adjoining road. For the purpose of calculating the height
28 of fences and privacy walls, grade shall mean the actual elevation of the ground adjacent to the
29 exterior face of such fence or privacy wall.

30 Grade level, established. The lowest habitable first floor elevation permitted by the regulations
31 of all local, county, state and federal government agencies having jurisdiction over the subject
32 property.

33 Hedge. Any grouping of plants or bushes placed so close together so as to obscure visibility.

34 Height. The height of a building or structure is measured from grade level to the highest point
35 of a flat roof or to the average median level between the fascia and peak of a gable or hip roof.

36 Home Office. An office designed for and operated as a business located in a dwelling unit and
37 carried on by persons residing permanently and continuously in the dwelling unit during such
38 time that the home office is utilized; utilizing only telephones, computers or other common
39 office equipment that is kept completely within the home office. A home office is incidental and
40 secondary to the use of the dwelling for residential purposes, occupying no more than ten percent

- 1 (10%) of the gross floor area of the residential dwelling unit, and displaying no signage of any
2 type, nor merchandise of any type, and shall preclude any business operation that requires or
3 permits employees, customers, clients delivery of goods, new materials, or merchandise, or
4 patrons to visit the dwelling.
- 5 Hotel. One (1) or more buildings or structures, or part of one or more buildings or structures
6 kept, used, advertised as or held out to be a place where sleeping accommodations, with or
7 without meals, are provided for transient lodgers; and, where a guest register or record is kept;
8 and, where each room or unit contains a full bathroom consisting of a minimum of a toilet, sink
9 and shower or bathtub; and, where no kitchen facilities are provided.
- 10 Kitchen. A room or portion of a room within a building used for the storage and preparation of
11 food and containing a sink with running water, a refrigerator, range and oven.
- 12 Lot. A parcel or tract of land occupied or intended to be occupied by a primary structure or use,
13 and their ancillary structures and uses, together with such yards and open spaces as required by
14 this chapter. A lot may consist of one or any combination of one (1) or more platted lots, legal
15 lots of record and unplatted land.
- 16 Lot area. The total area of land contained within the lot lines.
- 17 Lot, corner. A lot situated at the intersection of two (2) streets and having street frontage along
18 two (2) or more sides of the lot.
- 19 Lot line, front. The line dividing a lot from the street that provides direct access to the lot. On a
20 corner lot, the shorter of two (2) front lot lines as above defined shall be considered the front lot
21 lines for the purposes of determining required lot width and required front yard depth unless the
22 property owner executes and records a designation of a different side. Provided that prior to
23 recording a designation the designation must be reviewed and approved by the Town
24 Commission following a public hearing. On through lots, both front lot lines as above defined
25 shall be considered to be front lot lines for the purpose of determining required yards. A front lot
26 line must have a minimum twenty-five (25) foot setback from the adjacent right of way.
- 27 Lot line, rear. The line opposite and most distant from the front lot line. In the case of a
28 triangular lot wherein the two (2) side lot lines converge toward a point in the rear yard, the rear
29 lot line shall be considered to be a line at least ten (10) feet in length within the lot and parallel
30 to and at the maximum distance from the front lot line.
- 31 Lot line, side. Any lot line other than a front lot line or rear lot line.
- 32 Lot, legal of record. Any lot that has been validly recorded in the public records of the county in
33 which the lot was located at the time of recording, and that complied with all applicable laws,
34 ordinances and regulations at the time of recordation, including but not limited to, those
35 pertaining to dimension and area.
- 36 Lot, platted. A parcel or tract of land designated and identified as a single unit of area in a
37 subdivision plat that has been officially recorded in the appropriate public records.
- 38 Lot, through. An interior lot having frontage on two (2) streets.
- 39 Motel. See hotel.
- 40 Navigable channel. The center forty-five (45) percent of the width of a canal basin or waterway
41 and a minimum width of forty (40) feet.

1 Nonconforming structure. Any structure that is in compliance with the zoning regulations
2 applicable at the time the structure was established and for which all required permits, which
3 structure would be prohibited, restricted or would otherwise not conform to the ULDR.
4 Nonconforming structures shall include those structures that do not comply with the yard, lot
5 coverage, height or any other structural restrictions of the ULDR.

6 Nonconforming uses. A building or land occupied by a use that does not conform with the
7 regulations of the zoning district in which it is situated.

8 Parcel/Plot. A tract of land under common ownership and developed or proposed for
9 development as a unified whole, which contains one (1) or more platted lots.

10 Personal services. Any business activity primarily engaged in providing services involving
11 the care of one's person or their apparel, eyewear, jewelry and other items worn on one's
12 person, which may include barbershops, beauty salons, dry cleaning pick-up service,
13 seamstress, shoe repair, tailor, and other similar uses. Astrologists and other fortune telling
14 activities, medical services, mortuaries, and related businesses shall not be considered
15 personal service establishments

16 Pervious area. The non-compacted land located at ground level, open to the sky allowing
17 passage of air and water to the subsurface and used or set aside for landscaping.

18 Planning and zoning board. The Planning and Zoning board (PZB) of the Town of
19 Lauderdale-By-The-Sea, Florida.

20 Plot. A parcel of ground containing more than one (1) lot upon which a building and its
21 accessory buildings have been or may be erected.

22 Porch. A roofed space attached to the outside of any outer wall of a building, one (1) or
23 more stories in height, open on one (1) or more sides, which have screen or glass enclosure.
24 An open or unenclosed porch is one without railing, glass, canvas, screen or similar
25 materials on the open sides.

26 Principal building. A building occupied by and devoted to a permitted principal use.

27 Professional Office. Office space designated to provide suitable space for use by those
28 having great skill and experience in a particular field of activity, such as but not limited to
29 architects, engineers, real estate agents, accountants, attorneys, and the like.

30 Re-development. The recycling or restoration of property to its highest and best use.

31 Residential use. Use of land for one (1) or more dwellings, dwelling units, hotel or motel
32 units.

33 Restaurant. An establishment primarily engaged in serving food with accessory beverages that
34 are consumed on the same premises as the establishment.

35 Right-of-way. Land conveyed or dedicated by plot, deed, easement or other conveyance that is
36 devoted to, required for or intended for the use of the public as a means of public traverse and
37 other public purposes.

38 Roof, flat. A roof having a slope of less than ten percent (10%). Where more than twenty-five
39 percent (25%) of the roof area of a building is a flat roof, then the entire roof shall be deemed be
40 a flat roof.

- 1 Roof, gable. A roof that slopes downward from a central ridge to form a gable, which is a
2 triangular portion of the wall between roof sections.
- 3 Roof, gambrel. A roof with two slopes on each of a central ridge, the lower slope being steeper
4 than the upper slope.
- 5 Roof, hip or hipped. A roof with sloping ends and sloping sides.
- 6 Roof, mansard. A roof that has two slopes on each of the four sides, the lower slope being almost
7 vertical to the ground, and the upper being almost horizontal to the ground.
- 8 Setback, front. A yard extending across the full width of the lot, lying between the front lot line
9 and the nearest point of any building or structure.
- 10 Setback, rear. A yard extending the full width of a lot, lying between the rear line of the lot and
11 the nearest line of the principal building.
- 12 Setback, side. A yard between a building or structure and adjacent side lot line of the lot and
13 extending from the front yard to the rear yard.
- 14 Sidewalk café. A use located on a sidewalk or portion of the right-of-way which is associated
15 with a restaurant or food establishment where food or beverages are delivered and licensed for
16 consumption on the premises. It shall be characterized by the presence of tables and chairs and
17 may be shaded by awnings, canopies or umbrellas if permits for same have been issued.
- 18 Story. A portion of a building, above the grade on which the building is located, between the
19 upper surface of any floor and the upper surface of the floor next above. If there is no floor next
20 above, then the story shall be measured from the upper surface of the last floor to the top of the
21 tie beam.
- 22 Street. A public thoroughfare or any other vehicular access way other than an alley, recorded in
23 the public records of Broward County, Florida, for the purpose of providing access to and from
24 abutting properties.
- 25 Street line. The public or private right-of-way line denoting the outside boundary of a street.
- 26 Structure. Anything constructed or erected, the use of which requires a location on the ground or
27 attached to something having a location on the ground, including but not limited to buildings,
28 fences, signs, swimming pools, swimming pool decks, tennis courts, tents, canopies and walls.
29 Driveways and sidewalks constructed at grade are not considered structures.
- 30 Swale. A shallow trough depression that holds or carries water mainly during rainstorms.
- 31 Tent. Any structure or enclosure, the roof of which and/or one half of the sides are silk, cotton,
32 canvas, fabric or material.
- 33 Tie beam. A horizontal timber or beam that connects two (2) opposite members or wall
34 structures, situated at the top or near the top of the members wall structures, and so placed to
35 keep the members or wall structures vertical to the ground.
- 36 Trailer: Any vehicle without motive power designated to be coupled or drawn by a motor
37 vehicle and constructed so that no part of its weight or that of its load rests upon the towing
38 vehicle.
- 39 Vehicle. Any wheeled device used or intended for use in carrying people, animals, goods or
40 equipment.

1 Vehicle, commercial. See Town Code of Ordinances.

2 Vehicle, recreational. See Town Code of Ordinances.

3 Vessel. Includes every description of boat, watercraft, barge and airboat capable of being used
4 as means of transportation on water.

5 Waterway. Any navigable waterway that provides access for a watercraft to and including the
6 Intracoastal Waterway.

7 Yard. See "setback."

8
9 **Adding new section relating to nonconforming uses and structures as follows:**

10
11 **NONCONFORMING USES AND STRUCTURES**

12
13 **Existing use.**

14 Any lawful use of land or structure, excluding signs, existing on the effective date of this chapter
15 and which by the terms thereof has become a nonconforming use is hereby declared not to be in
16 violation at this chapter's effective date. Such a nonconforming use shall be subject to all of the
17 provisions of this article pertaining to its continuance, change and discontinuance.

18
19 **Nonconforming use; extensions.**

20 The nonconforming use of a building may be extended throughout any part of a building clearly
21 designed for such use but not so used at the effective date of this chapter. Any nonconforming
22 use which occupied a portion of a building not originally designed or intended for such use shall
23 not be extended to any other part of the building. No nonconforming use shall be extended to
24 occupy any land outside the building on the same plot not used for such nonconforming use of
25 land at the effective date of this chapter. The nonconforming use of land shall not be extended to
26 any additional land not so used at the effective date of this chapter.

27
28 **Nonconforming use, repair, alteration, enlargement.**

29 No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or
30 structurally altered unless the use is changed to one which complies with the provisions of this
31 chapter, provided that repairs, maintenance and improvement may be carried out in any twelve-
32 month period in an amount not to exceed twenty-five (25) percent of the assessed value of the
33 structure for that year, and provided that such work does not increase the cubical content of the
34 building nor the floor area devoted to the nonconforming use or increase the number of dwelling
35 units. Nothing in this article shall prevent or excuse compliance with applicable laws or
36 resolutions relative to the safety and sanitation of a building occupied by a nonconforming use.

37
38 **Reconstruction after catastrophe.**

39 If any nonconforming structure or if any building in which there is a nonconforming use is
40 damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to such an extent that
41 surpasses fifty (50) percent of the replacement cost of the building or structure, it shall not be
42 again used or reconstructed except in full conformance with the regulations of the district in
43 which it is located.

44 **Change of nonconforming use.**

1 (a) In any residential district, any change of a nonconforming use in a conforming building shall
2 be to a conforming use.

3 (b) In a residential district, a nonconforming use and a nonconforming building shall be
4 changed only to a use permitted in the particular residential district involved except as provided
5 in subsection (d) below.

6 (c) Any change of a nonconforming use of land shall be to a conforming use except as provided
7 in subsection (d) below.

8 (d) There may be a change of tenancy, ownership or management of a nonconforming use,
9 provided that there is no change in the specific character of such nonconforming use except as
10 may be permitted by this chapter. For example, a nonconforming professional office may
11 continue as a nonconforming professional office after a change in tenancy, ownership or
12 management but may not continue as another commercial or business use. Likewise, a retail
13 store may continue as another type of retail store but not as a laundromat or other type of service
14 establishment.

15
16 Discontinuance or abandonment of a nonconforming use.

17 (a) If for any reason a nonconforming use of land ceases or is discontinued for a period of more
18 than sixty (60) days, the land shall not thereafter be used for the same or any other
19 nonconforming use.

20 (b) If for any reason the nonconforming use of a building ceases or is discontinued for a period
21 of sixty (60) days or more (not including periods when restoration is in progress), the building
22 shall not thereafter be used for the same or any other nonconforming use.

23 (c) Any part of a building, structure or land occupied by a nonconforming use which is
24 abandoned shall not again be occupied or used for a nonconforming use.

25 (d) Any part of a building, structure or land occupied by a nonconforming use which is changed
26 to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming
27 use.

28
29 Continuance of nonconforming uses and structures.

30 Any legal nonconforming use or structure may be continued.

31
32 Unlawful use not authorized.

33 Nothing in this chapter shall be interpreted as authorization for or approval of the continuation of
34 the use of a structure or premises in violation of any ordinance in effect at the effective date of
35 this chapter.

36
37 District or regulation change.

38 The foregoing provisions of this article shall also apply to buildings, structures, land, premises or
39 uses which hereafter become nonconforming due to a change or a reclassification of district or
40 become nonconforming due to a change in district regulations. When a period of time is
41 specified in this article for the removal or discontinuance of nonconforming buildings, structures
42 or uses, said period shall be computed from the effective date of such reclassification or change
43 of regulations.

1 Nonconformity other than use.

2 The foregoing provisions of this article are intended to apply only to nonconforming uses and are
3 not intended to apply to buildings and structures and their plots existing at the effective date of
4 this chapter which do not meet the regulations of this chapter for height, yards, plot size, plot
5 area, coverage, separation or other similar dimensional requirements or limitations and
6 maintenance requirements. Any additions, extensions or alterations to such existing buildings or
7 structures shall comply with all applicable provisions of this chapter.

8
9 Illegal use.

10 The casual, temporary or illegal use of land or a building shall not be sufficient to establish the
11 existence of a nonconforming use or to create any rights in the continuance of such a use.
12

13 **Adding a section to the ULDR for the adoption of a Zoning Map as follows:**

14
15 Map of zoning districts.

16 Zoning districts established by this chapter are bound and defined as shown on the zoning map of
17 the Town of Lauderdale-By-The-Sea that, together with all information depicted on the map, is
18 incorporated into and made a part of this chapter.

19 The official zoning map shall be maintained as a digital format document. The most recent
20 version of the map shall be kept on file, in printed form, in the Development Services office of
21 the Town. The Town Commission may amend the zoning map from time to time by ordinance.
22 The official zoning map shall be notated to list all revision dates.

23
24 Interpretation of district boundaries.

25 The following rules shall be used to determine the precise location of any zoning district
26 boundary shown on the zoning map of the Town of Lauderdale-By-The-Sea:

27 1. Boundaries shown as following or approximately following the limits of any municipal
28 corporate line shall be construed as following such limits.

29 2. Boundaries shown as following or approximately following streets shall be construed as
30 following the centerlines of such streets.

31 3. Boundary lines shown as following or approximately following platted lot lines or other
32 property lines as shown on the Town of Lauderdale-By-The-Sea Official Zoning Map shall
33 be construed as following such lines.

34 4. Boundaries shown as following or approximately following the centerlines of waterways or
35 canals shall be construed as following the centerline of such watercourses and, in the event
36 of a natural change in the location of such water bodies, the zoning district boundary shall
37 be construed as moving with the centerline.

38 5. Each parcel of land within the Town shall be zoned in a zoning district that allows only
39 those uses permitted by the Town of Lauderdale-By-The-Sea Uniform Land Development
40 Regulations.

1 Statement of purpose and intent of zoning districts.

2 The following portions of this section define the purpose and intent of the zoning districts
3 established by this chapter:

- 4
- 5 1. Motel (R-5) district is intended to implement motel uses at the fifty (50) motel units per
6 acre maximum or at the twenty-five (25) dwelling units per acre maximum, classification
7 of the Town of Lauderdale-By-The-Sea Future Land Use Plan by providing for areas of
8 motel development approved by ordinance adopted by the Broward County Board of
9 County Commissioners prior to September 11, 1991.
 - 10 2. Low density dwelling (RS-4 & RS-5) districts. The RS-4 (four) and RS-5 five (5) units per
11 acre maximum) districts are intended to implement the low single-family residential
12 classifications of the Town of Lauderdale-By-The-Sea Future Land Use Plan.
 - 13 3. Low medium density dwelling (RD-10) district. The RD-10 district is intended to
14 implement the low medium multi-family residential, ten (10) dwelling units per acre
15 maximum, classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan by
16 providing for low-medium density dwelling districts in the town.
 - 17 4. Medium-high density dwelling (RM-25) district. The RM-25 district is intended to
18 implement the medium-high multi-family residential, twenty-five (25) dwelling units per
19 acre maximum, classification of the Town of Lauderdale-By-The-Sea Future Land Use
20 Plan.
 - 21 5. High density dwelling (RM-50) district. The RM-50 district is intended to implement the
22 high multi-family residential, fifty (50) dwelling units per acre maximum, classification of
23 the Town of Lauderdale-By-The-Sea Future Land Use Plan.
 - 24 6. Commercial (B-1 and B-1-A) districts. The B-1 and B-1-A districts are intended to
25 implement the commercial classification of the Town of Lauderdale-By-The-Sea Future
26 Land Use Plan by providing for a business area to service shopping and personal service
27 needs.
 - 28 7. PUD. The PUD district is intended to implement the high multi-family residential, fifty
29 (50) dwelling units per acre maximum, classification of the Town of Lauderdale-By-The-
30 Sea Future Land Use Plan by providing for areas of planned, mixed use development
31 approved by ordinance adopted by the Broward County Board of County Commissioners
32 prior to September 11, 1991.
 - 33 8. Community facilities (CF) district. The CF district is intended to implement the community
34 facility classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan.
 - 35 9. Recreation and open space (P) district. The P district is intended to implement the
36 recreation and open space classification of the Town of Lauderdale-By-The-Sea Future
37 Land Use Plan by providing for areas for the development of nonprofit active or passive
38 recreational facilities and the preservation of open space.

1 **ESTABLISHMENT OF ZONING DISTRICTS.**

2
3 Establishment of zoning districts.

4 The incorporated areas of the Town of Lauderdale-By-The-Sea, Florida are hereby divided into
5 zoning districts of number and character as necessary to achieve compatibility of uses within
6 each district; to implement the adopted Town of Lauderdale-By-The-Sea Comprehensive Plan;
7 and, to achieve the stated purpose and intent of this chapter.

8 Zoning district designations.

9 The land and water areas of the Town of Lauderdale-By-The-Sea are zoned in accord with
10 zoning districts. These zoning districts are designated as follows:

- 11
- 12 R-5: Motel
 - 13 RS-4: Residential single-family dwellings
 - 14 RS-5: Residential single-family dwellings
 - 15 RD-10: Residential two family dwellings
 - 16 RM-25: Residential multi-family dwellings
 - 17 RM-50: Residential multi-family dwellings
 - 18 B-1: Commercial
 - 19 PUD: Planned unit development
 - 20 CF: Community facility district
 - 21 P: Recreation & open space

22
23
24 Adding new regulations for R-5 district.

25
26 Motel zoning district.

27
28
29 Density. No property shall be developed to a density exceeding the maximum limits of 50 motel
30 units per acre or twenty-five (25) dwelling units per acre.

31
32 Uses permitted.

33 (a) Any use permitted in an R-4 district, subject to the limitations, requirements and procedure
34 prescribed for such use.

- 1 (b) Hotel, motel, tourist home, lodging house, boardinghouse, villas, bungalow court.
2 (c) Private club, lodge, fraternity, sorority and other similar uses, not operated for profit.
3 (d) Institutions of an educational, philanthropic or eleemosynary character, not operated for profit,
4 other than penal or correctional institutions or vocational or trade schools.
5 (e) Medical or dental office or clinic.
6 (f) Colleges and universities offering courses of study leading to an academic degree and meeting
7 the academic requirements of the Southern Association of Colleges and Secondary Schools.
8 (g) Accessory uses and structures, not involving a business, except as provided in section 39-894.

9
10 Special accessory uses.

11 (a) Hotel, apartment hotel and motels having 50 or more units may have restaurants, nightclubs,
12 dining rooms or bars which are located in the main building and which are of such design and size
13 as to cater primarily to the guests of the main use, subject to the provisions of all regulations of
14 Broward County.

15 (b) Hotels, apartment hotels, multiple dwellings and motels having 100 or more guest rooms may
16 have retail stores, personal service shops, offices and similar uses for the convenience of their
17 guests.

18 (c) The special accessory uses permitted under paragraphs (a) and (b) above shall be subject to the
19 following limitations and requirements:

20 (1) Access to such special accessory uses shall be limited to the interior of the building, and there
21 shall be no direct public access from the exterior of the building; provided that the doors for exit
22 purposes only may be located in the exterior walls of the building.

23 (2) For each street front, 1 sign not to exceed 15 square feet in area shall be allowed for each 100
24 feet of street frontage or fraction thereof, but in no case shall the total of such signs exceed 2 signs
25 per street frontage. Such signs shall be used to advertise the following accessory uses: Restaurants,
26 dining rooms and cocktail lounges. Such accessory uses may be advertised only upon these
27 permitted signs.

28 (3) There shall be no show windows or displays relating to such special accessory uses on the
29 exterior of the building or visible from any street, waterway, ocean front or adjacent property.

30 (4) The space occupied by such special accessory uses shall be on the interior of the building, and
31 there shall be no evidence or indication of the existence of such special accessory uses on or from
32 the exterior of the building.

33
34 Plot Size.

35 Every plot shall be not less than 100 feet in width and 10,000 square feet in area; provided that a
36 plot consisting of a single lot of record on the effective date of this ordinance, not less than 50 feet
37 in width, may be utilized for a 1-family dwelling.

38
39 Height.

40 No building or structure, or part thereof, shall be erected or altered to a height exceeding 3 stories or
41 44 feet.

42
43 Plot coverage.

44 The combined area occupied by all main and accessory buildings and structures shall not exceed the
45 percent given in the following table for various heights of buildings:

1 Height Percent

2 One-story . . . 55

3 Two-story . . . 55

4 Three-story . . . 50

5
6 Front yard.

7 Every plot shall have a front yard not less than 25 feet [in depth].

8
9 Side yards.

10 (a) One-Family or Two-Family Dwellings. Every plot used for a one-family or two-family
11 dwelling shall supply side yards as specified for zoning districts for one-family or two-family
12 residences.

13 (b) Other Permitted Uses. Every plot utilized for any other use permitted in a R-5 district shall
14 provide a side yard on each side, each of which shall be at least 10 feet in width; provided that the
15 above-required width of side yard shall be increased by 2 feet for each 10 feet, or major fraction
16 thereof, by which the height of the building exceeds 22 feet.

17 (c) Corner Plots. Upon corner plots, there shall be a front yard as hereinbefore specified and a side
18 yard on the side street at least 15 feet in width.

19
20 Rear yard.

21 Every plot shall have a rear yard not less than 25 feet in depth.

22
23 Minimum floor area.

24 The minimum floor area of a 1-family dwelling shall be 600 square feet; the minimum floor area of
25 a dwelling unit in a 2-family dwelling shall be 400 square feet; the minimum floor area of a
26 dwelling unit in a multiple dwelling shall be 400 square feet; and the minimum floor area of a rental
27 sleeping room in a hotel, motel, lodging house, tourist home or similar use shall be 150 square feet.

28
29 **Amending Section 24-5.36 (c) (2) and (4) of the RS-5 zoning district to include RS-4 and**
30 **RS-5 Town wide is changed as follows:**

31 (2) Side setback. No building or any part thereof shall be erected on any lot closer than
32 ~~eight (8)~~ seven and one half (7.5) feet to either side lot line in areas zoned RS-4, RS-
33 5, and RD-10.

34 (3) Rear setback. No residence or accessory building thereof shall have a rear setback of
35 less than ten (10) for a single story and less than twelve (12) feet for two (2) stories;
36 except that where the rear of RS-4, RS-5, and RD-10 zoned lots abut the Intracoastal
37 or inland waterways, a minimum ~~twenty-five-foot~~ fifteen (15) rear setback from the
38 seawall shall be required.

39 **Amending Section 24-5.36 (e) to include additional landscaping requirements for corner**
40 **lots in the RS-5 zoning district:**

41 (e) Corner lot Landscaping.

42 In instances where a property owner selects and the Commission approves an alternate
43 front yard, as provided for in Section 24-5.5 of the Code of Ordinances, additional street
44 side landscaping will be required to provide screening of the reduced setback. The Town

1 Manager or his designee will review the landscape plan and make a recommendation to
2 the Town Commission. The Town Commission has final authority to approve or
3 disapprove the design and layout of the additional landscaping. On a corner lot no fences,
4 walls or hedges shall be erected or maintained at a street-bordering corner to a height
5 exceeding 30 inches above the crown of the most adjacent roadway in the area forming an
6 imaginary triangle bounded on two sides by the two lot lines intersecting to form such
7 corner, with the third side of such triangle being formed by the imaginary line between the
8 imaginary points located along each of such intersecting lot lines a distance of 25 feet from
9 the point of intersection. If a parcel has a circular shape at the corner where two paved
10 thoroughfares intersect, then the two lot lines of the sides of the property which border the
11 bordering streets shall be imaginarily extended to form the point of intersection of said two
12 lot lines for the purposes of measurement.

13
14 **Adding new section of Planned Unit Development to the ULDR code:**

15 PLANNED UNIT DEVELOPMENT REGULATIONS.

16 Purpose.

17
18 The purpose of this article is to set forth regulations and development standards for all New
19 Town Planned Unit Development (PUD) zoning districts within the town. The PUD district is
20 intended to apply only to planned developments approved by ordinance of the Broward County
21 Board of County Commissioners prior to September 11, 1991.

22 Definitions.

23 1. Master development plan. The ordinance rezoning land to PUD, together with the site plan
24 for PUD drawn in conformity with any conceptual site plan requirements, a development
25 schedule, provisions for the method of administration of all common open space, and a
26 statement that appropriate covenants shall be included in all conveyances requiring the
27 maintenance of private open space for the purposes intended.

28 2. Phase. A specified portion of a planned development that may be developed as an
29 individual component, as specified within the development schedule of a PUD.

30 3. Planned development. An area of land developed as a single entity or in phases in
31 conformity with the master development plan of a PUD.

32 Conformance to master development plan.

33 1. In addition to the requirements of this article, all residential uses within PUD districts shall
34 be subject to the general use regulations set forth in the LDR applicable to conventional
35 new Town residential zoning districts.

36 2. No plat approval, final site plan approval or building permits shall be issued by the town,
37 and no development shall commence, unless in conformity with the approved master
38 development plan, unless a change or deviation is approved by the Town of Lauderdale-
39 By-The-Sea as provided for in this article.

40 3. All development shall be in conformity with the final site development plan.

1 4. The master development plan shall set forth the criteria for determining major and minor
2 changes and deviations.

3 5. The approval of a master development plan shall not relieve an applicant from the
4 requirement to comply with final site plan requirements of article 100, division 6, "site
5 plans."

6 6. Subsequent to the approval of the master development plan and any subsequent plat and
7 final site plan, all development within a PUD shall be controlled by the final site plan.

8 Major and minor deviations.

9 1. The approved master development plan shall set forth specific criteria for the determination
10 of what constitutes minor and major deviations from the plan. The may approve minor
11 changes and deviations from the approved master development plan that are in compliance
12 with the applicable provisions and intent of these regulations, and which do not depart from
13 the principal concept of the approved master development plan. Approved minor changes
14 and deviations may become effective without formally amending the master development
15 plan, but shall be recorded in the public records of Broward County, Florida as an
16 addendum to the master development plan.

17 2. Should the determine that a requested change or deviation from the approved master
18 development plan does not comply with the applicable provisions and intent of these
19 regulations, or departs from the principal concept of the approved master development plan
20 or otherwise exceeds the criteria for determining minor changes contained in the master
21 development plan, the shall refer such change to the planning & zoning board for a public
22 hearing and recommendation. The applicant may then request the Town Commission to
23 consider such change or deviation.

24 3. Upon request for a change or deviation from the approved master development plan, the
25 Town Commission may take such action as it deems appropriate. If the Town Commission
26 approves the change or deviation, a new master development plan shall be filed
27 incorporating the changes or deviations, which shall subsequently be recorded in the public
28 records of Broward County, Florida as an amended master development plan.

29 4. All hearings relating to major changes to a master development plan shall proceed in
30 accordance with the requirements of article 100, division 10, "zoning map amendments."

31 5. Copies of the recorded master development plan shall be filed with the Town .

32 Common open space.

33 1. All common open space shall be preserved for its intended purpose as expressed in the
34 master development plan. The developer shall choose one (1) or a combination of the
35 following three (3) methods of administering common open space:

36 A. Dedication to the Town of the common open space. This method is subject to formal
37 acceptance by the Town in its sole discretion.

38 B. Conveyance to one or more associations, nonprofit corporations or other appropriate
39 entities provided all persons and entities owning property within the planned
40 development are members of one or more of the associations, nonprofit corporations

1 or other entities so that the common open space will be used as specified on the
2 master development plan and all common open space will be properly maintained.

3 C. Retention of ownership, control and maintenance of all common open space by the
4 developer.

5 If the developer elects to administer common open space through one (1) or more
6 associations, nonprofit corporations or other entities, said organizations shall conform to the
7 following requirements:

8 A. The organization shall be created prior to the sale of any property within any phase
9 of the PUD.

10 B. Membership shall be mandatory for all property owners within the planned
11 development.

12 C. The organization shall comply with the following:

13 1) Manage all common open space and recreational and cultural facilities that are
14 not dedicated to the public; and

15 2) Provide for the maintenance, administration and operation of said land and any
16 other land within the planned development not publicly or privately owned.

17 2. All privately owned open space shall conform to the use intended by, and remain as
18 expressed in, the master development plan through the inclusion of appropriate covenants
19 in all conveyance of land within the PUD. The covenants shall run with the land and be for
20 the benefit of present and future property owners.

21 3. All common open space and public recreational and cultural facilities shall be specifically
22 included in a development schedule to be included in the master development plan and be
23 completed by the developer in accordance with such schedule.

24 General development regulations.

25 1. Minimum size for PUD development shall be five (5) contiguous acres

26 2. There is no minimum lot size except as specified by the master development plan.

27 3. There is no minimum distance between structures except as specified by the master
28 development plan.

29 4. There is no maximum height except as specified by the master development plan.

30 5. Minimum setback shall be twenty-five (25) feet for all lots abutting a public road right-of-
31 way.

32 6. There is no minimum setback for lots that do not abut a public road right-of-way except as
33 specified by the master development plan.

34 7. The maximum density permitted in a PUD shall be governed by the adopted future land use
35 plan map.

36 8. Each dwelling unit or other permitted use shall have access to a public street either directly
37 or indirectly via an approach, private road, or other area dedicated to the public or private
38 use or common easement guaranteeing access. The Town shall be allowed access on
39 privately owned roads, easements and common open space to ensure public safety

1 protection of the area, to meet emergency needs, to conduct Town services, and to
2 generally ensure the health and safety of the residents of the PUD.

- 3 9. All PUDs shall be subject to the regulations pertaining to off-street parking and loading,
4 lighting, landscaping, property maintenance and signs as provided in other articles of the
5 ULDR.

6
7 Planned residential communities.

- 8 1. Purpose: The planned residential community is intended to encourage the use of
9 innovative land planning and site design techniques to create enhanced living and working
10 environments. The regulations applicable to planned residential communities are intended
11 to encourage the efficient use of land by providing for a variety of residential unit types,
12 conservation of natural amenities as common open space, and providing for accessory and
13 supporting nonresidential uses in accordance with commercial flexibility provisions of
14 town's land use plan.

15 2. Permitted uses:

16 A. Single-family and multi-family residences at a density in conformance with the future
17 land use map of the comprehensive plan.

18 B. Special residential facilities, as defined in the special residential facilities permitted
19 uses subsection of the comprehensive plan, future land use element.

20 C. Accessory nonresidential uses that are compatible with planned residential
21 communities, to the extent permitted by the flexibility provisions of the land use plan,
22 limited to the following:

23 1) Hotels and motels.

24 2) Community facilities and utilities.

25 3) Open space, parks and recreation facilities.

26 4) Professional offices, personal service and retail sales, including automobile
27 service stations with no on-site repairs.

28 5) Aviation and marine facilities.

29
30 Planned special complexes.

- 31 1. Purpose: The planned special complex is intended to encourage the use of innovative
32 land planning and site design techniques to accommodate highly intensive uses permitted by
33 the applicable land use plan designation, including public facilities or mixed use
34 developments that may not be appropriately addressed by other planned developments. The
35 flexibility provisions of the land use plan may also be used to provide density and intensity
36 bonuses within a planned special complex that encourages the efficient use of land.

1 2. Permitted uses:

2 A. Cultural, recreation, amusement, exhibition and education centers.

3 B. Community facilities and utilities.

4 C. Aviation and marine facilities.

5 D. Nonspecial complex uses that are compatible with special complexes, limited to the
6 following:

7 1) Multifamily residences.

8 2) Hotels and motels.

9 3) Professional offices, personal services and retail sales.

10 4) Warehouses and distribution facilities.

11 5) Open space, parks and recreation.

12
13 **Deleting Section 24-5.66 (n) (1), (2), and (5) Off-street parking requirements in the RM-25**
14 **zoning district as follows:**

15 ~~(1) Condominium buildings or projects shall provide at least two (2) parking spaces per~~
16 ~~dwelling units.~~

17 ~~(2) Transit occupancy and rental buildings shall provide at least one and one-half (1 1/2)~~
18 ~~parking spaces per kitchen dwelling unit and shall provide at least one and one-quarter~~
19 ~~(1 1/4) parking spaces per hotel room.~~

20 ~~(5) In the event transient or rental unit apartments are converted to condominium use, the~~
21 ~~parking space requirements for condominium use must be provided before such change~~
22 ~~of use is permitted or approved.~~

23
24 **Deleting Section 24-5.96 Off-street parking requirements in the B-1-A zoning district as**
25 **follows:**

26 ~~Open parking located in this district for the parking of automobiles incidental to business and~~
27 ~~approval by the town commission after the provisions of this subdivision have been met shall be~~
28 ~~designed, maintained, and used in accordance with the following minimum requirements:~~

29 ~~(1) Business and professional offices. One (1) parking space for each three hundred (300)~~
30 ~~square feet of floor area of the building.~~

31 ~~(2) Retail stores. One (1) parking space for each two hundred (200) square feet of the store.~~

32 ~~(3) Surfacing. The parking area shall be provided with a pavement having an asphalt or~~
33 ~~cement binder and shall be so graded and drained as to dispose of all surface water~~
34 ~~accumulated within the parking area.~~

1 **Deleting Section 24-5.111 (f) Off-street parking requirements in the B-1 zoning district as**
2 **follows:**

3 ~~(1) Business and professional offices. One (1) parking space for each three hundred (300)~~
4 ~~square feet of floor area of the building.~~

5 ~~(2) Retail stores. One (1) parking space for each two hundred (200) square feet of the store.~~

6
7 **Amending Section 24-5.146 relating to the control of Boats, boats lifts, boathouses and**
8 **anchorage as follows:**

9
10 (a) *Intent.* The intent of this section is to permit construction in and upon the waterways
11 of docks, boat slips, wharves, finger piers, boat lifts dolphins, fender or mooring piles
12 and other related structures which do not interfere with navigation, endanger life or
13 property, or delay the public reasonable viable access to public waterways. Structures
14 not similar in nature to those listed herein shall be prohibited. The requirements
15 contained in this section shall apply and control the development on the waterways
16 Town-wide.

17
18 **Amending Section 24-5.146 (3) (c) relating to the control of boat davits and similar forms of**
19 **boat lifting device as follows:**

20
21 (c) Boat davits, elevators lifts, cradle lifts, floating lifts, or any other similar form of boat
22 lifting device may be constructed or erected to extend into any canal, basin or
23 waterway in a fully raised position, a distance not to exceed ~~ten (10)~~ twenty (20)
24 percent of the width of the canal, basin or waterway or a distance of twenty (20) feet,
25 whichever is less, as measured from the recorded property line.

26
27 **Amending Section 24-5.148 (4) (a) relating to fences and adding new section 24-5.148 (4)**
28 **(h), (i), (j), and (k) as follows:**

29 **General Provisions**

30 4. Height of fences, walls, hedges.

- 31 a. Fences and walls. The height of fences and walls constructed with louvered panels,
32 wire or other composition of materials that permit air circulation shall be constructed
33 and maintained not to exceed a height of six (6) feet in ~~RS-5, RD-10, and RM-25~~
34 ~~zoned property. residential zoning districts, except where a residential lot abuts~~
35 property with business zoning, a fence or wall may be a maximum height of eight (8)
36 feet. Permission of air circulation shall mean that the type of material utilized for
37 construction shall be so positioned so as to maintain a minimum of three-quarters of
38 an inch between horizontally or vertically positioned panels or boards, which shall not
39 exceed six (6) inches in width, irrespective of whether or not a shadowbox design is
40 utilized. In the case of cement type wall construction, not less than twenty-five

1 percent (25%) of the area of said wall shall be constructed with decorative brick and
2 provide openings to permit air circulation. A hedge is defined as any grouping of
3 plants or bushes placed so close together so as to obscure visibility.

4 h. Fences finished on only one side shall be placed to have the finished side facing out.

5 i. Fences, walls and hedges shall comply with the clear sight distance requirements of the
6 regulations for "minimum sight distance" set forth in this code.

7 j. Barbed wire, electrified or razor wire fences, and fences or walls topped with barbed,
8 electric or razor wire shall not be erected or maintained on any property.

9 k. Fences and walls not located in required setbacks may not exceed eight (8) feet.

10
11 **Amending Section 24-5.148 (29) relating to swimming pools and deck setback requirements**
12 **as follows:**

13
14 (29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required. No
15 swimming pool, hot tub or spa shall be constructed within a front yard setback. Swimming
16 pools, hot tubs and spas shall have the following minimum setback regulations:

17 a. All water bearing wall surfaces shall have a minimum ~~eight (8)~~ five foot setback from
18 the side and rear property lines.

19 b. All water bearing wall surfaces shall have a minimum ten (10) foot setback from any
20 public right-of-way.

21 All swimming pools shall be enclosed by an open mesh screen enclosure or a fence or wall
22 a minimum of five (5) feet in height of such design and material as will prevent
23 unauthorized access to the pool area. All screen doors and fence gates shall be equipped
24 with a self-locking mechanism.

25 Swimming pools or spas on lots that directly abut a waterway or other water area shall not
26 require enclosure along such waterway or water area.

27 Screen enclosures, pool decks, patios, porches and terraces shall be permitted in the
28 required side yard or rear yard only and shall not be located less than ~~five (5)~~ two and a
29 half (2 ½) feet from plot lines. In addition, the location of screen enclosures, pool decks,
30 patios, porches and terraces will need to be located outside of any utility easement areas
31 unless the property owner obtains consent from the applicable utility(s) to allow any of
32 these structures in the easement area.

33
34 Decks that abut a plot line that is a waterway may be allowed, but are not required, to
35 extend to the waterway. There can be a gap between the deck and the dock provided the
36 spacing between the deck and dock is properly secured. Decks need not be constructed to
37 be flush with any dock or seawall area. However, decks cannot be constructed higher than
38 the seawall.

1 **Adding Section 24-5.148 (31) related to the control of accessory buildings and structures as**
2 **follows:**

3
4 Accessory buildings and structures. On a lot containing a single family, duplex or townhouse
5 dwelling, side and rear yard setbacks not abutting a street may be reduced to five (5) feet for
6 accessory uses and structures.

- 7 a. Accessory buildings may not exceed one (1) story on any lot containing a single
8 family detached dwelling unit.
- 9 b. Accessory buildings shall not exceed half the height of any principal building on lots
10 containing two-family or multiple-family dwellings. On any plot containing grouped
11 dwellings of varying heights, accessory buildings shall not exceed half the height of
12 the lowest building on the plot.
- 13 c. One-story accessory buildings shall be at least ten (10) feet from any other accessory
14 building and ten (10) feet from any principal building on the same plot or parcel.
- 15 d. The aggregate floor area of all accessory buildings shall not exceed five percent (5%)
16 of the plot area.
- 17 e. No accessory building shall contain more than fifty percent (50%) of the floor area of
18 the principal building.
- 19 f. Accessory buildings in commercial zoning districts may be allowed, subject to Town
20 Commission approval. Staff shall apply the standards listed above as best as possible
21 before the Town Commission reviews the accessory building in the commercial
22 zoning district.

23
24 **Amending Section 24-5.149 dealing with parking as follows:**

25 **OFF-STREET PARKING AND LOADING REQUIREMENTS**

26 **Minimum parking required.**

- 27 1. Dwellings, single-family and two-family, and **condominiums**: Two (2) parking spaces per
28 dwelling.
- 29 7. Medical, dental, **dental lab**, chiropractic, etc., clinics: One (1) parking space for each two
30 hundred (200) square feet of gross floor area.

31
32 **Adding new Section relating to landscaping as follows:**

33
34 **LANDSCAPE CODE.**

35
36 **Intent.**

37
38 **The intent of these regulations is to protect, preserve and enhance the natural environment and**
39 **beauty of the Town; to promote cleaner air quality and energy conservation by providing for**

1 landscaped areas containing trees and other plants and arranging them in a pleasing manner in
2 relation to non-pervious areas and structures; and to encourage use of xeriscaping, Right Tree
3 Right Place (RTRP) and Crime Prevention Through Environmental Design (CPTED) principles.
4

5 The provisions of this article shall be a minimum standard for landscaping new development or
6 for redevelopment.
7

8 Definitions.

9

10 Access way: A vehicular roadway intersecting a public right-of-way.

11 Berm: A mound of earth configured in a manner that supports landscaping.

12 Buffer: An area of land along or within a plot in which landscaping is used to provide a
13 separation.

14 CPTED: Acronym for Crime Prevention Through Environmental Design; a design approach to
15 reduce crime and fear of crime by creating a safe climate within a building environment.

16 Canopy: The upper portion of a tree consisting of limbs, branches, leaves and fronds.

17 Clear Trunk: The distance between the top of the root ball along the vertical trunk or trunks of a
18 tree to the point at which lateral branching or fronds begin.

19 Clear wood (Graywood): The portion of the palm tree that is mature hardwood measured from
20 the top of the root ball to the base of green terminal growth of fronds.

21 Diameter (Caliper): The diameter of a dicot or conifer tree trunk as measured six (6) inches
22 above grade, if no more than three (3) inches in diameter, or at least twelve (12) inches above
23 grade, if no more than five (5) inches in diameter, and for anything greater than five (5) inches in
24 diameter measured four and one-half (4 ½) feet above grade. The diameter of a monocot is the
25 diameter of the tree trunk measured one (1) foot above the ground.

26 Dripline: The natural outside end of the branches of a tree or shrub projected vertically to the
27 ground.

28 Excavation: To make a hole by, unearthing, scraping or digging out.

29 Ground cover: A low growing plant that by the nature of its growth characteristics, completely
30 cover the ground and does not usually exceed two (2) feet in height.

31 Hedge: A close planting of shrubs that forms a compact, dense, visually opaque living barrier
32 when mature.

33 Impervious Area: The area of a plot covered by buildings or other structures including but not
34 limited to swimming pools, patios, sidewalks, driveways, etc.

35 Interior parking: Parking spaces not contiguous to, nor directly abutting a perimeter.

36 Irrigation: A permanent, artificial watering system designed to transport and distribute water to
37 plant material.

38 Landscape/Landscaping: When used as a noun, term means living plant materials such as
39 grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly
40 used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences,
41 aesthetic grading or mounding, but excluding paving and structures. When used as a verb, term
42 means the process of installing or planting materials commonly used in landscaping or
43 environmental design.

44 Lawn/turf/sod: Upper layer of soil bound by grassy plant roots and covered by viable grass
45 blades.

1 Mulch: An organic material such as compost, wood chips, wood shavings, bark, or pine straw
2 used to reduce evaporation, prevent erosion, control weeds, enrich the soil and lower soil
3 temperature.

4 Owner/builder: Owner of the subject property to whom a building permit has been issued.

5 Penninsular or island landscape area: A pervious area set aside for landscaping, located at the
6 end of a parking row where it abuts an aisle or driveway and, also, intermittently located within
7 the parking rows.

8 Perimeter: The boundary line separating one (1) parcel of land from another or a parcel of land
9 from a right-of-way. If the property is on a waterway, the perimeter shall be the bulkhead line.

10 Pervious area: The area of a plot remaining after the impervious areas are subtracted.

11 Redevelopment: Any increase in building height, floor area or number of units, when
12 reconstruction or remodeling exceeds twenty-five percent (25%) of the assessed valuation of a
13 building.

14 Right Tree Right Place (RTRP): The process of selecting the right tree to be placed within the
15 area of electric utilities whether overhead or underground, using the local electric utility RTRP
16 guidelines on file in the Town.

17 Root ball: The earthen ball encompassing the root system.

18 Runoff: Water that is not absorbed by the soil or landscape to which it is applied and flows from
19 the area.

20 Shade tree: A single trunk dicot or conifer tree which by virtue of its natural shape provides at
21 maturity a minimum shade canopy thirty (30) feet in diameter.

22 Shrub: A woody plant with multiple stems produced from the base.

23 Street tree: A tree which is located within twelve (12) feet of the edge of pavement or curb of a
24 street or such other distances determined by the Town.

25 Tree: A woody perennial plant, possible shrubby when young, with one (1) main stem or trunk
26 that naturally develops diameter and height characteristics of a particular species.

27 Understory: Plant material developed as an undergrowth associated in the habitat with trees.

28 Vehicular Encroachment: Any protrusion of a motor vehicle outside of the boundaries of a
29 vehicular use area into a landscape area.

30 Vehicular use area: Areas used for the display or parking of any type of vehicle, boat or
31 construction equipment, whether self-propelled or not, and all land upon which such vehicles
32 traverse.

33 Vine: A plant whose natural growth characteristics produces climbing stems.

34 Xeriscape: A landscaping method that maximizes the conservation of water by use of site-
35 appropriate plants and an efficient watering system.

37 Landscaping Required.

39 No person shall carry out any development, redevelopment (see definition in this section), or use
40 of any parcel of land for any purpose, nor shall any permit for building or paving be issued
41 unless landscaping is installed in accordance with the requirements of this section.

43 A landscaping permit shall be required for the installation, removal, or replacement of any
44 required landscaping in accordance with the provisions of this section.

1 Landscape Plan Required.
2

3 Prior to the issuance of a landscape permit, a landscape plan shall be submitted to the Town. The
4 landscape plan shall include, but not be limited to, the following:
5

- 6 1. Name, address and telephone number of the person who has prepared the landscape plan.
7 Landscape plans shall be prepared by a landscape architect, or other person authorized
8 pursuant to Chapter 481, pt. II, F.S. as amended. Landscape plans for single-family and
9 duplex dwellings may be prepared by the owner of the property.
10
11 2. A landscape plan drawn at a scale no less than one (1) inch equal to ten (10) feet showing
12 all permanent structures/buildings, plus the location, size, description and specifications of
13 materials, grade of plantings, mulch specifications, protective structures such as curbs, the
14 number of interior parking spaces and the square foot area of the vehicular use area, and
15 perimeter and interior landscape area. New trees shown shall be spaced so as not to
16 conflict with normal canopy development. An existing desirable tree proposed to be
17 retained on site shall be left with root pervious area surrounding it sufficient to support the
18 species and canopy.
19
20 3. The landscape plan shall be designed so that landscaping shall not be adversely affected
21 by factors such as salt exposure, prevailing winds, overhead obstructions, utility services,
22 deep shadows, unusual soil conditions and shall identify and show location of existing
23 trees on the site and the perimeter adjacent to development site.
24
25 4. An irrigation plan shall be drawn at a scale no less than one (1) inch equal to ten (10) feet
26 showing the location of existing tress, vegetation and ecological communities to remain;
27 location of existing buildings, paving and site improvements to remain; location of
28 proposed buildings, paving, site improvements and water bodies; Main location, size and
29 specifications; valve location, size and specifications; pump location, size and
30 specifications; backflow prevention device type; controller locations; zone layout plan.
31
32

33 Installation.
34

- 35 1. All landscaping and irrigation of landscaping shall be installed according to accepted
36 planting procedures prior to the issuance of a certificate of occupancy or final use
37 approval with the Town reserving the right to inspect all landscaping.
38 2. All landscape material shall be installed in accordance with sound landscaping practices
39 and xeriscaping shall be encouraged. All landscape materials shall be graded at least
40 Florida number 1 or better according to the Florida Department of Agriculture and
41 Consumer Services Division of the Plant Industry Grades and Standards for Nursery
42 Plants. Xeriscaping may include the use of soil amendments to increase the water
43 holding capacity of sandy soil or improve the drainage of heavy soils or other applicable
44 principles or techniques. Alternatives to the use of turf, such as drought resistant shrubs
45 and ground cover, are also encouraged. Condominant (V-Crotched) trees are not
46 acceptable.

- 1 3. New trees required to be installed shall be planted so normal growth and aesthetic
2 appearance will no be impaired. Potentially large trees shall be planted following Right
3 Tree Right Place principles regarding utility lines or lighting and shall no be planted too
4 close to structures or in an area where they will obstruct emergency vehicle access.
- 5 4. Trees shall be installed as follows:
- 6 a) Shade trees shall be located a minimum of fifteen (15) feet away from structures
7 and thirty (30) feet away from other shade trees.
- 8 b) Non-shade trees shall be located a minimum of five (5) feet away from structures,
9 fifteen (15) feet from other non-shade trees, twenty-two and one half (22 ½) feet
10 from shade trees. Palms may be planted closer to each other to form multiples or
11 clusters.
- 12 c) Trees shall be planted no closer to an impervious area than half of the minimum
13 size of the required planting area for the particular tree species.
- 14 d) Trees which are in excess of the minimum number required by this section may
15 be spaced closer to each other with the species and distance determined by the
16 Town.
- 17 e) Where a conflict in spacing or canopy spread occurs between required trees and
18 existing off site and onsite trees, the requirements of this section may be modified
19 as determined by the Town.
- 20 f) When braced, trees shall be braced so as not to girdle, scar, perforate or otherwise
21 inflict damage to the tree.
- 22 g) For all properties requiring the installation of twenty (20) or more trees, a
23 minimum of twenty percent (20%) of the required trees shall be native species,
24 and not more than twenty-five percent (25%) of the required trees may be palm
25 trees.
- 26 h) Palm trees shall have a minimum clear trunk measurement of four (4) feet. Palms
27 having an average mature spread of crown less than twelve (12) feet may be
28 substituted by grouping three or more palms so as to create the equivalent crown
29 spread.
- 30 i) Shade and street trees shall have a minimum trunk caliper of two (2) inches, and a
31 minimum height of ten (10) feet; and a minimum crown spread of six (6) feet.
- 32 j) Any property owner may apply for a permit to plant a tree(s) in the swale area of
33 a street abutting the property owned by the applicant provided that the mature
34 height and spread of the tree shall not interfere with any public utility service. The
35 location and species of the tree(s) shall conform to Right Tree Right Place
36 guidelines and shall be approved by the Town.
- 37 k) Shrubbery, when installed to screen a vehicular use area, shall be a minimum of
38 twenty-four (24) inches high, be full to base, be spaced a maximum of thirty (3)
39 inches on center. Shrubbery, when installed to screen a vehicular use area, shall
40 be permitted to grow and shall be maintained at a maximum height of forty-eight
41 (48) inches. All other shrubbery shall be permitted to grow to a maximum of
42 seventy-two (72) inches high.
- 43 l) All plant beds shall be excavated to a minimum depth of twenty-four (24) inches
44 and back filled with a suitable soil consisting of fifty (5) percent composted
45 organic matter, well-mixed with native soil. Backfill material shall be free from
46 rock, construction debris, or other extraneous material. Planting beds shall be free

1 from construction debris and planted with ground cover or lawn or when not
2 otherwise provided in these regulations, mulched with an appropriated organic
3 material to a depth of two (2) inches.

4 m) Finished grade of landscaped areas shall be at or below the grade of adjacent
5 vehicular use areas or public sidewalks, except for mounding or other surface
6 aesthetics. Grade shall be designed to receive roof and surface runoff and to assist
7 xeriscape plantings. Any overflow shall be routed underground as necessary.

8 n) All undeveloped or cleared portions of a parcel of land shall be planted with
9 ground cover or lawn so as to leave no exposed soil in order to prevent dust or
10 soil erosion.

11
12
13 Irrigation.

14
15 Sufficient irrigation, as determined by the Town in accordance with the design of the landscaped
16 area and the requirements of the plant material to be used, shall be supplied to all landscaped
17 area. When required, irrigation systems shall be installed to provide coverage to target area,
18 minimizing spray upon public sidewalks, streets or adjacent properties. Irrigation systems
19 compatible with xeriscaping principles shall be encouraged. This may include the use of low
20 volume, low pressure, subsurface irrigations systems, and other such methods that encourage
21 water conservation. All automatic lawn or landscape irrigation systems shall be equipped with and
22 operate a moisture sensor or approved automatic switch that overrides the irrigation cycle when
23 adequate rainfall has occurred.

24
25 On lots under five thousand (5,000) square feet in size requiring landscape upgrades, irrigation
26 may be accomplished by the installation and use of hose bibs.

27
28
29 Maintenance of landscaped Areas.

30
31 1. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for the
32 proper maintenance and protection of landscaping and irrigation systems existing or
33 hereafter installed. Maintenance shall include watering, weeding, mowing, fertilizing,
34 treating, mulching, trimming, removal or replacement of dead or diseased plants and
35 removal of refuse and debris on a regular basis so as to continue a healthy growing
36 condition and present a neat and well-kept appearance at all times. If landscaping is
37 found to be in a state of decline, dead or missing, it shall be replaced with equivalent
38 landscape material.

39
40 2. A landscape sight triangle shall be provided and visibility maintained between two and
41 one half (2 ½) feet to eight (8) feet of elevation with a minimum of:

42
43 a) Ten (10) feet from the intersection point of the edge of a driveway and alley or
44 street. Fifteen (15) feet from the intersection point of the extended property lines
45 at an alley and a street. Twenty-five (25) feet from the intersection point of the
46 extended property lines at a street and a street.

- 1 b) Plant materials that block visibility shall be removed by the property owner or
2 maintained so as to allow clear visibility of oncoming traffic.
3 3. Landscaping shall be inspected periodically by the Town to insure proper maintenance.
4

5 Landscape Requirements for Vehicular Use Areas.
6

- 7 1. In order to improve the appearance of vehicular use areas and to protect and preserve the
8 appearance, character and value of the surrounding neighborhoods, promote better air
9 quality and thereby promote the general welfare by providing for installation and
10 maintenance of landscaping, screening and aesthetic qualities, the following minimum
11 vehicular use area landscape requirements are established. The section is not applicable
12 to areas used for parking or other vehicular uses under or within buildings and parking
13 areas serving single or two-family dwellings.
14
15 2. On the site of a building or structure or on an open lot providing a vehicular use area,
16 landscaping shall be provided in a square footage equal to a minimum of twenty percent
17 (20 %) of the gross vehicular use area. This square footage shall abut and extend no
18 further than ten (10) feet away from a vehicular use area. The landscape area required
19 from a vehicular use area shall consist of perimeter, peninsular, and interior landscape
20 areas as follows:

21
22 Perimeter landscape area.- Along the perimeter of a parcel of land that abuts a street,
23 exclusive of vehicular access points, a perimeter landscape area shall be provided.
24 The depth of the perimeter landscape area shall be a minimum of five (5) feet and an
25 average of ten (10) feet. The ten (10) feet of perimeter landscape area closest to the
26 vehicular use area may be counted as part of the twenty percent (20 %) minimum
27 vehicular use area landscape requirement.

28
29 Along the perimeter of a parcel of land that does not abut a street, the minimum
30 depth of the landscape area shall be two and one-half (2 ½) feet.

31
32 Peninsular and Island landscape areas. All parking areas shall be so arranged that if
33 there are ten (10) or more contiguous parking stalls along the same parking aisle, the
34 eleventh space shall be a landscaped peninsula a minimum of five (5) feet in width.
35 Other suitable solutions or innovative designs may be submitted when approved by
36 the DRC and appropriate board and commission. In addition, there shall be a
37 minimum of one (1) tree and three (3) shrubs for every two hundred (200) square feet
38 of required landscaped area.

39
40
41 Tree Protection.
42

- 43 1. All trees retained on a site shall be protectively barricaded before and during construction
44 activities. Underground utility lines shall be routed around existing trees to the outside of
45 the dripline where possible. If this is not possible, a tunnel made by a power-driven soil
46 auger may be used under the tree. Installation of fences and walls shall take into

1 consideration the root systems of any existing trees. Post holes and trenches close to trees
2 shall be dug by hand and adjusted as necessary to avoid damage to major roots.
3 Continuous footers for masonry walls shall be ended at the point where major roots are
4 encountered and these roots bridged.

5
6 2. No excavation or other subsurface disturbance may be undertaken, excluding the
7 maintenance of an existing utility's facility, within the dripline of any tree with a caliper
8 of eighteen (18) inches or more in diameter. However, cases where the applicant can
9 show extreme hardship, the Town may approve a method of excavation that would
10 minimize the impact on the tree. The installation of any impervious surface in the
11 proximity to any tree eighteen (18) inches in diameter or more shall only be performed
12 pursuant to approval of a licensed landscape architect.

13
14 3. All newly planted trees shall be properly guyed and staked at the time of planting to
15 insure establishment and erect growth. Trees shall be re-staked in the event of blow-over
16 or other failure of the staking and guying.

17 18 19 Tree Removal and Replacement.

20
21 1. It shall be unlawful to: Cut down, destroy, remove, relocate or effectively destroy
22 through damaging any tree within the Town which has a caliper of four (4) inches or
23 larger without first obtaining approval by the Town and a permit from Broward County;
24 or allow any dead tree that has a caliper of four (4) inches or larger to remain on any
25 property.

26
27 2. If removal or replacement of a tree or trees occurs in conjunction with a development
28 permit, the applications shall be considered part of the development site plan and no
29 development permit shall be issued without an approved tree removal permit. Removal,
30 replacement, relocation or contribution to a landscape fund shall take place before a
31 Certificate of Occupancy is granted.

32
33 3. No permit shall be required for the removal of trees which cause immediate jeopardy to
34 life, limb or property caused by an event of a storm, accident or other act of God of an
35 emergency nature to be determined by the Town.

36 37 38 Landscape Requirements by Zoning Districts.

39 40 1. Single Family and Two-family Residential Districts:

41 a) A minimum of twenty-five percent (25 %) of the total gross area of a plot shall be
42 devoted to landscaped pervious area. Pervious brick material may not be counted
43 towards the required landscaped pervious area. If a property fronts the beach and
44 the property owner has riparian rights on the beach, the portion of the property
45 that has beach area cannot be counted towards the required landscaped pervious
46 area.

- 1 b) All plots of seven thousand (7,000) square feet or less shall contain a minimum of
2 three (3) trees and twenty (20) shrubs, except all corner plots shall contain five (5)
3 trees and twenty (20) shrubs.
4 c) All plots over seven thousand (7,000) square feet shall contain a minimum of four
5 (4) trees and thirty (30) shrubs, except corner plots shall contain six (6) trees and
6 thirty (30) shrubs.
7 d) On a corner lot no fences, walls or hedges shall be erected or maintained at a
8 street-bordering corner to a height exceeding 30 inches above the crown of the
9 most adjacent roadway in the area forming an imaginary triangle bounded on two
10 sides by the two lot lines intersecting to form such corner, with the third side of
11 such triangle being formed by the imaginary line between the imaginary points
12 located along each of such intersecting lot lines a distance of 25 feet from the
13 point of intersection. If a parcel has a circular shape at the corner where two
14 paved thoroughfares intersect, then the two lot lines of the sides of the property
15 which border the bordering streets shall be imaginarily extended to form the point
16 of intersection of said two lot lines for the purposes of measurement.

17
18 2. Multi-family Districts:

- 19 a) A minimum of twenty-five percent (25%) of the total gross area unless reduced
20 by overlay district modifications. Area of a plot shall be devoted to landscaped
21 pervious area. Pervious brick material may not be counted towards the required
22 landscaped pervious area. If a property fronts the beach and the property owner
23 has riparian rights on the beach, the portion of the property that has beach area
24 cannot be counted towards the required landscaped pervious area.
25 b) A minimum of one (1) tree per one thousand (1,000) square feet of total plot area.

26
27 3. All other Districts.

- 28 a) The pervious area shall contain a minimum of two (2) trees and five (5) shrubs
29 for every two thousand (2,000) square feet.
30

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