



# AGENDA ITEM MEMORADUM

Item No. 12b

**Development Services**

Department

**Linda Connors**

Town Planner

*LC*  
*[Signature]*

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

\*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 FY12 fifth planning priority. This project was dubbed the “Code Cleanup” and focused on resolving inconsistencies between the Charter, Comprehensive Plan and Code.

The majority of the changes proposed in Ordinance 2012-15 eliminate outdated language that is not relevant to the Code, add language to ensure that the Code is consistent with the Town Charter, and delete language that is inconsistent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. This was recommended because existing regulations already limited the maximum width of the driveway and the addition of the small landscape strip was of no benefit to the Town or property owner.
2. Prohibiting gravel driveways in all Town zoning districts.
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.
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.

The Planning and Zoning Board reviewed the proposed changes and recommended approval at their August 15<sup>th</sup> meeting. The Town Commission approved Ordinance 2012-15 on first reading at their September 11, 2012 meeting.

**RECOMMENDATION:** We recommend approval of Ordinance 2012-15 on Second Reading.

**EXHIBITS:** Exhibit 1 – Ordinance 2012-15

Reviewed by Town Attorney

- Yes     No

Town Manager Initials *CS*

File:



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 follows<sup>1</sup>:

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.

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<sup>1</sup> Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

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 follows<sup>2</sup>:

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.

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

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

149 ~~(8)~~ (f) Community facilities (CF) district. The CF district is intended to implement the  
150 community facility classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan,  
151 and to provide for suitable locations for development serving public needs, including  
152 government, religious facilities, educational facilities and other public purpose facilities which  
153 generally benefit the community.

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

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

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

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

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

172 ~~Secs. 30-185-183.—30-200. - Reserved.~~

173 \* \* \*

174 ~~Subdivision B.—R-5 District Regulations Reserved~~

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

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

178 ~~(b) Uses permitted.~~

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

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

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

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

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

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

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

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

193 (e)Special accessory uses.

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

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

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

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

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

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

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

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

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

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

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

229 ~~(1)Height Percent~~  
230 ~~One-story .....55~~  
231 ~~Two-story .....55~~  
232 ~~Three-story .....50~~

233 ~~(g)Yards.~~

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

235 ~~(2)Side yards.~~

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

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

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

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

247 ~~(h)Minimum floor area. The minimum floor area of a one-family dwelling shall be 600 square~~  
248 ~~feet; the minimum floor area of a dwelling unit in a two-family dwelling shall be 400 square feet;~~  
249 ~~the minimum floor area of a dwelling unit in a multiple dwelling shall be 400 square feet; and the~~  
250 ~~minimum floor area of a rental sleeping room in a hotel, motel, lodging house, tourist home or~~  
251 ~~similar use shall be 150 square feet.~~

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

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

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

260 (a) Use.

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

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

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

268 (b) Height.

269 No building shall exceed two stories.

270 (c) Residence setbacks.

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

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

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

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

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

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

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

298 \* \* \*

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

301 \* \* \*

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

307 \* \* \*

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

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

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

311 (a) ~~Unit "A" Silver Shores.~~

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

| Block | Lot Numbers   |
|-------|---------------|
| 3     | 1, 2, 3, 4, 7 |
| 4     | 1, 2, 3, 4, 7 |

|              |                                    |
|--------------|------------------------------------|
| <del>5</del> | 1, 2, 3, 4, 7                      |
| <del>6</del> | 2, 3, 4, 5, 6, 7, 8                |
| <del>7</del> | 1, 2, 3, 4, 5, 6, 7, 8, 19, 20,    |
| <del>9</del> | 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                        |

319  
320  
321

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

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

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

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

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

329 ~~(d)~~ (b) Height.

330 No building shall exceed two stories.

331 ~~(e)~~ (c) Duplex-s Setbacks.

332 All setbacks shall conform to the following: RS-5 residence setbacks for RS-5 districts.  
333 ~~All roof construction shall conform to RS-5 specifications noted under RS-5 district.~~

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

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

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

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

344 ~~(f)~~ (d) Density.

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

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

352 \* \* \*

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

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

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

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

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

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

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

373 \* \* \*

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

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

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

384

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

388 ~~(a1) Permitted uses:~~

389 ~~(1)a. Apartment house; and~~

390 ~~(2)b. Hotel.~~

391 ~~(b2) Conditional uses.~~ The following uses may be permitted, subject to the  
392 requirements for conditional use review as set forth in section 30-56 of the Town  
393 Code:

394 ~~(1)a. Single-family residence;~~

395 ~~(2)b. Duplex;~~

396 ~~(3)c. Group or foster homes (as defined in the Town's land use plan as special~~  
397 ~~residential facilities category 1 and 2);~~

398                    ~~(4)~~d. Church or parish building;

399                    ~~(5)~~e. Office of professional person residing on premises, such as architect, real  
400                    estate broker, physician, dentist, engineer, lawyer, and customary home  
401                    occupations when conducted on the premises, such as dressmaker, millinery and  
402                    sewing, provided there is no display of goods or advertising other than a small  
403                    name plate, and that area for such occupation shall not constitute more than one-  
404                    third of the area of such residential building.

405                    ~~(e)~~3) *Temporary uses.* A temporary real estate sales office may occupy an existing  
406                    structure prior to the removal of said structure provided the parcel has an active Town  
407                    Commission approved site plan and adequate parking spaces for the sales use. The  
408                    temporary sales office shall not exceed 1,000 square feet. The temporary sales office  
409                    must be approved by the Town Commission in conjunction with the Commission's  
410                    approval of the site plan, or by other separate consideration, and shall not be allowed  
411                    to remain in use for more than six months from the effective date of site plan approval  
412                    unless time extensions are granted by the Town Commission.

413                    ~~(d)~~4) *Special accessory uses.*

414                    ~~(1)~~a. Hotels, motels and apartment hotels, with a minimum of 100 dwelling units  
415                    or more may provide restaurants and gift shops when the uses are an ancillary use  
416                    to the primary hotels or residential use, subject to the following:

417                                1.a. The maximum size of floor area of said uses, either individually or in  
418                                total, shall not exceed 4,000 square feet or five percent of the total building  
419                                floor area.

420                    ~~(2)~~b. Parking shall be permitted as an accessory use.

421                    ~~(3)~~c. Bicycle parking when accessory to a hotel or apartment hotel use, shall be  
422                    permitted in lieu of providing required off-street parking, as specified in section  
423                    30-318, Minimum parking requirements, (c) Hotels and motels.

424                    ~~(4)~~d. Vacation rental is a permitted accessory use if a vacation rental certificate is  
425                    first obtained pursuant to section 30-327

426                    ~~(e)~~b) *Site plans to be approved.* Any development in the RM-25 district shall be permitted  
427                    only upon review and approval of plans for such development by the procedures provided  
428                    in Article IV of this chapter. In reviewing development plans, the Board shall consider  
429                    the effect of the proposed development on existing and future buildings in the vicinity  
430                    and may impose conditions and restrictions upon the construction, location and operation  
431                    of any development, including but not limited to lighting, building, setbacks, off-street  
432                    parking and loading, vehicular accessway and landscaping, as may be deemed necessary  
433                    to promote the general objective of this subdivision and to minimize any injury to the  
434                    value of the property in the neighborhood. All building or structures shall be of C.B.S. or  
435                    reinforced concrete construction and shall be designed with every practical consideration  
436                    for appearance, safety, fire protection, health, light and air. All final plans and  
437                    specifications of any building or structure shall be approved by the Town Building

438 Inspector. Failure to maintain such conditions and restrictions as may have been imposed  
439 shall constitute a violation of this subdivision.

440 (fc) *Height.*

441 \* \* \*

442 (gd) *Seawalls.* Approval shall be given for the construction of seawalls or barriers for the  
443 protection of property situated east of El Mar Drive of projection thereof against erosion,  
444 riptide or other hazards, such as windstorms and hurricanes, provided that the same shall  
445 be of the retaining type waterfront construction erected in accordance with standard  
446 structural practices and design. No physical part of said seawall shall extend eastward  
447 from the front lot line a distance greater than the distance specifically shown for the  
448 respective lots in the tabulation herein, and shall not exceed in height of over three feet,  
449 six inches as measured from the contour or crown of El Mar Drive at a point directly in  
450 front of the lot upon which erected. Plans and specifications for all such seawalls or  
451 barriers shall be submitted to the Building Inspection Department for approval before  
452 starting any construction, renovation or removal of same.

453 (he) *Intra lot placement.* All buildings or structures which are grouped together shall be  
454 separated by a minimum distance equal to 20 lineal feet including roof overhangs,  
455 cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the  
456 distance measured on a straight line connecting the midpoints of the two oblique walls  
457 shall be considered as the line along which the building separation requirement shall be  
458 measured, but in no instance shall the minimum distance between buildings or structures  
459 be less than 20 lineal feet at any point. Air conditioning units and other mechanical  
460 structures may not be installed on either adjacent wall less than 20 feet apart.

461 (if) *Foundations.* Foundations of all hotel buildings must conform with specifications of  
462 the State Hotel Commission and Building Inspector of the Town of Lauderdale-By-The-  
463 Sea.

464 (jg) *Size of buildings.* Minimum ground floor area, 1,200 square feet on inland lots, 1,300  
465 square feet on waterfront lots.

466 (kh) *Buildings facing two streets.* Any building extending from street to street shall have  
467 two building fronts, and observe applicable setbacks on both streets with the exception of  
468 Block 30 between Datura Avenue and Hibiscus Avenue where the setback on  
469 Bougainvillea Drive shall be a minimum of 20 feet.

470 (hi) *Setbacks.*

471 \* \* \*

472 (mj) *Rear setback requirements.* No building or any part thereof shall be erected on  
473 any lot closer than ten feet from the rear lot line, provided that where the height of the  
474 building exceeds 22 feet, the ten-foot minimum setback shall be increased by one foot for  
475 each four feet by which the height of the building exceeds 22 feet.

476 Notwithstanding the setback requirements hereinbefore specified, all new buildings or  
477 additions to existing buildings shall be located a minimum of 50 feet landwards of the  
478 mean high waterline of the Atlantic Ocean, as required by the Florida Department of  
479 Environmental Protection.

480 Where a plot for development consists of two or more platted lots abutting or adjoining  
481 each other on their rear lot lines, there shall be a rear setback of not less than 12 feet in  
482 depth immediately adjacent to the rear lot line of each such abutting or adjoining platted  
483 lot.

484 (nk) *Open area.* Every plot used for multi-family or hotel structures shall have not  
485 less than 25 percent of the total setback area required by the Zoning Code to be open and  
486 not occupied by any roofed structure. This 25 percent of the required setback shall be  
487 landscaped with trees, shrubs, hedges and flower beds and grass. Hedges shall not be  
488 over three feet in height. Trees and shrubs shall not obscure vision of traffic.

489 The remaining 75 percent of the required setback area may be used for pools, aprons,  
490 recreation, parking and other open uses. This 75 percent shall be suitably landscaped. All  
491 landscaping shall be properly watered and maintained in a clean, properly trimmed and  
492 healthy condition.

493 (el) *Density.* Required lot area shall be at least 1,742 feet per kitchen dwelling unit  
494 and at least 871 square feet per hotel room (1,742 square feet for condominium). Net  
495 density of development shall not exceed 25 kitchen dwellings units or 50 hotel rooms per  
496 acre of site (25 units per acre for condominiums and apartments). In computing the  
497 permissible number of units for a given site, one-half or more of a unit shall be counted  
498 and permitted as a full unit in meeting density limits.

499 The square footage defined herein is intended to prohibit the flexibility of rental units  
500 constructed in RM-25 zoned areas contrary to the intent of the Zoning Code. Each unit or  
501 room with an attached bath and separate door leading to the outside or to a corridor, alley,  
502 or other outside exit shall be considered one rental accommodation unit.

503 (pm) *Number of buildings.* Construction shall be limited to one building on lots of 80  
504 feet or less in width.

505 (en) *Storm drainage.* All construction shall include provision for drainage or catch  
506 basins and adequate drainfields, properly located in all areas where stormwater is sealed  
507 out by paving or otherwise, or where water is drained from the roof of a structure. Where  
508 the roadside swale is paved as an approach to a driveway or parking areas for the  
509 construction, owner may use the swale area for installation of the catch basins and  
510 drainfields prior to paving. Owner will be responsible for maintenances of these drainage  
511 facilities constructed for the benefit of his property. All such construction shall be subject  
512 to the approval of the Town Inspector.

513 (o) Minimum building size. No building shall be erected on any lot, not a waterfront  
514 lot, which does not comprise at least 1,200 ground floor square feet of floor space,  
515 exclusive of utility rooms, porches, garages and/or carports; and no building shall be  
516 erected on any waterfront lot, the main structure of which does not comprise at least

517 1,300 ground floor square feet of floor space, exclusive of utility rooms, porches,  
518 garages, and/or carports.

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

521 These provisions are intended to encourage the redevelopment of property within  
522 the Town. These provisions shall apply only to existing lots or plots of 60 feet or less in  
523 width west of or fronting on Bougainvillea Drive. These provisions shall not be  
524 applicable to lots or plots that are created by the subdivision of wider lots or plots. The  
525 provisions of the Town's Land Development Code shall continue to apply, especially  
526 those pertaining to the development within an RM-25 district, except that the provisions  
527 herein set forth shall apply to the redevelopment of lots or plots 60 feet in width or less to  
528 the extent of a conflict.

529 \* \* \*

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

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

532 ~~The area to be regulated by the provisions of this division is all of Block "A" of~~  
533 ~~Lauderdale Surf and Yacht Estates, according to the plat thereof as recorded in Plat Book~~  
534 ~~22, page 46, of the public records of Broward County, Florida, and Lots 10 and 11 of~~  
535 ~~Bainbridge Condra Subdivision, 56-15B, Parcel Y.~~

536 \* \* \*

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

538 \* \* \*

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

540 ~~(a) Area affected.~~

541 ~~The area to be affected by the provisions of this subdivision is Lots 50, 51, 52 and~~  
542 ~~53, fronting on Bougainvillea Drive and Lots 55, 56, 57 and 58, fronting on Poinciana~~  
543 ~~Street, all in Block 28, Town of Lauderdale By The Sea, according to the plat thereof as~~  
544 ~~recorded in Plat Book 6, page 2, of the public records of Broward County, Florida.~~

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

546 (1) *Permitted uses.* No building or premises shall be used and no building with the  
547 usual accessories shall be erected or altered other than a building or premises arranged,  
548 intended, or designed for any of the following uses, not to exceed 10,000 square feet in  
549 gross floor area:

550            aA. Antiques store,  
551            bB. Art galleries,  
552            cC. Arts and crafts supply store,  
553            dD. Automobile rental or leasing agencies (no outdoor display),  
554            eE. Bait and tackle shop,  
555            fF. Bakery,  
556            gG. Bank,  
557            hH. Beauty schools, barber shops and hair salons,  
558            iI. Bicycle rental shop with no outside storage,  
559            jJ. Book store,  
560            kK. Business and professional employment agency,  
561            lL. Camera and photographic supply store,  
562            mM. Card and stationery store,  
563            nN. Catering businesses,  
564            oO. Church and place of worship,  
565            pP. Clothing store,  
566            qQ. Coin-operated dry cleaning and laundry and/or pickup station,  
567            rR. Community theaters, dinner theaters and cultural centers,  
568            sS. Computer/software store,  
569            tT. Consignment store,  
570            uU. Cooking schools,  
571            vV. Copy center,  
572            wW. Courier service,  
573            xX. Delicatessen,  
574            yY. Dental laboratory,  
575            zZ. Drug store/pharmacy (no on-site prescription writing for controlled  
576            substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or  
577            893.0355),

578            aaAA.    Fabric/needlework/yarn shop,

579            bbBB.    Fishing pier,

580            ccCC.    Florist shop,

581            ddDD.    Formal wear sales and rental,

582            eeEE.    Fruit and produce store,

583            ffFF. Furniture and home furnishings,

584            ggGG.    Gift shop,

585            hhHH.    Government administration,

586            iiII.    Grocery/food store/supermarket,

587            jjJJ.    Hardware store,

588            kkKK.    Health and fitness center,

589            llLL. Household appliances store,

590            mmMM. Ice cream/yogurt store,

591            nnNN.    Interior decorator,

592            ooOO.    Jewelry store,

593            ppPP.    Library branch,

594            qqQQ.    Linen/bath/bedding store,

595            rrRR.    Luggage/handbag/leather goods store,

596            ssSS.    Mail/postage/fax service,

597            ttTT. Marine parts and supplies store,

598            uuUU.    Market,

599            vvVV.    Massage therapist (licensed therapist to be on premises at all times of  
600            operation),

601            wwWW. Meat and poultry store,

602            xxXX.    Medical supplies sales,

603            yyYY.    Motorized scooter sales or moped sales and rentals (indoor only,  
604            outdoor sales, storage or display prohibited),

605            zzZZ.    Museum,

606            ~~aaa~~AAA. Music/musical instrument store,  
607            ~~bbb~~BBB. Office building,  
608            ~~ccc~~CCC. Optical store,  
609            ~~ddd~~DDD. Party supply store,  
610            ~~eee~~EEE. Photographic studio,  
611            ~~fff~~FFF. Police and fire substation,  
612            ~~ggg~~GGG. Retail electronic sales and repair,  
613            ~~hhh~~HHH. Restaurant, which may also include the following accessory uses:  
614                    1. Sidewalk cafés which would be appurtenant to, and a part of, a  
615                    restaurant, subject to the requirements of Chapter 17, Article VI, Sidewalk  
616                    Cafés.  
617                    2. Outside seating for restaurants, on private property other than a  
618                    sidewalk, that is accessory to the principal restaurant use and that is not  
619                    regulated under Chapter 17, Article VI, and subject to the regulations set  
620                    forth in subsection (e6), below.  
621                    3. Walk-up windows for food and/or beverage service,  
622            ~~iii~~HH. Seafood store,  
623            ~~jjj~~JJ. Shoe sales and repair,  
624            ~~kkk~~KKK. Shop for marking articles sold at retail on the premises,  
625            ~~lll~~LLL. Specialty shop,  
626            ~~mmm~~MMM. Sporting goods store, including dive shops,  
627            ~~nnn~~NNN. Studios for artists, photographers, musicians (including recording  
628            studios), and dance,  
629            ~~ooo~~OOO. Sundries store,  
630            ~~ppp~~PPP. Tailor/dressmaking store, direct to the customer,  
631            ~~qqq~~QQQ. Tapes/videos/music CD stores,  
632            ~~rrr~~RRR. Tool rental (small tools and equipment, indoor display only),  
633            ~~sss~~SSS. Toy/game store,  
634            ~~ttt~~TTT. Trade/business school,  
635            ~~uuu~~UUU. Travel agency,

636 ~~vvyVVV~~. Veterinarian or animal grooming with all activities enclosed within the  
637 building with no outside noise,

638 ~~wwwWWW~~. Watch and jewelry repair, and

639 ~~xxxXXX~~. Uses not listed. Any use not covered by the above list may be  
640 authorized in the B-1-A district by the Town Manager or designee only if the  
641 proposed use is similar to a listed use; otherwise, an amendment to this chapter is  
642 required. The Town Manager or designee shall consult with the Town  
643 Commission on any proposal to find that a use is similar, prior to authorizing  
644 such use in the B-1-A district.

645 (2) *Conditional uses*. The following conditional uses may be permitted upon  
646 approval pursuant to the conditional use procedures of this Code:

647 ~~aA~~. Bicycle taxi (no outside storage or display).

648 ~~bB~~. Car wash/outdoor hand wash.

649 ~~cC~~. Charter and sightseeing boat.

650 ~~dD~~. Child and adult day-care centers.

651 ~~eE~~. Convenience store, subject to the requirements as set forth in subsection  
652 (~~f7~~), below.

653 ~~fF~~. Drive-through services that are accessory to a primary use, provided that  
654 any approval of the drive-through use by the Town Commission shall specifically  
655 establish the location and traffic flow pattern of the drive-through.

656 ~~gG~~. Dry cleaner.

657 ~~hH~~. "Paid private parking" on parcels with a primary use, excluding standalone  
658 parking lots, in accordance with the following requirements:

659 1. During business operational hours, only non-required parking spaces  
660 may be used as paid private parking.

661 2. After business hours, required parking may also be used for paid  
662 private parking.

663 ~~iI~~. Parking garage.

664 ~~jJ~~. Permitted use that exceeds 10,000 square feet in gross floor area.

665 ~~kK~~. Pet store.

666 ~~lL~~. Pool supply store.

667 ~~mM~~. Outside storage of propane tank cabinets for the storage, sale or rental of  
668 propane tanks.

669            ~~nN.~~ Water craft sales and rental (new or used).

670            ~~oO.~~ *Conditional uses not listed.* Permission to apply for conditional uses not  
671 covered by the above list in the B-1-A district may be granted by the Town  
672 Manager or designee only if the proposed conditional use is similar to a listed  
673 conditional use; otherwise, an amendment to this chapter is required. The Town  
674 Manager or designee shall consult with the Town Commission on any proposal to  
675 determine that a conditional use is similar to those listed, prior to authorizing the  
676 filing of an application to seek approval of that conditional use in the B-1-A  
677 district. Approval of a conditional use shall also be subject to the requirements  
678 for conditional use review as set forth in section 30-56 of the Town Code.

679            ~~(b3)~~ *Height.* No building shall be erected to a height greater than two stories on single 25-  
680 foot lots, nor greater than three stories on 50-foot lots.

681            ~~(c4)~~ *Areas.* No building which is used for residence purposes above the ground floor shall  
682 occupy an area greater than 70 percent of the entire lot. The required lot area per apartment  
683 or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall be  
684 not less than 250 square feet minimum and the area for a hotel room with bath shall not be  
685 less than 200 square feet. Buildings not used for residential purposes shall not occupy more  
686 than 90 percent of the lot area.

687            ~~(d5)~~ *Design.* Construction shall be limited to one building on B-1-A lots that are 50 feet or  
688 less in width. All business buildings constructed in a business district shall be of C.B.S.  
689 construction and shall be designed with every practical consideration for appearance, fire  
690 protection, health, light, air. All plans and specifications of the building shall be approved  
691 by the Town Building Inspector. The Building Inspector need not approve design and use of  
692 a building and may ask the Town staff, Planning and Zoning Board or the Board of  
693 Adjustment for an official opinion or decision thereon. Open fronts are specifically  
694 prohibited in B-1-A districts and there shall be a maximum opening of ten feet by ten feet  
695 for doorways in each business building.

696            ~~(e6)~~ Outside seating for restaurants, on private property other than a sidewalk, that is  
697 accessory to the primary restaurant use may be permitted subject to the following  
698 regulations:

699            ~~(1)A.~~ *Permit required.* It shall be unlawful for any person to provide outside  
700 seating for a restaurant on private property within the Town without first obtaining a  
701 permit from the Town. The location of an outside seating area for a restaurant shall be  
702 approved by the Town Manager or designee.

703            ~~(2)B.~~ *Permit fee.* A permit fee shall be established by resolution of the Town  
704 Commission.

705            ~~(3)C.~~ *Permit application.* Application for a permit to provide outside seating for a  
706 restaurant shall be made at the office of the Town Clerk. Such application shall  
707 include:

708            ~~a1.~~ Name, address and telephone number of the applicant.

- 709                    b2. Name and address of business.
- 710                    c3. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to  
711                    operate a restaurant adjacent to the outside seating area which is the subject of  
712                    the application.
- 713                    d4. An 8½" × 11" drawing at a minimum scale of one inch equals 20 feet  
714                    showing the following:
- 715                           1a. The store front and all openings (doors, windows);
- 716                           2b. The location and dimensions of the private property area being utilized  
717                    for the outside seating area, including: structures located thereon; proposed  
718                    location, dimension and number of tables, chairs, and umbrellas proposed  
719                    within the outside seating area;
- 720                           3e. Clear delineation of the boundary between private property and the  
721                    public right-of-way;
- 722                           4d. The location of tables and chairs complying with the Americans with  
723                    Disabilities Act (ADA) standards.
- 724                    e5. When the outside seating is visible from a public right-of-way, the  
725                    application shall also include:
- 726                           1a. Photographs and/or manufacturer brochures fully describing the  
727                    appearance of all proposed chairs, tables, umbrellas and other private  
728                    features, including but not limited to lighting to be used in the proposed  
729                    outside seating area.
- 730                           2b. A trash management and maintenance plan for the outside seating area,  
731                    which shall include a plan for pickup and disposal of any trash or food on or  
732                    around the tables and chairs or sidewalk, and periodic pressure cleaning of  
733                    the area used for outside seating. This plan shall ensure that the outside  
734                    seating area is maintained in a neat and orderly appearance at all times and  
735                    the area shall be cleared of all debris on a periodic basis during the day and  
736                    at the close of each business day to ensure a healthy and safe environment.
- 737                    f6. Written consent from the building owner for the proposed outside seating  
738                    area.
- 739                    g7. In the event the outside seating area is proposed in front of an adjacent  
740                    owner's property, the applicant must provide written consent from the adjacent  
741                    property owner for use of this area.
- 742                    h8. Non-refundable application fee.
- 743                    i9. Applications shall be reviewed for compliance with the Town Code and  
744                    may be approved by the Town Manager or designee.

745                   j10. The Town Manager or designee may deny an application that does not  
746                   comply with this section. Such denials shall be written and shall provide the  
747                   reasons for the denial. The applicant or any property owner whose property  
748                   directly abuts the property which is the subject matter of the application may  
749                   appeal the Town Manager or designee's decision to the Town Commission.

750                   (4)D.    *Location requirements.* The location of an outside seating area for a  
751                   restaurant shall be subject to the following locational regulations:

752                   a1.    An outside seating area shall only be permitted on private property that is:

753                            1a.    Adjacent to a licensed restaurant business to which the permit is  
754                            issued; or

755                            2b.    Adjacent to another licensed business that is located within the same  
756                            building as the licensed restaurant business to which a permit is issued.

757                   b2.    Tables and chairs shall not be located within a ten-foot proximity of bus  
758                   stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap  
759                   ramp.

760                   c3.    The Town Manager or designee may permit an exception to the distance  
761                   requirement of subsection b2. [above] from ten feet to five feet where established  
762                   pedestrian and tram paths shall not be obstructed and where public safety shall  
763                   not be adversely affected.

764                   d4.    Markers approved by the Town Manager or designee shall be embedded  
765                   into the property by the applicant to distinguish the approved boundaries of the  
766                   outside seating area. This requirement may be waived by the Town Manager or  
767                   designee if the proposed outside seating area is not on or adjacent to any private  
768                   or public sidewalk, parking or other pedestrian area.

769                   (5)E. *Additional regulations for outside seating for a restaurant:*

770                            a1.    The outside seating area shall be accessory to and under the same ownership  
771                            or control as the primary restaurant which is operated within a permanently  
772                            enclosed building located on the same or adjacent parcel.

773                            b2.    There shall be no use, operation, or playing of any musical instrument, loud-  
774                            speaker, sound amplifier, or other machine or device for the production or  
775                            reproduction of sound in such a manner as to disturb the peace, quiet, or comfort  
776                            of the neighboring inhabitants or at any time with louder volume than is  
777                            otherwise regulated by Chapter 13, Noise, of the Town Code.

778                            c3.    Food preparation shall only occur in the fully enclosed area of the licensed  
779                            primary restaurant.

780                            d4.    Hours of operation shall not exceed the hours of operation established for  
781                            the principal licensed restaurant.

782 e5. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire  
783 resistive material.

784 f6. No objects shall be permitted around the perimeter of the outside seating  
785 area that is occupied by tables and chairs which would have the effect of forming  
786 a physical or visual barrier discouraging the use of a sidewalk by the general  
787 public.

788 g7. Additionally, when the outside seating area is visible from a public right-of-  
789 way:

790 1a. No tables, chairs, or any other part of an outside seating area shall be  
791 permanently attached, chained, or in any manner affixed to any tree, post,  
792 sign or other fixtures, curb or sidewalk within or near the permitted area.

793 2b. Tables, chairs, umbrellas, canopies, awnings, and any other objects  
794 utilized as part of the outside seating area shall be of quality design,  
795 materials, size, elevation and workmanship both to ensure the safety and  
796 convenience of users, and to enhance the visual quality of the urban  
797 environment. Design, materials and colors shall be approved by the Town  
798 Manager or designee prior to the issuance of the permit to allow the outside  
799 seating area.

800 (6)F. Prior to issuance of a permit for an outside seating area, the Town Clerk shall  
801 certify that there are no outstanding fines, moneys, fees, taxes or other charges owed  
802 to the Town by the current or past owners or operators of the property requesting a  
803 permit for outside seating. A permit to allow outside seating will not be issued until all  
804 outstanding debts to the Town are paid in full.

805 (7)G. Any primary restaurant which obtains a permit to have outside seating as an  
806 accessory use to a primary restaurant, pursuant to section 30-261(1) and (6) may  
807 redesign the face of their establishment to allow for doors or panels that permit the  
808 establishment to have open sides allowing for an indoor/outside restaurant design. Any  
809 proposed alterations, modifications or changes to the building shall require the  
810 issuance of a building permit, compliance with the Town Code and payment in full of  
811 all applicable fees.

812 (f7) Convenience store criteria. A convenience store may be permitted within the B-1-A  
813 zoning district only on property that is located west of State Road A1A and subject to the  
814 following regulations:

815 (1)A- A convenience store shall have frontage on Commercial Boulevard;

816 (2)B-A convenience store may not be located within 500 feet of any other convenience  
817 store, as measured by airline measurement from the main entrance to the main  
818 entrance of each place of business; and

819 (3)C-A convenience store shall also be subject to the requirements of F.S. § 812.1701  
820 as may be amended.

821

822 **Sec. ~~30-262~~ (g) Setbacks**

823 **(1a) Front setback.**

824 No building or any part thereof shall be erected on any lot closer than 25 feet to the front lot  
825 line.

826 **(2b) Rear setback.**

827 No building or any part thereof shall be erected on any lot closer than ten feet from the rear  
828 lot line.

829 **(3e) Side setbacks.**

830 No side setbacks are required.

831 **(4d) Roof cornices.**

832 Roof cornices constructed of fire-resistive materials, if ten feet or more above the sidewalk,  
833 may project over the public street not more than three feet, but shall never be closer than  
834 two feet, measured from the curblineline. The construction and anchorage of all such  
835 projections shall be subject to the approval of the Building Inspector and may be created  
836 only upon a permit issued by the Building Inspector.

837 **(5e) Exterior balconies.**

838 Fixed exterior balconies shall be designed in accordance with the engineering section of the  
839 Town's building code, and shall be supported in an approved manner and the framework  
840 shall be of steel, iron, reinforced concrete or other incombustible material. Such exterior  
841 balconies shall be at least ten feet in the clear between the lowest point of any projection  
842 and the sidewalk immediately below, and shall extend not more than three feet from the  
843 building, but shall never be closer than two feet measured from the curblineline. Exterior  
844 balconies shall not support any enclosure or structures with roof above.  
845

846 **Sec. ~~30-263~~. (h) Penalty for violation**

847 \* \* \*

848 **Secs. ~~30-264~~. 262.—30-270. - Reserved**

849 \* \* \*

850 **Subdivision H. - B-1 District Regulations**

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

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

861           (a) B-1 uses permitted.

862           (1) *Permitted uses.* No building or premises shall be used and no building with the usual  
863           accessories shall be erected or altered other than a building or premises arranged, intended,  
864           or designed for any of the following uses, not to exceed 10,000 square feet in gross floor  
865           area:

- 866           aA. Antiques store,
- 867           bB. Art galleries,
- 868           cC. Arts and crafts supply store,
- 869           dD. Automobile rental or leasing agencies (no outdoor display),
- 870           eE. Bait and tackle shop,
- 871           fF. Bakery,
- 872           gG. Bank,
- 873           hH. Beauty schools, barber shops and hair salons,
- 874           iI. Bicycle rental shop with no outside storage,
- 875           jJ. Book store,
- 876           kK. Business and professional employment agency,
- 877           lL. Camera and photographic supply store,
- 878           mM. Card and stationery store,
- 879           nN. Catering businesses,
- 880           oO. Church and place of worship,
- 881           pP. Clothing store,
- 882           qQ. Coin-operated dry cleaning and laundry and/or pickup station,

883           rR. Community theaters, dinner theaters and cultural centers,  
884           sS. Computer/software store,  
885           tT. Consignment store,  
886           uU. Cooking schools,  
887           vV. Copy center,  
888           wW Courier service,  
889           xX. Delicatessen,  
890           yY. Dental laboratory,  
891           zZ. Drug store/pharmacy (no on-site prescription writing for controlled substances  
892           identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355),  
893           aaAA. Fabric/needlework/yarn shop,  
894           bbBB. Fishing pier,  
895           ccCC. Florist shop,  
896           ddDD. Formal wear sales and rental,  
897           eeEE. Fruit and produce store,  
898           ffFF. Furniture and home furnishings,  
899           ggGG. Gift shop,  
900           hhHH. Government administration,  
901           iiH. Grocery/food store/supermarket,  
902           jjJ. Hardware store,  
903           kkKK. Health and fitness center,  
904           llL. Household appliances store,  
905           mmMM. Ice cream/yogurt store,  
906           nnNN. Interior decorator,  
907           ooOO. Jewelry store,  
908           ppPP. Library branch,  
909           qqQQ. Linen/bath/bedding store,  
910           rrRR. Luggage/handbag/leather goods store,

911            ss~~SS~~. Mail/postage/fax service,  
912            tt~~TT~~. Marine parts and supplies store,  
913            uu~~UU~~. Market,  
914            vv~~VV~~. Massage therapist (licensed therapist to be on premises at all times of  
915            operation),  
916            ww~~WW~~. Meat and poultry store,  
917            xx~~XX~~. Medical supplies sales,  
918            yy~~YY~~. Motorized scooter sales or moped sales and rentals (indoor only, outdoor  
919            sales, storage or display prohibited),  
920            zz~~ZZ~~. Museum,  
921            aaa~~AAA~~. Music/musical instrument store,  
922            bbb~~BBB~~. Office building,  
923            ccc~~CCC~~. Optical store,  
924            ddd~~DDD~~. Party supply store,  
925            eee~~EEE~~. Photographic studio,  
926            fff~~FFF~~. Police and fire substation,  
927            ggg~~GGG~~. Retail electronic sales and repair,  
928            hhh~~HHH~~. Restaurant, which may also include the following accessory uses:  
929                    1. Sidewalk cafés which would be appurtenant to, and a part of, a restaurant,  
930                    subject to the requirements of Chapter 17, Article VI, Sidewalk Cafés.  
931                    2. Outside seating for restaurants, on private property other than a sidewalk,  
932                    that is accessory to the principal restaurant use and that is not regulated under  
933                    Chapter 17, Article VI, and subject to the regulations set forth in subsection (c3),  
934                    below.  
935                    3. Walk-up windows for food and/or beverage service,  
936            iii~~III~~. Seafood store,  
937            jjj~~JJJ~~. Shoe sales and repair,  
938            kkk~~KKK~~. Shop for marking articles sold at retail on the premises,  
939            lll~~LLL~~. Specialty shop,  
940            mmm~~MMM~~. Sporting goods store, including dive shops,

- 941 ~~nnn~~~~NNN~~. Studios for artists, photographers, musicians (including recording studios),  
 942 and dance,
- 943 ~~ooo~~~~OOO~~. Sundries store,
- 944 ~~ppp~~~~PPP~~. Tailor/dressmaking store, direct to the customer,
- 945 ~~qqq~~~~QQQ~~. Tapes/videos/music CD stores,
- 946 ~~rrr~~~~RRR~~. Tool rental (small tools and equipment, indoor display only),
- 947 ~~sss~~~~SSS~~. Toy/game store,
- 948 ~~ttt~~~~TTT~~. Trade/business school,
- 949 ~~uuu~~~~UUU~~. Travel agency,
- 950 ~~vvv~~~~VVV~~. Veterinarian or animal grooming with all activities enclosed within the  
 951 building with no outside noise,
- 952 ~~www~~~~WWW~~. Watch and jewelry repair, and
- 953 ~~xxx~~~~XXX~~. Uses not listed. Any use not covered by the above list may be authorized in  
 954 the B-1 district by the Town Manager or designee only if the proposed use is similar to  
 955 a listed use; otherwise, an amendment to this chapter is required. The Town Manager  
 956 or designee shall consult with the Town Commission on any proposal to find that a use  
 957 is similar, prior to authorizing such use in the B-1 district.
- 958 (2) *Conditional uses*. The following conditional uses may be permitted upon approval  
 959 pursuant to the conditional use procedures of this Code:
- 960 aA. Bicycle taxi (no outside storage or display).
- 961 bB. Car wash/outdoor hand wash.
- 962 cC. Charter and sightseeing boat.
- 963 dD. Child and adult day-care centers.
- 964 eE. Convenience store, subject to the requirements as set forth in subsection (d4),  
 965 below.
- 966 fF. Drive-through services that are accessory to a primary use, provided that any  
 967 approval of the drive-through use by the Town Commission shall specifically establish  
 968 the location and traffic flow pattern of the drive-through.
- 969 gG. Dry cleaner.
- 970 hH. Mixed use, in accordance with the requirements of subsection (g7).
- 971 iI. "Paid private parking" on parcels with a primary use, excluding standalone  
 972 parking lots in accordance with the following requirements:

- 973 1. During business operational hours, only non-required parking spaces, may  
974 be used as paid private parking.
- 975 2. After business hours, required parking may also be used for paid private  
976 parking.
- 977 ~~j~~J. Parking garage.
- 978 ~~k~~K. Permitted use exceeding 10,000 square feet in gross floor area.
- 979 ~~l~~L. Pet store.
- 980 ~~m~~M. Pool supply store.
- 981 ~~n~~N. Outside storage of propane tank cabinets for the storage, sale or rental of propane  
982 tanks.
- 983 ~~o~~O. Water craft sales and rental (new or used).
- 984 ~~p~~P. *Conditional uses not listed.* Permission to apply for conditional uses not covered  
985 by the above list in the B-1 district may be granted by the Town Manager or designee  
986 only if the proposed conditional use is similar to a listed conditional use; otherwise, an  
987 amendment to this chapter is required. The Town Manager or designee shall consult  
988 with the Town Commission on any proposal to determine that a conditional use is  
989 similar to those listed, prior to authorizing the filing of an application to seek approval  
990 of that conditional use in the B-1 district. Approval of a conditional use shall also be  
991 subject to the requirements for conditional use review as set forth in section 30-56 of  
992 the Town Code.
- 993 (c3) Outside seating for restaurants, on private property other than a sidewalk, that is accessory  
994 to the primary restaurant use may be permitted subject to the following regulations:
- 995 (1)~~A~~. *Permit required.* It shall be unlawful for any person to provide outside seating for  
996 a restaurant on private property within the Town without first obtaining a permit from the  
997 Town. The location of an outside seating area for a restaurant shall be approved by the  
998 Town Manager or designee.
- 999 (2)~~B~~. *Permit fee.* The fee for a permit for outside seating for a restaurant shall be as  
1000 established by resolution of the Town Commission.
- 1001 (3)~~C~~. *Permit application.* Application for a permit to provide outside seating for a restaurant  
1002 shall be made at the office of the Town Clerk. Such application shall include:
- 1003 a1. Name, address and telephone number of the applicant.
- 1004 b2. Name and address of business.
- 1005 c3. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to  
1006 operate a restaurant adjacent to the outside seating area which is the subject of the  
1007 application.

- 1008            d4. An 8½" × 11" drawing at a minimum scale of one inch equals 20 feet showing  
1009            the following:
- 1010                    1a. The store front and all openings (doors, windows).
- 1011                    2b. The location and dimensions of the private property area being utilized for  
1012                    the outside seating area, including: structures located thereon; proposed location,  
1013                    dimension and number of tables, chairs, and umbrellas proposed within the  
1014                    outside seating area;
- 1015                    3e. Clear delineation of the boundary between private property and the public  
1016                    right-of-way;
- 1017                    4d. The location of tables and chairs complying with the Americans with  
1018                    Disabilities Act (ADA) standards.
- 1019            e5. When the outside seating area is visible from a public right-of-way, the  
1020            application shall also include:
- 1021                    1a. Photographs and/or manufacturer brochures fully describing the appearance  
1022                    of all proposed chairs, tables, umbrellas and other private features, including but  
1023                    not limited to lighting to be used in the proposed outside seating area.
- 1024                    2b. A trash management and maintenance plan for the outside seating area,  
1025                    which shall include a plan for pickup and disposal of any trash or food on or  
1026                    around the tables and chairs or sidewalk, and periodic pressure cleaning of the  
1027                    area used for outside seating area. This plan shall ensure that the outside seating  
1028                    area is maintained in a neat and orderly appearance at all times and the area shall  
1029                    be cleared of all debris on a periodic basis during the day and at the close of each  
1030                    business day to ensure a healthy and safe environment.
- 1031            f6. Written consent from the building owner for the proposed outside seating area.
- 1032            g7. In the event the outside seating area is proposed in front of an adjacent owner's  
1033            property, the applicant must provide written consent from the adjacent property owner  
1034            for use of this area.
- 1035            h8. Non-refundable application fee.
- 1036            i9. Applications shall be reviewed for compliance with the Town Code and may be  
1037            approved by the Town Manager or designee.
- 1038            j10. The Town Manager or designee may deny an application that does not comply  
1039            with this section. Such denials shall be written and shall provide the reasons for the  
1040            denial. The applicant or any property owner whose property directly abuts the property  
1041            which is the subject matter of the application may appeal the Town Manager or  
1042            designee's decision to the Town Commission.
- 1043            (4)D.     *Location requirements.* The location of an outside seating area for a restaurant  
1044            shall be subject to the following locational regulations:

- 1045            a1. An outside seating area shall only be permitted on private property that is:
- 1046                    1a. Adjacent to a licensed restaurant business to which the permit is issued; or
- 1047                    2b. Adjacent to another licensed business that is located within the same
- 1048                    building as the licensed restaurant business to which a permit is issued.
- 1049            b2. Tables and chairs shall not be permitted within a ten-foot proximity of bus stops,
- 1050                    taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
- 1051            c3. The Town Manager or designee may permit an exception to the distance
- 1052                    requirement of subsection b2. [above] from ten feet to five feet where established
- 1053                    pedestrian and tram paths shall not be obstructed and where public safety shall not be
- 1054                    adversely affected.
- 1055            d4. Markers approved by the Town Manager or designee shall be embedded into the
- 1056                    property by the applicant to distinguish the approved boundaries of the outside seating
- 1057                    area. This requirement may be waived by the Town Manager or designee if the
- 1058                    proposed outside seating area is not on or adjacent to any private or public sidewalk,
- 1059                    parking or other pedestrian area.
- 1060            (5)E-Additional regulations for outside seating for a restaurant:
- 1061            a1. The outside seating area shall be accessory to and under the same ownership or
- 1062                    control as the primary restaurant which is operated within a permanently enclosed
- 1063                    building located on the same or adjacent parcel.
- 1064            b2. There shall be no use, operation, or playing of any musical instrument, loud-
- 1065                    speaker, sound amplifier, or other machine or device for the production or
- 1066                    reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the
- 1067                    neighboring inhabitants or at any time with louder volume than is otherwise regulated
- 1068                    by Chapter 13, Noise, of the Town Code.
- 1069            c3. Food preparation shall only occur in the fully enclosed area of the licensed
- 1070                    primary restaurant.
- 1071            d4. Hours of operation shall not exceed the hours of operation established for the
- 1072                    principal licensed restaurant.
- 1073            e5. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire
- 1074                    resistive material.
- 1075            f6. No objects shall be permitted around the perimeter of the outside seating area that
- 1076                    is occupied by tables and chairs which would have the effect of forming a physical or
- 1077                    visual barrier discouraging the use of a sidewalk by the general public.
- 1078            g7. Additionally, when the outside seating area is visible from a public right-of-way:
- 1079                    1a. No tables, chairs, or any other part of an outside seating area shall be
- 1080                    permanently attached, chained, or in any manner affixed to any tree, post, sign or

1081 other fixtures, curb or sidewalk within or near the permitted area.

1082 2b. Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized  
1083 as part of the outside seating area shall be of quality design, materials, size,  
1084 elevation and workmanship both to ensure the safety and convenience of users,  
1085 and to enhance the visual quality of the urban environment. Design, materials and  
1086 colors shall be approved by the Town Manager or designee prior to the issuance  
1087 of the permit to allow the outside seating.

1088 ~~(6)F.~~ Prior to issuance of a permit for outside seating, the Town Clerk shall certify that there  
1089 are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the  
1090 current or past owners or operators of the property requesting a permit for outside seating.  
1091 A permit to allow outside seating will not be issued until all outstanding debts to the Town  
1092 are paid in full.

1093 ~~(7)G.~~ Any primary restaurant which obtains a permit to have outside seating as an accessory  
1094 use to the primary restaurant, pursuant to section 30-261(1) and (6) may redesign the face  
1095 of their establishment to allow for doors or panels that permit the establishment to have  
1096 open sides allowing for an indoor/outside restaurant design. Any proposed alterations,  
1097 modifications or changes to the building shall require the issuance of a building permit,  
1098 compliance with the Town Code and payment in full of all applicable fees.

1099 ~~(d4)~~ *Convenience store criteria.* A convenience store may be permitted within the B-1 zoning  
1100 district only on property that is located west of State Road A1A and subject to the following  
1101 regulations:

1102 ~~(1)A.~~—A convenience store shall have frontage on Commercial Boulevard;

1103 ~~(2)B.~~A convenience store may not be located within 500 feet of any other convenience  
1104 store, as measured by airline measurement from the main entrance to the main entrance of  
1105 each place of business; and

1106 ~~(3)C.~~A convenience store shall also be subject to the requirements of F.S. § 812.1701 as  
1107 may be amended.

1108 ~~(e5)~~ *Height.* No building shall be erected to a height greater than two stories on single 25-foot  
1109 lots nor greater than three stories on 50-foot lots.

1110 ~~(f6)~~ *Areas.* No building which is used for residence purposes above the ground floor shall  
1111 occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or  
1112 kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall not be less  
1113 than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200  
1114 square feet. Buildings not used for residential purposes shall not occupy more than 90 percent of  
1115 the lot area.

1116 ~~(g7)~~ *Mixed use development.* The following provisions govern applications for the conditional  
1117 use of "mixed use," a vertical mix of neighborhood-serving B-1 uses and residential uses within  
1118 the same building, in locations fronting on Commercial Boulevard and west of State Road A1A.

1119 (1)A. *Purpose.* The purpose of encouraging mixed use development on Commercial  
1120 Boulevard is to:

1121 a1. Accommodate mixed-use buildings with neighborhood-serving retail, service,  
1122 and other commercial uses on the ground floor, and residential units above the  
1123 nonresidential space;

1124 b2. Encourage development that exhibits the physical design characteristics of  
1125 pedestrian-oriented, storefront-style shopping streets; and

1126 c3. Promote the health and well-being of residents by encouraging physical activity,  
1127 alternative transportation, and greater social interaction.

1128 (2)B. *Definitions.* For purposes of this section, the following definitions shall apply.

1129 a1. "Live/work units" means a type of mixed use development that combines non-  
1130 residential uses in the same structure as a dwelling unit occupied by the business  
1131 owner, which reduces trip generation, provides for affordable and diverse housing  
1132 options in the Town, incubates new businesses and provides for the needs of unique  
1133 businesses such as art galleries and studios.

1134 b2. "Live/work space" means the residential dwelling unit and related non-residential  
1135 uses conducted above the ground floor of a live/work unit.

1136 c3. "Mixed-use building" means a building that contains at least one floor devoted to  
1137 non-residential use and at least one devoted to allowed residential uses.

1138 d4. "Non-residential use" means neighborhood-serving retail, service, commercial or  
1139 other uses allowed in the B-1 zoning district, excluding residential uses.

1140 e5. "Work/sales space" means the non-residential uses on the ground floor of a  
1141 live/work unit.

1142 (3)C. *Mixed use development on commercially designated parcels.* The Town may approve  
1143 a conditional use for mixed use development on B-1 zoned property when the property has  
1144 a commercial land use designation in the Broward County Land Use Plan, if all of the  
1145 following requirements are met:

1146 a1. Approval is obtained of an allocation of available flexibility units, in accordance  
1147 with section 30-56(h), Flexibility rules;

1148 b2. The number of units and floor area limitations of this section are satisfied for the  
1149 residential uses;

1150 c3. Non-residential uses, as defined herein, are limited to the floor(s) below the  
1151 residential uses;

1152 d4. The property fronts on Commercial Boulevard, and is located west of State Road  
1153 A1A;

1154 e5. A major site plan modification or a site plan approval is obtained; and

1155            f6. A conditional use approval is obtained.

1156            ~~(4)D.~~ *Permitted uses.*

1157            a1. On the ground floor:

1158                    1a. Work/sales space in a live/work unit.

1159                    2b. Non-residential use.

1160            b2. Above the ground floor:

1161                    1a. Live/work space in a live/work unit.

1162                    2b. Dwelling units.

1163            ~~(5)E.~~*Limitations on residential uses.*

1164                    a1. *Maximum number of units.* No mixed use development may be assigned more  
1165                    than ten percent of the flexibility units in its flexibility zone. If ten percent of the units  
1166                    is not a whole number, it shall be rounded up to the next whole number.

1167                    b2. *Floor area.* The residential floor area of the mixed use development does not  
1168                    exceed 50 percent of the gross floor area of the building.

1169            ~~(6)F.~~*Parking requirements.* The total number of required off-street parking spaces for a  
1170            mixed use development shall be equal to the sum of the required parking for each use as if  
1171            provided separately. For live/work mixed use development, the total required parking will  
1172            be equal to the parking required for the nonresidential use only. See sections 30-314  
1173            through [30-]324 regarding off-street parking.

1174            ~~(7)G.~~ *Landscaping and open space requirements.* Mixed use developments shall be  
1175            required to meet the vehicular use area requirements as provided in Article VII, Landscape  
1176            Code, of Chapter 30, Unified Land Development Regulations, for the non-residential use  
1177            only.

1178            ~~(8)H.~~—*Town approvals required for mixed use development.*

1179                    a1. *Conditional use.* A conditional use shall be obtained in accordance with the  
1180                    requirements of section 30-56. As part of the conditional use review, the Town  
1181                    Commission shall verify that section 30-56(h) Flexibility rules, has been satisfied for  
1182                    the allocation of flexibility units.

1183                    b2. *Site plan.* Either a major site plan modification shall be obtained in accordance  
1184                    with section 30-54(m)(4), or a site plan approval shall be obtained pursuant to Article  
1185                    IV, Site Plan Procedures and Requirements of Chapter 30, Unified Land Development  
1186                    Regulations.

1187            ~~(h8)~~ *Design.* Construction shall be limited to one building on B-1 lots 50 feet or less in width.  
1188            All business buildings constructed in a business district shall be of C.B.S. construction and shall  
1189            be designed with every practical consideration for appearance, fire protection, health, light, air.

1190 All plans and specifications of the building shall be approved by the Town Building Inspector.  
1191 The Building Inspector need not approve design and use of a building and may ask the Town  
1192 staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or decision  
1193 thereon. Open fronts are specifically prohibited in B-1 districts and there shall be a maximum  
1194 opening of ten feet by ten feet for doorways in each business building.

1195 (i) Minimum building size.

1196 No building shall be erected on any lot, not a waterfront lot, which does not comprise at least  
1197 1,200 ground floor square feet of floor space, exclusive of utility rooms, porches, garages and/or  
1198 carports; and no building shall be erected on any waterfront lot, the main structure of which does  
1199 not comprise at least 1,300 ground floor square feet of floor space, exclusive of utility rooms,  
1200 porches, garages, and/or carports.  
1201

1202 **~~Sec. 30-272.~~(j) - Setbacks.**

1203 (1a) *Front setback.*

1204 Business buildings are not required to set back on the front except those erected on Ocean  
1205 Drive (A1A) or Bougainvilla Drive which shall have the following setbacks: Ocean Drive  
1206 (A1A), front setback of not less than 50 feet from the centerline of said thoroughfare;  
1207 Bougainvilla Drive, front setback of 25 feet from property line.

1208 (2b) *Side setback.*

1209 Business buildings erected on Blocks 5, 6, 13, and 14 siding on El Mar Drive shall have a  
1210 side setback of eight feet from the respective property lines of said thoroughfare; business  
1211 buildings erected on Blocks 13, 14, 20 and 21 siding on Ocean Drive (A1A) shall have side  
1212 setback of not less than 50 feet from the centerline of said thoroughfare. Otherwise, one-  
1213 story business buildings require no side setback except where windows are required, in  
1214 which case a setback of not less than five feet shall be made.

1215 (3e) *Rear setback:*

1216 a.(1) No building or any part thereof shall be erected on any lot closer than ten feet  
1217 from the rear lot line.

1218 b.(2) No building or any part thereof shall be erected on any lot closer than 30 feet  
1219 from the rear lot line in the following designated areas:

1220 1a. All of Block B except Lots 1, 2, 3, 12, 13, and 14 in Silver Shores Section  
1221 of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof,  
1222 recorded in Plat Book 28, page 39, Public Records of Broward County, Florida.  
1223 Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback  
1224 described in (3e)(a+) herein.

1225 2b. All of Block E except Lots 1, 2, 3, 12, 13, and 14 of a subdivision of Track  
1226 "D" of Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit "A,"

1227 according to the plat thereof, recorded in Plat Book 29, page 21, Public Records  
1228 of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to  
1229 comply with the rear setback described in (3e)(a1) herein.

1230 3e. All of Blocks J and K except Lots 1, 2, 3, 12, 13, and 14 of Silver Shores  
1231 Section of the Town of Lauderdale-By-The-Sea, Unit "B," according to the plat  
1232 thereof, recorded in Plat Book 31, page 3, Public Records of Broward County,  
1233 Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear  
1234 setback described in (3e)(a1) herein.

1235 (4)d. Roof cornices. Roof cornices constructed of fire-resistive materials, if ten feet or more  
1236 above the sidewalk, may project over the public street not more than three feet, but shall  
1237 never be closer than two feet, measured from the curbline. The construction and anchorage  
1238 of all such projections shall be subject to the approval of the Building Inspector and may be  
1239 erected only upon a permit issued by the Building Inspector.

1240 (5)e. Exterior balconies. Fixed exterior balconies shall be designed in accordance with the  
1241 engineering section of the Town's building code, and shall be supported in an approved  
1242 manner and the framework shall be of steel, iron, reinforced concrete or other  
1243 incombustible material. Such exterior balconies shall be at least ten feet in the clear  
1244 between the lowest point of any projection and the sidewalk immediately below, and shall  
1245 extend not more than three feet from the building, but shall never be closer than two feet  
1246 measured from the curbline. Exterior balconies shall not support any enclosure or structures  
1247 with roof above.  
1248

1249 **Sec. 30-273. (k)** - Seagrape Drive to West Tradewinds only; general provisions.

1250 (1a) All one-story construction to be used for business and office use only.

1251 (2b) All construction which shall extend to a permitted two-story level use shall provide  
1252 front and rear entrances.

1253 (3e) There shall be a uniform canopy on all construction which shall be erected ten feet in  
1254 height from sidewalk level and extend out six feet from the front of the building and be  
1255 three inches in thickness.

1256 (4d) Sidewalks shall be constructed to conform to the cross-section and grade shown by the  
1257 attached plan prepared by the Office of John O. Brendia, entitled "Sidewalk Plan for  
1258 Commercial Blvd., Lauderdale-By-The-Sea, Florida," dated June 2, 1958. The finish floor  
1259 elevation of each abutting building and the materials and construction procedure to be used  
1260 in the installation of the sidewalks shall be as shown on said plan.

1261 (5e) Each structure shall have its own sustaining walls; party walls shall be prohibited.

1262 (6f) Advertising signs shall be permitted as follows: In front of buildings not larger than  
1263 two feet in height. All signs shall be kept in good condition, neat appearance and good state  
1264 of repair.

1265 (7g) There shall be a ten-foot setback from the rear property line required on each of the  
1266 lots in B-1 zoned districts, permitting rear entrance to construction on said lots. Said ten feet  
1267 shall be blacktopped excepting necessary area for septic tank and shall be so graded and  
1268 drained as to dispose of all surface water accumulation within the parking area.

1269 (8h) All construction on corner lots and Seagrape Drive, East Tradewinds or West  
1270 Tradewinds, and facing east or west, must include a finished storefront architecture on the  
1271 side of the building facing Commercial Boulevard on the north or south side, as the case  
1272 may be, dependent upon which side of Commercial Boulevard the construction is planned.  
1273 This requirements is intended to eliminate any solid wall frontage facing the boulevard.

1274  
1275 **Secs. 30-274, 272, -30- 280, 290. - Reserved.**

1276 **Subdivision I. ~~B-2~~ District Regulations**

1277 **Sec. 30-281. ~~Development plans to be approved.~~**

1278 ~~Any development in the B-1 district shall be permitted only upon review and approval of~~  
1279 ~~plans for such development by the Town Planning and Zoning Board which shall act as a~~  
1280 ~~site plan review committee. In reviewing development plans, the Board shall consider the~~  
1281 ~~effect of the proposed development on existing and future buildings in the vicinity and~~  
1282 ~~may impose conditions and restrictions upon the construction, location and operation of~~  
1283 ~~any development, including, but not limited to, lighting, building setbacks, off-street~~  
1284 ~~parking and loading, vehicular accessway and landscaping, as may be deemed necessary~~  
1285 ~~to promote the general objective of this subdivision and to minimize any injury to the~~  
1286 ~~value of the property in the neighborhood. All buildings or structures shall be of C.B.S.~~  
1287 ~~or reinforced concrete construction and shall be designed with every practical~~  
1288 ~~consideration for appearance, safety, fire protection, health, light and air. All final plans~~  
1289 ~~and specifications of any building or structure shall be approved by the Town Building~~  
1290 ~~Inspector. Failure to maintain such conditions and restrictions as may have been imposed~~  
1291 ~~shall constitute a violation of this subdivision.~~

1292 \* \* \*

1293 **Secs. 30-282 — 30-290. — Reserved.**

1294 \* \* \*

1295 **Subdivision J. - CF District—Community Facilities**

1296 **Sec. 30-291. - Community facilities district.**

1297 ~~The area to be regulated by the provisions of this division include government owned~~  
1298 ~~community facilities which are designated in a CF land use category on the Town land~~  
1299 ~~use plan.~~

1300 The Community Facilities district is intended to provide for suitable locations for development  
1301 servicing public needs, including government purposes, religious facilities, educational facilities  
1302 and other public purpose facilities which generally benefit the community, consistent with the  
1303 Town's Comprehensive Plan.

1304 \* \* \*

1305 **Subdivision L. - Supplemental Regulations**

1306 \* \* \*

1307 Sec. 30-313. - General provisions.

- 1308 (a) Drainage facilities.
- 1309 (b) Use of buildings.
- 1310 (c) Moving of Buildings.
- 1311 (d) Fences, Walls and Hedges.
- 1312 (e) Regulations applicable to El Mar Drive
- 1313 (f) Use, public areas.
- 1314 (g) Aesthetic design.
- 1315 (h) Two fronts.
- 1316 (i) Standards for Driveways and Parking Strips.
- 1317 (j) Standards for Swales in Single family and two-family (duplex) dwelling.
- 1318 (k) Standards for Driveways for Single-family and two-family (duplex) dwellings.
- 1319 (l) Paving drainfield areas.
- 1320 (m) Satellite television antennas and dishes.
- 1321 (n) Lighting.
- 1322 (o) Control of Lighting for Protection of Sea Turtle Nesting Areas.
- 1323 (p) Elevation of filled land.
- 1324 (q) Swimming pools, pool decks, patios, hot tubs and spas.
- 1325 (r) Decks
- 1326 (s) Other mechanical and plumbing equipment.
- 1327 (t) Accessory buildings and structures.
- 1328 (u) Generator regulations.

1329

1330 These general provisions shall govern development within the corporate limits of the Town, as  
1331 follows:

1332 ~~(1) Plans. Individual plans and/or specifications for all buildings shall be submitted to the~~  
1333 ~~building inspection department for approval before starting any construction, renovation or~~  
1334 ~~removal of same. Approval shall not be given for construction of two or more buildings of any~~  
1335 ~~type or kind from the same or identical set of plans and/or specifications.~~

1336 (2) (a) Drainage facilities. All improved property, whether new construction or renovation or  
1337 repair of present property, must provide adequate drainage facilities and drainage fields and all  
1338 well and drainage locations must be shown on a site plan ~~and must be approved by the Building~~  
1339 ~~Inspection and Health Departments~~ in accordance with all applicable regulations.

1340 (3) (b) Use of buildings. No building or structure shall be erected on any lot for any purpose or  
1341 use other than as applicable in said district Non-use variances may be granted pursuant to  
1342 Section 30-8, Article I- In General .

1343  
1344 (c) Moving of Buildings.

1345 No permit shall be granted, nor shall any building or structure be moved into the  
1346 corporate limits of the Town, and no building or structure shall be moved from one  
1347 location within the Town to another location within the Town. ~~However, without~~  
1348 submittal of an application may be made to the Planning and Zoning Board of the Town  
1349 to seek its recommendation to permit building or structure to be moved; and should the  
1350 Planning and Zoning Board make a special finding that said building or structure will  
1351 conform to the existing Town plan, and in harmony with the existing neighboring  
1352 structures, such recommendation shall be submitted to the Town Commission for final  
1353 action of rejection or approval. In any event, should permission be granted by the Town  
1354 Commission, said building or structure shall, nevertheless, conform to all applicable  
1355 zoning and building requirements ~~the provisions of the Town building code.~~

1356 (4) (d) Fences, Walls and Hedges.

1357 (1) Height, design, and location of fences, walls, hedges.

1358 a. Height. The maximum height of any fence or wall shall be six feet, except where  
1359 the fence or wall abuts property with business zoning, in which case the maximum  
1360 height is eight feet. The height of fences, walls, hedges or plantings of whatever  
1361 composition shall be measured from the natural contour of the ground on adjoining  
1362 lots.

1363 b. Construction. All fences and walls shall comply with the Florida Building Code.

1364 c. Cement or concrete walls:

1365 1. Cement or concrete walls are permitted in all zoning districts, and must comply  
1366 with the standards outlined in subsection 2. below.

1367 2. Except when a new wall directly abuts an existing wall or fence preventing  
1368 compliance with this requirement, walls shall be finished on both sides with  
1369 materials satisfying industry standards, such as painted stucco, prefinished block,

1370 or other prefinished materials, shall be compatible with proposed or existing  
1371 buildings, and shall meet the following design guidelines:

1372 i. Cement or concrete walls in the RS-4, RS-5 and RD-10 zoning districts  
1373 which exceed four feet in height must provide a minimum of 25 percent  
1374 openings to allow air circulation.

1375 ii. Walls shall be designed with changes in material, color, texture, or  
1376 profile to avoid the massive, linear aspect and monotony of otherwise  
1377 plain walls. Walls over two feet in height shall not form a continuous  
1378 straight line without an offset, change of direction, or significant vertical  
1379 feature every ten feet to break up the length of the wall.

1380 iii. Walls shall include finishing features such as, but not limited to,  
1381 changes in texture or color, variety of materials, capstones, decorative  
1382 painting or bands of tile.

1383 d. Fence/wall top features. The top of a fence or wall may contain architectural features  
1384 and light fixtures. However, such features shall not extend more than 18 inches above the  
1385 maximum height of the fence or wall, and the combined width of the features shall not  
1386 exceed 20 percent of the total linear length of the fence or wall.

1387 e. Gates. A fence or wall may have a pedestrian entrance with a gate. Such an  
1388 entranceway, including any archway, may be no greater than eight feet in height, and no  
1389 more than eight feet in width. Gates must swing or slide in a manner which does not  
1390 obstruct public rights of way.

1391 f. Maintenance. All fences and walls shall be maintained in good repair and in a secure  
1392 manner. All defective structural and decorative elements shall be repaired or replaced in a  
1393 workmanlike manner, to match as closely as possible the original materials and  
1394 construction of the fence or wall. All surfaces shall have all graffiti and loose material  
1395 removed. Any damaged portion of a fence or wall shall be repaired or replaced in a  
1396 manner consistent with these standards. Any patching or resurfacing shall match the  
1397 existing materials and shall be impervious to the elements, when possible.

1398 g. Hedges. A hedge is defined as any grouping of plants or bushes placed so close  
1399 together so as to obscure visibility. All hedges shall be planted and maintained by  
1400 property owners within the property lines and shall not encroach into the adjacent  
1401 properties or right-of-way (ROW). The height of a hedge shall be maintained not to  
1402 exceed 12 feet in all zoning districts.

1403 h. Visibility limitations. No fences or walls shall be constructed within 25 feet of the  
1404 front property line or within 30 feet of the clear site triangle at the corner of the property

1405 on residential lots. No walls, fences, hedges or plantings shall be planted or maintained to  
1406 a height exceeding 30 inches above the crown of the roadway within sight visibility  
1407 triangles: within 25 feet of the intersection of the front and side street property lines,  
1408 within ten feet of any driveway, within ten feet from the intersection point of the edge of  
1409 a driveway and alley or street, and within 15 feet from the intersection point of the  
1410 extended property lines at an alley and a street.

1411 i. Chain link fences. Chain link fences shall be completely hidden from view when  
1412 viewed from any portion of the right-of-way in RS-5, RD-10 and RM-25 zoned property.  
1413 Chain link fences are prohibited in any business zoning district.

1414 j. Placement of finished side. Except when a new wall or fence directly abuts an existing  
1415 wall or fence preventing compliance with this requirement, fences and walls finished on  
1416 only one side shall be placed to have the finished side facing out. If a fence or wall is  
1417 erected and any portion is placed with an unfinished side facing out due to an abutting  
1418 obstacle, then that portion shall be finished within 180 days of the obstacle being  
1419 removed.

1420 k. Prohibited fence types. Barbed wire, electrified or razor wire fences, and fences or  
1421 walls topped with barbed, electric or razor wire are prohibited, and shall not be erected or  
1422 maintained on any property.

1423 l. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools  
1424 along zero lot ~~lines~~ lines may be built to height not to exceed eight feet subject to  
1425 building setbacks requirements of the residential zoning district where fence/walls are  
1426 erected.

1427 ~~(5) Hardship. Setbacks on property which evidence indicates that adherence to established~~  
1428 ~~zoning regulations would create hardships to owner for valid and particular reasons may be~~  
1429 ~~modified upon appeal to the Board of Adjustment.~~

1430 ~~(6) Reserved.~~

1431 ~~(7) (e) Regulations applicable to El Mar Drive.~~

1432 (1) Parking, ~~El Mar Drive~~. It shall be unlawful to use the central park area of El Mar  
1433 Drive for parking purposes, unless so designated by a sign and ordinance.

1434 ~~(8) (2) -Walks, across El Mar~~. No concrete or other walkways shall be permitted to cross  
1435 El Mar Drive except at street intersections unless the property owner agrees to provide at  
1436 all times such maintenance as to ensure an equal level of street and concrete walk. Failure  
1437 to do so may incur a fine of \$25.00 or removal of such walkway upon written prior  
1438 notice.

1439 ~~(9)-(f) Use, public areas. It shall be unlawful for any person or group of persons to use any public~~  
1440 ~~area, park, street or thoroughfare as the site or location for the temporary or permanent~~  
1441 ~~construction, erection, or installation of shuffleboard courts, tennis courts, croquet courts, putting~~  
1442 ~~greens, outdoor fireplaces, or for any and all similar physical installations any structure of any~~  
1443 ~~kind, or removal of any vegetation or structure thereon temporary or otherwise, without express~~  
1444 ~~permission, upon written application, from the Town Commission. See Chapter 17 of the Town~~  
1445 ~~Code of Ordinances.~~

1446 ~~Violation or failure to comply with this provision may incur the penalty provided under section~~  
1447 ~~1-12 and/or removal of such installation upon written prior notice. If approved, such use may be~~  
1448 ~~terminated or cancelled at any time by the Town Commission effective upon 30 days' written~~  
1449 ~~notice.~~

1450 ~~(10) Reserved.~~

1451 ~~(11) Reserved.~~

1452 ~~(12) Reserved.~~

1453 ~~(13) Trees, removal. No person or group of persons may remove trees, shrubs or the like from~~  
1454 ~~any public area, park, street or thoroughfare without express permission upon written application~~  
1455 ~~from the Town Planning and Zoning Board.~~

1456 ~~(14) (g) Aesthetic design. Plan and specifications may be disapproved from a standpoint of~~  
1457 ~~aesthetic design, as it is deemed unsuitable to the best interests of the Town and its citizens to~~  
1458 ~~erect a building, the design of which plainly shows it to No structure shall be of an~~  
1459 ~~exhibitionistic character. Examples of which might portray, in form and coloring, a milk bottle,~~  
1460 ~~bean pot, articles of food, clothing, a windmill or the like. See Article I - In General, Sec. 30-9~~  
1461 ~~Architectural standards.~~

1462 ~~(15) Trailers. No trailers shall be permitted for transient, temporary or permanent residence, nor~~  
1463 ~~shall such trailers be parked, occupied or unoccupied overnight on any public or private property,~~  
1464 ~~nor shall hauling trailers be parked overnight on any public or private property within the~~  
1465 ~~corporate limits.~~

1466 ~~(16) Temporary buildings. It shall be unlawful to occupy for residence any temporary building or~~  
1467 ~~utility building until the main building or buildings shall have been at least 50 percent completed.~~

1468 ~~(17) Plans and specifications. Plans and specifications for buildings or structures, alterations,~~  
1469 ~~repairs, improvements, replacements and additions costing \$5,000.00 or over, whether regulated~~  
1470 ~~under the jurisdiction of the State Hotel Commission or not, shall be prepared or approved and~~  
1471 ~~bear the seal of a duly registered architect or structural engineer. Nothing in the provision of this~~  
1472 ~~subsection shall be construed to allow or permit the successive use of plans and specifications~~

1473 prepared for one location, in another location or locations unless they be revised by the architect  
1474 or engineer to comply with the provisions of this paragraph.

1475 (18) ~~Facade. Any building constructed on any interior lot shall be designed in such a manner as~~  
1476 ~~to present a facade of pleasing appearance facing the street.~~

1477 (19) ~~Size of buildings. Minimum ground floor building area requirements, exclusive of porches,~~  
1478 ~~carports, etc., shall be as follows: Ocean Drive, Bougainvillea Drive and Poinciana Street—1,200~~  
1479 ~~ground floor square feet. El Mar Drive—1,200 ground floor square feet. All areas of the~~  
1480 ~~inclusive subdivisions known as Silver Shores and Beverly Shores, Golden Shores, Surf and~~  
1481 ~~Yacht Estates—1,300 ground floor square feet on waterfront lots and 1,200 ground floor square~~  
1482 ~~feet on nonwaterfront lots, all measurements to be defined as interior measurements of exterior~~  
1483 ~~walls.~~

1484 (20) ~~(h) Two fronts. Any nonresidential use on the first floor of a building that is located in the~~  
1485 ~~B-1-A or B-1 zoning district, extending from street to street on inside lots, shall have two fronts~~  
1486 ~~facades and entrances. Double front yard setbacks are not required.~~

1487 (21) ~~Sheds and shanties. It shall be unlawful to move, erect or install construction sheds or~~  
1488 ~~shanties in or on any property within the Town of Lauderdale By The Sea unless a building~~  
1489 ~~permit has first been applied for and/or obtained for the construction in connection with which~~  
1490 ~~the aforesaid sheds or shanties shall be used. Said construction sheds or shanties shall be moved,~~  
1491 ~~erected or installed only upon a revocable permit issued by the Town Building Inspector. The~~  
1492 ~~location of such sheds on the building lot shall be at the direction and by permission of the~~  
1493 ~~Building Inspector.~~

1494 (22) ~~Front setback, meaning. The term "front setback" wherever used in this article shall be~~  
1495 ~~interpreted to mean the setback from the street on which the front of the lot faces.~~

1496 (23) ~~Driveways and parking strips~~

1497 (i) Standards for Driveways and Parking Strips.

1498 (1) Driveways and parking strips paved or sealed with any hard surface material shall be  
1499 provided with catch basin drainage.

1500 (2) Where the contour of the ground causes surface water to drain to the street, said catch  
1501 basins shall be constructed inside the roadway on Town property or on private property  
1502 and shall trap the water drained from the premises.

1503 (3) Catch basins shall be of sufficient size and capacity to dispose of said water in  
1504 accordance with best engineering standards and practices as determined by the Building  
1505 Inspector.

- 1506 (4) The area of Town property between the property line and the edge of the roadway  
1507 shall be graded to an elevation not greater than that of the abutting edge of the roadway.
- 1508 (5) All grading and paving between the sidewalk and roadway edge on A1A (Ocean  
1509 Drive) shall be subject to the Florida Department of Transportation specifications and  
1510 permits requirements for such work shall be obtained from the department of  
1511 transportation.
- 1512 (6) Gravel driveways are prohibited.  
1513
- 1514 (23.5)
- 1515 (j) Standards for Swales in Single family and two-family (duplex) dwelling.
- 1516 (1) Paving or construction of the swale area of the public right-of-way in the RS-4, RS-5  
1517 and RD-10 zoning districts shall comply with the following:
- 1518 a. For the purpose of these regulations, the term "swale" is defined as: the land  
1519 area between the paved roadway surface and the road right-of-way line.
- 1520 b. Grading: All grassed areas and other permeable areas within the public right-  
1521 of-way shall be graded so that they are lower than the adjacent public street and  
1522 driveway pavement. Following construction or reconstruction of the swale area,  
1523 the property owner adjacent to the swale shall be responsible for maintaining the  
1524 swale in good condition, regularly watered and mowed.
- 1525 c. Paved driveways are allowed within the swale area connecting to the adjacent  
1526 property.
- 1527 d. Maintenance of Swale. Owners of 50-foot lots in the RM-25 zoning district  
1528 are required to maintain a minimum of 2½ feet of swale on each side of the  
1529 frontal property lot line of their property with sodded or seeded grass, except  
1530 when the maintenance of a grass swale will require the elimination of Code  
1531 required parking.
- 1532 e. Landscaping.
- 1533 1. Swale areas shall be maintained with grass, ground cover or Xeriscape  
1534 landscaping.
- 1535 2. All ground cover or Xeriscape landscaping shall not encroach into the  
1536 paved roadway or public sidewalk.

1537 3. Ground cover shall be defined as a low-growing plant that, by nature of  
1538 its growth characteristics, completely covers the ground and does not  
1539 exceed two feet in height.

1540 4. Single trunk trees shall not be planted closer than one-half the distance  
1541 between the edge of pavement and the front of the sidewalk or in the  
1542 absence of a sidewalk, the right-of-way line or property line.

1543 5. Non-native species and hedges are prohibited.

1544 6. In those instances where the abutting property owner plants trees  
1545 and/or landscaping materials within the swale area of the public right-of-  
1546 way, any damage caused by roots or broken branches shall be the  
1547 responsibility of the abutting property owner.

1548 7. Prior to any plantings or removal of trees and/or landscaping materials  
1549 within the swale area of the public right-of-way, the abutting property  
1550 owner shall be required to obtain a permit from the Town Manager and  
1551 comply with the regulations set forth in section 17-5 of the Town Code.  
1552 Prior to the issuance of any permit, the abutting property owner shall  
1553 execute an agreement to hold the Town harmless for any damages and/or  
1554 costs caused by the maintenance and repair of utilities or future right-of-  
1555 way improvements.

1556 ~~8.~~ Trees shall not be planted closer than 20 feet from the intersection of any  
1557 street. Trees shall be a minimum of six feet in height at the time of planting. The  
1558 adjacent property owner shall maintain and trim swale trees. Tree limbs shall be  
1559 maintained at least eight feet above the sidewalk and ten feet above the roadway.  
1560 Trees shall not be planted closer than 20 feet from a street light pole, utility pole,  
1561 fire hydrant, traffic sign, traffic signal pole or street name sign.

1562 ~~e.~~ Paved driveways are allowed within the swale area connecting to the adjacent  
1563 property.

1564 (k) Standards for Driveways for Single-family and two-family (duplex) dwellings.

1565 (1) Driveways shall be constructed of non-asphalt pavement such as concrete, pavers,  
1566 stamped concrete and brick or other material approved by the Town Commission.

1567 ~~f.~~ All swales in the RS-5 zoning district that exceed the allowable maximum pavement width  
1568 whether connected to the driveway or not shall conform to the table outlined in subsection ~~g.~~

1569 ~~g.~~ (2) Maintenance of driveways.

1570 The property owner is responsible for maintaining and repairing the entire driveway  
1571 including any portion in or crossing the swale.

1572 (3) Design of driveways.

1573 a. Driveways shall be setback at least two and one-half feet from the side property  
1574 line and provide a two and one-half-foot radius (or flare) at the connection with  
1575 the roadway.

1576 b. Driveways shall be designed with a minimum four inch swale within the right-  
1577 of-way between the roadway and the property line to enhance drainage to the  
1578 swale area and not to the adjacent street and not restrict the drainage flow of the  
1579 swale area.

1580 c. Permeable areas shall be maintained at the grades originally approved unless  
1581 otherwise authorized by the Town Commission, and

1582 d. Design of driveways - single-family and two-family (duplex) dwellings.

1583

1584 1. Single family and two-family (duplex) dwellings shall comply with the  
1585 following requirements unless an exception is granted by the Town  
1586 Commission.

1587 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        |

1588 RD-10 Zoning District:

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

1589

1590 ~~Driveways in the RD-10 zoning district shall be designed, constructed and maintained with~~  
1591 ~~landscape features, at least five feet in width, which divide the driveway in a manner prohibiting~~  
1592 ~~uninterrupted paved surfaces in excess of one-half of the maximum allowable pavement width.~~

1593

1594 ~~Owners of 50-foot lots in the RM-25 zoning district are required to maintain a minimum of 2½~~  
1595 ~~feet of swale on each side of the frontal property line of their property with sodded or seeded~~  
1596 ~~grass, except when the maintenance of a grass swale will require the elimination of Code~~  
1597 ~~required parking.~~

1598 ~~Adjacent 50-foot lots under single ownership and use shall only be required to landscape the~~  
1599 ~~portion of the property at either end of the combined lots.~~

1600 ~~(23.6)~~

1601 ~~Gravel driveways are prohibited in RS-4, RS-5, and RD-10.~~

1602 ~~(23.7)~~ 2. Driveways in RS-4, RS-5, and RD-10 shall be constructed of non-  
1603 asphalt pavement such as concrete, pavers, stamped concrete, and brick or  
1604 other material approved by the Town Commission. Asphalt driveways  
1605 permitted and constructed prior to the effective date of these regulations  
1606 shall be allowed to continue as a legal nonconformity subject to the  
1607 following provisions:

1608 ~~(1)~~-i. No driveway shall be enlarged upon or altered in any way  
1609 that increases its nonconformity.

1610 ~~(2)~~-ii. Should such driveway be destroyed by any means to an  
1611 extent that surpasses 50 percent of the replacement cost of the  
1612 driveway, it shall not be reconstructed except in conformity with  
1613 the provisions of this section and any other applicable land  
1614 development regulations.

1615 ~~(3)~~-iii. Should such driveway be destroyed by any means to an  
1616 extent less than 50 percent of its replacement cost, it may be  
1617 restored only upon application to the building and zoning  
1618 department.

1619 ~~(4)~~-iv. A nonconforming asphalt driveway may be maintained and  
1620 repairs and alterations may be made. Any repairs, alterations, or  
1621 resurfacing of the nonconforming driveway by more than 50  
1622 percent must comply with the requirements that non-asphalt  
1623 materials be utilized as referenced above.

1624 ~~(24)~~ (l) Paving drainfield areas. Paving in RS-5, RD-10, RM-25, RM-50, and B-1 zoned areas  
1625 with asphalt or any other hard surface materials shall be prohibited in the areas under which  
1626 drainfields or drainage facilities are located. Paving shall be prohibited in any setback area where  
1627 such paving would interfere with the natural drainage necessary for the area or for the roof water  
1628 from any construction located on the lot, or where such paving would cause the surface water to  
1629 drain upon adjoining property.

1630 ~~(25)~~ Reserved.

1631 ~~(26)~~ (m) Satellite television antennas and dishes.

1632 a. (1) Definition. The term "satellite television antenna" or "satellite dish" shall mean an  
1633 apparatus capable of receiving communications from a transmitter or a transmitter relay  
1634 located in planetary orbit.

1635 b. (2) Compliance with building code. In addition to the requirements set forth in this  
1636 subsection, all satellite television antennas and satellite dishes installed within the Town  
1637 greater than two feet in diameter shall comply with all provisions of the building code  
1638 adopted in this Code.

1639 e. (3) Requirements in RS-5 and RD-10 districts. All satellite antennas or satellite dishes  
1640 located in RS-5 single-family and RD-10 duplex residential districts shall comply with  
1641 the following:

1642 1. a. Setback requirements for satellite television antennas or satellite dishes shall  
1643 be consistent with the setback requirements set forth in section 30-~~262~~ 261(8)

1644 2. b. The maximum diameter of satellite television antennas or satellite dishes be  
1645 ten feet.

1646 3. c. Satellite television antennas or satellite dishes will be installed to minimize  
1647 the height thereof and shall not exceed 12 feet.

1648 4. d. All satellite antennas and satellite dishes shall be screened from view from  
1649 abutting properties and public rights-of-way.

1650 5. e. No roof-mounted satellite dish shall be permitted.

1651 6. f. No satellite dish shall serve more than one single-family home.

1652 7. g. Notwithstanding the provisions of subparagraph ~~(26)~~ (m) c.2 of this section,  
1653 no satellite dishes or antennas shall be permitted in side yards or front yards.

1654 d. (4) Requirements in other districts. Satellite television antennas or satellite dishes  
1655 located in districts other than single-family districts shall meet the following  
1656 requirements:

1657 1. a. Installation of any satellite television antenna or satellite dish shall conform  
1658 to all zoning setback requirements for the district in which such antenna or dish is  
1659 to be installed.

1660 2. b. No satellite television antenna or satellite dish installed in a multi-family  
1661 district shall serve more than one multi-family complex which is controlled by a  
1662 single property owner, or association or board.

1663                    ~~3.~~c. No television antenna or satellite dish installed in a business district shall  
1664                    serve more than one business.

1665                    4. d. All satellite antennas or satellite dishes installed in zoning districts other than  
1666                    single-family residences shall meet all landscaping, height and installation  
1667                    requirements set forth in subparagraph (26)c. of this section.

1668                    ~~5.~~ e. No roof-mounted satellite dish shall be permitted.

1669                    ~~e.~~(5) Application for installation. All applications for satellite television antenna or  
1670                    satellite dish installations shall be submitted to the Planning and Zoning Board and shall  
1671                    include the following:

1672                    ~~1.~~ a. Three copies of the survey and three copies of the site plan showing the exact  
1673                    location of the satellite television antenna or satellite dish on the property in  
1674                    compliance with all the codes and ordinances of the Town;

1675                    ~~2.~~ b. Two sets of signed and certified engineering plans by an engineer registered  
1676                    in the State detailing all installation requirements and specifications mandated by  
1677                    the building code or this Code;

1678                    ~~3.~~ c. Three copies of a landscaping plan showing placement, size and type of  
1679                    landscape material;

1680                    4. d. Sufficient information, as determined by the Planning and Zoning Board,  
1681                    that the installation of a satellite television antenna or satellite dish is not erected  
1682                    over a sewer pipe, underground conduit, wire or apparatus or within a public  
1683                    easement or utility easement.

1684                    ~~f.~~ (6) Application fee. All applications for the installation of a satellite television antenna  
1685                    or satellite dish shall be accompanied by an application fee of \$50.00 payable to the  
1686                    Town.

1687                    ~~g.~~ (7) Grounding. All satellite television antennas and satellite dishes shall be grounded  
1688                    against direct lightning strike.

1689                    ~~h.~~ (8) Contest of provisions. Any person wishing to contest any term or provision of this  
1690                    subsection may do so before the Board of Adjustment.

1691                    ~~i.~~ (9) Small satellite dishes.

1692                    ~~1.~~ a. The term "small satellite dish" shall mean an apparatus, 18 inches or smaller  
1693                    in diameter, capable of receiving communications from a transmitter or a  
1694                    transmitter relay located in planetary orbit.

1695                    2. b. The regulations which govern satellite television antennas and satellite  
1696 dishes as set forth in this section of the Land Development Code shall be  
1697 applicable to small satellite dishes with the following exceptions:

1698                    i. Small satellite dishes may be roof-mounted, provided they are not  
1699 visible from a point five feet directly above the centerline of the right-of-  
1700 way immediately to the front of the structure on which they are mounted.

1701                    ii. Planning and Zoning Board review for the installation of a small  
1702 satellite dish is not required. Application for a permit to install a small  
1703 satellite dish shall be made by submitting a drawing of the dishes along  
1704 with the manufacturer's specifications for installation to the Town  
1705 Building Department accompanied by a \$50.00 fee payable to the Town.  
1706 Review of the application shall be by the Town Building Official or  
1707 his/her designee and shall be limited to compliance with the  
1708 manufacturer's specifications for installation, the provisions of this section  
1709 of the Land Development Code and the applicable provisions of the South  
1710 Florida Building Code, if any.

1711 ~~(27)~~ (n) Lighting. Where lighting facilities are provided for parking areas, they shall be designed  
1712 and installed so as to reflect the light away from any contiguous residential zoned property.

1713 (o) Control of Lighting for Protection of Sea Turtle Nesting Areas.

1714                    (1) No lighting shall be installed, maintained or illuminated on public or private  
1715 property that would directly illuminate the beach from sunset to sunup during the sea  
1716 turtle nesting period from March 1 through October 31 of each year.

1717                    (2) Property owners are responsible for ensuring that all lighting along the beach is  
1718 controlled so as not to illuminate the beach from sunset to sunup during this period.

1719                    (3) Measures to be employed by property owners for the installation, maintenance and  
1720 control of all lighting in a direct line of sight of the beach, including interior lights visible  
1721 from the beach through windows, shall be consistent with the standards and guidelines  
1722 contained in Chapter 62B-55 of the Florida Administrative Code and in Technical Report  
1723 97-06 of the Broward County Beach Lighting Management Plan, as amended from time  
1724 to time. All site plans for new development and redevelopment along the beach shall be  
1725 required to demonstrate that the proposed development or redevelopment will comply  
1726 with this section by identifying the specific measures that will be employed to control  
1727 lighting.

1728                    (4) For existing development along the beach, property owners shall be required to  
1729 immediately implement measures not involving any capital expenditures, such as  
1730 switching-off exterior lights that illuminate the beach and closing existing draperies to

1731 shield interior lights during the turtle nesting period. By March 1, 2003, property owners  
1732 shall implement all appropriate measures necessary to fully comply with this section.

1733 ~~(28)~~(p) Elevation of filled land. There shall be no land filled or elevated resulting in the  
1734 elevation of the area in question above the natural elevation of the adjacent ground surface  
1735 without first obtaining the approval of the ~~Town Commission~~ Floodplain Administrator. In order  
1736 to obtain review and approval by the ~~Town Commission~~ Floodplain Administrator the applicant  
1737 must first obtain the following:

1738 a. (1) A description of the extent to which any watercourse will be altered or relocated as  
1739 a result of the proposed development;

1740 b. (2) A depiction of the elevation in relation to the adjacent property; and

1741 ~~e.~~(3) Engineering calculations confirming that stormwater runoff will be retained on-  
1742 site and that the proposed development will not create flooding issues on adjacent  
1743 properties. Review and approval by the Town Planner.

1744 ~~(29)~~(q) Swimming pools, pool decks, patios, hot tubs and spas; setbacks and enclosure required.

1745 (1) No swimming pool, hot tub or spa shall be constructed within a front yard setback,  
1746 unless the lot is a corner lot. Swimming pools, hot tubs and spas shall have the following  
1747 minimum setback regulations:

1748 a. All water bearing wall surfaces shall have a minimum five-foot setback from  
1749 the property lines.

1750 b. All water bearing wall surfaces shall have a minimum five-foot setback from  
1751 any public right-of-way.

1752 c. Notwithstanding any other regulation of this Code, fencing to enclose a  
1753 swimming pool, hot tub or spa is permitted in the front setback, but shall not  
1754 obstruct the view within any sight distance triangle.

1755 d. Screen enclosures, pool decks, patios, porches and terraces:

1756 1. Shall be permitted in the required side yard or rear yard only or in the  
1757 front yard of a corner lot with a pool located in the front yard, and shall be  
1758 located at least two and one-half feet from lot lines.

1759 2. In addition, the location of screen enclosures, pool decks, patios,  
1760 porches and terraces shall not obstruct the view within any sight distance  
1761 triangle and will need to be located outside of any utility easement areas,  
1762 unless the property owner obtains consent from the applicable utility(s) to  
1763 allow any of these structures in the easement area.

1764 ~~d.~~(2) All swimming pools shall be enclosed by an open mesh screen enclosure or a fence  
1765 or wall a minimum of five feet in height of such design and material as will prevent  
1766 unauthorized access to the pool area. All screen doors and fence gates shall be equipped  
1767 with a self-locking mechanism.

1768 e.(3) Swimming pools or spas on lots that directly abut a waterway or other water area  
1769 shall not require enclosure along such waterway or water area.

1770 ~~Screen enclosures, pool decks, patios, porches and terraces shall be permitted in the required side~~  
1771 ~~yard or rear yard only or in the front yard of a corner lot with a pool located in the front yard, and~~  
1772 ~~shall be located at least two and one half feet from lot lines. In addition, the location of screen~~  
1773 ~~enclosures, pool decks, patios, porches and terraces will need to be located outside of any utility~~  
1774 ~~easement areas, unless the property owner obtains consent from the applicable utility(s) to allow~~  
1775 ~~any of these structures in the easement area, and shall not obstruct the view within any sight~~  
1776 ~~distance triangle.~~

1777 (r) Decks.

1778 (1) Decks that abut a plot line that is a waterway may be allowed, but are not required, to  
1779 extend to the waterway.

1780 (2) There can be a gap between the deck and the dock provided the spacing between the  
1781 deck and dock is properly secured.

1782 (3) Decks need not be constructed to be flush with any dock or seawall area. However,  
1783 any portion of a decks located within five (5) feet of the seawall cannot be constructed  
1784 higher than the seawall.

1785 ~~(30)~~(s) Other mechanical and plumbing equipment setback requirements.

1786 (1) Notwithstanding any provision of the Land Development Code which prohibits the  
1787 use of setback areas, mechanical and plumbing equipment, including, but not limited to,  
1788 air conditioner units, lawn irrigation pumps, water purification devices, and swimming  
1789 pool or spa accessories, may be installed in a side or rear setback in all zoning districts,  
1790 provided that no portion of the equipment may:

1791 a. Be within five feet of the adjacent property line;

1792 b. Exceed five feet high;

1793 c. Exceed eight feet in length; or

1794 d. Occupy more than 40 square feet of the property.

1795 For properties which contain legal nonconforming mechanical and/or plumbing  
1796 equipment located within a setback area less than five feet from the adjacent  
1797 property line and installed prior to March 25, 2003, such equipment may be  
1798 replaced or relocated. However, in no case may the equipment be located within a  
1799 setback area less than three feet eight inches from the adjacent property line.

1800 ~~(31)~~ (t) Accessory buildings and structures.

1801 (1) On a lot containing a single-family, duplex or townhouse dwelling, side and rear yard  
1802 setbacks not abutting a street may be reduced to five feet for accessory uses and  
1803 structures.

1804 ~~a.~~ (2) Accessory buildings may not exceed one story on any lot containing a single-family  
1805 detached dwelling unit.

1806 ~~b.~~ (3) Accessory buildings shall not exceed half the height of any principal building on  
1807 lots containing two-family or multiple-family dwellings. On any plot containing grouped  
1808 dwellings of varying heights, accessory buildings shall not exceed half the height of the  
1809 lowest building on the plot.

1810 ~~e.~~ (4) One-story accessory buildings shall be at least ten feet from any other accessory  
1811 building and ten feet from any principal building on the same plot or parcel.

1812 ~~d.~~ (5) The aggregate floor area of all accessory buildings shall not exceed five percent of  
1813 the plot area.

1814 ~~e.~~ (6) No accessory building shall contain more than 50 percent of the floor area of the  
1815 principal building.

1816 ~~f.~~ (7) Accessory buildings in commercial zoning districts may be allowed, subject to  
1817 Town Commission approval. Staff shall apply the standards listed above as best as  
1818 possible before the Town Commission reviews the accessory building in the commercial  
1819 zoning district.

1820 ~~(32)~~ (u) Generator regulations. Except for generators serving a public purpose and owned and  
1821 operated by the Town, and which are therefore exempt from these regulations, portable or  
1822 permanent generators temporarily or permanently placed on the ground, on a stand or on a  
1823 trailer, shall not be placed in the required front setback or any street side setback. Generators  
1824 shall be located in accordance with the following requirements:

1825 ~~(a)~~ (1) One portable or permanent generator with an output of not more than 60 KW  
1826 shall be allowed in a required side or rear yard setback provided said generator meets the  
1827 following conditions:

1828 ~~1.~~ a. The generator is set back a minimum of five feet from the property line.

- 1829 2. b. The generator shall not, at any time or for any purpose, exceed the maximum  
1830 decibels allowed at the property line as set forth in section 13-6 of the Code.
- 1831 3. c. The highest point on the generator shall not exceed a maximum of seven feet  
1832 above the neighboring property owner's grade.
- 1833 4. d. The generator is completely screened from adjacent properties by a wall at  
1834 least four feet high or the same height as the generator (including the height of the  
1835 exhaust muffler), whichever is greater.
- 1836 5. e. The generator's exhaust is, as much as practically feasible, vented upwards or  
1837 directed away from neighboring properties.
- 1838 6. f. The generator shall be used only during periods of power outages or for  
1839 periodic testing and necessary maintenance operation and shall not be used to sell  
1840 power back to a power company or for use by power customers during periods of  
1841 peak demand.
- 1842 7. g. The generator shall be operated for routine testing and maintenance purposes  
1843 not more than one time in any seven-day period and no test shall exceed 30  
1844 minutes. Testing of emergency generators is permitted Monday through Thursday  
1845 only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00  
1846 p.m. and 3:00 p.m.
- 1847 8. h. Testing may be conducted when the unit is being repaired, provided that  
1848 such testing period shall not exceed 30 minutes and shall be conducted only  
1849 between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday,  
1850 excluding holidays.
- 1851 9. i. Generators are not permitted on the roof of a building.
- 1852 ~~(b)~~ (2) Provided that a portable or permanent generator is permanently or temporarily  
1853 placed on the ground, on a stand, or on a trailer and is not located within required side or  
1854 rear yard setback areas, the following conditions shall apply:
- 1855 1. a. If the generator's output capability is greater than 60 KW, it shall be placed  
1856 on the property only in conformance with the setback requirements applicable to a  
1857 principal structure.
- 1858 2. b. The generator shall not, at any time or for any purpose, exceed the maximum  
1859 decibels allowed at the property line as set forth in subsection (a)(2) of this  
1860 section.
- 1861 3. c. If the generator's output capacity is greater than 100 KW, it shall be subject  
1862 to site plan review as defined in section 30-121 of the Code of Ordinances and

1863 shall be housed in an enclosed building with landscaping as approved by the  
1864 Planning and Zoning Board.

1865 4. d. If the generator is greater than 60 KW and is 100 KW or less, and is visible  
1866 from a street or public way, it shall be completely screened from adjacent  
1867 properties by a wall at least four feet high or the same height as the generator  
1868 (including the height of the exhaust muffler), whichever is greater.

1869 5. e. If the generator is 60 KW or less and is visible from a street or public way,  
1870 its location shall be subject to approval by the Planning and Zoning Board.  
1871 Intervening landscape material shall not be considered when determining a  
1872 generator's visibility.

1873 6. f. The generator's exhaust is, as much as practically feasible, vented upwards or  
1874 directed away from neighboring properties.

1875 7. g. The generator shall be used only during periods of power outages, periods of  
1876 power reductions resulting from the exercise of utility load control programs or  
1877 for periodic testing and necessary maintenance operation and shall not be used to  
1878 sell power back to a power company.

1879 8. h. The generator shall be operated for routine testing and maintenance purposes  
1880 not more than one time in any seven-day period and no test shall exceed 30  
1881 minutes. Testing of emergency generators is permitted Monday through Thursday  
1882 only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00  
1883 p.m. and 3:00 p.m.

1884 9. i. Testing may be conducted when the unit is being repaired, provided that such  
1885 testing period shall not exceed 30 minutes and shall be conducted only between  
1886 the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding  
1887 holidays.

1888 10. j. Generators are not permitted on the roof of a building.

1889 (e) (3) Notwithstanding subsection (a), the Director of Development Services or designee  
1890 may grant a setback waiver allowing a generator with an output capability in excess of 60  
1891 KW to be located within a required side or rear yard setback, provided the applicant  
1892 submits to the Town a site plan and evidence or testimony substantiating each of the  
1893 following conditions:

1894 1. a. The output of a 60 KW or less generator is incapable of providing enough  
1895 electricity for the basic necessity of occupying a building and/or protecting  
1896 interiors or possessions in a building from the damaging effects of prolonged loss  
1897 of power.

1898                    2. b. The proposed location is not merely for the convenience or preference of the  
1899                    applicant, but that there is no other location outside of the required setbacks that  
1900                    will provide for safe placement of the generator.

1901                    3. c. The proposed location represents the minimum intrusion into the required  
1902                    setback(s) necessary to safely accommodate the generator.

1903                    ~~(d)~~ (4) The following requirements shall apply to fuel storage tanks for generators for  
1904                    single-family and duplex structures:

1905                    4. a. One (1) above ground tank not to exceed six feet in height and 250 gallons  
1906                    shall be permitted. Up to two above-ground tanks, not to exceed a total collective  
1907                    capacity of 250 gallons, and subject to the requirements of this subsection, shall  
1908                    be allowed in lieu of one 250-gallon above-ground tank. Above ground fuel  
1909                    storage tanks shall be completely screened from adjacent properties by a at least  
1910                    four feet high or the same height as the tank itself. Fuel storage tanks shall be  
1911                    subject to the same setback and location regulations for generators provided in  
1912                    this subsection except that a fuel storage tank may also be placed in the street side  
1913                    yard, setback a minimum of five feet from the property line. Upon a showing that  
1914                    it is impossible to place the tank in the rear yard, or to comply with the setbacks  
1915                    on either side yard, the Town Manager may approve a waiver to the minimum  
1916                    tank setback requirement, provided the tank is set as close as possible to the  
1917                    building, fully screened as required in this section, and that both the tank and the  
1918                    screening are setback a minimum of three feet from the property line.

1919                    2. b. In lieu of an above ground fuel storage tank, one underground fuel storage  
1920                    tank, not to exceed 500 gallons, shall be permitted subject to the same setback and  
1921                    location regulations for generators provided in this subsection. However,  
1922                    underground fuel storage tanks may be located within the required front yard  
1923                    setback or required side yard setback, provided it is not located within five feet of  
1924                    any public right-of-way or utility easement.

1925                    ~~(e)~~ (5) The following requirements shall apply to fuel storage tanks for generators for all  
1926                    other structures (excluding single-family and duplex):

1927                    4. a. All tanks shall be subject to the same setback and regulations for generators  
1928                    provided in this subsection. Fuel storage tanks shall comply with the Florida  
1929                    Building Code (FBC) and the Florida Fire Prevention Code (FFPC).

1930                    2. b. Any tank over 1,000 gallons, not located within an enclosed building or  
1931                    underground, shall be subject to site plan review as defined in section 30-121 of  
1932                    the Code of Ordinances.

1933 3. c. Underground fuel storage tanks may be located within the required front yard  
1934 setback provided they are not located within five feet of any public right-of-way  
1935 or utility easement.

1936 4. d. All tanks shall be completely screened from the right-of-way and  
1937 neighboring properties by a wall. If the wall exceeds the maximum height of walls  
1938 within the zoning district, but it is the minimum height necessary to adequately  
1939 screen the tank, then this section shall prevail over any other wall height  
1940 restrictions.

1941 ~~(f)~~ (6) All fuel storage tanks shall be properly permitted in accordance with all applicable  
1942 county, state, and federal regulations.

1943 ~~(g)~~ (7) If an administrative waiver is not granted pursuant to subsection (c) the applicant  
1944 may appeal the administrative decision to the Board of Adjustment pursuant to section  
1945 30-7 of the Code.

1946 **SECTION 4. Amendment.** Article VI, Planned Unit Development Regulations, of  
1947 Chapter 30, Unified Land Development Regulations, of the Code of Ordinances is hereby  
1948 amended as follows<sup>3</sup>:

1949 **ARTICLE VI. - PLANNED UNIT DEVELOPMENT REGULATIONS RESERVED**

1950 ~~Sec. 30-441. Purpose.~~

1951 ~~The purpose of this article is to set forth regulations and development standards for all New~~  
1952 ~~Town Planned Unit Development (PUD) zoning districts within the town. The PUD district is~~  
1953 ~~intended to apply only to planned developments approved by ordinance of the Broward County~~  
1954 ~~Board of County Commissioners prior to September 11, 1991.~~

1955 ~~Sec. 30-442. Definitions.~~

1956 ~~Master development plan. The ordinance rezoning land to PUD, together with the site plan for~~  
1957 ~~PUD drawn in conformity with any conceptual site plan requirements, a development schedule,~~  
1958 ~~provisions for the method of administration of all common open space, and a statement that~~  
1959 ~~appropriate covenants shall be included in all conveyances requiring the maintenance of private~~  
1960 ~~open space for the purposes intended.~~

1961 ~~Phase. A specified portion of a planned development that may be developed as an individual~~  
1962 ~~component, as specified within the development schedule of a PUD.~~

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<sup>3</sup> Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

1963 Planned development. An area of land developed as a single entity or in phases in conformity  
1964 with the master development plan of a PUD.

1965

1966 ~~Sec. 30-443.—Conformance to master development plan.~~

1967 ~~(a)In addition to the requirements of this article, all residential uses within PUD districts shall be~~  
1968 ~~subject to the general use regulations set forth in the LDR applicable to conventional new Town~~  
1969 ~~residential zoning districts.~~

1970 ~~(b)No plat approval, final site plan approval or building permits shall be issued by the town, and~~  
1971 ~~no development shall commence, unless in conformity with the approved master development~~  
1972 ~~plan, unless a change or deviation is approved by the Town of Lauderdale-By-The-Sea as~~  
1973 ~~provided for in this article.~~

1974 ~~(c)All development shall be in conformity with the final site development plan.~~

1975 ~~(d)The master development plan shall set forth the criteria for determining major and minor~~  
1976 ~~changes and deviations.~~

1977 ~~(e)The approval of a master development plan shall not relieve an applicant from the requirement~~  
1978 ~~to comply with final site plan requirements of Article IV of this chapter.~~

1979 ~~(f)Subsequent to the approval of the master development plan and any subsequent plat and final~~  
1980 ~~site plan, all development within a PUD shall be controlled by the final site plan.~~

1981 ~~Sec. 30-444.—Major and minor deviations.~~

1982 ~~(a)The approved master development plan shall set forth specific criteria for the determination of~~  
1983 ~~what constitutes minor and major deviations from the plan. The [approval authority] may~~  
1984 ~~approve minor changes and deviations from the approved master development plan that are in~~  
1985 ~~compliance with the applicable provisions and intent of these regulations, and which do not~~  
1986 ~~depart from the principal concept of the approved master development plan. Approved minor~~  
1987 ~~changes and deviations may become effective without formally amending the master~~  
1988 ~~development plan, but shall be recorded in the public records of Broward County, Florida as an~~  
1989 ~~addendum to the master development plan.~~

1990 ~~(b)Should the determine that a requested change or deviation from the approved master~~  
1991 ~~development plan does not comply with the applicable provisions and intent of these regulations,~~  
1992 ~~or departs from the principal concept of the approved master development plan or otherwise~~  
1993 ~~exceeds the criteria for determining minor changes contained in the master development plan, the~~  
1994 ~~shall refer such change to the Planning and Zoning Board for a public hearing and~~  
1995 ~~recommendation. The applicant may then request the Town Commission to consider such change~~  
1996 ~~or deviation.~~

1997 ~~(e) Upon request for a change or deviation from the approved master development plan, the Town~~  
1998 ~~Commission may take such action as it deems appropriate. If the Town Commission approves~~  
1999 ~~the change or deviation, a new master development plan shall be filed incorporating the changes~~  
2000 ~~or deviations, which shall subsequently be recorded in the public records of Broward County,~~  
2001 ~~Florida as an amended master development plan.~~

2002 ~~(d) All hearings relating to major changes to a master development plan shall proceed in~~  
2003 ~~accordance with the requirements of section 30-11, Procedures and Requirements for Rezoning.~~

2004 ~~(e) Copies of the recorded master development plan shall be filed with the Town.~~

2005 ~~Sec. 30-445.—Common open space.~~

2006 ~~(a) All common open space shall be preserved for its intended purpose as expressed in the master~~  
2007 ~~development plan. The developer shall choose one or a combination of the following three~~  
2008 ~~methods of administering common open space:~~

2009 ~~(1) Dedication to the Town of the common open space. This method is subject to formal~~  
2010 ~~acceptance by the Town in its sole discretion.~~

2011 ~~(2) Conveyance to one or more associations, nonprofit corporations or other appropriate~~  
2012 ~~entities provided all persons and entities owning property within the planned~~  
2013 ~~development are members of one or more of the associations, nonprofit corporations or~~  
2014 ~~other entities so that the common open space will be used as specified on the master~~  
2015 ~~development plan and all common open space will be properly maintained.~~

2016 ~~(3) Retention of ownership, control and maintenance of all common open space by the~~  
2017 ~~developer.~~

2018 ~~If the developer elects to administer common open space through one or more associations,~~  
2019 ~~nonprofit corporations or other entities, said organizations shall conform to the following~~  
2020 ~~requirements:~~

2021 ~~a. The organization shall be created prior to the sale of any property within any phase of the PUD.~~

2022 ~~b. Membership shall be mandatory for all property owners within the planned development.~~

2023 ~~c. The organization shall comply with the following:~~

2024 ~~1. Manage all common open space and recreational and cultural facilities that are not~~  
2025 ~~dedicated to the public; and~~

2026 ~~2. Provide for the maintenance, administration and operation of said land and any other~~  
2027 ~~land within the planned development not publicly or privately owned.~~

2028 ~~(b)All privately owned open space shall conform to the use intended by, and remain as expressed~~  
2029 ~~in, the master development plan through the inclusion of appropriate covenants in all conveyance~~  
2030 ~~of land within the PUD. The covenants shall run with the land and be for the benefit of present~~  
2031 ~~and future property owners.~~

2032 ~~(c)All common open space and public recreational and cultural facilities shall be specifically~~  
2033 ~~included in a development schedule to be included in the master development plan and be~~  
2034 ~~completed by the developer in accordance with such schedule.~~

2035 ~~Sec. 30-446.—General development regulations.~~

2036 ~~(a)Minimum size for PUD development shall be five contiguous acres.~~

2037 ~~(b)There is no minimum lot size except as specified by the master development plan.~~

2038 ~~(c)There is no minimum distance between structures except as specified by the master~~  
2039 ~~development plan.~~

2040 ~~(d)There is no maximum height except as specified by the master development plan.~~

2041 ~~(e)Minimum setback shall be 25 feet for all lots abutting a public road right of way.~~

2042 ~~(f)There is no minimum setback for lots that do not abut a public road right of way except as~~  
2043 ~~specified by the master development plan.~~

2044 ~~(g)The maximum density permitted in a PUD shall be governed by the adopted future land use~~  
2045 ~~plan map.~~

2046 ~~(h)Each dwelling unit or other permitted use shall have access to a public street either directly or~~  
2047 ~~indirectly via an approach, private road, or other area dedicated to the public or private use or~~  
2048 ~~common easement guaranteeing access. The Town shall be allowed access on privately owned~~  
2049 ~~roads, easements and common open space to ensure public safety protection of the area, to meet~~  
2050 ~~emergency needs, to conduct Town services, and to generally ensure the health and safety of the~~  
2051 ~~residents of the PUD.~~

2052 ~~(i)All PUDs shall be subject to the regulations pertaining to off-street parking and loading,~~  
2053 ~~lighting, landscaping, property maintenance and signs as provided in other articles of the ULDR.~~

2054 ~~Sec. 30-447.—Planned residential communities.~~

2055

2056 ~~(a) Purpose: The planned residential community is intended to encourage the use of~~  
2057 ~~innovative land planning and site design techniques to create enhanced living and~~  
2058 ~~working environments. The regulations applicable to planned residential communities are~~  
2059 ~~intended to encourage the efficient use of land by providing for a variety of residential~~  
2060 ~~unit types, conservation of natural amenities as common open space; and providing for~~

2061 ~~accessory and supporting nonresidential uses in accordance with commercial flexibility~~  
2062 ~~provisions of town's land use plan.~~

2063 ~~(b) Permitted uses:~~

2064 ~~(1) Single family and multi-family residences at a density in conformance with the~~  
2065 ~~future land use map of the comprehensive plan.~~

2066 ~~(2) Special residential facilities, as defined in the special residential facilities~~  
2067 ~~permitted uses subsection of the comprehensive plan, future land use element.~~

2068 ~~(3) Accessory nonresidential uses that are compatible with planned residential~~  
2069 ~~communities, to the extent permitted by the flexibility provisions of the land use~~  
2070 ~~plan, limited to the following:~~

2071 ~~a. Hotels and motels.~~

2072 ~~b. Community facilities and utilities.~~

2073 ~~c. Open space, parks and recreation facilities.~~

2074 ~~d. Professional offices, personal service and retail sales, including~~  
2075 ~~automobile service stations with no on-site repairs.~~

2076 ~~e. Aviation and marine facilities.~~

2077

2078 **Sec. 30-448. — Planned special complexes.**

2079 ~~(a) Purpose: The planned special complex is intended to encourage the use of innovative~~  
2080 ~~land planning and site design techniques to accommodate highly intensive uses permitted~~  
2081 ~~by the applicable land use plan designation, including public facilities or mixed-use~~  
2082 ~~developments that may not be appropriately addressed by other planned developments.~~  
2083 ~~The flexibility provisions of the land use plan may also be used to provide density and~~  
2084 ~~intensity bonuses within a planned special complex that encourages the efficient use of~~  
2085 ~~land.~~

2086 ~~(b) Permitted uses:~~

2087 ~~(1) Cultural, recreation, amusement, exhibition and education centers.~~

2088 ~~(2) Community facilities and utilities.~~

2089 ~~(3) Aviation and marine facilities.~~

2090 ~~(4) Nonspecial complex uses that are compatible with special complexes, limited~~  
2091 ~~to the following:~~

2092 ~~a. Multi-family residences.~~

2093 ~~b. Hotels and motels.~~

2094 ~~c. Professional offices, personal services and retail sales.~~

2095 ~~d. Warehouses and distribution facilities.~~

2096 ~~e. Open space, parks and recreation.~~

2097

2098 **Secs. 30-449 441.—30-470. - Reserved.**

2099

