



AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request


Dept Head's Signature

REG COMMISSION Meeting Dates 7:00PM

DEADLINE TO Town Clerk's Office

ROUNDTABLE Meeting Dates 7:00PM

DEADLINE TO Town Clerk's Office

- Oct 12, 2010
- Nov 9, 2010*
- Dec 7, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Oct 1 (5:00 pm)
- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 31 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

- Oct 26, 2010
- Nov 23, 2010*
- Dec 28, 2010*
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 15 (5:00 pm)
- Nov 12 (5:00 pm)
- Dec 17 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

*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 |

SUBJECT TITLE: SECOND READING OF AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 30-313(31) "ACCESSORY BUILDINGS AND STRUCTURES," OF THE CODE OF ORDINANCES TO AMEND REQUIREMENTS FOR SHEDS, STORAGE BUILDINGS AND OTHER ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

EXPLANATION: At the June 9, 2010 Commission Roundtable meeting, direction was given to staff to move forward with drafting an ordinance amending the code to address sheds and storage containers that do not require a permit. The intent was to allow an easier process for approving these structures while maintaining compliance with the code. It would allow sheds not requiring a building permit to be placed with the condition that it would be removed in the event of a Hurricane Warning. At the Commission meeting of July 27, 2010, the Commission approved Resolution 2010-16 (Exhibit 2) adopting a Notice of Intent. The Notice authorized moving forward with amending Chapter 30 "Unified Land Development Regulations" of the Town Code of Ordinances to address these shed and storage container changes. A public hearing was held on the Notice of Intent at the Town Commission meeting on August 25, 2010.

The draft ordinance was reviewed by the Planning and Zoning Board on September 15, 2010, and the Board recommended approval with changes, which have been incorporated into the attached Ordinance (Exhibit 1). Staff concurs with the Board's recommended changes. Draft minutes of this item of the September 15, 2010 meeting is attached (Exhibit 3).

First reading was approved on October 12, 2010 and requested to be placed on the November 22, 2010 Round Table meeting.

At the November 22, 2010 Commission Roundtable meeting the item was discussed, but with no suggested changes.



Item No. _____

AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request


Dept Head's Signature

BOARD RECOMMENDATION:

Approval with the following recommendations:

1. Reword lines 40-45 to clarify that accessory buildings can be at least 1 story in height for two-family and multiple-family dwellings.
2. Remove the rear and side set back requirement at line 88.
3. Remove Hurricane Watch from line 95.

STAFF RECOMMENDATION:
into this Ordinance.

Approval with Board recommendations, which have been incorporated

EXHIBITS: Exhibit 1 Ordinance.
Exhibit 2 Resolution & NOI (Notice of Intent).
Exhibit 3 Planning and Zoning meeting minutes.

FISCAL IMPACT AND APPROPRIATION OF FUNDS: N/A

Amount \$ _____ Acct # _____
 Transfer of funds required From Acct # _____

Town Attorney review required

Yes No

Town Manager Initials CA

ORDINANCE 2010-18

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING SECTION 30-313(31)
“ACCESSORY BUILDINGS AND STRUCTURES,” OF THE
CODE OF ORDINANCES TO AMEND REQUIREMENTS
FOR SHEDS, STORAGE BUILDINGS AND OTHER
ACCESSORY BUILDINGS AND STRUCTURES;
PROVIDING FOR SEVERABILITY, CONFLICTS,
CODIFICATION, AND AN EFFECTIVE DATE**

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

WHEREAS, the Town Commission desires to revise the regulations applicable to accessory buildings and structures, and specify regulations of sheds and storage buildings; 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 July 27, 2010; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on September 15, 2010, and recommended its adoption; 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, THAT:

64 ii. Height. Sheds and storage buildings may not exceed one story.
65 iii. Spacing from principal building. Sheds and storage buildings shall be
66 at least ten (10) feet from the principal building on the same plot or parcel.
67 iv. Floor area. Sheds and storage buildings shall not exceed one hundred
68 and forty-four (144) square feet in floor area.
69 v. Number. Only one (1) shed or storage building is permitted on any
70 parcel.
71 vi. Town Manager approval of deviations from standards on commercial
72 lots. A deviation from any of the above restrictions may be approved by
73 the Town Manager or designee for a shed or storage building on a
74 commercial lot. In order to approve any deviation, the Town Manager or
75 designee must find that the proposal:

- 76 A. Does not displace required parking spaces; and
- 77 B. Does not reduce pervious area; and
- 78 C. Will not obstruct back-out parking; and
- 79 D. Will be compatible with the principal structures on the site, with
80 adjacent properties, and with the neighborhood.

81 2. Not requiring a building permit. Sheds and storage buildings that are not
82 required to obtain a building permit and do not require the Department of
83 Community Affairs insignia noting compliance with the Florida Building Code
84 are permitted in all zoning districts, and shall meet the following standards:

- 85 i. Location. The shed or storage building shall not be placed within a
86 front yard or street side yard and must be placed behind the front façade of
87 the primary building. Side and rear setbacks are not required for the shed
88 or storage building.
- 89 ii. Portability. The shed or storage building must be easily dismantled or
90 removable.
- 91 iii. Requirement to remove in event of storm. Upon the issuance of a
92 "Hurricane Warning" by the Broward County Office of Emergency
93 Management, the property owner or person in control of the property,
94 shall forthwith remove and place any sheds or storage buildings indoors.

95 * * * * *

96
97
98
99
100 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
101 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in
102 no way affect the validity of the remaining portions of this Ordinance.
103

104 **SECTION 4. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or
105 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

106 **SECTION 5. Codification.** This Ordinance shall be codified.

107 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon
108 adoption on second reading.

109 **SECTION 7. Adoption.** Passed on the first reading, this 12th day of October, 2010.

110 Passed and adopted on the second reading, this ___ day of _____, 2010.

111
112
113
114
115

Mayor Roseann Minnet

116
117
118
119
120
121
122

First Reading

Second Reading

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

_____	_____
_____	_____
_____	_____
_____	_____

123
124
125
126

Attest:

Town Clerk, June White CMC

129
130
131

(CORPORATE SEAL)

132
133
134
135
136

Approved as to form:

Susan L. Trevarthen, Town Attorney