

Item # 1

Version 1.

ORDINANCE 2010-XX

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AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, 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 remove the prohibition on swimming pools, hot tubs and spas being constructed within the front yard setback; and

WHEREAS, the Town Commission desires to allow fencing and enclosures within the front yard setback, provided such structures do not encroach or impede upon the sight distance triangle; and

WHEREAS, the Town Commission desires to allow screen enclosures, pool decks, patios, porches and terraces within any required yard; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on June 16, 2010, and recommended its approval; 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

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30 Commission has determined that this Ordinance is consistent with the Town's
31 Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

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

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

37 SECTION 2. Chapter 30 "UNIFIED LAND DEVELOPMENT
38 REGULATIONS," Article V "Zoning," Division 2 "Districts," Subdivision L
39 "Supplemental Regulations," Section 30-313 "General provisions," is hereby amended as
40 follows:

41 Sec. 30-313. General provisions.

42 * * * * *

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44
45 (29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required.
46 ~~No swimming pool, hot tub or spa shall be constructed within a front yard setback.~~
47 Swimming pools, hot tubs and spas shall have the following minimum setback
48 regulations:

- 49
- 50 a. All water bearing wall surfaces shall have a minimum five-foot setback from
- 51 the ~~side and rear~~ property lines.
- 52 b. All water bearing wall surfaces shall have a minimum five ~~ten~~-foot setback
- 53 from any public right-of-way.
- 54 c. Notwithstanding any other regulation of this Code, fencing to enclose a
- 55 swimming pool, hot tub or spa is permitted in front setback, but shall not encroach
- 56 upon the sight distance triangle created in section 30-124(a)(8) of the Code.
- 57

58 All swimming pools shall be enclosed by an open mesh screen enclosure or a fence of
59 wall a minimum of five feet in height of such design and material as will prevent
60 unauthorized access to the pool area. All screen doors and fence gates shall be equipped
61 with a self-locking mechanism.

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63 Swimming pools or spas on lots that directly abut a waterway or other water area shall
64 not require enclosure along such waterway or water area.

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Screen enclosures, pool decks, patios, porches and terraces shall be permitted in any the required side yard or rear yard only and shall not be located less than 2 1/2 feet from plot lines. In addition, the location of screen enclosures, pool decks, patios, porches and terraces will need to be located outside of any utility easement areas unless the property owner obtains consent from the applicable utility(s) to allow any of these structures in the easement area.

* * * * *

SECTION 3. Severability.

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

SECTION 4. Effective Date.

This Ordinance shall become effective immediately upon passage on second reading.

SECTION 5. Codification.

This Ordinance shall be codified.

SECTION 6. Adoption.

Passed on the first reading, this ____ day of _____, 2010.

Passed on the second reading, this ____ day of _____, 2010.

Mayor Roseann Minnet

ORDINANCE 2010-XX

	First Reading	Second Reading
96		
97	Mayor Minnet	_____
98	Vice-Mayor Dodd	_____
99	Commissioner Clottey	_____
100	Commissioner Sasser	_____
101	Commissioner Vincent	_____
102		
103		
104	Attest:	
105	_____	
106	Town Clerk, June White	
107	(CORPORATE SEAL)	
108	Approved as to form:	
109	_____	
110	Town Attorney, Susan L. Trevarthen	
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ORDINANCE 2010-XX

Version 2.

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AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, 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 remove the prohibition on swimming pools, hot tubs and spas being constructed within the front yard setback of corner lots; and

WHEREAS, the Town Commission desires to allow fencing and enclosures within the front yard setback, provided such structures do not encroach or impede upon the sight distance triangle; and

WHEREAS, the Town Commission desires to allow screen enclosures, pool decks, patios, porches and terraces within any yard of a corner lot; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on June 16, 2010; 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

ORDINANCE 2010-XX

30 Commission has determined that this Ordinance is consistent with the Town's
31 Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

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

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

37 **SECTION 2.** Chapter 30 "UNIFIED LAND DEVELOPMENT
38 REGULATIONS," Article V "Zoning," Division 2 "Districts," Subdivision L
39 "Supplemental Regulations," Section 30-313 "General provisions," is hereby amended as
40 follows:

41 Sec. 30-313. General provisions.

42 * * * * *

43
44
45 (29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required.
46 No swimming pool, hot tub or spa shall be constructed within a front yard setback, unless
47 the lot is a corner lot. Swimming pools, hot tubs and spas shall have the following
48 minimum setback regulations:

- 49
- 50 a. All water bearing wall surfaces shall have a minimum five-foot setback from
- 51 the ~~side and rear~~ property lines.
- 52 b. All water bearing wall surfaces shall have a minimum five ~~ten~~-foot setback
- 53 from any public right-of-way.
- 54 c. Notwithstanding any other regulation of this Code, fencing to enclose a
- 55 swimming pool, hot tub or spa is permitted in the front setback, but shall not
- 56 encroach upon the sight distance triangle created in section 30-124(a)(8) of the
- 57 Code.
- 58

59 All swimming pools shall be enclosed by an open mesh screen enclosure or a fence of
60 wall a minimum of five feet in height of such design and material as will prevent
61 unauthorized access to the pool area. All screen doors and fence gates shall be equipped
62 with a self-locking mechanism.

63

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64 Swimming pools or spas on lots that directly abut a waterway or other water area shall
65 not require enclosure along such waterway or water area.

66
67 Screen enclosures, pool decks, patios, porches and terraces shall be permitted in the
68 required side yard or rear yard only or in any yard of a corner lot, and shall not be located
69 less than 2 1/2 feet from plot lines. In addition, the location of screen enclosures, pool
70 decks, patios, porches and terraces will need to be located outside of any utility easement
71 areas unless the property owner obtains consent from the applicable utility(s) to allow
72 any of these structures in the easement area.

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76 **SECTION 3.** Severability.

77 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
78 unconditional by any court of competent jurisdiction, then said holding shall in no way
79 affect the validity of the remaining portions of this Ordinance.

80 **SECTION 4.** Effective Date.

81 This Ordinance shall become effective immediately upon passage on second
82 reading.

83 **SECTION 5.** Codification.

84 This Ordinance shall be codified.

85 **SECTION 6.** Adoption.

86 Passed on the first reading, this ____ day of _____, 2010.

87 Passed on the second reading, this ____ day of _____, 2010.

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Mayor Roseann Minnet

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First Reading

Second Reading

100 Mayor Minnet

101 Vice-Mayor Dodd

102 Commissioner Clotey

103 Commissioner Sasser

104 Commissioner Vincent

105

106

107 Attest:

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109 _____
Town Clerk, June White

110 (CORPORATE SEAL)

111 Approved as to form:

112

113 _____
Town Attorney, Susan L. Trevarthen

INTEROFFICE MEMORANDUM

TO: PLANNING AND ZONING MEMBERS
FROM: JEFF BOWMAN, DEVELOPMENT SERVICES DIRECTOR 
SUBJECT: PROPOSED AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE
DATE: 12/8/2009

On September 10, 2009 the Town Commission approved moving forward with the attached proposed amendments to the Unified Land Development Code.

On October 27, 2009 the Town Commission passed a Resolution providing for the issuance of a Notice of Intent concerning pending amendments to Chapter 30 of the Towns Code of Ordinances.

As per Chapter 30 Section 531 (j) of the Towns Code of Ordinances, a copy of the Notice of Intent was provided to you.

On December 7, 2009 (Continued from November 10, 2009) the Public Hearing and Town Commission approval of processing of proposed regulatory changes passed.

The proposed amendments to the Land Development Code are attached for your review and recommendations. The changes are indicated as such:

- ~~Strike through~~ = Deleted
- Underlined = Added Text

The only text changes to the current code are those that have a strike-through or are underlined. If you have any questions please contact me.

Thank You.

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING AGENDA

Town Commission Meeting Room

Wednesday, December 16, 2009

6:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF MINUTES

Regular Meeting of the Planning and Zoning Board – October 21, 2009

IV. NEW BUSINESS

Project:

Applicant:

Location:

Request:

(A) The Planning and Zoning Board to provide recommendations to the Town Commission to the proposed changes to the land development regulations of Chapter 30 of the Code of Ordinances ("Code"):

- Amendment to Section 30-313 of the Code to remove the prohibition against constructing and allowing a swimming pool, hot tub, or spa to be located within the front yard setback. (Reference Proposed Ordinance 2009-35)
- Amendment to Section 30-261 (b) (1) of the Code to amend and expand the list of permitted uses within the B-1-A commercial zoning district by allowing community theatres and cultural centers. (Reference Proposed Ordinance 2009-10)
- Amendment to Section 30-271(a) of the Code to amend and expand the list of permitted uses within the B-1 commercial zoning district by allowing community theatres and cultural centers. . (Reference Proposed Ordinance 2009-10)

V. OLD BUSINESS

NONE

VI. UPDATES/BOARD MEMBER COMMENTS

VII. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AIDS AND SERVICES NECESSARY TO AFFORD AN INDIVIDUAL AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE PLANNING AND ZONING BOARD. IN DETERMINING WHAT TYPE OF AUXILIARY AID AND SERVICE IS NECESSARY, THE TOWN OF LAUDERDALE-BY-THE-SEA, WILL GIVE PRIMARY CONSIDERATION TO THE REQUESTS OF THE INDIVIDUAL WITH DISABILITIES. PLEASE CONTACT THE TOWN CLERK AT LEAST 48 HOURS PRIOR TO THE MEETING TO MAKE ARRANGEMENTS FOR APPROPRIATE AUXILIARY AIDS. (AUXILIARY AIDS AND SERVICES, 56 FED. REG. 35721, SECTION 36.160(B)).

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING AND ZONING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A

10/27/09

RESOLUTION NO.2009-28

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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.

WHEREAS, Section 30-531 of the Code of Ordinances of the Town of Lauderdale-by-the-Sea (the "Code") provides for a procedure for the public and the development community to be notified of changes to the land development regulations of the Town through the issuance of a notice of intent of pending land development regulations; and

WHEREAS, pursuant to Section 30-531(c) of the Code, the Town Commission shall authorize the investigation, study, development, drafting and consideration of all proposed amendments to the Town's land development regulations; and

WHEREAS, proposed amendments to the land development regulations of Chapter 30 of the Code were considered by the Town Commission on September 10, 2009; and

WHEREAS, these proposed amendments to the land development regulations of Chapter 30 of the Code are regulations which require issuance of a notice of intent pursuant to Section 30-531(h) of the Code; and

WHEREAS, Section 30-531(e) of the Code provides for posted and written notice of the pending amendments to the land development regulations; and

WHEREAS, pursuant to Section 30-531(c) of the Code, the Town Commission shall hold a public hearing at the next Commission meeting following issuance of a

27 notice of intent, and by majority vote shall either approve or disapprove the further
28 processing of the proposed land development regulations; and

29 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION**
30 **OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

31
32 **SECTION 1.** That, pursuant to Section 30-531 of the Code of Ordinances, the
33 Town Commission authorizes the investigation, study, development, drafting and
34 consideration of the proposed amendments to Chapter 30, as described in the Notice of
35 Intent of Pending Land Development Regulations attached hereto as Exhibit "A."

36 **SECTION 2.** That the Town Commission hereby finds that the effective date of
37 the Notice of Intent of Pending Land Development Regulations shall be October 27,
38 2009.

39 **SECTION 3.** That the Town Commission shall hold a public hearing
40 concerning the Notice of Intent of Pending Land Development Regulations on November
41 10, 2009, and approve or disapprove of the further processing of the proposed
42 regulations.

43 **SECTION 4.** That this Resolution shall become effective immediately upon
44 passage and adoption.

45 **PASSED AND ADOPTED** this 27th of October, 2009

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49 **ATTEST:**

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June White
June White, Town Clerk

Roseann Minnet
MAYOR ROSEANN MINNET

Approved as to form:
Susan L. Trevarthen
Susan Trevarthen, Town Attorney

Exhibit "A"

Notice of Intent of Pending Land Development Regulations
Effective October 27, 2009

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 of the Code of Ordinances:

- a. Amendment to Section 30-211 of the Code to amend and clarify the building setback requirements in the RS-5 residential zoning district;
- b. Amendment to Section 30-313 of the Code to remove the prohibition against constructing and allowing a swimming pool, hot tub, or spa to be located within the front yard setback.
- c. Amendment to Section 30-261(b)(1) of the Code to amend and expand the list of permitted uses within the B-1-A commercial zoning district by allowing community theaters and cultural centers.
- d. Amendment to Section 30-271(a) of the Code to amend and expand the list of permitted uses within the B-1 commercial zoning district by allowing community theaters and cultural centers.

3. Projected Time Frame for Adoption of Regulations:

- | | |
|--|--------------------------|
| a. Public Hearing and Town Commission Approval of Processing of Proposed Regulatory Changes: | <u>November 10, 2009</u> |
| b. Planning and Zoning Board Hearing on Ordinance: | <u>November 18, 2009</u> |
| c. First Reading of Ordinance By Town Commission: | <u>December 1, 2009</u> |
| d. Second Reading of Ordinance By Town Commission: | <u>January 12, 2010</u> |

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.

12/7/09

Exhibit "A"

Notice of Intent of Pending Land Development Regulations
Effective October 27, 2009

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 of the Code of Ordinances:

- a. Amendment to Section 30-211 of the Code to amend and clarify the building setback requirements in the RS-5 residential zoning district;
- b. Amendment to Section 30-313 of the Code to remove the prohibition against constructing and allowing a swimming pool, hot tub, or spa to be located within the front yard setback.
- c. Amendment to Section 30-261(b)(1) of the Code to amend and expand the list of permitted uses within the B-1-A commercial zoning district by allowing community theaters and cultural centers.
- d. Amendment to Section 30-271(a) of the Code to amend and expand the list of permitted uses within the B-1 commercial zoning district by allowing community theaters and cultural centers.

3. Projected Time Frame for Adoption of Regulations:

- a. Public Hearing and Town Commission Approval of Processing of Proposed Regulatory Changes: November 10, 2009
- b. Planning and Zoning Board Hearing on Ordinance: November 18, 2009
- c. First Reading of Ordinance By Town Commission: December 1, 2009
Second Reading of Ordinance By Town Commission: January 12, 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.