



AGENDA ITEM REQUEST FORM

Item No. 10.1.a

Development Services

Jeff Bowman

Department Submitting Request

Dept Head's Signature *JB*

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 14, 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: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING ARTICLE V "ZONING" OF CHAPTER 30 OF THE CODE OF ORDINANCES BY AMENDING SECTIONS 30-261, "B-1-A DISTRICT – BUSINESS" AND 30-271, "B-1 DISTRICT – BUSINESS" TO REVISE THE USES PERMITTED IN THESE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE (Exhibit 1)

EXPLANATION: At the July 14, 2010 Commission Roundtable meeting, direction was given to staff to consider adding pet grooming to the business zoning districts in the Code. The Commission also authorized staff to review the districts overall to develop additional recommended changes to the lists of uses, so that the Town could avoid having to engage in the lengthy and costly process of adopting a Notice of Intent and an Ordinance each time a new type of business seeks to locate in the Town.

At the Commission meeting of July 27, 2010, the Commission approved Resolution 2010-16 (Exhibit 3) adopting a Notice of Intent. The Notice authorized moving forward with amending Chapter 30 "Unified Land Development Regulations" of the Town Code of Ordinances by revising the business uses in the B-1 and B-1-A zoning districts. A public hearing was held on the Notice of Intent at the Town Commission meeting on August 25, 2010. Walter Keller (Consultant) reviewed the existing business uses in the B-1 and B-1-A zoning districts, and commonly accepted business uses from other cities. Mr. Keller provided a suggested listing of uses for the Planning and Zoning Board.

BOARD RECOMMENDATION: On September 15, 2010, the Planning and Zoning Board reviewed the proposed uses, and recommended approval of all the uses recommended by Mr. Keller (Exhibit 2). Vice Chairman Brandt made a motion to approve the recommended list of uses by Mr. Keller, as set forth in the backup, seconded by Mr. Wick. In a roll call vote, the motion passed 4 – 0.

Note: Walter Keller (Consultant) and the Planning and Zoning Board also recommended some conditional uses be added to these districts, which staff supports. However, the recommended conditional uses and their related criteria and procedures are outside the scope of the current Notice of Intent, and thus this issue will be brought to the Town Commission separately.

RECOMMENDATION: **Approval.** Also, after P&Z reviewed and approved the proposed amendments staff noted that there are additional uses permitted in B-1 that are not in B1-A. They are:

9/01/2010

10/7/10 4:35 pm



AGENDA ITEM REQUEST FORM

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1. Coin operated dry cleaning and laundry and/or pickup stations.
2. Hardware
3. Drive through services
4. Bait and tackle shop
5. Bicycle rental shop with no outside storage
6. Dental laboratory
7. Fishing pier

Staff would recommend that these also be added to the B-1A Zoning district with the exception of fishing piers.

- EXHIBITS:**
- Exhibit 1 Ordinance.**
 - Exhibit 2 Consultants Report and Proposed Uses.**
 - Exhibit 3 Resolution & NOI (Notice of Intent).**
 - Exhibit 4 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 CB

Exhibit “1”

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ORDINANCE 2010-15

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING ARTICLE V “ZONING”
OF CHAPTER 30 OF THE CODE OF ORDINANCES BY
AMENDING SECTIONS 30-261, “B-1-A DISTRICT –
BUSINESS” AND 30-271, “B-1 DISTRICT – BUSINESS” TO
REVISE THE USES PERMITTED IN THESE ZONING
DISTRICTS; PROVIDING FOR SEVERABILITY,
CONFLICTS, CODIFICATION, AND AN EFFECTIVE
DATE**

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

18 **WHEREAS**, the Town Commission desires to revise the permitted uses in the B-1-A and
19 B-1, Business Districts, of the Town’s zoning regulations; and

20 **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to
21 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
22 and such notice was given of this amendment on August 25, 2010; and

23 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
24 reviewed the Code revisions contained in this Ordinance at a duly noticed hearing on September
25 15, 2010, and recommended their adoption; and

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

30 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
31 TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

32 **SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated
33 as the legislative intent of this Ordinance.

34 **SECTION 2. Amendment.** Section 30-261 of the Code of Ordinances is amended as
35 follows¹:

36 **Section 30-261. B-1-A district – Business.**

37
38 (a) *Area affected.*

39 The area to be affected by the provisions of this subdivision is Lots 50, 51, 52 and
40 53, fronting on Bougainvillea Drive and Lots 55, 56, 57 and 58, fronting on Poinciana
41 Street, all in Block 28, Town of Lauderdale-By-The-Sea, according to the plat thereof as
42 recorded in Plat Book 6, page 2, of the public records of Broward County, Florida.

43 (b) *B-1-A uses permitted:*

44
45 (1) *Definitions.*

46
47 A. “Restaurant,” for the purposes of this subdivision, is any
48 establishment where facilities are provided for preparing and serving food to the
49 public.

50 B. For the purpose of this section, the definition of motorized scooter
51 and the definition of moped shall be as set forth in Florida Statutes Section
52 316.003.

53 (2) *Uses.* No building or premises shall be used, and no building with the
54 usual accessory ~~ies~~ uses shall be erected or altered, other than a building or
55 premises arranged, intended, or designed for any of the following uses~~;~~:

56 A. antiques store,

57 B. art galleries,

58 C. arts & crafts supply store,

59 D. automobile rental or leasing agencies (no outdoor display),

60 E. automotive parts & supplies store,

61 F. bakery,

62 G. beauty schools, barber shops and hair salons,~~;~~

63 H. book store,

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

- 64 I. business and professional employment agency,
65 J. camera and photographic supply store,
66 K. card and stationery store,
67 L. catering,
68 M. church or place of worship,
69 N. cigar/tobacco store,
70 O. clothing,
71 P. ~~and~~ community theaters, dinner theaters, and cultural centers;
72 Q. computer/software store,
73 R. consignment/thrift store,
74 S. convenience store,
75 T. cooking schools,
76 U. copy center,
77 V. courier service,
78 W. delicatessen,
79 X. drug-store/pharmacy (no on-site prescription writing for controlled
80 substances identified in Schedule II, III, or IV in Sections 893.03,
81 893.035, or 893.0355, Florida Statutes),
82 Y. electric supply,
83 Z. fabric/needlework/yarn shop,
84 AA. flooring store,
85 BB. florist shop,
86 CC. formal wear sales and rental,
87 DD. fruit and produce store,
88 EE. funeral home,
89 FF. furniture,
90 GG. giftware,
91 HH. government administration,
92 II. health and fitness center,
93 JJ. home improvement center,
94 KK. household appliances store,
95 LL.ice cream/yogurt store,
96 MM. interior decorator,
97 NN. jewelry store,
98 OO. library branch,
99 PP. linen/bath/bedding store,
100 QQ. luggage/handbag/leather goods store,
101 RR. mail/postage/fax service,
102 SS. marine parts and supplies store,
103 TT. market, grocery/food store/supermarket,
104 UU. massage therapist (licensed therapist to be on premises at all times
105 of operation),
106 VV. meat and poultry store,
107 WW. medical supplies sales,
108 XX. motorized scooter or moped sales and rentals,

109 YY. museum,
 110 ZZ. music/musical instrument store,
 111 AAA. office building,
 112 BBB. optical store,
 113 CCC. paint/wallpaper store,
 114 DDD. party supply store,
 115 EEE. personnel services,
 116 FFF. photographic studio,
 117 GGG. police and fire substation,
 118 HHH. radio repair and sales,
 119 III. restaurant, including sidewalk cafés which would be appurtenant
 120 to, and a part of, a restaurant,
 121 JJJ. seafood store,
 122 KKK. shoe sales and repair,
 123 LLL. shop for making articles sold at retail on the premises,
 124 MMM. specialty shop,
 125 NNN. sporting goods store,
 126 OOO. studios for artists/photographers and musicians (including
 127 recording studios),
 128 PPP. sundries,
 129 QQQ. tailor/dressmaking store, direct to the customer,
 130 RRR. tapes/videos/music cd stores,
 131 SSS. tool rental (small tools and equipment, indoor display only).
 132 TTT. toy/game store,
 133 UUU. trade/business school,
 134 VVV. travel agency,
 135 WWW. veterinarian or animal grooming with all activities
 136 enclosed within the building with no outside noise, and
 137 XXX. watch and jewelry repair.

138
 139 ~~construction shall be limited to one building on B-1-A lots 50 feet or less in~~
 140 ~~width. Restaurant for the purposes of this subdivision, is any establishment where~~
 141 ~~facilities are provided for preparing and serving food to the public.~~

- 142
 143 (2) *Height.* No building shall be erected to a height greater than two stories on
 144 single 25-foot lots, nor greater than three stories on 50-foot lots.
 145
 146 (3) *Areas.* No building which is used for residence purposes above the ground
 147 floor shall occupy an area greater than 70 percent of the entire lot. The
 148 required lot area per apartment or kitchen unit shall be 800 square feet.
 149 The required floor area for a kitchen unit shall be not less than 250 square
 150 feet minimum and the area for a hotel room with bath shall not be less
 151 than 200 square feet. Buildings ~~requiring light and ventilation, but~~ not
 152 used for residential purposes; shall not occupy more than 90 percent of the
 153 lot area.

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- (4) *Residences.* All residences constructed in B-1-A districts shall conform to requirements for RS-5 districts hereinafter provided and all apartments, hotels, or rental units constructed in B-1-A districts shall conform to requirements for RM-25 districts, hereinafter provided.

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

SECTION 3. Amendment. Section 30-271 of the Code of Ordinances is amended as

173 follows:

174 **Section 30-271. B-1 district – Business.**

175 The following part of the Town of Lauderdale-By-The-Sea is zoned as B-1
176 district: All of Blocks 5, 6, 13, 14, 20, 21, east half of Block 19 and Lots 18 and 19 of
177 Block 28, according to the plat thereof recorded in Plat Book 6, page 2, of the public
178 records of Broward County. The following part of the platted area of Unit "A" of the
179 inclusive subdivision known as Silver Shores is zoned as B-1 district: All of Blocks A, B,
180 C, D, E, F, G, and Lot 1 of Block 2. The following part of the platted area of Unit "B" of
181 the inclusive subdivision known as Silver Shores is zoned as B-1 district: All of blocks H,
182 J, K, L, M and Lot 1 of Block 14, according to the plat thereof recorded in Plat Book 31,
183 of the public records of Broward County.

184 (a) *Uses.*

185

186 (1) Definitions.

187 A. "Restaurant," for the purposes of this Section, is any establishment
188 where facilities are provided for preparing and serving food to the public in an
189 enclosed building.

190 B. For the purpose of this section, the definition of "motorized
191 scooter" and the definition of "moped" shall be as set forth in Florida Statutes
192 Section 316.003.

193 (2) No building or premises shall be used and no building with the usual
194 accessories shall be erected or altered other than a building or premises arranged,
195 intended, or designed for any of the following uses:

- 196 A. antiques store,
- 197 B. art galleries,
- 198 C. arts & crafts supply store,
- 199 D. automobile rental or leasing agencies (no outdoor display),
- 200 E. automotive parts & supplies store,
- 201 F. bait and tackle shop,
- 202 G. bakery,
- 203 H. beauty schools, barber shops and hair salons,
- 204 I. bicycle rental shop with no outside storage,;
- 205 J. book store,
- 206 K. business and professional employment agency,
- 207 L. camera and photographic supply store,
- 208 M. card and stationery store,
- 209 N. catering businesses,
- 210 O. church and place of worship,
- 211 P. cigar/tobacco store,
- 212 Q. clothing,
- 213 R. coin-operated dry cleaning and laundry and/or pickup station,
- 214 S. community theaters, dinner theaters and cultural centers,;
- 215 T. computer/software store,
- 216 U. consignment/thrift store,
- 217 V. convenience store,
- 218 W. cooking schools,
- 219 X. copy center,
- 220 Y. courier service,
- 221 Z. delicatessen,
- 222 AA. dental laboratory,; and
- 223 BB. drug (store)/pharmacy (no on-site prescription writing for controlled
224 substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or
225 893.0355, Florida Statutes),
- 226 CC. electric supply,
- 227 DD. fabric/needlework/yarn shop,
- 228 EE. fishing pier,
- 229 FF. flooring store,
- 230 GG. florist shop,
- 231 HH. formal wear sales and rental,
- 232 II. fruit and produce store,
- 233 JJ. funeral home,
- 234 KK. furniture,
- 235 LL. gift shop,
- 236 MM. government administration,
- 237 NN. grocery/food store/supermarket,
- 238 OO. hardware,

239 PP. health and fitness center,
 240 QQ. home improvement center,
 241 RR. household appliances store,
 242 SS. ice cream/yogurt store,
 243 TT. interior decorator,
 244 UU. jewelry store,
 245 VV. library branch,
 246 WW. linen/bath/bedding store,
 247 XX. luggage/handbag/leather goods store,
 248 YY. mail/postage/fax service,
 249 ZZ. marine parts and supplies store,
 250 AAA. market,
 251 BBB. massage therapist (licensed therapist to be on premises at all times of
 252 operation),
 253 CCC. meat and poultry store,
 254 DDD. medical supplies sales,
 255 EEE. motorized scooter sales or moped sales and rentals (indoor only, outdoor
 256 sales, storage or display prohibited),
 257 FFF. museum,
 258 GGG. music/musical instrument store,
 259 HHH. office building,
 260 III. optical store,
 261 JJJ. paint/wallpaper store,
 262 KKK. party supply store,
 263 LLL. personnel services,
 264 MMM. photographic studio,
 265 NNN. police and fire substation,
 266 OOO. radio repair and sales,
 267 PPP. restaurant, including sidewalk cafés which would be appurtenant to, and a
 268 part of, a restaurant,
 269 QQQ. seafood store,
 270 RRR. shoe sales and repair,
 271 SSS. shop for making articles sold at retail on the premises,
 272 TTT. specialty shop,
 273 UUU. sporting goods store,
 274 VVV. studios for artists/photographers and musicians (including recording
 275 studios),
 276 WWW. sundries,
 277 XXX. tailor/dressmaking store, direct to the customer,
 278 YYY. tapes/videos/music cd stores,
 279 ZZZ. tool rental (small tools and equipment, indoor display only),
 280 AAAA. toy/game store,
 281 BBBB. trade/business school,
 282 CCCC. travel agency,
 283 DDDD. veterinarian or animal grooming with all activities enclosed within
 284 the building with no outside noise,

285 EEEE. watch and jewelry repair, and
286 FFFF. construction shall be limited to one on B-1-A lots 50 feet or less in width.
287 Drive-through services that are accessory to a use in this zoning district shall be
288 allowed only as a conditional use requiring Planning and Zoning Board review
289 and Town Commission approval, provided that any approval of the drive-through
290 use by the Town Commission shall specifically establish the location and traffic
291 flow pattern of the drive through. "Restaurant," for the purposes of this
292 subdivision, is any establishment where facilities are provided for preparing and
293 serving food to the public in an enclosed building. For the purpose of this section
294 the definition of motorized scooter and the definition of moped shall be as set
295 forth in F.S. ch. 316. All motorized scooter or moped sales and rental activity
296 shall occur indoors and the outdoor display or storage of scooters, mopeds, or
297 accessories shall be prohibited.
298

299 (b) *Height.*

300
301 No building shall be erected to a height greater than two stories on single 25-foot lots nor
302 greater than three stories on 50-foot lots.
303

304 (c) *Areas.*

305
306 No building which is used for residence purposes above the ground floor shall occupy an
307 area greater than 70 percent of the entire lot. The required lot area per apartment or
308 kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall not
309 be less than 250 square feet minimum and the area for a hotel room with bath shall not be
310 less than 200 square feet. Buildings requiring light and ventilation, but not used for
311 residential purposes, shall not occupy more than 90 percent of the lot area.
312

313 (d) *Residences.*

314
315 All residences constructed in B-1 or RD-10 districts shall conform to requirements for
316 RS-5 districts hereinafter provided and all apartments, hotels, or rental units constructed
317 in B-1 districts shall conform to requirements for RM-25 districts, hereinafter provided.
318

319 (e) *Design.*

320
321 Construction shall be limited to one on B-1-A lots 50 feet or less in width. All
322 business buildings constructed in a business district shall be of C.B.S. construction and
323 shall be designed with every practical consideration for appearance, fire protection,
324 health, light, air, and aAll plans and specifications of the building shall be approved by
325 the Town Building Inspector. The Building Inspector need not approve design and use of
326 a building and may ask the Town staff, Planning and Zoning Board or the Board of
327 Adjustment for an official opinion or decision thereon. Open fronts are specifically
328 prohibited in B-1 districts and there shall be a maximum opening of ten feet by ten feet
329 for doorways in each business building.
330

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

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

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

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

339 **SECTION 8. Adoption.** Passed on the first reading, this ___ day of _____,
340 2010.

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

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Mayor Roseann Minnet

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

	First Reading	Second Reading
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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Attest:

Town Clerk, June White CMC

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359

(CORPORATE SEAL)

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Approved as to form:

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Susan L. Trevarthen, Town Attorney

Exhibit “2”



MEMORANDUM

To: Jeff Bowman – Development Services Director
From: Walter H. Keller, PE., AICP, Town Planning Consultant
Date: August 24, 2010
Re: Town Business Use Listing

Walter H. Keller

Per the Town's request, an in-depth review of the Town's Business Uses has been performed. The major purpose of the review was to identify additional generally acceptable business uses that are not currently in the Town's B-1-A or B-1 Zoning Districts. Only a small portion of the Town is B-1-A (between Sea Grape Drive and Bougainvillea Drive). The remainder of the Town's business zoning is B-1. Five (5) codes were reviewed in this analysis:

1. Fort Lauderdale (Community Business; and, General Business);
2. Pompano Beach (Limited Business; Community Business; and, General Business);
3. Broward County (Limited Commercial; and, General Commercial);
4. Deerfield Beach (Community Business and Highway Business);
5. Delray Beach (Neighborhood Commercial; and, General Commercial).

Based on the code analysis, a possible list of additional business uses are provided (see attached). Note, the listing (in green) is not specific to either the B-1-A or B-1 Districts. A listing of possible conditional business uses (in red) are also provided.

Lauderdale by the Sea; Development Regulations: Business Use Listing 8-10: LBS Bus Use Listing8-24-10.doc

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
<i>B-1-A</i>		<i>Community Business (CB)</i>	<i>B-1 LIMITED BUSINESS DISTRICT</i>	<i>B-1 Limited Commercial</i>	<i>B-1 Community Business</i>	<i>Neighborhood Commercial (NC)</i>
		<i>Automotive</i>				<i>Retail sales such as convenience foods</i>
office building	<i>Automotive Parts & Supplies Store.</i>	<i>Automotive Parts & Supplies Store.</i>	<i>Professional, governmental and business offices;</i>	<i>Bank or financial institution</i>	<i>Alcoholic beverage establishment - off premises consumption;</i>	
drug-store	<i>Marine Parts and Supplies Store.</i>	<i>Automotive Service Station, see Sec. 47-18.5.</i>	<i>Retail sales of new merchandise;</i>	<i>Barber shop, beauty salon, nail salon</i>	<i>Clinic, medical;</i>	<i>household supplies</i>
restaurant	<i>Delicatessen.</i>		<i>Antique stores;</i>	<i>Bakery, retail</i>	<i>Financial institution;</i>	<i>garden and lawn supplies</i>
sidewalk cafés which would be appurtenant to, and a part of, a restaurant market	<i>Fruit and Produce Store.</i>	<i>Boats, Watercraft and Marinas</i>	<i>Personal and office service establishments;</i>	<i>Bookstore, newsstand</i>	<i>Office, business, government, and professional;</i>	<i>drugs and medicine</i>
market	<i>Grocery/Food Store.</i>	<i>Marine Parts and Supplies Store.</i>	<i>Financial institutions;</i>	<i>Catering or food delivery service</i>	<i>Public park and recreation area;</i>	<i>small appliance sales and repairs</i>
sundries	<i>Ice Cream/Yogurt Store.</i>	<i>Marina see Sec. 47-23.8.</i>	<i>Restaurants;</i>	<i>Child care center, pre-school or adult day care [see section 39-300(j)]</i>	<i>Restaurant (including outdoor seating for not in excess of 12 patrons unless specified otherwise in this Code);</i>	<i>baked goods;</i>
bakery	<i>Meat and Poultry Store.</i>		<i>Day care center</i>	<i>Clothing store</i>	<i>Store, convenience goods;</i>	<i>delicatessen goods</i>
specialty shop	<i>Seafood Store.</i>		<i>Public park.</i>	<i>Coin laundry</i>	<i>Store, retail (excluding stores which sell firearms);</i>	
		<i>Commercial Recreation</i>				

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
giftware	Supermarket.	Billiard Parlor.	Residential Apts in commercial - Special Exception	Convenience store [see section 39-300(p)]	Store, personal service;	<i>Provision of services such as:</i>
clothing	Antiques Store.	Indoor Motion Picture Theater, less than Five Screens.	Free Standing Multifamily - Special Exception	Delicatessen	Store, business service;	barber and beauty shops
furniture	Arts & Crafts Supplies Store.	Performing Arts Theater, less than 300 Seats.	Churches - Special Exception	Dry cleaning or laundry drop-off and pick-up	Shopping center (consisting of permitted or approved conditional uses as contained herein);	dry cleaning limited to on-site processing for customer pickup only;
radio repair and sales	Art Galleries, Art Studio.			Electronics sales or repair	Theatre;	dry cleaning and laundry pickup stations;
electric supply	Book Store.	<i>Food and Beverage Service</i>		Essential services and utilities	Health and fitness club;	vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo;
cooking schools	Camera, Photographic Supplies Store.	Bakery Store.		Florist	Funeral home;	

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
catering	Card & Stationery Store.	Bar, Cocktail Lounge, Nightclub.		Hardware store	Animal hospital;	financing e.g. banks and similar institutions excluding drive-through facilities; laundromats limited to self-service facilities; dining at sit down restaurants including takeout and ice cream parlors but
motorized scooter or moped sales and rentals	Cigar, Tobacco Store.	Cafeteria.		Hobby or craft store	Amusement center (subject to the restrictions contained herein);	excluding drive-in, drive-through facilities; newsstands
shoe sales and repair	Computer/Software Store.	Candy, Nuts Store.		Lawn and garden shop	Laundromat;	
beauty schools and hair salons	Consignment, Thrift Store.	Delicatessen.		Offices (business, professional or governmental)	Marina;	
community theaters and cultural centers	Fabric, Needlework, Yarn Shop.	Food and Beverage, Drive-Thru and Carry-Out.		Offices (medical, dental, psychiatric or chiropractic)	Laboratory, medical/dental;	
	Flooring Store.	Fruit and Produce Store.		Pharmacy	Parking facility, commercial;	Business and Professional Offices
	Florist Shop.	Grocery/Food Store.		Places of worship [see section 39-300(v)]	Parking facility, public	Child care and adult day care - Conditional Use

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
	Hobby Items, Toys, Games Store.	Ice Cream/Yogurt Store.		Post office	Dwellings, multiple family provided - Conditional Use	Display and sale of lawn furniture, playground equipment, sheds and accessories - Conditional Use
	Jewelry Store.	Liquor Store.		Repair shop, household and personal items	Dwellings are not on ground floor - Conditional Use	Veterinary clinics - Conditional Use
	Linen, Bath, Bedding Store.	Meat and Poultry Store.		Restaurant, full service	Hotels and motels - Conditional Use	Equipment rental and display - Conditional Use
	Luggage, Handbags, Leather Goods Store. Medical Supplies Sales.	Restaurant. Seafood Store.		Restaurant, take-out Video store	Nursing home - Conditional Use Hospital - Conditional Use	
	Music, Musical Instruments Store.	Supermarket.		Wireless communication facilities [see section 39-102]	Child and adult day-care centers - Conditional Use	<i>General Commercial (GC)</i>
	Optical Store.			Outdoor event (see section 39-238) - Conditional Use	School - Conditional Use	
<i>B-1</i>	Paint, Wallpaper Store.	<i>Retail Sales</i>	<i>B-2 COMMUNITY BUSINESS DISTRICT</i>	<i>B-2 General Commercial</i>	School, arts - Conditional Use	<i>General retail uses including, but not limited to:</i>
office building	Party Supply Store.	Antiques Store.	All B-1 uses	All B-1 uses	School, vocational - Conditional Use	Antiques,
drug (store)	Sporting Goods Store.	Apparel/Clothing, Accessories Store.	Electronic game and billiards establishments;	Amusement center (video arcade, games) [see section 39-300(c)]	Assisted living facilities - Conditional Use	arts and crafts,

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
restaurant	Tapes, Videos, Music CD's Stores.	Arts & Crafts Supplies Store.	Post office substations; and	Appliance store (major)	Motor vehicle display showroom and sales - Conditional Use	automotive parts,
market	Copy Center.	Art Galleries, Art Studio.	Filling stations for automotive vehicles but not in connection with auto repair garages.	Automobile, truck and recreational vehicle accessories; sales and installation [see section 39-300(d)]	Nightclub - Conditional Use	baked goods,
sundries	Formal Wear, Rental.	Bait and Tackle Store.		Bar, lounge, tavern or pub	Alcoholic beverage establishment, on premises consumption - Conditional Use	books,
bakery	Health and Fitness Center.	Bicycle Shop.		Billiard center or pool hall [see section 39-300(c)]	Indoor recreational facilities (excluding pool halls) located within shopping center - Conditional Use	carpet and floor covering,
specialty shop	Interior Decorator.	Book Store.		Bingo hall	Club, private/public - Conditional Use	cheeses,
gift shop	Mail, Postage, Fax Service.	Camera, Photographic Supplies Store.		Bowling center	Drive up booths for the retail sale/installation wiper blades - Conditional Use	beer, wine, liquor,
coin-operated dry cleaning and laundry and/or pickup station	Massage Therapist.	Card & Stationery Store.	B-3 GENERAL BUSINESS DISTRICT	Bus terminal [see section 39-300(h)]	Outdoor seating in excess of 12 for a restaurant - Conditional Use	confectioneries ,

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
hardware	Personnel Services.	Cigar, Tobacco Store.	Any use permitted in the B-2 District	Car wash, self-service or automated Courier service	Church or other house of worship - Conditional Use	cosmetics,
clothing	Photographic Studio.	Computer/Software Store.	Auction house;		Substance abuse treatment facility - Conditional Use	meats,
furniture	Tailor, Dressmaking Store, Direct to the Customer.	Consignment, Thrift Store.	Automobile rental or leasing agencies (outdoor display permitted).	Department store		draperies and slipcovers,
radio repair and sales	Trade/Business School.	Cosmetic, Sundries Store.	Automobile sales agency and accessory used car sales and auto service. The service facilities shall be located behind the showroom facilities such that the service bays are not visible from the street;	Dinner theater	<i>B-2 Highway Business</i>	medicines and prescriptions,
electric supply	Travel Agency.	Department Store.	Bars;	Employment agency, business and professional	All B-1 uses	electrical fixtures and supplies,
cooking schools	Watch and Jewelry Repair.	Drug Store.	Bowling alleys and skating rinks;	Flooring store (carpet, tile, etc.)	Automobile gas station;	fabrics,
catering businesses	Government Administration.	Fabric, Needlework, Yarn Shop.	Business and commercial colleges, night schools, adult training, and similar educational enterprises;	Funeral home, mortuary [see section 39-300(o)]	Automobile service station;	fish,
motorized scooter sales or moped sales and rentals	House of Worship.	Flooring Store.	Community care facility;	Furniture store	Church or other house of worship (not located in a shopping center);	flowers and plants,
shoe sales and repair	Library Branch.	Florist Shop.	Funeral homes;	Gasoline station [see section 39-300(p)]	Fire and police stations	fruits and vegetables,

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
beauty schools and hair salons fishing pier	Museum. Police and Fire Substation.	Furniture Store. Gifts, Novelties, Souvenirs Store.	Hospitals and clinics; Hotels and motels in conformance with Implementation Section 302 of the Future Land Use Element;	Golf, miniature Laboratory (medical, dental, research and development)	Hotel and motel Essential services	food, garden supplies,
bait and tackle shop	Post Office Substation.	Glassware, China, Pottery Store.	Marinas - no dry storage or repair;	Library, museum, art gallery and other such exhibitions	Boat sales;	gifts,
bicycle rental shop with no outside storage dental laboratory	Home Improvement Center. Household Appliances Store.	Hardware Store. Hobby Items, Toys, Games Store.	Marine pleasure craft sales; Movie and other theaters, auditoriums or similar places of assembly;	Mobile collection center [see section 39-300(r)] Nightclub	Substance abuse treatment facility Garage public parking - Conditional Use	glassware, hardware and paints,
community theaters and cultural centers	Funeral Home Automobile rental or leasing agencies (No outdoor display). Shop for making articles sold at retail on the premises;	Holiday Merchandise, Outside Sales, see Sec. 47-18.15. Household Appliances Store.	Printing, newspaper printing, blueprinting and other printing and reproduction facilities; Retail stores including thrift shops for the sale of secondhand clothing and household goods with not more than 20% of the floor space being secondhand merchandise.	Package liquor, beer or wine Parts store, vehicles or boats [see section 39-300(t)]	Automobile dealership providing new car sales - Conditional Use Self-service storage facility - Conditional Use	home furnishings, ice cream,
		Jewelry Store.	Shop for making articles sold at retail on the premises;	Plant or produce sales	Store, retail, which retail store sells firearms - Conditional Use	lawn care equipment,

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
	Studios for artists, photographers and musicians, including recording studios; Veterinarian or animal grooming with all activities enclosed within the building with no outside noise. Barber shop	Lawn and Garden Center, Outdoor Display Permitted.	Showrooms with wholesaling by sample only;	Photocopy or small job printing shop	Auto rental agency - Conditional Use	leather goods,
	Convenience store	Linen, Bath, Bedding Store.	Studios for artists, photographers and musicians, including recording studios;	Recording or broadcasting studio (music, radio, television, film)	Halfway house - Conditional Use	luggage,
		Luggage, Handbags, Leather Goods Store. Medical Supplies Sales.	Transportation passenger stations; and Veterinarian, animal grooming and pet store with all activities enclosed within the building; soundproofing and lack of windows shall result in no outside noise detection from the treatment or boarding rooms.	Restaurant, fast food [see section 39-300(x)] Retail store (other than those specified herein)		medical and surgical equipment, music and musical instruments,
	Pharmacy	Music, Musical Instruments Store.	Window tinting, burglar alarm and stereo and telephone installation for automobiles.	Shopping center		nautical supplies,
	Wireless communication facilities Courier service	Newspapers, Magazines Store.	Truck and trailer rental agency - Special Exception Automobile care center - Special Exception	Skateboard facility [see sections 39-300(b) and (y)] Skating rink [see sections 39-300(b) and (y)]		office furniture equipment and supplies, pets and pet supplies,
	Dinner theater	Office Supplies, Equipment Store.		Supermarket		photographic equipment and supplies,
		Optical Store.				

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
	Employment agency, business and professional Tool rental (small tools and equipment)	Paint, Wallpaper Store. Party Supply Store. Pet Store. Security Systems. Shoe Store.		Swimming pool supplies [see section 39-300(z)] Theater Tool rental (small tools and equipment) Upholstery shop		sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles,
	<i>Possible Conditional Use</i>	Shopping Center.		Veterinary clinic Outdoor event (see section 39-238) - Conditional Use		business machines, jewelry
	Car Wash	Sporting Goods Store.				
	Check Cashing Store.	Tapes, Videos, Music CD's Stores.				
	Dry Cleaner Watercraft Sales and Rental, new or used	<i>Services/Office Facilities</i>				<i>Business, Professional, and Medical uses including, but not limited to:</i>
	Charter and Sightseeing Boat Filling stations for automotive vehicles but not in connection with auto repair garages. Child and adult day-care centers	Copy Center. Check Cashing Store. Dry Cleaner, see Sec. 47-18.12.				Interior decorating, medical and dental clinics, medical and dental laboratories,

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

restaurants with drive-in and drive-through,

Financial Institution, including Drive-Thru Banks.

Film Processing Store.
Formal Wear, Rental.
Hair Salon.

Health and Fitness Center.
Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater.
Interior Decorator.

Laundromat, see Sec. 47-18.19.
Mail, Postage, Fax Service.
Massage Therapist.

Medical Clinic.

Medical/Dental Office.
Nail Salon.

Nursing Home - see Sec. 47-18.23
Parking Facility, see Section 47-20.

photographic studios,

printing and publishing, business offices, professional offices, medical offices.

Contractor's Offices (no outside storage), including but not limited to: Interior decorating, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, business offices, professional offices, medical offices.

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
		Personnel Services. Photographic Studio.				Services and Facilities including, but not limited to: Auctions, barber and beauty shops and salons, caterers,
		Professional Office. Security Systems.				
		Senior Citizen Center, see Sec. 47-18.30. Shoe Repair, Shoe Shine.				dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations,
		Tailor, Dressmaking Store, Direct to the Customer.				financing e.g. banks and similar institutions including drive-through facilities, laundromats limited to self-service facilities, pet grooming, restaurants including drive-in and drive-through, tailoring,
		Tanning Salon.				
		Tattoo Artist. Trade/Business School.				
		Travel Agency.				

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
		Veterinary Clinic, see Sec. 47-18.35. Watch and Jewelry Repair.				tobacconist, vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo, small item repair, rental of sporting goods
		<i>Mixed Use Developments</i> Mixed Use Development - see Sec. 47-18.21				Abused spouse residence with forty (40) or fewer residents, galleries,
		<i>Public Purpose Facilities</i> Civic and Private Club Facility. Government Administration. House of Worship. Library Branch.		<i>Public Purpose Facilities</i>		broadcast studios, butcher shops, cocktail lounges, exercise facilities e.g. gyms and clubs,

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
		Museum.				indoor shooting ranges, museums,
		Public/Private Recreation.				libraries,
		Police and Fire Substation.				newsstands,
		Post Office Substation.				commercial or public parking lots and parking garages,
		School.				theaters excluding drive-ins.
		Social Service Residential Facility - see Sec. 47-18.32				Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers
		Hospital.				
		Accessory Uses, Buildings and Structures (See also Section 47-19.)				
		Accessory Uses to Hotels, see Sec. 47-19.8.				Conditional Uses:

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
		<p>Automotive Sales, Used Vehicles, when accessory to a new automotive sales dealer. Catering Services.</p> <p>Child Day Care—Corporate/Employee Sponsors, when accessory to Professional Office, see Sec. 47-18.8. Electronic Installation, when accessory to electronic sales, only in wholly enclosed building. Film Processing, when accessory to a permitted use.</p> <p>Outdoor Dining and Sidewalk Cafe, see Sec. 47-19.9. Video Games Arcade, when accessory to a shopping center.</p> <p>General Business (B-2) District.</p> <p><i>Automotive</i></p>				<p>Residential Licensed Service Provider Facilities Amusement game facilities Wash establishments or facilities for vehicles.</p> <p>Child Care and Adult Day Care.</p> <p>Clubs and Lodges; social, fraternal, and recreational Drive-in Theaters.</p> <p>Flea Markets, bazaars, merchandise marts, and similar retail uses Funeral Homes. Gasoline Stations Hotels and Motels. Free-standing multiple-family</p>

Town of Lauderdale-By-The-Sea, Florida
 Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

<i>Lauderdale BTS</i>	<i>Possible Additional Business Uses</i>	<i>Fort Lauderdale</i>	<i>Pompano Beach</i>	<i>Broward County</i>	<i>Deerfield Beach</i>	<i>Delray Beach</i>
		Automotive Detailing and Alarm Systems.				Recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, skating rinks.
		Automotive Sales, Rental, new or used vehicles, see Sec. 47-18.3.				Sales and service of All Terrain Vehicles and personal watercraft
		Automotive Parts & Supplies Store, including installation.				Vehicle care limited
		Automotive Repair Shop including major repair, see Sec. 47-18.4.				Veterinary Clinics
		Automotive Service Station, see Sec. 47-18.5.				Group Home, Type 2 and Community Residential Homes
		Car Wash, Automatic, see Sec. 47-18.7.				Adult Gaming Centers
		Motorcycle/Moped Sales.				Churches or places of worship, and their attendant Sunday school,

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

Recreation Camper
and Trailers, Sales
and Rental, see Sec.
47-18.27.
Taxi Lot/Operations.

Tire Sales, including
Retreading and
Service.

*Boats, Watercraft
and Marinas*

Marine Parts and
Supplies Store.
Sailmaking.
Watercraft Repair,
major repair, see
Sec. 47-18.37.
Watercraft Sales and
Rental, new or used,
see Sec. 47-18.36.

Charter and
Sightseeing Boat,
see Sec. 47-23.8.
Hotel Marina, see
Sec. 47-23.8.
Marina, see Sec. 47-
23.8.
Marine Service
Station see Sec. 47-
18.20.
Watercraft Sales,
Rental, new or used,
see Sec. 47-18.36.

recreational
and
columbarium
facilities
Multiple family
residential
development
Assisted Living
Facilities and
Continuing Care
Facilities

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

*Commercial
Recreation*

Billiard Parlor.
Bingo Hall.
Bowling Alley.
Indoor Motion
Picture Theater.
Performing Arts
Theater.
Indoor Firearms
Range, see Sec. 47-
18.18.
Golf Course, Golf
Range.
Miniature golf.

*Food and Beverage
Service*

Bakery Store.
Bar, Cocktail
Lounge, Nightclub.
Cafeteria.
Candy, Nuts Store.
Delicatessen.
Food and Beverage
Drive-Thru.
Fruit and Produce
Store.
Grocery/Food Store.
Ice Cream/Yogurt
Store.
Liquor Store.
Meat and Poultry
Store.
Restaurant.
Seafood Store.
Supermarket.

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

Lodging

Hotel, see Sec. 47-18.16.

*Mixed Use
Developments*

Mixed Use
Development - see
Sec. 47-18.21

*Public Purpose
Facilities*

Bus Terminal,
Railroad Station.
Civic and Private
Club Facility.
Government
Administration.
Hospital.
House of Worship.
Library.
Museum.
Public/Private
Recreation.
Police and Fire
Substation.
Post Office
Substation.
School.
Social Service
Residential Facility -
see Sec. 47-18.32

Retail Sales

Antiques Store.
Apparel/Clothing,
Accessories Store.

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

Arts & Crafts
Supplies Store.
Art Galleries, Art
Studio.
Bait and Tackle
Store.
Bicycle Shop.
Book Store.
Camera,
Photographic
Supplies Store.
Card & Stationery
Store.
Cigar, Tobacco
Store.
Computer/Software
Store.
Consignment, Thrift
Store.
Cosmetic, Sundries
Store.
Department Store.
Drug Store.
Fabric, Needlework,
Yarn Shop.
Firearms Store.
Flooring Store.
Florist Shop.
Furniture Store.
Gifts, Novelties,
Souvenirs Store.
Glassware, China,
Pottery Store.
Hardware Store.
Hobby Items, Toys,
Games Store.

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

Holiday
Merchandise,
Outside Sales, see
Sec. 47-18.15.
**Home Improvement
Center.**
Household
Appliances Store.
Jewelry Store.
Lawn and Garden
Center, Outdoor
Display Permitted.
Linen, Bath,
Bedding Store.
Luggage, Handbags,
Leather Goods
Store.
Medical Supplies
Sales.
**Mobile Vendor, see
Sec. 47-18.22.**
Music, Musical
Instruments Store.
Newspapers,
Magazines Store.
Nursery.
Office Supplies,
Equipment Store.
Optical Store.
Paint, Wallpaper
Store.
Party Supply Store.
Pawn Shop.
Pet Store.
Shoe Store.
Sporting Goods
Store.
Tapes, Videos, Music
CD's Stores.

Town of Lauderdale-By-The-Sea, Florida
Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

*Services/Office
Facilities*

Auction House.

Copy Center.

*Check Cashing
Store.*

*Dry Cleaner, see
Sec. 47-18.12.*

*Financial Institution,
including Drive-Thru
Banks.*

*Film Processing
Plant, including
wholesale sales.*

*Formal Wear,
Rental.*

*Fortune Tellers,
Psychic Readers.*

Funeral Home

Hair Salon.

*Health and Fitness
Center.*

*Instruction: Fine
Arts, Sports and
Recreation, Dance,
Music, Theater.*

Interior Decorator.

*Laundromat, see
Sec. 47-18.19.*

*Mail, Postage, Fax
Service.*

Massage Therapist.

Medical Clinic.

*Medical/Dental
Office.*

Nail Salon.

Nursing Home

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

*Medical/Dental
Office.*
Parking Facility, see
Section 47-20.
Personnel Services.
Pest Control.
*Pet Boarding
Domestic Animals
only.*
Photographic Studio.

Professional Office.
Publishing.
Security Systems.
Senior Citizen
Center, see Sec. 47-
18.30.
Shoe Repair, Shoe
Shine.
*Swimming Pools, Hot
Tubs, and Spas,
supplies and
services.*
Tailor, Dressmaking
Store, Direct to the
Customer.
Tanning Salon.
Tattoo Artist.
Trade/Business
School.
Travel Agency.
Veterinary Clinic,
see Sec. 47-18.35.
Watch and Jewelry
Repair.

Storage Facilities

Town of Lauderdale-By-The-Sea, Florida

Review of Existing Business Uses Data Sheet by **Walter H. Keller, Inc.**

August 20, 2010

Lauderdale BTS

*Possible Additional
Business Uses*

Fort Lauderdale

Pompano Beach

Broward County

Deerfield Beach

Delray Beach

Self-Storage Facility,
see Sec. 47-18.29.

**Accessory Uses,
Buildings and
Structures (See also
Section 47-19.)**

Accessory uses to
Hotels, see Sec. 47-
19.8.

Catering Service.

Child Day

Care—Corporate/Em
ployee Sponsors,
when accessory to
Professional Office,
see Sec. 47-18.8.

Electronic
Installation, when
accessory to
electronic sales.
Film Processing,
when accessory to a
permitted use.

Outdoor Dining and
Sidewalk Cafe, see
Sec. 47-19.9.

Outdoor storage,
see Sec. 47-19.9.

Video Games

Arcade, when
accessory to a
shopping center.

Exhibit “3”

RESOLUTION NO. 2010-16

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT
CONCERNING PENDING AMENDMENTS TO CHAPTER
30 OF THE CODE OF ORDINANCES**

1 **WHEREAS**, Section 30-531 of the Code of Ordinances of the Town of Lauderdale-By-
2
3 The-Sea (the “Code”) provides for a procedure for the public and the development community to
4
5 be notified of changes to the Town’s land development regulations through the issuance of a
6
7 notice of intent of pending land development regulations; and

8 **WHEREAS**, pursuant to Section 30-531(c) of the Code, the Town Commission shall
9
10 authorize the investigation, study, development, drafting and consideration of all proposed
11
12 amendments to the Town’s land development regulations; and

13 **WHEREAS**, proposed amendments to Section 30-313(31) of the land development
14
15 regulations of Chapter 30 of the Code regarding sheds, storage buildings and accessory structures
16
17 were considered by the Town Commission on June 9, 2010, requiring issuance of a notice of
18
19 intent pursuant to Section 30-531(h) of the Code; and

20 **WHEREAS**, proposed amendments to list of permitted uses in the B-1 and B-1-A zoning
21
22 districts of Chapter 30 of the Code were considered by the Town Commission on July 14, 2010,
23
24 requiring issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

25 **WHEREAS**, Town staff and the Town Attorney have identified changes to the Town’s
26
27 sign regulations in Chapter 30 of the Code which will enhance their legal defensibility, requiring
28
29 issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

30 **WHEREAS**, Town staff and the Town Attorney have identified the need to create a
31
32 zoning relief process in Chapter 30 of the Code to enhance the defensibility of this Chapter,
33
34 requiring issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

54 ATTEST:

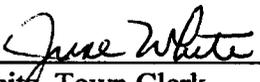
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June White, Town Clerk

60 Approved as to form:

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62

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Susan L. Trevarthen, Town Attorney

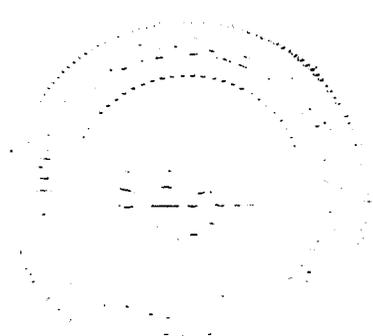


Exhibit "A"

Notice of Intent of Pending Land Development Regulations
Effective July 27, 2010

1. Statement of Purpose: In accordance with Section 30-531 of the Code of Ordinances, the Town hereby issues this **Notice of Intent** to notify the public of proposed changes to the land development regulations of Chapter 30 of the Code of Ordinances ("Code"). Upon Town Commission approval of the further processing of the proposed regulations, the amendments will be included in an ordinance and scheduled for hearing and adoption.

2. Description of Proposed Amendments to Chapter 30 "Unified Land Development Regulations" of the Code of Ordinances:

- a. Amendment to Section 30-313(31) in Article V. "Zoning," Division 2. "Districts," Subdivision L. "Supplemental Regulations," to modify the regulations for accessory buildings and structures, and specify regulations for sheds and storage buildings;
- b. Revising the list of permitted uses in the B-1 and B-1A zoning districts to include pet grooming and possibly other uses in Article V. "Zoning," Division 2. "Districts," Subdivision G. "B-1-A District Regulations" and Subdivision H. "B-1 District Regulations;"
- c. Adopting zoning relief procedures as a new Section 30-22 of Article I. "In General," to address possible unintended violations of federal and state laws in the implementation of this code or its related rules, policies, and procedures; and
- d. Revising the sign code, Article VIII. "Sign Regulations" to include additional severability provisions and possibly other amendments to enhance defensibility.

3. Projected Time Frame for Adoption of Regulations:

- a. Public Hearing and Town Commission Approval of Processing of Proposed Regulatory Changes: August 25, 2010
- b. Planning and Zoning Board Hearing on Ordinance: September 15, 2010
- c. First Reading of Ordinance By Town Commission: October 12, 2010
- d. Second Reading of Ordinance By Town Commission: November 9, 2010

4. Application of Pending Regulations:

The proposed regulations shall become effective and applicable to development within the Town following second reading and adoption by ordinance.

Exhibit “4”

IV. NEW BUSINESS

Project:

Applicant:

Location:

Request: (A) The Planning and Zoning Board to provide recommendations to the Town Commission to the proposed amendments to the Towns' Code of Ordinances.

Item #1. Permitted uses in the B-1 and B-1A Zoning District

Director of Development Services Jeff Bowman gave a brief background of why the subject item was before the Board. In the past, if a proposed business wishing to locate in the Town was not a permitted use for a particular zoning district, they had to go through a number of processes that might take up to three months to get the desired use into the Town's Code. At the July 14, 2010 Commission Roundtable, direction was given to staff to broaden the use criteria in the Code, reducing the need to amend the Code to accommodate individual businesses.

Chairman Oldaker asked if on the original short list affected the types of businesses that were permitted because of the small size of Lauderdale-By-The-Sea.

Mr. Bowman felt unable to speak to the intent of prior Commissions as to the limitation of the types of uses they felt were appropriate for the Town's business zoning districts.

Town Consultant Walter Keller remarked during his work for the Town over a number of years as a consultant, he did different versions of the Town's zoning code; the Town was small, and the variety of business uses were small in number. He thought there was a desire among the Town's citizens to limit commercial businesses to uses more conducive to neighborhoods, having less impact and being more tourist oriented. Upon observation, it could be seen that the business district catered more to tourists going toward the ocean and more office commercial going west, with restaurants scattered throughout the Town. In his approach to satisfying the Commission's wish to broaden the criteria for permitted business uses, he sought to limit commercial uses to be more oriented to community-type businesses, neighborhood businesses, rather than high intensity business or industrial uses that he believed might not be conducive to the Town. He examined the codes for other cities; for example: Fort Lauderdale, Pompano Beach, Deerfield Beach in Broward County, and Delray Beach in Palm Beach County. He discovered Fort Lauderdale tended to group their uses, while other codes were less specific. Included in the Board's backup was his complete list; he limited the business uses to be those that did not include more intensive uses; that is: big box uses, etc. or highway intensive uses that might generate a lot of traffic. Uses that might have a neighborhood impact were left off the list. The aim was for the business uses to be diverse in nature, but to the extent that they caused few neighborhood impacts, as residential uses were very close to commercial businesses. He reviewed his August 23, 2010, memo contained in the backup, specifically page two where it contained a list of uses on the left-hand side of the page, and possible additional uses listed in green on the right side of the same page; the uses were grouped by zoning district. There were a few uses that could possibly be a benefit to the Town but might have impacts; these he listed as possible conditional uses.

Vice Chairman Brandt asked if there was a requested action item or some form of recommendation staff wished from the Board.

Mr. Bowman responded if the Board approved Mr. Keller's suggested uses, they would be given to Town Attorney Trevarthen's firm where they would be drafted into an ordinance form for first reading by the Town Commission.

Chairman Oldaker asked if the proposed list of added uses could be considered sufficiently all-encompassing to satisfy the Commission's direction to staff.

Town Attorney Trevarthen was unable to say whether the Commission had a preconceived notion of what the additional uses should be; rather, they wished staff and the consultant to recommend additional uses that were suitable for the Lauderdale-By-The-Sea community. If the Board had any concerns as to the suitability of any of the suggested uses, they should voice their views, including any existing uses they felt should be deleted.

Mr. Keller encouraged the Board to add any suitable business uses they felt applied if they did not see them on the list.

Vice Chairman Brandt felt the Board, staff, and the Commission should review the list of business uses every six months to determine their status, if there were any changes, etc. Lauderdale-By-The-Sea was a family town and all parties concerned needed to be proactive with regard to the Code to take advantage of as many business opportunities as possible, keeping in mind what was best for the Town's citizens. He wished to make a motion to move the process forward with the list provided by Mr. Keller.

Chairman Oldaker inquired how the reexamination of the list at regular intervals could be incorporated in the language of the ordinance.

Town Attorney Trevarthen suggested the Board focus on what it wished to do with the list before them; the idea of having an established time period by which the list of business uses was reexamined was good. The Board could simply instruct staff to bring the matter up for discussion on its agenda, as with the applications from potential businesses being submitted for Town staff review, there would be a level of awareness as to how accommodating the Town's business use code would be. She commented Mr. Keller's approach to the recommended additional businesses uses was correct, as she could not recommend lifting all of the uses from, for example, the City of Fort Lauderdale, as there were vast differences between the two cities, a very significant one being size. The use of planning advice and guidance from a consultant was wise, as whether or not to include a use on the recommended list was an important decision to make; all the uses on the list had different professional standards with varying impacts/demands they created. She pointed out some uses had different commercial purposes, as some were regional in nature and drew patrons from a far distance, while others catered more to the local community.

Mr. Yankwitt thought the list of uses was comprehensive but expressed concern as to some of the types of businesses, such as a tattoo parlor or an exotic lingerie store, even the definition of a massage therapist is subject to interpretation. He was unsure if the list encompassed those types of uses or were they treated in a different way.

Town Attorney Trevarthen did not see tattoo parlors among the uses listed as recommended uses.

Mr. Yankwitt queried if a use was not listed, was it understood that it was not permitted.

Town Attorney Trevarthen affirmed this to be the case, and this was the way the Code was written. Licensed massage therapists were state regulated, and it was a species of use not necessarily related to the kinds of uses mentioned by Mr. Yankwitt.

Mr. Wick requested a description of where B-1 and B-1A districts were located.

Mr. Bowman responded the B-1A zoning district was located at the intersection of Seagrape and Commercial Blvd.; it encompassed two corners.

Mr. Wick pointed out in the City's B-1 district, the list of additional uses did not mention a flower shop, and there were uses mentioned that already existed in the Town. For instance: a massage place and a barber shop; more of such uses should be limited, while others should be added as conditional uses, including: water craft sales, charter and sightseeing boats. He thought these would help, as the Town had a water basin.

Mr. Keller commented the Town was unique, in that it had some order-oriented property: the intercoastal, the beach and the area around the basin drive. He reviewed the marine type uses and was concerned about permitting heavy marine uses, due to the proximity to the residential area. If a particular use generated a significant amount of traffic and noise, whether from boats, cars, etc., this would further impact the residential area. He felt somewhat restricted in the types of uses he could suggest, noting it was hard to expand marine uses in the water basin area; there was very little parking and residential uses were so close.

Member. Wick mentioned in the basin drive area there was a yacht sales business.

Mr. Keller explained, in compiling the list of recommended businesses uses, he did not take into account all the existing uses, noting they played no part in what he looked at. He examined what uses were spelled out in the existing codes, as indicated in the memo in the backup, after which he looked at what uses the existing codes did not contain compared to other cities' codes. Some of the uses in the Town could have been approved many years prior, as there were uses that were very similar to others, and staff would analyze what might look like a new use, examine the Code and the experience within the community, and there were instances when staff could make the determination that a use was allowable or not allowable in the Town. For those uses staff felt unable to make a decision as required by the Town's general zoning and planning principles and efforts, they would seek the input of the Commission.

Member. Wick suggested bringing back the water taxi, as this would bring more tourism to the Town, and the Women's Club building, which they used only on certain days of the month might be an ideal place to use for this purpose.

Chairman Oldaker interjected the water taxi would go through canals that were purely residential. The yacht broker might occasionally take a yacht to test drive, but commercial vehicles traversing up and down the canals would be like a bus on a residential street. The residents on either side of the canal might have an objection to the water taxi.

Mr. Keller stated he saw no problem having a water taxi along the intercoastal, though some problems arose when one of the uses in Town occasionally chartered a boat for a dinner cruise, and the latter would cause impacts in the community; as after the bus dropping people off, it would sit and run the entire time it waited for passengers to return.

Town Attorney Trevarthen gave a brief review of the Town's conditional use process for the benefit of the Board members.

Vice Chairman Brandt made a two-part motion: 1) to go with the list of additional uses recommended by Mr. Keller, as well as the conditional uses staying as conditional uses, as contained in the backup. 2) He recommended the code provision got drawn up, eliminating B-1A, which he heard was duplicitous and added little value.

Town Attorney Trevarthen added the second motion would carry with it a number of things. In order to get rid of B-1A, it would have to be stricken from the Code, a rezoning would have to be done of the current B-1A properties.

Vice Chairman Brandt withdrew his earlier motion to eliminate B-1A.

Town Attorney Trevarthen clarified the motion on the floor was to approve Mr. Keller's recommendation before the Board, including the items listed in red on page three of the handout; those would be included as conditional uses.

Chairman Oldaker concurred.

Mr. Yankwitt asked if the water taxi use was being considered presently.

Town Attorney Trevarthen pointed out the listed uses for approval included charter and sightseeing boat, asking Mr. Keller if the water taxi could fit within that use.

Mr. Keller was unsure how the water taxi use was to be treated, as it functioned more like a bus. He clarified he was not vetoing the consideration of uses not included on his list, but making some uses conditional gave the Town more flexibility, and it was likely other language would be included in the Code to address conditional uses appropriately. The water taxi service might not need to be listed as a specific use, as they were not a business having no specific office situated in the Town.

Vice Chairman Brandt made a motion to approve the recommended list of uses by Mr. Keller, as set forth in the backup, seconded by Mr. Wick.

In a roll call vote, the motion passed 4 – 0.