



AGENDA ITEM MEMORADUM

Development Services

Department

Linda Connors

Town Planner *AS*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> October 9, 2012	September 28 th

***Subject to Change**

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|---------------------------------------|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Ordinance 2012-18: Definitions.

EXPLANATION: At the September 11th Commission meeting, the Commission approved Ordinance 2012-15 on first reading which focused on resolving inconsistencies between the Town’s Charter, Comprehensive Plan and Code. Ordinance 2012-15 (Code Clean-up) is on tonight’s agenda for second reading.

While we were preparing Ordinance 2012-15, we realized that there were two separate areas in Chapter 30 that were reserved for definitions. For clarity’s sake, we decided that it would be better to combine the definitions into one section and to bring this item separately from Ordinance 2012-15 (Code Clean up). Ordinance 2012-18 accomplishes this task (**Exhibit 1**).

Proposed Amendments

Both Sections 30-20 and 30-155 include definitions relevant to the development of land within the Town. After careful review of both sections, we could not determine a reason to have two definitions sections so the definitions in 30-155 have been combined into Section 30-20.

For the most part, the proposed amendments involve the straightforward relocation of definitions from Section 30-155 to Section 30-20. However we have also taken the opportunity to make the following amendments:

1. Simplified the definition of “awning” (Line 90);
2. Deleted “building height” definition because it was a regulation instead of a definition and because height was separately defined in compliance with the Charter. As written, it could potentially be inconsistent with the Town Charter (Line 94);
3. Revised definition of “dwelling, duplex” to clarify duplex/two family as currently permitted (Line 212);
4. Added language consistent with the Town Charter for the definition of “grade” (Line 268);
5. Deleted the definition of “grade level, established” as the term is not utilized within the Code (Line 296);
6. Modified definition of “height” to be consistent with the Town Charter (Line 301);
7. Changed the definitions of “lot” (Line 332), “lot line, rear” (Line 357) and “street line” (Line 480) for clarity;
8. Added standards in which a front lot line could be altered and eliminated the reference to setback requirement for “lot line, front” (Line 340). This language has been revised since the Planning and Zoning Board meeting to further clarify the definition;



9. Deleted “navigable channel” from the definition section and kept a more detailed definition in Section 30-311 because 30-311 is a more appropriate location for this definition and Sec. 30-311 also includes additional definitions related to docks discussed in this section of the code (Line 372);
10. Deleted definition of “restaurant” from 30-20 and replaced it with the definition of “restaurant” found in 30-155 (Line 420) that was created in 2012;
11. Proposed new definition for “setback” (Line 446);
12. Modified “short term tenancy uses” (Line 456), “sidewalk” (Line 461) and “vacation rental” (Line 501) for consistency in formatting;
13. Added definition of “used” (Line 499); and
14. Deleted “vehicle, commercial” and “vehicle, recreational” as these definitions are provided in Section 19-21 (Line 509).

The Planning and Zoning Board reviewed the proposed changes and recommended approval (5-0) at their September 19th meeting.

RECOMMENDATION: We recommend approval of Ordinance 2012-18 on first reading.

EXHIBITS: Exhibit 1 – Ordinance 2012-18

Reviewed by Town Attorney

Yes No

Town Manager Initials CW

ORDINANCE NO. 2012-18

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I. "IN GENERAL", SECTION 30-20, "GENERAL PROVISIONS", AND ARTICLE V. "ZONING", SECTION 30-155, "DEFINITIONS", TO CONSOLIDATE AND REVISE DEFINITIONS TO PROVIDE CLARITY, ELIMINATE DUPLICATION AND DELETE UNUSED DEFINITIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

WHEREAS, the Town Commission established seven planning priorities at the FY 12 budget workshop which included general code clean up to address pyramidal zoning, improve the purpose and intent of existing zoning districts, update PUD regulations and improve internal consistency ("Priority #5"); and

WHEREAS, zoning definitions are provided in Article I, "In General", Section 30-20 and in Article V, "Zoning", Section 30-155 of the Unified Land Development Regulations; and

WHEREAS, the Town Commission desires to consolidate definitions into one section, eliminate duplicative definitions, and clarify definitions to assist in the interpretation and implementation of the Unified Land Development Regulations; and

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

28 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
29 reviewed this Ordinance at a duly noticed hearing on September 19, 2012, and provided a
30 recommendation of approval of the proposed revisions; and

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

36 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
37 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

38 **SECTION 1. Recitals.** The foregoing “Whereas” clauses are ratified and confirmed as
39 being true, correct and reflective of the legislative intent underlying this Ordinance and are
40 hereby made a specific part of this Ordinance.

41 **SECTION 2. Amendment.** Section 30-20 of Chapter 30 is hereby amended as
42 follows¹:

43 **Sec. 30-20. - General provisions.**

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45 (i) *Definitions.*

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

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- (1) Purpose. The purpose of this subsection is to provide rules of interpretation of words and phrases, and to define words, phrases and abbreviations contained within this chapter.
- (2) Word usage. In the interpretation of this chapter, the following provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:
 - a. Words or phrases used or defined in one tense or form shall includes other tenses and derivative forms.
 - b. Words or terms in the singular form shall include the plural form, and words or terms in the plural form shall include the singular form.
 - c. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
 - d. The word "shall" is mandatory.
 - e. The word "may" is discretionary and is not mandatory.
 - f. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entity either singular or plural.
 - g. The word "Town" shall mean the Town of Lauderdale-By-The-Sea.
 - h. The phrase "Planning And Zoning Board" shall mean the Town of Lauderdale-By-The-Sea Planning and Zoning Board.
 - i. The phrase "Local Planning Agency" shall mean the Town of Lauderdale-By-The-Sea Local Planning Agency.
- (3) Abbreviations. The following abbreviations are used in this chapter and shall have the following meaning:

<u>ac</u>	<u>Acre</u>
<u>DRC</u>	<u>development review committee</u>
<u>du</u>	<u>dwelling unit</u>
<u>ft.</u>	<u>foot or feet</u>
<u>LPA</u>	<u>Local Planning Agency</u>
<u>max.</u>	<u>Maximum</u>
<u>MF</u>	<u>multi-family</u>
<u>min.</u>	<u>minimum</u>
<u>PZB</u>	<u>Planning and Zoning Board</u>

<u>sq. ft.</u>	<u>square feet</u>
<u>SFR</u>	<u>single-family residential</u>
<u>ULDR</u>	<u>Unified Land Development Regulations of the Town of Lauderdale-By-The-Sea</u>

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(4) *Terms defined.*

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

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

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

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

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

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Apartment building. A residential rental property with four or more dwelling units.

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Awning. Any movable or non-movable roof-like structure that is cantilevered from or otherwise entirely supported by a building.

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

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~~*Building height.* No building shall be erected or altered to exceed three stories above grade or 33 feet above grade level, except when provided for in this ordinance. In these cases, no building shall be erected or altered to exceed four stories above grade or 44 feet above grade level. Any building that has more than three stories above grade shall comply with the requirements and limitations of section 7.1 of the Town of Lauderdale By The Sea Charter. Rooftop parapet walls, safety railings and chimneys not exceeding four feet in height above the roof, and elevator shafts, stairways, mechanical equipment and their enclosures, not~~

103 ~~exceeding ten percent of the horizontal roof area, shall not be subject to~~
104 ~~this height limit.~~

105 Business and professional employment agency. An agency that
106 finds people to fill particular jobs or finds jobs for unemployed people and
107 which may also provide personnel services or personnel for other
108 businesses. The definition of business and professional employment
109 agency does not include labor pools or day labor hiring centers in any
110 form.

111 Canopy. Any fixed roof-like structure, not movable like an
112 awning, and which is cantilevered, in whole or in part self-supporting, but
113 having no side walls or curtains other than valences not more than 18
114 inches deep. Structures having sidewalls or valences more than 18 inches
115 deep shall be classified as tents or cabanas.

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

118 *Code.* The Town of Lauderdale-By-The-Sea Code of Ordinances.

119 *Commission.* The Town Commission of the Town of Lauderdale-
120 By-The-Sea.

121 *Community residential facility, category 1.* A housing facility that
122 is licensed by the State of Florida for no more than eight individuals who
123 require treatment, care, rehabilitation or education. The facility is usually
124 referred to as a group home. This includes individuals who are elderly,
125 dependent children, physically disabled, developmentally disabled, or
126 individuals not overtly of harm to themselves or others. The facility
127 provides a family living environment including supervision and care
128 necessary to meet the physical, emotional and social needs of the
129 individuals. It may or may not provide education or training. It may or
130 may not have more than one kitchen within the housing facility. There
131 may be more than one special residential facility category 1 on a parcel.

132 *Community residential facility, category 2.* A housing facility that
133 is licensed by the State of Florida for nine to 16 non-elderly individuals
134 who require treatment, care, rehabilitation or education. The facility is
135 usually referred to as a group home. This includes individuals who are
136 dependent children, physically disabled, developmentally disabled, or
137 individuals not overtly of harm to themselves or others. The facility
138 provides a family living environment including supervision and care
139 necessary to meet the physical, emotional and social needs of the
140 individuals. It may or may not provide education or training. It may or
141 may not have more than one kitchen within the housing facility. There
142 may be more than one special residential facility category 2 on a parcel.

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Community residential facility, category 3.

- (1)a. A housing facility that is licensed by the State of Florida for more than 16 non-elderly individuals who require treatment, care, rehabilitation or education. This includes individuals who are dependent children, physically disabled, developmentally disabled, or individuals not overtly of harm to themselves or others; or
- (2)b. Any housing facility licensed by the State of Florida for more than eight unrelated elderly individuals; or
- (3)c. Governmentally subsidized housing facilities entirely devoted to care of the elderly, dependent children, the physically handicapped, developmentally disabled, or individuals not overtly of harm to themselves or others; or
- (4)d. Any not-for-profit housing facility for unrelated elderly individuals; or
- (5)e. Any housing facility that provides a life-care environment. A life-care environment shall include, but is not limited to, creation of a life estate in the facility itself and provision of off-site or on-site medical care.

Consignment store. A retail store in which new and like new personal items, such as clothes, jewelry, artifacts or small furniture and excluding appliances, are resold through a broker for the owner.

Contiguous. The state of sharing an edge or a boundary, such that there is no space in between the edge or boundary.

Convenience store. A retail establishment with a maximum of 2,500 square feet of gross floor area that offers for sale prepared and/or prepackaged food or beverages, including beer and wine, for off-site consumption and may offer for sale automotive fuel, but offers no automotive repair. Other prepackaged goods including but not limited to, household items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers and magazines may also be sold. A convenience store dispensing automotive fuel shall also be considered an automotive service station and shall be required to meet the requirements for that use. A retail establishment as described herein that is greater than 2,500 square feet of gross floor area and does not sell automotive fuel shall be considered a food store.

179 Day labor hiring center. A place where employees or potential
180 employees assemble to seek or accept employment off-site; a place where
181 employers or potential employers visit to hire or to seek to hire employees
182 for employment offsite.

183 *Density, net.* The number of dwelling units existing or proposed in
184 an area divided by the net acreage of the area.

185 *Development.* The use of any structure, land or water; the change,
186 expansion or addition to any use, land or water; the carrying out of any
187 building activity, or the making of any change in the appearance of any
188 structure, land or water, or the subdividing of land into two or more
189 parcels.

190 *Development order.* An order authorizing the granting, denying, or
191 granting with conditions of an application for a development permit.

192 *Development permit.* Any building permit, zoning permit, plat
193 approval, or rezoning, certification, variance, or other action having the
194 effect of permitting development.

195 *Development Review Committee.* The Development Review
196 Committee (DRC) of the Town of Lauderdale-By-The-Sea, Florida.

197 *Dwelling.* A building or portion thereof, designed or used
198 exclusively for residential occupancy by one or more persons.

199 *Dwelling unit.* A room or group of rooms, occupied or intended to
200 be occupied as separate quarters by one family living as a single
201 housekeeping unit.

202 *Dwelling, apartment hotel.* A building designed for, or containing,
203 both apartment dwellings and individual hotel guest rooms.

204 *Dwelling, apartment motel.* See "[Dwelling,] apartment hotel."

205 *Dwelling, bed and breakfast.* A building or part thereof, where
206 sleeping accommodations and breakfast are provided for transient guests,
207 and which also serves as the residence of the operator. A bed and breakfast
208 may provide bathroom facilities that serve more than one room or one
209 unit.

210 *Dwelling, condominium.* A dwelling based upon a condominium
211 form of ownership of real property created pursuant to F.S. ch. 718.

212 Dwelling, duplex or two-family. A building containing two single
213 family dwelling units, totally separated from each other by one (1)
214 dividing partition common to each unit, and contained entirely under one

215 (1) roof and designed for or occupied by two (2) single family
216 housekeeping units. A dwelling unit within the whole of a residential
217 building that is divided vertically or horizontally into two dwelling units,
218 each unit having direct and individual access to the outside. A two family
219 dwelling (duplex) is a building on a single lot.

220 *Dwelling, efficiency.* A furnished dwelling unit partitioned or
221 separated into one bathroom, one living area, inclusive of sleeping area
222 dwelling which contains a cooking area, but no stove or oven.

223 *Dwelling, multi-family.* A dwelling unit within a residential
224 building containing or designed to contain three or more dwelling units.
225 The term multi-family dwelling includes, but is not limited to, apartment
226 or condominium.

227 *Dwelling, single-family.* A building comprised of a completely
228 detached residential dwelling unit, designed for and occupied by one
229 family only.

230 *Dwelling, timeshare.* An accommodation of a timeshare plan, as
231 defined in F.S. ch. 721, which is divided into timeshare periods. Any
232 timeshare dwelling unit in which a door or doors connecting two or more
233 separate rooms capable of being locked to create two or more separate
234 dwelling units may only constitute one timeshare unit for purposes of F.S.
235 ch. 721, but shall count as two or more dwelling units for purposes of
236 density calculations.

237 *Dwelling, townhouse.* A multi-story dwelling within the whole of a
238 residential building that is divided vertically into three or more dwelling
239 units, each unit having direct and individual access to the outside.

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

242 *Essential services.* The erection, construction, alteration or
243 maintenance by public utilities or municipal or other governmental
244 agencies, of underground or overhead gas, electrical, steam or water
245 transmission or distribution systems, including poles, wires, mains, drains,
246 sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic
247 signals, hydrants, transformer substations and other similar equipment and
248 accessories in connection therewith, reasonably necessary for the
249 furnishing of adequate service by such public utilities or municipal or
250 other government agencies or for the public health or safety or general
251 welfare.

252 *Family.* One or more persons occupying a dwelling and living as a
253 single housekeeping unit.

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Food store. An establishment that sells food items and alcoholic beverages for off premises consumption, but shall not include a package store or a convenience store. The definition of food store shall include grocery store and supermarkets.

Flea market. An occasional or periodic sales activity, held within a building, structure or outdoors where groups of individual sellers offer goods for sale to the public not to include private garage sales. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items including, but not limited to, household items, antiques, rare items, decorations, used books, used magazines, jewelry, clothing and/or a variety of merchandise and may also include the sale of fruits, vegetables and other edible items.

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

Grade.

a. For the purpose of calculating building height or structure, grade level shall mean 24 inches above the crown of the highest adjoining road.

1. The maximum height of buildings that are less than or equal to thirty-three (33) feet in height shall be measured from whichever of the following three levels is highest:

i. Above grade, as defined in the Florida Building Code, or

ii. Above a horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, or

iii. Above the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations.

2. The maximum height of buildings that are greater than thirty-three (33) feet in height shall be measured from whichever of the following two levels is highest:

i. Above grade, as defined in the Florida Building Code, or

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ii. Above a horizontal plane eighteen inches above the crown if the roadway at the highest point adjoining the property on which the building is located.

b. For the purpose of calculating the height of fences and privacy walls, grade shall mean the actual elevation of the ground adjacent to the exterior face of such fence or privacy wall.

~~Grade level, established. The lowest habitable first floor elevation permitted by the regulations of all local, County, State and Federal government agencies having jurisdiction over the subject property.~~

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

Height. The height of a building or structure is measured from ~~grade level to the highest point of a flat roof or to the average median level between the fascia and peak of a gable or hip roof.~~ to the highest point on a flat roof, or to the median elevation between the peak of a sloped roof and the lowest edge of the sloped roof. In accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height; all other roofs structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

Home office. An office designed for and operated as a business located in a dwelling unit and carried on by persons residing permanently and continuously in the dwelling unit during such time that the home office is utilized; utilizing only telephones, computers or other common office equipment that is kept completely within the home office. A home office is incidental and secondary to the use of the dwelling for residential purposes, occupying no more than ten percent of the gross floor area of the residential dwelling unit, and displaying no signage of any type, nor merchandise of any type, and shall preclude any business operation that requires or permits employees, customers, clients delivery of goods, new materials, or merchandise, or patrons to visit the dwelling.

Hotel. One or more buildings or structures, or part of one or more buildings or structures kept, used, advertised as or held out to be a place where sleeping accommodations, with or without meals, are provided for transient lodgers; and, where a guest register or record is kept; and, where except for a bed and breakfast, each room or unit contains a full bathroom consisting of a minimum of a toilet, sink and shower or bathtub; and, where no kitchen is provided.

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Kitchen. A room or portion of a room within a building used for the storage and preparation of food and containing a sink with running water, a refrigerator, range and oven.

Lot. A parcel or tract of land occupied or intended to be occupied by a primary or principal structure or use, and their ~~ancillary~~ accessory structures and uses, together with such yards and open spaces as required by this chapter. A lot may consist of one or any combination of one or more platted lots, legal lots of record and unplatted land.

Lot area. The total area of land contained within the lot lines.

Lot, corner. A lot situated at the intersection of two streets and having street frontage along two or more sides of the lot.

Lot line, front. The line dividing a lot from the street that provides direct access to the lot. On a corner lot, the shorter of two front lot lines as herein above defined shall be considered the front lot lines for the purposes of determining required lot width and required front yard depth, ~~unless the property owner executes and records a designation of a different side. Provided that prior to recording a designation the designation must be reviewed and approved by the Town Commission following a public hearing.~~ The property owner may designate a different lot line as the front lot line if the setbacks for the new yard designations are met. If not, the setbacks may only be changed if a variance is obtained.

Lot line, rear. The line opposite and most distant from the front lot line. In the case of a triangular lot wherein the two side lot lines converge toward a point in the rear yard, the rear lot line shall be considered to be a line at least ten feet in length depth within the lot and parallel to and at the maximum distance from the front lot line.

Lot line, side. Any lot line other than a front lot line or rear lot line.

Lot, legal of record. Any lot that has been validly recorded in the public records of the county in which the lot was located at the time of recording, and that complied with all applicable laws, ordinances and regulations at the time of recordation, including but not limited to, those pertaining to dimension and area.

Lot, platted. A parcel or tract of land designated and identified as a single unit of area in a subdivision plat that has been officially recorded in the appropriate public records.

365 *Lot, through.* An interior lot having frontage on two streets.

366 *Market.* A retail establishment specializing in the sale of certain
367 goods and products [i.e. a fish market]. The definition of market does not
368 include flea market.

369 *Motel.* See "Hotel."

370 *Motorized scooter/moped.* The definition of motorized scooter and
371 the definition of moped shall be as set forth in F.S. § 316.003.

372 ~~*Navigable channel.* The center 45 percent of the width of a canal~~
373 ~~basin or waterway and a minimum width of 40 feet.~~

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

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

383 *Package store.* Vendors licensed to sell all alcoholic beverages, but
384 in sealed containers only, and for consumption off the premises.

385 *Parcel/plot.* A tract of land under common ownership and
386 developed or proposed for development as a unified whole, which
387 contains one or more platted lots.

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

395 *Pervious area.* The noncompacted land located at ground level,
396 open to the sky allowing passage of air and water to the subsurface and
397 used or set aside for landscaping.

398 *Planning and Zoning Board.* The Planning and Zoning Board
399 (PZB) of the Town of Lauderdale-By-The-Sea, Florida.

400 *Plot.* A parcel of ground containing more than one lot upon which
401 a building and its accessory buildings have been or may be erected.

402 *Porch.* A roofed space attached to the outside of any outer wall of
403 a building, one or more stories in height, open on one or more sides, which
404 have screen or glass enclosure. An open or unenclosed porch is one
405 without railing, glass, canvas, screen or similar materials on the open
406 sides.

407 *Principal building.* A building occupied by and devoted to a
408 permitted principal use.

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

413 *Redevelopment.* The recycling or restoration of property to its
414 highest and best use.

415 *Residential use.* Use of land for one or more dwellings, dwelling
416 units, hotel or motel units.

417 ~~*Restaurant.* An establishment primarily engaged in serving food
418 with accessory beverages that are consumed on the same premises as the
419 establishment.~~

420 *Restaurant.* Any establishment where facilities are provided for
421 preparing and serving food to the public. At least 51 percent of total gross
422 revenues must come from retail sale on the licensed premises of food and
423 non-alcoholic beverages. Proceeds of catering sales shall not be included
424 in the calculation of total gross revenues. Catering sales include food or
425 non-alcoholic beverage sales prepared by the licensee on the licensed
426 premises for service by the licensee outside the licensed premises. The
427 tables must be of adequate size to accommodate the service of full course
428 meals in accordance with the number of chairs or other seating facilities
429 provided at the table. Sale of alcoholic beverages for off-premise
430 consumption is not permitted.

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

434 *Roof, flat.* A roof having a slope of less than ten percent. Where
435 more than 25 percent of the roof area of a building is a flat roof, then the
436 entire roof shall be deemed be a flat roof.

437 *Roof, gable.* A roof that slopes downward from a central ridge to
438 form a gable, which is a triangular portion of the wall between roof
439 sections.

440 *Roof, gambrel.* A roof with two slopes on each of a central ridge,
441 the lower slope being steeper than the upper slope.

442 *Roof, hip or hipped.* A roof with sloping ends and sloping sides.

443 *Roof, mansard.* A roof that has two slopes on each of the four
444 sides, the lower slope being almost vertical to the ground, and the upper
445 being almost horizontal to the ground.

446 *Setback.* The minimum horizontal distance between a structure
447 and a property line of a lot or plot.

448 *Setback, front.* A yard extending across the full width of the lot,
449 lying between the front lot line and the nearest point of any building or
450 structure.

451 *Setback, rear.* A yard extending the full width of a lot, lying
452 between the rear line of the lot and the nearest line of the principal
453 building.

454 *Setback, side.* A yard between a building or structure and adjacent
455 side lot line of the lot and extending from the front yard to the rear yard.

456 *Short term tenancy uses.* ~~As used in section 30-242, short term~~
457 ~~tenancy uses shall include a~~ A hotel, motel or a use comprised of
458 ,apartment hotel dwellings, apartment motel dwellings, time share
459 dwellings, and bed and breakfast dwellings, as those terms are defined
460 herein.

461 *Sidewalk.* shall mean That area, whether privately owned or a
462 portion of the right-of-way, which is located between the curbline or the
463 lateral line of a street and the adjacent building and which is intended for
464 use by pedestrians.

465 *Sidewalk café.* A use located on a sidewalk or portion of the right-
466 of-way which is associated with a restaurant or food establishment where
467 food or beverages are delivered and licensed for consumption on the
468 premises. It shall be characterized by the presence of tables and chairs and
469 may be shaded by awnings, canopies or umbrellas if permits for same
470 have been issued.

471 *Story.* A portion of a building, above the grade on which the
472 building is located, between the upper surface of any floor and the upper
473 surface of the floor next above. If there is no floor next above, then the

474 story shall be measured from the upper surface of the last floor to the top
475 of the tie beam.

476 *Street.* A public thoroughfare or any other vehicular access way
477 other than an alley, recorded in the public records of Broward County,
478 Florida, for the purpose of providing access to and from abutting
479 properties.

480 *Street line.* The ~~public or private~~ right-of-way line ~~denoting the~~
481 ~~outside boundary~~ of a street.

482 *Structure.* Anything constructed or erected, the use of which
483 requires a location on the ground or attached to something having a
484 location on the ground, including, but not limited to, buildings, fences,
485 signs, swimming pools, swimming pool decks, tennis courts, tents,
486 canopies and walls. Driveways and sidewalks constructed at grade are not
487 considered structures.

488 *Swale.* A shallow trough depression that holds or carries water
489 mainly during rainstorms.

490 *Tent.* Any structure or enclosure, the roof of which and/or one-half
491 of the sides are silk, cotton, canvas, fabric or material.

492 *Tie beam.* A horizontal timber or beam that connects two opposite
493 members or wall structures, situated at the top or near the top of the
494 members wall structures, and so placed to keep the members or wall
495 structures vertical to the ground.

496 *Trailer.* Any vehicle without motive power designated to be
497 coupled or drawn by a motor vehicle and constructed so that no part of its
498 weight or that of its load rests upon the towing vehicle.

499 *Used.* The word "used" shall include arranged, designed,
500 constructed, altered, converted, rented, leased, or intended to be used.

501 *Vacation rental* The lease or rental, or offering for lease or rental,
502 of a single-family or townhouse dwelling, to a person or entity that has no
503 ownership interest in the dwelling, for compensation or remuneration and
504 for no fewer than seven consecutive days. Vacation rental shall not include
505 (i) rentals of at least three consecutive months; and (ii) hotels, motels, or
506 similar transient uses.

507 *Vehicle.* Any wheeled device used or intended for use in carrying
508 people, animals, goods or equipment.

509 ~~*Vehicle, commercial.* See Town Code of Ordinances.~~

510 *Vehicle, recreational.* ~~See Town Code of Ordinances.~~

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

513 *Waterway.* Any navigable waterway that provides access for a
514 watercraft to and including the Intracoastal Waterway.

515 *Yard.* See "Setback."

516 **SECTION 2. Amendment.** Section 30-155 of Chapter 30 is hereby amended as
517 follows:

518 **Sec. 30-155. - Definitions.**~~**Reserved.**~~

519 ~~For the purpose of this article, certain terms used herein are herewith defined.~~
520 ~~When not inconsistent with the context, words used in the present tense include the~~
521 ~~future, words in the singular number include the plural and words in the plural number~~
522 ~~include the singular number. The word "shall" is also [always] mandatory and not merely~~
523 ~~directory. The word "building" shall include the word "structure." The word "used" shall~~
524 ~~include arranged, designed, constructed, altered, converted, rented, leased, or intended to~~
525 ~~be used.~~

526 ~~*Awning.* Any movable roof like structure, cantilevered from, or otherwise entirely~~
527 ~~supported by a building, so constructed and erected as to permit its being readily and~~
528 ~~easily moved within a few minutes time to close an opening, or rolled or folded back to a~~
529 ~~position flat against the building or a cantilevered projection thereof, or is detachable.~~

530 ~~*Building.* Any structure, either temporary or permanent, having a roof, and used~~
531 ~~or built for the shelter or enclosure of persons, animals, chattels, or property of any kind,~~
532 ~~or for use and occupation for some purpose of trade or manufacture. This definition shall~~
533 ~~include tents, awnings, or vehicles situated on private property and serving in any way~~
534 ~~the function of a building.~~

535 ~~*Business and professional employment agency.* An agency that finds people to fill~~
536 ~~particular jobs or finds jobs for unemployed people and which may also provide~~
537 ~~personnel services or personnel for other businesses. The definition of business and~~
538 ~~professional employment agency does not include labor pools or day labor hiring centers~~
539 ~~in any form.~~

540 ~~*Canopy.* Any fixed roof like structure, not movable like an awning, and which is~~
541 ~~cantilevered in whole or in part self-supporting, but having no side walls or curtains other~~
542 ~~than valences not more than 18 inches deep. Structures having sidewalls or valences more~~
543 ~~than 18 inches deep shall be classified as tents or cabanas.~~

544 *Consignment store.* A retail store in which new and like new personal items, such
545 as clothes, jewelry, artifacts or small furniture and excluding appliances, are resold
546 through a broker for the owner.

547 *Convenience store.* A retail establishment with a maximum of 2,500 square feet of
548 gross floor area that offers for sale prepared and/or prepackaged food or beverages,
549 including beer and wine, for off-site consumption and may offer for sale automotive fuel,
550 but offers no automotive repair. Other prepackaged goods including but not limited to,
551 household items, automotive fluids and wiper blades, automotive cleaning supplies, oils,
552 waxes and windshield fluids, newspapers and magazines may also be sold. A
553 convenience store dispensing automotive fuel shall also be considered an automotive
554 service station and shall be required to meet the requirements for that use. A retail
555 establishment as described herein that is greater than 2,500 square feet of gross floor area
556 and does not sell automotive fuel shall be considered a food store.

557 *Day labor hiring center.* A place where employees or potential employees
558 assemble to seek or accept employment off-site; a place where employers or potential
559 employers visit to hire or to seek to hire employees for employment offsite.

560 *Food store.* An establishment that sells food items and alcoholic beverages for off
561 premises consumption, but shall not include a package store or a convenience store. The
562 definition of food store shall include grocery store and supermarkets.

563 *Flea market.* An occasional or periodic sales activity, held within a building,
564 structure or outdoors where groups of individual sellers offer goods for sale to the public
565 not to include private garage sales. Such sellers may set up temporary stalls or tables for
566 the sale of their products. Such sales may involve new and/or used items including, but
567 not limited to, household items, antiques, rare items, decorations, used books, used
568 magazines, jewelry, clothing and/or a variety of merchandise and may also include the
569 sale of fruits, vegetables and other edible items.

570 *Lot.* A parcel of land occupied or intended to be occupied by one principal
571 building, and the accessory buildings or uses customarily incident to it, and including
572 such open spaces and yards as are arranged and designed to be used in connection
573 therewith.

574 *Lot area.* The total area of land contained within the lot lines.

575 *Lot, corner.* A lot situated at the intersection of two street lines and having street
576 frontage along two or more sides of a lot.

577 *Lot line, front.* The line dividing a lot from a street that provides direct access to
578 the lot. On a corner lot, the shorter of two front lot lines as above defined shall be
579 considered to be the front lot lines for the purposes of determining required lot width and
580 required front yard depth unless the property owner executes and records a designation of
581 a different side, provided that prior to recording a designation the designation must be
582 reviewed and approved by the Town Commission following a public hearing. On through
583 lots, both front lot lines as above defined shall be considered to be front lot lines for the

584 purpose of determining required yards. A front lot line must have a minimum 25-foot
585 setback from the adjacent right-of-way.

586 *Lot line, rear.* The line opposite and most distant from the front lot line. In the
587 case of a triangular or gore-shaped lot wherein the two side lot lines converge to a point
588 in the rear yard, the rear lot line shall be considered to be a line at least ten feet in length
589 within the lot and parallel to and at the maximum distance from the front lot line for the
590 purpose of determining required rear yard depth.

591 *Lot line, side.* Any lot line other than a front or rear lot line. A side lot line
592 separating a lot from a street is called a side lot line.

593 *Market.* A retail establishment specializing in the sale of certain goods and
594 products [i.e. a fish market]. The definition of market does not include flea market.

595 *Motorized scooter/moped.* The definition of motorized scooter and the definition
596 of moped shall be as set forth in F.S. § 316.003.

597 *Restaurant.* Any establishment where facilities are provided for preparing and
598 serving food to the public. At least 51 percent of total gross revenues must come from
599 retail sale on the licensed premises of food and non-alcoholic beverages. Proceeds of
600 catering sales shall not be included in the calculation of total gross revenues. Catering
601 sales include food or non-alcoholic beverage sales prepared by the licensee on the
602 licensed premises for service by the licensee outside the licensed premises. The tables
603 must be of adequate size to accommodate the service of full course meals in accordance
604 with the number of chairs or other seating facilities provided at the table. Sale of
605 alcoholic beverages for off-premise consumption is not permitted.

606 *Package store.* Vendors licensed to sell all alcoholic beverages, but in sealed
607 containers only, and for consumption off the premises.

608 *Setback.* The distance between a street line or the base building line, and the front
609 line or side line of any building or structure or any projection thereof, excluding
610 projections or overhangs specifically permitted.

611 *Sidewalk.* shall mean that area, whether privately owned or a portion of the right-
612 of-way, which is located between the curbline or the lateral line of a street and the
613 adjacent building and which is intended for use by pedestrians.

614 *Street line.* The right-of-way line of a street on the base building line, whichever
615 will provide for a greater width of street.

616 *Structure.* Anything constructed or erected, the use of which requires a location
617 on the ground, or attached to something having a location on the ground, including, but
618 without limiting the generality of the foregoing, advertising signs, billboards, backstops,
619 tennis courts, fences, and pergolas.

620 ~~Vacation rental shall mean the lease or rental, or offering for lease or rental, of a~~
621 ~~single-family or townhouse dwelling, as defined in section 30-20 of this Code to a person~~
622 ~~or entity that has no ownership interest in the dwelling, for compensation or remuneration~~
623 ~~and for no fewer than seven consecutive days. Vacation rental shall not include (i) rentals~~
624 ~~of at least three consecutive months; and (ii) hotels, motels, or similar transient uses.~~

625 ~~Yard. A space on the same lot with a building open and unobstructed by any~~
626 ~~portion of a structure from the finished grade to the sky, except where specifically~~
627 ~~permitted by this chapter. Yard measurements shall be the minimum horizontal distance.~~

628 ~~Yard, front. A yard extending along the full length of the front lot line and the~~
629 ~~nearest line of any building.~~

630 ~~Yard, rear. A yard extending the full width of a lot and measured between the rear~~
631 ~~line of the lot and the nearest line of the principal building.~~

632 ~~Yard, side. A yard between the building or attached structure and adjacent side lot~~
633 ~~line of the lot and extending from the front yard to the rear yard.~~

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

637 **SECTION 5.** Conflicts. All ordinances or parts of Ordinances and all Resolutions or
638 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

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

640 **SECTION 7.** Effective Date. This Ordinance shall become effective immediately upon
641 adoption on second reading.

642 **SECTION 9.** Adoption. Passed on the first reading, this __ day of _____, 2012.

643 Passed and adopted on the second reading, this __ day of _____, 2012.

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Mayor Roseann Minnet

First Reading

Second Reading

Mayor Minnet

Vice-Mayor Sasser
Commissioner Brown
Commissioner Dodd
Commissioner Vincent

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Attest:

Town Clerk, June White, CMC

(CORPORATE SEAL)

Approved as to form:

Susan L. Trevarthen, Town Attorney