



AGENDA ITEM MEMORADUM

Item No. 12.b.i

Development Services

Department

Linda Connors *LC*

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> March 13, 2012	March 2, 2012

**Subject to Change*

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

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC- IMPLEMENTATION OF PLANNING PRIORITIES

SUBJECT TITLE: Proposed Amendments to B-I-A and B-1 Business Districts

EXPLANATION: The proposed Ordinance 2012-01 (**Exhibit 1**) amends Section 30-261 (B-1-A) and 30-271 (B-1) of the Code of Ordinances and was first scheduled on January 24, 2012, but due to special advertising requirements, we pulled the item to re-advertise and add Section 6.

The Commission approved the ordinance 5-0 on first reading at the March 13, 2012 Commission meeting.

RECOMMENDATION: Staff recommends approval of the attached Ordinance 2012-01 (**Exhibit 1**).

EXHIBITS: 1. Ordinance 2012-01 Amending Sections 30-261 and 30-271 of the Code of Ordinances

Reviewed by Town Attorney
 Yes No

Town Manager Initials *CL*

ORDINANCE 2012-01

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-155, "DEFINITIONS", TO PROVIDE CLARITY FOR BUSINESS DISTRICT USES; BY AMENDING SECTION 30-181, "ESTABLISHMENT OF ZONING DISTRICTS" TO IDENTIFY THE EXISTING B-1-A ZONING DISTRICT; BY AMENDING ARTICLE V, "ZONING", DIVISION 2, "DISTRICTS", TO PROVIDE BUSINESS DISTRICT REGULATION PURPOSES AND SUPPLEMENTAL REGULATIONS, MODIFY THE PERMITTED AND CONDITIONAL USES IN THE B-1-A AND B-1 DISTRICTS AND PROVIDE REGULATIONS FOR CONVENIENCE STORES AND FOR OUTSIDE SEATING AREAS FOR RESTAURANTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

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

4 **WHEREAS**, the Town Commission desires to provide for additional definitions to assist
5 in the interpretation and implementation of the Unified Land Development Regulations; and

6 **WHEREAS**, the Town Commission desires to provide clarification of the purpose of the
7 Business Districts and to update the list of permitted and conditional uses and related regulations
8 in the B-1-A and B-1 zoning districts to reflect the current needs of the Town; and

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

12 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
13 reviewed the contents of this Ordinance at a duly noticed public hearing on December 21, 2011,
14 and provided a recommendation of approval of the amendments; and

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

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

22 **SECTION 1.** Recitals. The preceding "Whereas" clauses are ratified and incorporated
23 as the legislative intent of this Ordinance.

24 **SECTION 2.** Amendment. Chapter 30, Unified Land Development Regulations of the
25 Code of Ordinances, Section 30-155, is hereby amended as follows¹:

26 **Sec. 30-155. - Definitions.**

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

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

32 used.

33 * * *

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

38 *Business and Professional Employment Agency.* An agency that finds people to fill particular jobs or
39 finds jobs for unemployed people and which may also provide personnel services or personnel for other
40 businesses. The definition of Business and Professional Employment Agency does not include Labor
41 Pools or Day Labor Hiring Centers in any form.

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

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

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

57 *Day Labor Hiring Center.* A place where employees or potential employees assemble to seek or accept
58 employment off-site; a place where employers or potential employers visit to hire or to seek to hire
59 employees for employment offsite.

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

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

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

72 * * *

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

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

77 Motorized Scooter/Moped. The definition of motorized scooter and the definition of moped shall be as
78 set forth in F.S. § 316.003.

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

87 Package Store. Vendors licensed to sell all alcoholic beverages, but in sealed containers only, and for
88 consumption off the premises.

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

91 Sidewalk. shall mean that area, whether privately owned or a portion of the right-of-way, which is located
92 between the curblineline or the lateral line of a street and the adjacent building and which is intended for use
93 by pedestrians.

94 * * *

95
96 **SECTION 3.** Amendment. Chapter 30, Unified Land Development Regulations of the Code of

97 Ordinances, Section 30-181, is hereby amended as follows:

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

99 (a) The incorporated areas of the Town of Lauderdale-By-The-Sea, Florida are hereby divided into
100 zoning districts of number and character as necessary to achieve compatibility of uses within each
101 district; to implement the adopted Town of Lauderdale-By-The-Sea Comprehensive Plan; and, to
102 achieve the stated purpose and intent of this chapter.

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

105

R-5:	Motel
RS-4:	Residential single-family dwellings
RS-5:	Residential single-family dwellings
RD-10:	Residential two family dwellings

RM-25:	Residential multi-family dwellings
RM-50:	Residential multi-family dwellings
<u>B-1-A:</u>	<u>Business</u>
B-1:	Commercial
PUD:	Planned unit development
CF:	Community facility district
P:	Recreation and open space

106

107 **SECTION 4.** Amendment. Chapter 30, Unified Land Development Regulations of the
 108 Code of Ordinances, Article V, Zoning, Division 2, Districts, is hereby amended as follows:

109 * * *

110 SUBDIVISION G. – ~~B-1-A~~Business Zoning District Regulations

111 Sec. 30-260.BUSINESS ZONING DISTRICTS

112 (a) List of districts:

113 1) B-1-A

114 2) B-1

115

116 (b) Purpose and Intent:

117

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

122

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

128

129 (c) Supplemental Regulations - Business Districts:

130 Sale of Alcoholic or Intoxicating Beverages: A permitted or conditional use in either the B-1-A or
 131 B-1 zoning district that sells any alcoholic or intoxicating beverages shall be subject to the
 132 regulations as set forth in Chapter 3, Alcoholic Beverages of the Town Code of Ordinances.

133 Sec. 30-261- B-1-A district—Business.

134 (a) Area affected.

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

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

140 ~~(1) Definitions.~~

141 A. ~~"Restaurant," for the purposes of this subdivision, is any establishment where~~
142 ~~facilities are provided for preparing and serving food to the public.~~

143 B. ~~For the purpose of this section, the definition of motorized scooter and the~~
144 ~~definition of moped shall be as set forth in F.S. § 316.003.~~

145 ~~(12) Permitted Uses.~~ No building or premises shall be used and no building with the usual
146 accessories shall be erected or altered other than a building or premises arranged,
147 intended, or designed for any of the following uses, not to exceed 10,000 square feet in
148 gross floor area:

149 A. Antiques store,

150 B. Art galleries,

151 C. Arts and crafts supply store,

152 D. Automobile rental or leasing agencies (no outdoor display),

153 E. Bait and tackle shop,

154 F. Bakery,

155 G. Bank

156 ~~G.~~H. Beauty schools, barber shops and hair salons,

157 ~~H.~~I. Bicycle rental shop with no outside storage,

158 ~~I.~~J. Book store,

159 ~~J.~~K. Business and professional employment agency,

160 ~~K.~~ L. Camera and photographic supply store,

161 ~~L.~~M. Card and stationery store,

162 ~~M.~~N. Catering businesses,

163 ~~N.~~O. Church and place of worship,

164 ~~O.~~P. Clothing store,

165 ~~P.~~Q. Coin-operated dry cleaning and laundry and/or pickup station,

166 ~~Q.R.~~ Community theaters, dinner theaters and cultural centers,
167 ~~R.S.~~ Computer/software store,
168 ~~S.T.~~ Consignment store,
169 ~~T.~~ Convenience store
170 U. Cooking schools,
171 V. Copy center,
172 W. Courier service,
173 X. Delicatessen,
174 Y. Dental laboratory,
175 Z. Drug store/pharmacy (no on-site prescription writing for controlled substances
176 identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355),
177 AA. Fabric/needlework/yarn shop,
178 BB. Fishing pier,
179 CC. Florist shop,
180 DD. Formal wear sales and rental,
181 EE. Fruit and produce store,
182 FF. Furniture, and home furnishings,
183 GG. Gift shop,
184 HH. Government administration,
185 II. Grocery/food store/supermarket,
186 JJ. Hardware store,
187 KK. Health and fitness center,
188 LL. Household appliances store,
189 MM. Ice cream/yogurt store,
190 NN. Interior decorator,
191 OO. Jewelry store,
192 PP. Library branch,

193 QQ. Linen/bath/bedding store,
194 RR. Luggage/handbag/leather goods store,
195 SS. Mail/postage/fax service,
196 TT. Marine parts and supplies store,
197 UU. Market,
198 VV. Massage therapist (licensed therapist to be on premises at all times of operation),
199 WW. Meat and poultry store,
200 XX. Medical supplies sales,
201 YY. Motorized scooter sales or moped sales and rentals (indoor only, outdoor sales,
202 storage or display prohibited),
203 ZZ. Museum,
204 AAA. Music/musical instrument store,
205 BBB. Office building
206 CCC. Optical store,
207 DDD. Party supply store,
208 ~~EEE. Personnel services,~~
209 ~~FFF. EEE. Photographic studio,~~
210 ~~GGG. FFF. Police and fire substation,~~
211 ~~HHH. GGG. Retail electronic sales and repair,~~
212 ~~HH. HHH. Restaurant, which may also include the following accessory uses:~~
213 1). Sidewalk cafes which would be appurtenant to, and a part of, a
214 restaurant, subject to the requirements of Chapter 17, Article VI Sidewalk Café.
215 2) Outside seating for restaurants, on private property other than a sidewalk,
216 that is accessory to the principal restaurant use and that is not regulated under Chapter 17,
217 Article VI and subject to the regulations set forth in subsection (6), below.
218 3) Walk-up windows for food and/or beverage service.
219 ~~JJJ. III. Seafood store,~~
220 ~~KKK. JJJ. Shoe sales and repair,~~

- 221 ~~LLL.KKK~~.Shop for marking articles sold at retail on the premises,
- 222 ~~MMM.LLL~~. Specialty shop,
- 223 ~~NNN.MMM~~.Sporting goods store, including dive shops,
- 224 ~~OOO.NNN~~.Studios for artists, photographers, musicians (including recording studios),
- 225 and dance,
- 226 ~~PPP.OOO~~.Sundries store,
- 227 ~~QQQ.PPP~~.Tailor/dressmaking store, direct to the customer,
- 228 ~~RRR.QQQ~~.Tapes/videos/music CD stores,
- 229 ~~SSS.RRR~~.Tool rental (hand tools and equipment, indoor display only),
- 230 ~~TTT.SSS~~.Toy/game store,
- 231 ~~UUU.TTT~~.Trade/business school,
- 232 ~~VVV.UUU~~.Travel agency,
- 233 ~~WWW.VVV~~. Veterinarian or animal grooming with all activities enclosed within the
- 234 building with no outside noise,
- 235 ~~XXX.WWW~~. Watch and jewelry repair,and
- 236 ~~YYY.XXX~~. Uses not listed. Any use not covered by the above list may be authorized in
- 237 the B-1-A district by the Town Manager or designee only if the proposed use is similar to
- 238 a listed use; otherwise, an amendment to this chapter is required. The Town Manager or
- 239 designee shall consult with the Town Commission on any proposal to find that a use is
- 240 similar, prior to authorizing such use in the B-1-A district.
- 241 (23) Conditional uses. The following conditional uses may be permitted upon approval
- 242 pursuant to the conditional use procedures of this Code:
- 243 A. Bicycle taxi (no outside storage or display).
- 244 B. Car wash/outdoor hand wash.
- 245 C. Charter and sightseeing boat.
- 246 D. Child and adult day-care centers.
- 247 E. Convenience store, subject to the requirements as set forth in subsection 7, below.
- 248 ~~E. F.~~ Drive-through services that are accessory to a primary use, provided that any
- 249 approval of the drive-through use by the Town Commission shall specifically establish
- 250 the location and traffic flow pattern of the drive-through.

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F. G. Dry cleaner.

~~G-H.~~ "Paid Private Parking" on parcels with a primary use, excluding standalone parking lots, in accordance with the following requirements:

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

ii. After business hours, required parking may also be used for paid private parking.

~~H-I.~~ Parking garage.

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

~~I-K.~~ Pet store.

~~J-L.~~ Pool supply store.

~~K.~~ Outside seating for restaurants, on private property, that is accessory to the primary use and that are not regulated under chapter 17, article VI.

~~L-M.~~ Outside storage of propane tank cabinets for the storage, sale or rental of propane tanks sold and rented at hardware stores and gas stations.

~~M-N.~~ Water craft sales and rental (new or used).

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

(~~3~~4) Height. No building shall be erected to a height greater than two stories on single 25-foot lots, nor greater than three stories on 50-foot lots.

(~~4~~5) Areas. No building which is used for residence purposes above the ground floor shall occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall be not less than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for residential purposes shall not occupy more than 90 percent of the lot area.

(~~5~~6) Design. Construction shall be limited to one building on B-1-A lots that are 50 feet or less in width. All business buildings constructed in a business district shall be of C.B.S. construction and

286 shall be designed with every practical consideration for appearance, fire protection, health, light,
287 air. All plans and specifications of the building shall be approved by the Town Building
288 Inspector. The Building Inspector need not approve design and use of a building and may ask the
289 Town staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or
290 decision thereon. Open fronts are specifically prohibited in B-1-A districts and there shall be a
291 maximum opening of ten feet by ten feet for doorways in each business building.

292 (6) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to
293 the primary restaurant use may be permitted subject to the following regulations:

294 A. Permit required: It shall be unlawful for any person to provide outside seating for a
295 restaurant on private property within the Town without first obtaining a permit from the
296 Town. The location of an outside seating area for a restaurant shall be approved by the
297 Town Manager or designee.
298

299 B. Permit fee: A permit fee shall be established by resolution of the Town Commission.

300 C. Permit application: Application for a permit to provide outside seating for a restaurant
301 shall be made at the office of the Town Clerk. Such application shall include:
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303 1) Name, address and telephone number of the applicant.
304

305 2) Name and address of business.
306

307 3) A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a
308 restaurant adjacent to the outside seating area which is the subject of the application.
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310 4) An 8 1/2" X 11" drawing at a minimum scale of 1 inch equals 20 feet showing the
311 following:

312 (a) The store front and all openings (doors, windows).

313 (b) The location and dimensions of the private property area being utilized for the
314 outside seating area, including: structures located thereon; proposed location,
315 dimension and number of tables, chairs, and umbrellas proposed within the
316 outside seating area;

317 (c) Clear delineation of the boundary between private property and the public right-
318 of-way;

319 (d) The location of tables and chairs complying with the Americans with Disabilities
320 Act (ADA) standards.
321

322 5) When the outside seating is visible from a public right-of-way, the application shall
323 also include:

324 (a) Photographs and/or manufacturer brochures fully describing the appearance of all
325 proposed chairs, tables, umbrellas and other private features, including but not
326 limited to lighting to be used in the proposed outside seating area.

327 (b) A trash management and maintenance plan for the outside seating area, which
328 shall include a plan for pickup and disposal of any trash or food on or around the
329 tables and chairs or sidewalk, and periodic pressure cleaning of the area used for
330 outside seating. This plan shall ensure that the outside seating area is maintained
331 in a neat and orderly appearance at all times and the area shall be cleared of all

332 debris on a periodic basis during the day and at the close of each business day to
333 ensure a healthy and safe environment.

- 334
- 335 6) Written consent from the building owner for the proposed outside seating area.
- 336
- 337 7) In the event the outside seating area is proposed in front of an adjacent owner's
338 property, the applicant must provide written consent from the adjacent property
339 owner for use of this area.
- 340
- 341 8) Non-refundable application fee.
- 342
- 343 9) Applications shall be reviewed for compliance with the Town Code and may be
344 approved by the Town Manager or designee.
- 345
- 346 10) The Town Manager or designee may deny an application that does not comply with
347 this section. Such denials shall be written and shall provide the reasons for the
348 denial. The applicant or any property owner whose property directly abuts the
349 property which is the subject matter of the application may appeal the Town Manager
350 or designee's decision to the Town Commission.

351

352 D. Location Requirements: The location of an outside seating area for a restaurant shall be
353 subject to the following locational regulations:

- 354
- 355 1) An outside seating area shall only be permitted on private property that is:
- 356
- 357 a. adjacent to a licensed restaurant business to which the permit is issued; or
- 358
- 359 b. adjacent to another licensed business that is located within the same building as
360 the licensed restaurant business to which a permit is issued.
- 361
- 362 2) Tables and chairs shall not be located within a ten-foot proximity of bus stops, taxi
363 stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
- 364
- 365 3) The Town Manager or designee may permit an exception to the distance requirement
366 of subsection 2) from ten (10) feet to five (5) feet where established pedestrian and
367 tram paths shall not be obstructed and where public safety shall not be adversely
368 affected.
- 369
- 370 4) Markers approved by the Town Manager or designee shall be embedded into the
371 property by the applicant to distinguish the approved boundaries of the outside
372 seating area. This requirement may be waived by the Town Manager or designee if
373 the proposed outside seating area is not on or adjacent to any private or public
374 sidewalk, parking or other pedestrian area.

375

376 E. Additional Regulations for Outside Seating for a Restaurant:

- 377
- 378 1) The outside seating area shall be accessory to and under the same ownership or
379 control as the primary restaurant which is operated within a permanently enclosed
380 building located on the same or adjacent parcel.

381

- 382 2) There shall be no use, operation, or playing of any musical instrument, loud-speaker,
383 sound amplifier, or other machine or device for the production or reproduction of
384 sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring
385 inhabitants or at any time with louder volume than is otherwise regulated by Chapter
386 13 Noise, of the Town Code.
387
- 388 3) Food preparation shall only occur in the fully enclosed area of the licensed primary
389 restaurant.
390
- 391 4) Hours of operation shall not exceed the hours of operation established for the
392 principal licensed restaurant.
393
- 394 5) All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive
395 material.
396
- 397 6) No objects shall be permitted around the perimeter of the outside seating area that is
398 occupied by tables and chairs which would have the effect of forming a physical or
399 visual barrier discouraging the use of a sidewalk by the general public.
400
- 401 7) Additionally, when the outside seating area is visible from a public right-of-way:
402
- 403 (a) No tables, chairs, or any other part of an outside seating area shall be
404 permanently attached, chained, or in any manner affixed to any tree, post, sign or
405 other fixtures, curb or sidewalk within or near the permitted area.
406 (b) Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as
407 part of the outside seating area shall be of quality design, materials, size,
408 elevation and workmanship both to ensure the safety and convenience of users,
409 and to enhance the visual quality of the urban environment. Design, materials
410 and colors shall be approved by the Town Manager or designee prior to the
411 issuance of the permit to allow the outside seating area.
412
- 413 F. Prior to issuance of a permit for an outside seating area, the Town Clerk shall certify that
414 there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by
415 the current or past owners or operators of the property requesting a permit for outside
416 seating. A permit to allow outside seating will not be issued until all outstanding debts to
417 the Town are paid in full
418
- 419 G. Any primary restaurant which obtains a permit to have outside seating as an accessory
420 use to a primary restaurant, pursuant to Sec. 30-261 (1) and (6) may redesign the face of
421 their establishment to allow for doors or panels that permit the establishment to have
422 open sides allowing for an indoor/outside restaurant design. Any proposed alterations,
423 modifications or changes to the building shall require the issuance of a building permit,
424 compliance with the Town Code and payment in full of all applicable fees.
425
- 426 (7) Convenience Store criteria: A convenience store may be permitted within the B-1-A zoning
427 district only on property that is located west of State Road AIA and subject to the following
428 regulations.
429 (a) A convenience store shall have frontage on Commercial Boulevard;

- 430 (b) A convenience store may not be located within five hundred (500) feet of any other
431 convenience store, as measured by airline measurement from the main entrance to the
432 main entrance of each place of business; and
433 (c) A convenience store shall also be subject to the requirements of F.S. 812.1701 as may be
434 amended.

435 Sec. 30-262. - Setbacks.

436 (a) Front setback.

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

438 (b) Rear setback.

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

440 (c) Side setbacks.

441 No side setbacks are required.

442 (d) Roof cornices.

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

447 (e) Exterior balconies.

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

454 Sec. 30-263. - Penalty for violation.

455 Any person, firm, partnership, corporation, association, or other organization, or any combination of any
456 thereof, who shall violate or fail to comply with any of the provisions of this subdivision, shall, upon
457 conviction, be fined by a fine not exceeding \$500.00, or imprisonment not exceeding 60 days, or both
458 such fine and imprisonment. Each day's violation shall constitute a separate offense and shall subject each
459 violator to be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 60 days or by
460 both such fine and imprisonment.

461

462 SUBDIVISION H. — B-1 District Regulations

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

464 The following part of the town of Lauderdale-By-The-Sea is zoned as B-1 district: All of Blocks 5, 6, 13,
465 14, 20, 21, east half of Block 19 and Lots 18 and 19 of Block 28, according to the plat thereof recorded in
466 Plat Book 6, page 2, of the public records of Broward County. The following part of the platted area of
467 Unit "A" of the inclusive subdivision known as Silver Shores is zoned as B-1 district: All of Blocks A, B,
468 C, D, E, F, G, and Lot 1 of Block 2. The following part of the platted area of Unit "B" of the inclusive
469 subdivision known as Silver Shores is zoned as B-1 district: All of blocks H, J, K, L, M and Lot 1 of
470 Block 14, according to the plat thereof recorded in Plat Book 31, of the public records of Broward
471 County.

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

- 475 A. Antiques store,
- 476 B. Art galleries,
- 477 C. Arts and crafts supply store,
- 478 D. Automobile rental or leasing agencies (no outdoor display),
- 479 E. Bait and tackle shop,
- 480 F. Bakery,
- 481 G. Bank
- 482 ~~G.H.~~ Beauty schools, barber shops and hair salons,
- 483 ~~H.I.~~ Bicycle rental shop with no outside storage,
- 484 ~~I.J.~~ Book store,
- 485 ~~J.K.~~ Business and professional employment agency,
- 486 ~~K.L.~~ Camera and photographic supply store,
- 487 ~~L.M.~~ Card and stationery store,
- 488 ~~M.N.~~ Catering businesses,
- 489 ~~N.O.~~ Church and place of worship,
- 490 ~~O.P.~~ Clothing store,
- 491 ~~P.Q.~~ Coin-operated dry cleaning and laundry and/or pickup station,
- 492 ~~Q.R.~~ Community theaters, dinner theaters and cultural centers,

- 493 ~~R.S.~~ Computer/software store,
- 494 ~~S.T.~~ Consignment store,
- 495 ~~T.~~ Convenience store,
- 496 U. Cooking schools,
- 497 V. Copy center,
- 498 W Courier service,
- 499 X. Delicatessen,
- 500 Y. Dental laboratory,
- 501 Z. Drug store/pharmacy (no on-site prescription writing for controlled substances identified in
502 Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355),
- 503 AA. Fabric/needlework/yarn shop,
- 504 BB. Fishing pier,
- 505 CC. Florist shop,
- 506 DD Formal wear sales and rental,
- 507 EE. Fruit and produce store,
- 508 FF. Furniture, and home furnishings,
- 509 GG. Gift shop,
- 510 HH. Government administration,
- 511 II. Grocery/food store/supermarket,
- 512 JJ. Hardware store,
- 513 KK. Health and fitness center,
- 514 LL. Household appliances store,
- 515 MM. Ice cream/yogurt store,
- 516 NN. Interior decorator,
- 517 OO. Jewelry store,
- 518 PP. Library branch,
- 519 QQ. Linen/bath/bedding store,

520 RR. Luggage/handbag/leather goods store,
521 SS. Mail/postage/fax service,
522 TT. Marine parts and supplies store,
523 UU. Market,
524 VV. Massage therapist (licensed therapist to be on premises at all times of operation),
525 WW. Meat and poultry store,
526 XX. Medical supplies sales,
527 YY. Motorized scooter sales or moped sales and rentals (indoor only, outdoor sales, storage or
528 display prohibited),
529 ZZ. Museum,
530 AAA. Music/musical instrument store,
531 BBB. Office building
532 CCC. Optical store,
533 DDD. Party supply store,
534 ~~EEE. Personnel services,~~
535 ~~FFF.EEE.~~ Photographic studio,
536 ~~GGG.FFF.~~ Police and fire substation,
537 ~~HHH.GGG.~~ Retail electronic sales and repair,
538 ~~HH.HHH.~~ Restaurant, which may also include the following accessory uses:
539 1) Sidewalk cafes which would be appurtenant to, and a part of, a restaurant, subject
540 to the requirements of Chapter 17, Article VI Sidewalk Café.
541 2) Outside seating for restaurants, on private property other than a sidewalk, that is
542 accessory to the principal restaurant use and that is not regulated under Chapter 17, Article VI
543 and subject to the regulations set forth in subsection (3), below.
544 3) Walk-up windows for food and/or beverage service.
545 ~~JJJ.III.~~ Seafood store,
546 ~~KKK.JJJ.~~ Shoe sales and repair,
547 ~~LLL.KKK.~~ Shop for marking articles sold at retail on the premises,

- 548 ~~MMM.LLL~~. Specialty shop,
- 549 ~~NNN.MMM~~. Sporting goods store, including dive shops,
- 550 ~~OOO.NNN~~. Studios for artists, photographers, musicians (including recording studios), and
551 dance,
- 552 ~~PPP.OOO~~. Sundries store,
- 553 ~~QQQ.PPP~~. Tailor/dressmaking store, direct to the customer,
- 554 ~~RRR.QQQ~~. Tapes/videos/music CD stores,
- 555 ~~SSS.RRR~~. Tool rental (small tools and equipment, indoor display only),
- 556 ~~TTT.SSS~~. Toy/game store,
- 557 ~~UUU.TTT~~. Trade/business school,
- 558 ~~VVV.UUU~~. Travel agency,
- 559 ~~WWW.VVV~~. Veterinarian or animal grooming with all activities enclosed within the building
560 with no outside noise,
- 561 ~~XXX.WWW~~. Watch and jewelry repair, and
- 562 ~~YYY.XXX~~. Uses not listed. Any use not covered by the above list may be authorized in the B-
563 1 district by the Town Manager or designee only if the proposed use is similar to a listed use;
564 otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult
565 with the Town Commission on any proposal to find that a use is similar, prior to authorizing such
566 use in the B-1 district.
- 567 ~~(b)(2)~~ Conditional Uses. The following conditional uses may be permitted upon approval pursuant to the
568 conditional use procedures of this Code:
- 569 ~~(1)~~A. Bicycle taxi (no outside storage or display).
- 570 ~~(2)~~B. Car wash/outdoor hand wash.
- 571 ~~(3)~~C. Charter and sightseeing boat.
- 572 ~~(4)~~D. Child and adult day-care centers.
- 573 E. Convenience store, subject to the requirements as set forth in subsection 4, below.
- 574 ~~(5)~~F. Drive-through services that are accessory to a primary use, provided that any approval of
575 the drive-through use by the Town Commission shall specifically establish the location and traffic
576 flow pattern of the drive-through.
- 577 ~~(6)~~G. Dry cleaner.

578 ~~(7)H.~~ Mixed use, in accordance with the requirements of subsection ~~(e)~~ (7).

579 ~~(8)I.~~ "Paid Private Parking" on parcels with a primary use, excluding standalone parking lots in
580 accordance with the following requirements:

581 i. During business operational hours, only non-required parking spaces, may be used as
582 paid private parking.

583 ii. After business hours, required parking may also be used for paid private parking.

584 ~~(9)J.~~ Parking garage.

585 K. Permitted use exceeding 10,000 square feet in gross floor area.

586 ~~(10)L.~~ Pet store.

587 ~~(11)M.~~ Pool supply store.

588 ~~(12) Outside seating for restaurants, on private property, that is accessory to the primary use and~~
589 ~~that are not regulated under chapter 17, article VI.~~

590 ~~(13)N.~~ Outside storage of propane tank cabinets for the storage, sale or rental of propane tanks.
591 ~~sold and rented at hardware stores and gas stations.~~

592 ~~(14)O.~~ Water craft sales and rental (new or used).

593 ~~(15)P.~~ Conditional uses not listed. Permission to apply for conditional uses not covered by the
594 above list in the B-1 district may be granted by the Town Manager or designee only if the
595 proposed conditional use is similar to a listed conditional use; otherwise, an amendment to this
596 chapter is required. The Town Manager or designee shall consult with the Town Commission on
597 any proposal to determine that a conditional use is similar to those listed, prior to authorizing the
598 filing of an application to seek approval of that conditional use in the B-1 district. Approval of a
599 Conditional Use shall also be subject to the requirements for Conditional Use Review as set forth
600 in Section 30-56 of the Town Code.

601 (3) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the
602 primary restaurant use may be permitted subject to the following regulations:

603 A. Permit required: It shall be unlawful for any person to provide outside seating for a restaurant on
604 private property within the Town without first obtaining a permit from the Town. The location of
605 an outside seating area for a restaurant shall be approved by the Town Manager or designee.
606

607 B. Permit fee: The fee for a permit for outside seating for a restaurant shall be as established by
608 resolution of the Town Commission.

609 C. Permit application: Application for a permit to provide outside seating for a restaurant shall be
610 made at the office of the Town Clerk. Such application shall include:
611

612 1) Name, address and telephone number of the applicant.
613

- 614 2) Name and address of business.
615
- 616 3) A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a
617 restaurant adjacent to the outside seating area which is the subject of the application.
618
- 619 4) An 8 1/2" X 11" drawing at a minimum scale of 1 inch equals 20 feet showing the following:
620 (a) The store front and all openings (doors, windows).
621 (b) The location and dimensions of the private property area being utilized for the outside
622 seating area, including: structures located thereon; proposed location, dimension and
623 number of tables, chairs, and umbrellas proposed within the outside seating area;
624 (c) Clear delineation of the boundary between private property and the public right-of-way;
625 (d) The location of tables and chairs complying with the Americans with Disabilities Act
626 (ADA) standards.
627
- 628 5) When the outside seating area is visible from a public right-of-way, the application shall also
629 include:
630 (a) Photographs and/or manufacturer brochures fully describing the appearance of all
631 proposed chairs, tables, umbrellas and other private features, including but not limited to
632 lighting to be used in the proposed outside seating area.
633 (b) A trash management and maintenance plan for the outside seating area, which shall
634 include a plan for pickup and disposal of any trash or food on or around the tables and
635 chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating
636 area. This plan shall ensure that the outside seating area is maintained in a neat and
637 orderly appearance at all times and the area shall be cleared of all debris on a periodic
638 basis during the day and at the close of each business day to ensure a healthy and safe
639 environment.
640
- 641 6) Written consent from the building owner for the proposed outside seating area.
642
- 643 7) In the event the outside seating area is proposed in front of an adjacent owner's property, the
644 applicant must provide written consent from the adjacent property owner for use of this area.
645
- 646 8) Non-refundable application fee.
647
- 648 9) Applications shall be reviewed for compliance with the Town Code and may be approved by
649 the Town Manager or designee.
650
- 651 10) The Town Manager or designee may deny an application that does not comply with this
652 section. Such denials shall be written and shall provide the reasons for the denial. The
653 applicant or any property owner whose property directly abuts the property which is the
654 subject matter of the application may appeal the Town Manager or designee's decision to the
655 Town Commission.
656
- 657 D. Location Requirements: The location of an outside seating area for a restaurant shall be subject to
658 the following locational regulations:
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- 660 1) An outside seating area shall only be permitted on private property that is:
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662 a. adjacent to a licensed restaurant business to which the permit is issued; or

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b. adjacent to another licensed business that is located within the same building as the licensed restaurant business to which a permit is issued.

- 2) Tables and chairs shall not be permitted within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
- 3) The Town Manager or designee may permit an exception to the distance requirement of subsection 2) from ten (10) feet to five (5) feet where established pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.
- 4) Markers approved by the Town Manager or designee shall be embedded into the property by the applicant to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area.

E. Additional Regulations for Outside Seating for a Restaurant:

- 1) The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.
- 2) There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13 Noise, of the Town Code.
- 3) Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.
- 4) Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.
- 5) All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.
- 6) No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.
- 7) Additionally, when the outside seating area is visible from a public right-of-way:
 - (a) No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 - (b) Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating.

714 F. Prior to issuance of a permit for outside seating, the Town Clerk shall certify that there are no
715 outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past
716 owners or operators of the property requesting a permit for outside seating. A permit to allow
717 outside seating will not be issued until all outstanding debts to the Town are paid in full.
718

719 G. Any primary restaurant which obtains a permit to have outside seating as an accessory use to the
720 primary restaurant, pursuant to Sec. 30-261 (1) and (6) may redesign the face of their
721 establishment to allow for doors or panels that permit the establishment to have open sides
722 allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or
723 changes to the building shall require the issuance of a building permit, compliance with the Town
724 Code and payment in full of all applicable fees.
725

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

728 (a) A convenience store shall have frontage on Commercial Boulevard;

729 (b) A convenience store may not be located within five hundred (500) feet of any other convenience
730 store, as measured by airline measurement from the main entrance to the main entrance of each
731 place of business; and

732 (c) A convenience store shall also be subject to the requirements of F.S. 812.1701 as may be
733 amended.

734 ~~(e)(5)~~Height. No building shall be erected to a height greater than two stories on single 25-foot lots nor
735 greater than three stories on 50-foot lots.

736 ~~(d)(6)~~Areas. No building which is used for residence purposes above the ground floor shall occupy an
737 area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be
738 800 square feet. The required floor area for a kitchen unit shall not be less than 250 square feet minimum
739 and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for
740 residential purposes shall not occupy more than 90 percent of the lot area.

741 ~~(e)(7)~~Mixed use development. The following provisions govern applications for the conditional use of
742 "mixed use," a vertical mix of neighborhood-serving B-1 uses and residential uses within the same
743 building, in locations fronting on Commercial Boulevard and west of State Road A1A.

744 A. Purpose. The purpose of encouraging mixed use development on Commercial Boulevard is to:

745 (1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other
746 commercial uses on the ground floor, and residential units above the nonresidential space;

747 (2) Encourage development that exhibits the physical design characteristics of pedestrian-
748 oriented, storefront-style shopping streets; and

749 (3) Promote the health and well-being of residents by encouraging physical activity, alternative
750 transportation, and greater social interaction.

751 B. Definitions. For purposes of this section, the following definitions shall apply.

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

- 756 (2) "Live/work space" means the residential dwelling unit and related non-residential uses
757 conducted above the ground floor of a live/work unit.
- 758 (3) "Mixed-use building" means a building that contains at least one floor devoted to non-
759 residential use and at least one devoted to allowed residential uses.
- 760 (4) "Non-residential use" means neighborhood-serving retail, service, commercial or other uses
761 allowed in the B-1 zoning district, excluding residential uses.
- 762 (5) "Work/sales space" means the non-residential uses on the ground floor of a live/work unit.
- 763 C. Mixed use development on commercially designated parcels. The Town may approve a
764 conditional use for mixed use development on B-1 zoned property when the property has a
765 commercial land use designation in the Broward County Land Use Plan, if all of the following
766 requirements are met:
- 767 (1) Approval is obtained of an allocation of available flexibility units, in accordance with section
768 30-56(h), Flexibility rules;
- 769 (2) The number of units and floor area limitations of this section are satisfied for the residential
770 uses;
- 771 (3) Non-residential uses, as defined herein, are limited to the floor(s) below the residential uses;
- 772 (4) The property fronts on Commercial Boulevard, and is located west of State Road A1A;
- 773 (5) A major site plan modification or a site plan approval is obtained; and
- 774 (6) A conditional use approval is obtained.
- 775 D. Permitted uses.
- 776 (1) On the ground floor:
- 777 (a) Work/sales space in a live/work unit.
- 778 (b) Non-residential use.
- 779 (2) Above the ground floor:
- 780 (a) Live/work space in a live/work unit.
- 781 (b) Dwelling units.
- 782 E. Limitations on residential uses.
- 783 (1) Maximum number of units. No mixed use development may be assigned more than ten
784 percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole
785 number, it shall be rounded up to the next whole number.
- 786 (2) Floor area. The residential floor area of the mixed use development does not exceed 50
787 percent of the gross floor area of the building.
- 788 F. Parking requirements. The total number of required off-street parking spaces for a mixed use
789 development shall be equal to the sum of the required parking for each use as if provided
790 separately. For live/work mixed use development, the total required parking will be equal to the
791 parking required for the nonresidential use only. See sections 30-314 through [30-]324 regarding
792 off-street parking.
- 793 G. Landscaping and open space requirements. Mixed use developments shall be required to meet the
794 vehicular use area requirements as provided in Article VII, Landscape Code of Chapter 30,
795 Unified Land Development Regulations, for the non-residential use only.
- 796 H. Town approvals required for mixed use development.
- 797 (1) Conditional use. A conditional use shall be obtained in accordance with the requirements of
798 section 30-56. As part of the conditional use review, the Town Commission shall verify that
799 section 30-56(h) Flexibility rules, has been satisfied for the allocation of flexibility units.

800 (2) Site plan. Either a major site plan modification shall be obtained in accordance with section
801 30-54(m)(4), or a site plan approval shall be obtained pursuant to Article IV, Site Plan
802 Procedures and Requirements of Chapter 30, Unified Land Development Regulations.

803 ~~(8)~~Design. Construction shall be limited to one building on B-1 lots 50 feet or less in width. All
804 business buildings constructed in a business district shall be of C.B.S. construction and shall be designed
805 with every practical consideration for appearance, fire protection, health, light, air. All plans and
806 specifications of the building shall be approved by the Town Building Inspector. The Building Inspector
807 need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or
808 the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically
809 prohibited in B-1 districts and there shall be a maximum opening of ten feet by ten feet for doorways in
810 each business building.

811 Sec. 30-272. - Setbacks.

812 (a) Front setback. Business buildings are not required to set back on the front except those erected on
813 Ocean Drive (A1A) or Bougainvillea Drive which shall have the following setbacks: Ocean Drive (A1A),
814 front setback of not less than 50 feet from the centerline of said thoroughfare; Bougainvillea Drive, front
815 setback of 25 feet from property line.

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

822 (c) Rear setback:

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

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

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

830 b. All of Block E except Lots 1, 2, 3, 12, 13, and 14 of a subdivision of Track "D" of Silver Shores
831 Section of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat
832 Book 29, page 21, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be
833 required to comply with the rear setback described in (c)(1) herein.

834 c. All of Blocks J and K except Lots 1, 2, 3, 12, 13, and 14 of Silver Shores Section of the Town of
835 Lauderdale-By-The-Sea, Unit "B," according to the plat thereof, recorded in Plat Book 31, page 3, Public

836 Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear
837 setback described in (c)(1) herein.

838 d. Roof cornices. Roof cornices constructed of fire-resistive materials, if ten feet or more above the
839 sidewalk, may project over the public street not more than three feet, but shall never be closer than two
840 feet, measured from the curblin. The construction and anchorage of all such projections shall be subject
841 to the approval of the Building Inspector and may be erected only upon a permit issued by the Building
842 Inspector.

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

850 Sec. 30-273. - Seagrape Drive to West Tradewinds only; general provisions.

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

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

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

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

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

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

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

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

873 SUBDIVISION H. - Reserved.

874

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

878 **SECTION 6. Prior Acts.** This Ordinance ratifies Sections 30-261 and 30-271 and any
879 prior versions of these provisions, however numbered, of the Unified Land Development
880 Regulations of the Code of Ordinances, and any actions the Town has taken subsequent to March
881 27, 2007 pursuant to such sections.

882 **SECTION 7. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or
883 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

884 **SECTION 8. Codification.** This Ordinance shall be codified.

885 **SECTION 9. Effective Date.** This Ordinance shall become effective immediately upon
886 adoption on second reading.

887 **SECTION 10. Adoption.** Passed on the first reading, this ___ day of _____, 2012.

888 Passed and adopted on the second reading, this ___ day of _____, 2012.

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Mayor Roseann Minnet

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First Reading

Second Reading

Mayor Minnet

AYE

Vice-Mayor Dodd

AYE

Commissioner Clotey

AYE

Commissioner Sasser

AYE

Commissioner Vincent

AYE

Attest:

Town Clerk, June White, CMC

(CORPORATE SEAL)

Approved as to form:

Susan L. Trevarthen, Town Attorney