



# AGENDA ITEM MEMORADUM

Item No. **16b**

**Development Services**

**Linda Connors** *LC*

Department

Town Planner

<b>COMMISSION MEETING DATE (*) - 7:00 PM</b>	<b>Deadline to Town Clerk</b>
<input checked="" type="checkbox"/> February 28, 2012	February 17, 2012

*\*Subject to Change*

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

**FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**

**SUBJECT TITLE: Amendments to Chapter 30 of the Code to Support Hotel Uses**

**BACKGROUND:** During last year's budget process, the Commission approved the 2<sup>nd</sup> Planning Priority, the goal of which is to facilitate the preservation of existing hotel uses, encourage the development of existing sites for new hotels, and discourage the conversion of existing hotels to residential uses. A study was conducted, which included a sample survey from the Town's existing hotel industry. A review of the code was performed to identify potential zoning and land development issues, to address the issues raised in the survey and to achieve the goals of this planning priority, as noted above. The results of these activities were presented at the January 10<sup>th</sup> Commission meeting. With the assistance of Cecelia Ward of JC Consulting and the Town Attorney, we have prepared a draft ordinance (**Exhibit 1**) based on this information and the Commission's comments.

The proposed ordinance encourages hotel use, discourages the conversion of existing hotels to residential and other nonresidential uses and clarifies existing language as it pertains to hotel uses and regulations. Proposed amendments that benefit hotel uses in the RM-25 zoning district include the following:

- for hotels, motels and apartment hotels that are 100 units or more: eliminate the restrictions that prohibit them from advertising special accessory uses [restaurants and gift shops] and removing off-street parking requirements for such special accessory uses;
- allow up to 25% of required parking to be provided as bicycle parking, at a four bike space to one car space ratio, when located on a hotel or motel site;
- revise the definition of bed and breakfast to clarify that this type of lodging is also allowed where hotel uses are permitted;
- remove the prohibition of signs advertising accessory uses;
- clarify that bed and breakfast establishments may have shared bathrooms; and
- eliminate the requirement for resident supervision when associated with an apartment hotel.

Additionally, in order to discourage the conversion of existing hotel uses to residential uses, a requirement for conditional use procedure is proposed for several currently permitted uses including single family and duplex residential uses, residential, group and foster homes, church parish buildings and home office uses. Conditional uses require review by the Development Services Department, Planning and Zoning Board and then Town Commission approval (Section 30-56 of the Town code).

We are also proposing eight (8) additional modifications to provide clarity to the code and improve the overall organization of the current code provisions. These changes are outlined in **Exhibit 2**.



We retained the services of a lodging industry expert, Mr. Scott Brush of Brush & Company, to review the results of this study and provide his input regarding the proposed changes. Mr. Brush supports the changes to the code that result in the preservation of the Town's hotel industry.

Additionally, we retained the services of a transportation and parking expert, Mr. Alan Tinter, PE with IBI Group, to review the proposed changes to the parking regulations for accessory hotel uses and the proposed exemption for bicycle parking for hotel uses. Mr. Tinter supports the hotel parking and hotel bicycle exemption changes as proposed.

We had originally planned to present this ordinance to you on first reading at this meeting, but the Town Attorney has determined that the changes being made to the code trigger a more rigorous advertising requirement under state statutes and must be advertised for both readings. Therefore, we are asking for the Commission's comments and direction now, before advertising it for first reading on March 13<sup>th</sup>. The new Planning and Zoning Board will review the draft ordinance at its March 21<sup>st</sup> meeting and we will schedule second reading for the April 10<sup>th</sup> Commission meeting.

**RECOMMENDATION: Provide comments and directions.**

**EXHIBITS:**

- Exhibit 1 – Draft Ordinance
- Exhibit 2 – Summary of Proposed Hotel Code Changes
- Exhibit 3 – RM-25 Boundary Map

Reviewed by Town Attorney

Yes  No

Town Manager Initials CA

ORDINANCE NO. 2012-\_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V. ZONING, SECTION 30-241, RM-25 DISTRICT – APARTMENTS TO PROVIDE CLARIFYING LANGUAGE AND CONDITIONAL USE REVIEWS FOR CURRENTLY PERMITTED USES; ARTICLE V. ZONING, SECTION 30-20, GENERAL PROVISIONS TO REVISE DEFINITIONS TO PROVIDE CLARITY AND DELETE UNUSED DEFINITIONS; AMENDING ARTICLE V. ZONING, SECTION 30-318, MINIMUM PARKING REQUIREMENTS, TO PROVIDE A LIMITED PARKING EXEMPTION IN EXCHANGE FOR BICYCLE FACILITIES FOR HOTEL/MOTEL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**

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

**WHEREAS**, the Town Commission desires to provide for clarity related to hotel/motel and apartment uses in the RM-25 Zoning District and related definitions to assist in the interpretation and implementation of the Unified Land Development Regulations; and

**WHEREAS**, the Town Commission desires to clarify the hotel/motel nature of the RM-25 District and implement conditional use review for those currently permitted uses which may be less compatible with the current character of the District; and

**WHEREAS**, the Town Commission recognizes the tourist orientation of the Community, the implementation of new bicycle friendly programs in the Town, and the desirability of encouraging bicycle transportation and reducing vehicular traffic; and

**WHEREAS**, the Town Commission desires to provide for a limited, partial parking exemption for hotels/motels which provide alternate bicycle parking facilities; and

**WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to the processing of any amendment to the land development regulations in Chapter 30 of the Code, and such notice was given of this amendment on November 29, 2011; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on March 21, 2012, and recommended \_\_\_\_\_; and

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

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

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

**SECTION 2. Amendment.** Section 30-241 of Chapter 30 is hereby amended<sup>1</sup> as

follows:

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

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

2. ~~(a)~~ Use.

No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended or designed for any one or more of the following uses: ~~Single-family residence, duplex,~~

(a) Permitted Uses:

(1) ~~an~~ Apartment house; and

(2) ~~an~~ Hotel.

(b). Conditional Uses: The following uses may be permitted, subject to the requirements for Conditional Use Review as set forth in Section 30-56 of the Town Code:

(1) single-family residence;

(2) duplex;

(3) group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);

(4) church or parish building;

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

~~Construction limited to one building on lots of 80 feet or less in width.~~

<sup>1</sup> Words in ~~strike through~~ type are deletions; words in underlined type are additions.

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

~~(b)~~ (d) Special accessory uses.

(1) Hotels, motels and apartment hotels, with a minimum of 100 dwelling units or more may provide restaurants and gift shops when the uses are an ancillary use to the primary hotels or residential use, subject to the following: ~~There shall be no signs or advertising relating to such special accessories uses on the exterior or interior of the building visible from any street, waterway, oceanfront, or adjacent property.~~

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

~~Off-street parking for said uses shall be provided according to requirements of the Town's Code.~~

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

(3) Bicycle Parking when accessory to a hotel or apartment hotel use, shall be permitted in lieu of providing required off-street parking, as specified in Section 30-318 Minimum parking requirements (c) Hotels and Motels.

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

~~(e)~~ (e) Site plans to be approved.

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

specifications of any building or structure shall be approved by the Town Building Inspector. Failure to maintain such conditions and restrictions as may have been imposed shall constitute a violation of this subdivision.

~~(d)~~(e) Height.

(1) No building shall be erected or altered exceeding three stories which shall not be higher than 33 feet above normal grade level. Elevator shafts or stairways shall not be subject to this height limit.

(2) The rooftop of a three story structure, may be used for passive recreational purposes only provided:

- a. ~~No~~ permanent structures are erected, following the level of review set forth below.→
- b. The area of the roof to be used shall be limited to 35 percent of the square footage of the enclosed floor area of the floor below.→
- c. Permanent roofs, awnings and canopies are prohibited.→
- d. All passive recreational items shall be temporary (non-permanent) and portable in nature.→
- e. The temporary items shall not be visible when viewed at eye level (five feet to six feet from grade) from a point opposite the structure on the opposite side of the adjacent right-of-way.→
- f. For corner properties, the temporary items shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way.→
- g. All parapets, railings and code required safeguards shall remain free from towels or other passive recreational use objects.→
- h. Site plan approval is required for passive recreational use of the rooftop.
- i. All passive recreational rooftop use requires a conditional use permit, subject to the requirements for Conditional Use Review as set forth in Section 30-56 of the Town Code
  - i. Transient uses. A Conditional use permit for transient uses such as hotel, motel, apartment building, condominium, or time share will be issued for a period of one year. The transient use shall apply for renewal of the permit annually to the Town Manager, prior to re-issuance. The conditional use permit may be renewed if the Town determines that (a) the conditional use does not adversely impact neighboring properties and (b) it complies with the conditions of site plan approval. An administrative decision not to renew a rooftop use may be appealed to the Town Commission by the property owner. An administrative decision to renew a rooftop use may be appealed to the Town Commission by a neighboring property owner. The Town Commission's decision on appeal shall constitute a final development order.

- ii. Non-transient uses. A passive recreational rooftop use for a non-transient residential property is exempt from the annual review for such roof tops for transient uses.

~~For the purpose of this section, "apartment building" is defined as a residential rental property with four or more dwelling units.~~

- (3) Ground floor elevation required to be not less than eight feet above the mean sea level in the oceanfront. Federal Department of Housing and Urban Development, Federal Insurance Administration, designations of special hazard areas show base flood elevations above mean sea level as six feet for Zone A-1 and eight feet for Zones V-1 and V-2. All new buildings or additions to existing buildings shall conform to these minimum standards.

~~(e)~~ (f) Seawalls.

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

~~(f)~~ (g) Intra lot placement.

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

~~(g)~~ (h) Foundations.

Foundations of all hotel buildings must conform with specifications of the State Hotel Commission and Building Inspector of the Town of Lauderdale-By-The-Sea.

~~(h)~~ (i) Size of buildings.

Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.

~~(i)~~ (j) Buildings facing two streets.

Any building extending from street to street shall have two building fronts, and observe applicable setbacks on both streets with the exception of Block 30 between Datura Avenue and Hibiscus Avenue where the setback on Bougainvillea Drive shall be a minimum of 20 feet.

~~(j)~~ (k) ~~Apartment s~~ Setbacks.

(1) Front setbacks. No building, or part of building, shall be set closer than 25 feet to the street line upon which the front of said building shall face, provided that each building shall be considered as having one front, and provided that in no event shall the setback from the front line be greater than 35 feet unless approval is given by the Board of Adjustment. In the case of a building being erected on a lot where there is a building each on the adjacent lot, the setback need not be greater than that of the building set farthest back from the street line. In the case of a building being erected on a lot where there is a building on one adjacent lot, the setback need not be greater than ten feet more than the setback of the adjacent building.

(2) Structures east of El Mar Drive. No part of any building or seawall on the east side of El Mar Drive shall extent eastward from El Mar Drive to a distance greater than the distance specifically shown for the respective lots in the tabulation set out this subsection:

Block	Lot	Feet
<b>1(A)</b>	<b>1</b>	<b>137</b>
	<b>2</b>	<b>137</b>
	<b>3</b>	<b>137</b>
	<b>4</b>	<b>137</b>
	<b>5</b>	<b>137</b>
	<b>6</b>	<b>137</b>
	<b>7</b>	<b>137</b>
	<b>8</b>	<b>138</b>
	<b>9</b>	<b>139</b>
	<b>10</b>	<b>140</b>
	<b>11</b>	<b>141</b>
<b>2</b>	<b>1</b>	<b>146</b>
	<b>2</b>	<b>146</b>
	<b>3</b>	<b>146</b>
	<b>4</b>	<b>146</b>
	<b>5</b>	<b>146</b>

	6	146
	7	146
	8	146
	9	147
	10	148
	11	149
	12	150
3	1	152
	2	153
	3	154
	4	155
	5	158
	6	161
	7	164
	8	167
	9	170
	10	173
	11	177
	12	178
4	1	179
	2	184
	3	189
	4	194
	5	199
	6	200
	7	200
	8	200
	9	201
	10	201
	11	201
	12	201
5	7	201
6	7	201
7	1	210
	2	203
	3	196
	4	192
	5	188
	6	184
	7	179
	8	173

8

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Red Text has been added or deleted for clarification or to address issues.

	9	167
	10	161
	11	155
	12	149
	13	143
8	1	138
	2	131
	3	125
	4	125
	5	125
	6	125
	7	121
	8	117
	9	113
	10	109
	11	105
	12	101
	13	106
	14	111
	15	117
	16	122
	17	127
9	1	136
	2	136
	3	136
	4	136
	5	136
	6	136
	7	136
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	10	137
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	12	139
	13	140
	14	140
	15	142
	16	143
	17	144

Blue Text has been deleted from one section and moved to another location(s).

Red Text has been added or deleted for clarification or to address issues.

(3) Corner setback. For a corner lot, the setback from the side street line shall be not less than ten feet, provided that if the height of the building exceeds 22 feet the setback shall be 15 feet.

(4) Side setbacks. Side setbacks shall not be less than ten feet, with the proviso that if the height of the building exceeds 22 feet, the ten-foot setback shall be increased by one foot for every two feet by which the height of the building exceeds 22 feet. Lots on the intracoastal or inland waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12 feet from the seawall.

(5) Side roof overhangs. Side roof overhangs, cornices or eaves shall not extend closer than five feet to the side line.

(6) Length of building. No building shall be erected or altered to a length exceeding 200 lineal feet.

(7) Rear roof overhangs. Rear roof overhangs, cornices or eaves shall not extend closer than two feet to the rear line.

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

Notwithstanding the setback requirements hereinbefore specified, all new buildings or additions to existing buildings shall be located not less than 50 feet from the mean high waterline of the Atlantic Ocean, as required by the Florida State Department of Natural Resources.

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

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

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

~~(m)~~ (n) Density. Required lot area shall be at least 1,742 feet per kitchen dwelling unit and at least 871 square feet per hotel room, (1,742 square feet for condominium). Net density of development shall not exceed 25 kitchen dwellings units or 50 hotel rooms per acre of site (25 units per acre for condominiums)

and apartments). In computing the permissible number of units for a given site, one-half or more of a unit shall be counted and permitted as a full unit in meeting density limits.

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

~~(n) — (o) Reserved.~~ Number of buildings. Construction shall be limited to one building on lots of 80 feet or less in width.

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

**SECTION 3. Amendment.** Section 30-20 of Chapter 30 is hereby amended as follows:

Sec. 30-20. - General provisions.

\* \* \*

(i) Definitions.

\* \* \*

(4) Terms defined.

\* \* \*

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

\* \* \*

Dwelling, apartment hotel. A building designed for, or containing, both apartment dwellings and individual hotel guest rooms ~~under resident supervision.~~

Dwelling, apartment motel. See apartment hotel.

Dwelling, bed and breakfast. A building or part thereof, ~~other than a motel or hotel.~~ W where sleeping accommodations and breakfast are provided for transient guests, and which also serves as the residence of the operator. A bed and breakfast may provide bathroom facilities that serve more than one room or one unit.

~~Dwelling, condominium hotel. A hotel or motel comprised of units that are owned by an individual, corporation, or any other legal entity having mandatory membership into an association comprised of all owners within the same development, and is a building or buildings collectively, "facility" containing individual guest rooms, units, or efficiencies for which daily, weekly or monthly lodging is provided as transient accommodations.~~

\* \* \*

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

\* \* \*

Short term tenancy uses. As used in Section 30-242, short term tenancy uses shall include a hotel, motel or a use comprised of apartment hotel dwellings, apartment motel dwellings, time share dwellings, and bed and breakfast dwellings, as those terms are defined herein.

\* \* \*

**SECTION 4. Amendment.** Section 30-318 of Chapter 30 is hereby amended as follows:

Sec. 30-318. - Minimum parking requirements.

(a) Single-family and duplex dwellings: Two parking spaces for each dwelling.

(b) Multiple-family dwellings: 1½ parking spaces for each unit with less than three bedrooms and two parking spaces for each unit with three or more bedrooms plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses were separate from the multiple dwelling.

(c) Hotels, ~~and~~ motels and apartment hotels:

1. One parking space for each rentable tourist unit. A rentable tourist unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not have a kitchen facilities. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable tourist units. A

two-bedroom, one-bath unit with only one outside door is counted as one rentable tourist unit. If, in addition to rentable tourist units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.

2. Exemption for Bicycle Parking: A hotel or motel use located in the RM-25 zoning district may receive an exemption for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel, subject to the following:
  - a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-vehicular parking space;
  - b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet;

**SECTION 5. Codification.** This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 7. Conflicting Ordinances.** All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

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

Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

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

First Reading

Second Reading

Mayor Minnet  
Vice-Mayor Dodd  
Commissioner Brown  
Commissioner Sasser  
Commissioner Vincent

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Attest:

\_\_\_\_\_  
Town Clerk, June White, CMC  
(CORPORATE SEAL)

Approved as to form:

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

## Summary of Proposed Hotel Code Changes

### AMENDMENTS THAT ENCOURAGE HOTEL USE/REDEVELOPMENT

#### A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Remove the restriction on hotel, motel or apartment hotel uses with 100 units or more to allow signs or advertising relating to special accessory restaurant and gift shop uses on the exterior or interior of the building visible from any street, waterway, oceanfront, or adjacent property. This change is proposed in that such signage has existed on sites that contained a restaurant in conjunction with the larger hotel facility.
2. Remove the requirement that off-street parking for such accessory uses is required in addition to the parking required for a hotel, motel or apartment hotel use in that such uses are ancillary to the hotel, motel or apartment hotel use and primarily for the benefit of their guests and do not warrant the need for such additional parking to be required.
3. Allow a hotel or motel use when located in the RM-25 zoning district to receive an exemption for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel use, subject to certain criteria. [See proposed amendments to Section 30-318, below].

#### B. Section 30-318 Minimum Parking Requirements:

1. Provide for bicycle parking exemption for hotel and motel uses located in the RM-25 for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel use, and subject to the following criteria:
  - a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-vehicular parking space; and
  - b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet.

#### C. Section 30-20 Definitions:

1. Amend the definition of *apartment hotel* to remove the requirement for resident supervision, and to provide for a new definition to better distinguish this use from a hotel use or apartment use.
2. Remove the phrase "*other than a motel or hotel*" in the definition of *bed and breakfast* to ensure that when a hotel is listed as a permitted use in a zoning district it is interpreted to include bed and breakfast use, as well.

## **AMENDMENTS THAT DISCOURAGE RESIDENTIAL CONVERSION**

### A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

4. Change the list of permitted uses to require *Conditional Use Review and Approval* for the following uses currently listed as permitted uses as a means to preserve the integrity of the RM-25 area for apartments and hotel related uses.
  - a. single-family residence;
  - b. duplex;
  - c. group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);
  - d. church or parish building;
  - e. office or professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building.

## **AMENDMENTS THAT CLARIFY AND IMPROVE ORGANIZATION**

### A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

5. Add the word "lodging" to the title of the RM-25 zoning district to properly identify this zoning.
6. Change "office *or* professional person residing on premises..." to office *of* professional person residing on premises to ensure that office uses are ancillary uses to persons residing on the premises, i.e. "home occupation", and that such uses are not permitted as free standing principal uses, unless otherwise approved consistent with the Town and Broward County Future Land Use Element, which requires the application of Commercial Flex Acreage to allow commercial uses in residential land use designated areas.
7. Provide a reference for clarification to Section 30-56 when Conditional Use Review and Approval is required for rooftop uses.
8. Move the definition of "apartment buildings" to the definitions section of the Code (30-20 Definitions).
9. Clarify that setbacks required in the RM-25 zoning are not only applicable to apartments but that they are also applicable to all uses permitted in the district.

### Section 30-20 Definitions:

10. Add a reference to *apartment motel* to refer to the definition of *apartment hotel*.
11. Delete the definition of *condominium hotel* in that this use not referred to in any other section of the code, therefore there is no need for the definition to exist.
12. Remove the word "*facilities*" from the definition of a hotel to clarify that a hotel unit may include kitchen facilities, such as a microwave, mini refrigerator, coffee maker, and the like, and that the exclusion in the definition is meant to only prohibit a kitchen in a hotel unit.

