

Town of Lauderdale-By-The-Sea
Regular Planning and Zoning Board

Agenda

Wednesday, March 11, 2026

6:00 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Regular Planning and Zoning Board

Wednesday, March 11, 2026, 6:00 PM

Jarvis Hall 4505 N. Ocean Drive, 33308

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **APPROVAL OF MINUTES**

3.a. February Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. Pursuant to Chapter 30, "Unified Land Development Regulations," Sections 30-271(i)(3)(b), "Mixed Use," Section 30-123, "Modification of Approved Site Plan," and Section 30-100, "Flexibility Rules," of the Town's Code of Ordinances (the "Town Code"), the Applicant has requested approval for a mixed-use development to allow the conversion of existing second floor office space to residential use, including the allocation of five (5) residential flexibility units, within the B-1 Zoning District for the property located at 253-257 E. Commercial Boulevard.

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **ADJOURNMENT**

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION 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 ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is

available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 3.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: March 11, 2026

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Resolution

Agenda Section: APPROVAL OF MINUTES

Subject Title: February Minutes

Explanation:

Recommendation:

Exhibits:

1. Unapproved February P & Z Minutes

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, February 4, 2026**

1. CALL TO ORDER

Chair Karen Sylvester called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:04PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Karen Sylvester, Vice Chair Leslie Richardson, Board Member Ron Piersante, Board Member Jeff Goldman, Board Member MaShawn Simpson and new board member 1st Alternate Gregory Maloney. Present in person were Town Attorney James White, Development Services Director (DSD) Jhanelle Campbell, Assistant Development Services Director David Lee, Planner Alex Battle, and Board Clerk Megan Small.

The Oath of Office was administered to Board Member Gregory Maloney by Board Clerk Small.

The discussions and actions taken, etc. during the meeting were not limited to what was typed.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – December, 2025

Board Member Simpson made a motion to approve the P&Z Minutes of December 10, 2025 as written and was seconded by Board Member Goldman. The motion to approve carried 5-0 (1st Alternate Maloney did not vote).

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for comments and closed this agenda item as there was no one present from the public.

5. NEW BUSINESS

5.A.

ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV, “DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES” OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30- 138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Development Services Director (DSD) Campbell explained that this Ordinance was required to be adopted by the State to establish a clear, legally compliant administrative process for reviewing certified recovery residences and a legally required request for reasonable accommodations. She gave some background and

stated that the Town Commission saw this Ordinance on January 27, 2026 for 1st Reading and voted to adopt the Ordinance with a few suggestions from the Mayor. Those suggestions were in the Board packet. As long as the revisions were legally compliant, they would be added to the Ordinance and presented for 2nd Reading on February 10, 2026 to the Town Commission. The Director called for Board Questions.

Board Member (BM) Simpson asked where in the Code anything was written about certified recovery residences and the Director explained and said how this was handled in the past. She further asked if this was a commercial institute and she was answered that it was treated as a residence. For the record, the Director advised that the Town did not get a lot of these applications. Chair Sylvester asked and was answered how many were in Town. Board Member Goldman asked if there was a distance factor and he was answered that there was no distance requirement. He asked if this was a change and the Director reminded that these would just be residences as treatment did not take place in recovery residences. Board Member Piersante asked about a facility and Board Member Simpson wanted to know if it was standard to treat this type of facility as a resident. Town Attorney White gave background information and explained that this was like a group home. The Chair clarified that this was all required by a Florida Senate Bill. There were no other board questions and no public comments. There were no requests to make any additional board comments.

Vice Chair Richardson made a motion to approve Ordinance 2026-03 as presented and was seconded by Board Member Piersante. The motion to approve carried 5-0 (1st Alternate Maloney did not vote).

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Vice Chair Richardson made a motion to adjourn at approximately 6:15PM and the motion was seconded by Board Member Piersante. The motion to adjourn carried 5-0 (1st Alternate Maloney did not vote).

Chair Karen Sylvester

ATTEST:

Date Accepted: _____



Agenda Item No: 5.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: March 11, 2026

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: Pursuant to Chapter 30, “Unified Land Development Regulations,” Sections 30-271(i)(3)(b), “Mixed Use,” Section 30-123, “Modification of Approved Site Plan,” and Section 30-100, “Flexibility Rules,” of the Town’s Code of Ordinances (the “Town Code”), the Applicant has requested approval for a mixed-use development to allow the conversion of existing second floor office space to residential use, including the allocation of five (5) residential flexibility units, within the B-1 Zoning District for the property located at 253-257 E. Commercial Boulevard.

Explanation:



Image1- Property Image and Location

Purpose

The purpose of this memorandum is to provide Staff’s findings and recommendations regarding the Site Plan Modification, Conditional Use, and Flex Unit applications (**Exhibit 1**), submitted to the Town of Lauderdale-By-The-Sea, Florida (the “Town”) to permit a mixed-use development, including the conversion of second floor office space into (5) residential dwelling units to be located at 253-257 East Commercial Boulevard (the “Property”) (Figure 1). The Property has a Commercial Land Use designation and is zoned B-1 - Business. If approved, the Town will need to process a request to allocate five (5) flexibility units with Broward County. To consider the request, the following Town Code of Ordinances (“Town Code”) provisions were reviewed:

- Section 30-271(i)(3) “Mixed Use Requirements”;
- Section 30-126 “Conditional Use Requirements”;
- Section 30-100 “Flexibility Rules”; and • Article IV, Division 2 “Site Plan Procedures and

Requirements” concerning the Level 2 Site Plan Amendment.

- Article IV, Division 2 “Site Plan Procedures and Requirements” concerning the Level 2 Site Plan Amendment.

Background

The Property is a developed parcel of land located within the B-1 zoning district. The existing two (2) story structure was originally constructed in the 1970’s. The first floor includes commercial spaces that have been occupied by a variety of uses over the years. At the time of purchase by the Applicant, the second-floor housed several office spaces. An outdoor parking area behind the building has nine (9) existing parking spaces.

Request

255 Commercial Center LLC, (the “Applicant”) is proposing to convert the second-floor office space into five (5) long term dwelling units. The Applicant’s proposal will result in four(4) two (2) bedroom units and a one (1) bedroom unit located on the second-floor. An application of this type requires review of the conversion to mixed use and site plan modification.

Conditional Use Application

Sections 30-271 and 30-126 of the Town Code establish the criteria necessary to meet the requirements of mixed-use development.

Mixed Use Development (Section 30-271)

Pursuant to Section 30-271(i)(3) of the Town Code, a vertical mix of neighborhood-serving B-1 uses and residential uses are permitted within the same building, in locations fronting on Commercial Boulevard and west of State Road A1A. Further, it allows conditional use development in B-1 zoned property when the property has a commercial land use designation, provided certain criteria are met. Staff has determined that the application meets the requirements of the Town Code (**Exhibit 2**).

Conditional Use (Section 30-126)

Pursuant to Section 30-126 of the Town Code, the requisite criteria for conditional use approval are listed below, with Staff’s analysis and findings regarding the application also provided below (**Exhibit 3**).

1. Land Use Compatibility. The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

Applicant Response: (1) Land Use Compatibility: The proposed conditional use, conversion of second-floor office space into five long-term residential rental units, is compatible and harmonious with adjacent land uses in terms of scale, intensity, and traffic-generating characteristics. The development maintains the existing building envelope, including height and dimensions, thereby preserving the visual continuity and architectural character of the surrounding area. The residential use is thoughtfully integrated into a mixed-use corridor, where permitted commercial activities coexist with residential occupancy. The long-term nature of the rentals (leases of at least 120 consecutive days, in compliance with Section 30-271(i)(3)(c) of the Town Code) ensures residential stability and avoids the transient impacts associated with short-term lodging. This stability supports neighborhood cohesion and reduces nuisances such as noise, traffic surges, and parking overflow. Compatibility is further demonstrated through the following characteristics:

(i) Permitted Uses: Residential use is expressly permitted in the B-1 district as part of a mixed-use development.

(ii) Building Location and Dimensions: No changes are proposed to the building's footprint, height, or massing, ensuring consistency with surrounding structures.

(iii) Parking and Access: Existing access drives and service areas remain unchanged, and sufficient on-site parking is provided in accordance with Town standards and prior parking credits.

(iv) Traffic and Hours of Operation: Residential occupancy generates minimal traffic and does not introduce commercial operating hours or lighting impacts.

(v) Light and Air: The project does not alter existing light or air patterns, as no exterior modifications are proposed.

(vi) Setbacks and Buffers: The development complies with all setback requirements, maintaining appropriate spatial relationships with adjacent properties.

(vii) Architectural and Site Design: The unchanged exterior ensures architectural compatibility with the surrounding built environment.

(viii) Signage and Lighting: No new signage or lighting is proposed that would adversely affect neighboring properties or vehicular traffic.

In sum, the proposed residential use is designed to coexist in a stable and mutually beneficial manner with surrounding commercial and residential activities, satisfying the Town's definition of compatibility under Section 30-126(d)(1).

Staff Analysis: Staff finds that the proposed conditional use (conversion of existing second-floor office space to five long-term residential rental units) meets the compatibility criteria set forth in Section 30-126(d)(1) of the Unified Land Development Regulations. The request does not alter the existing building envelope, height, massing, or site configuration and therefore maintains consistency with the established scale and intensity of development within the B-1 mixed-use corridor. Residential use is expressly permitted within the B-1 district as part of a mixed-use development framework, and the proposed units are integrated within an existing structure without expansion or exterior modification.

Based on the unchanged physical characteristics of the structure, compliance with parking standards and prior credits, absence of new external impacts, and consistency with permitted mixed-use objectives of the district, Staff concurs with the applicant's analysis and finds that the proposed conditional use can coexist with surrounding commercial and residential uses in a stable and harmonious manner.

Compatibility is further demonstrated through the following characteristics

i. Permitted uses, structures and activities allowed within the land use category;

Applicant Response: Residential use is expressly permitted in the B-1 district as part of a mixed-use development.

Staff Analysis: Staff concurs with the applicant's response. Pursuant to Section 30-271 of the Unified Land Development Regulations, residential use is expressly permitted within the B-1 Zoning District as part of a mixed-use development. The proposed conversion of second-floor office space to long-term residential rental units falls within the range of uses contemplated by the district and does not introduce a use that is inconsistent with the established regulatory framework. The request involves an internal change of use within an existing structure and does not propose any additional structures or activities beyond those allowed in the district. Accordingly, Staff finds the proposed use is consistent with the permitted uses allowed in the B-1 land use category.

ii. Building location, dimensions, height, and floor area ratio;

Applicant Response: No changes are proposed to the building's footprint, height, or massing, ensuring consistency with surrounding structures.

Staff Analysis: Staff concurs with the applicant's response. The proposed conditional use involves an internal conversion of existing second-floor office space and does not modify the building footprint, setbacks, height, massing, or overall floor area ratio (FAR). Because no exterior expansion or structural enlargement is proposed, the development will remain consistent with the dimensional standards and intensity parameters previously approved for the site and with the established built form in the surrounding area. Accordingly, Staff finds that the building location, dimensions, height, and FAR remain unchanged and continue to be compatible with the surrounding development pattern.

iii. Location and extent of parking, access drives and service areas;

Applicant Response: Existing access drives and service areas remain unchanged, and sufficient on-site parking is provided in accordance with Town standards and prior parking credits.

Staff Analysis: Staff concurs with the applicant's response and finds that the proposed development complies with the parking and circulation requirements of Section 30-271(i)(3)(d) of the Town Code. The request involves an internal change of use only and does not alter existing access drives, points of ingress or egress, or service areas. Vehicular circulation patterns remain substantially consistent with prior approvals, and no additional curb cuts or expansion of impervious area is proposed.

With respect to parking, the applicant has provided updated parking tables reflecting gross leasable area (GLA) calculations for each component of the mixed-use development, including retail, office, restaurant, and residential uses. The total required off-street parking has been calculated as the sum of the requirements for each individual use, consistent with Code. The site benefits from twenty-four (24) parking credits granted in 1995 and a one-space exemption granted in 2012, both of which remain valid and applicable. No waiver or variance is

requested.

To ensure compliance with residential parking standards prohibiting tandem parking for dwelling units, the applicant proposes to eliminate eighteen (18) existing tandem spaces at the rear of the building and reconfigure that area to provide seven (7) standard back-out spaces and one (1) ADA-compliant space. This reconfiguration ensures that each of the five proposed residential units is served by a dedicated, code-compliant parking space, including one accessible space for the ADA unit, and eliminates reliance on tandem configurations.

The residential and commercial components are clearly delineated, no units combine residential and non-residential uses, and the project does not rely on public parking facilities. Based on the submitted documentation and retained parking credits, Staff finds that the location and extent of parking, access drives, and service areas are adequate and compliant with Town standards.

iv. Traffic generation, hours of operation, noise levels and outdoor lighting;

Applicant Response: Residential occupancy generates minimal traffic and does not introduce commercial operating hours or lighting impacts.

Staff Analysis: Staff finds that the proposed residential use will not materially alter existing site conditions with respect to traffic generation, operational characteristics, noise, or lighting. The conversion represents a shift to a long-term residential occupancy within an existing structure and does not introduce commercial activity, extended operating hours, or intensified site operations.

No exterior modifications are proposed that would affect lighting patterns or increase noise levels, and the use is consistent with typical residential activity. Based on the nature of the request and the absence of operational changes, Staff finds that the proposed use remains compatible with surrounding properties in terms of traffic, hours of activity, noise, and outdoor lighting.

v. Alteration of light and air;

Applicant Response: The project does not alter existing light or air patterns, as no exterior modifications are proposed.

Staff Analysis: Staff concurs with the applicant's response. The proposed change of use involves no exterior expansion, vertical addition, or modification to the building envelope. As such, the project will not alter existing light, air, or shadow patterns affecting adjacent properties.

Because the building footprint, height, and massing remain unchanged, the development maintains the established spatial relationships within the surrounding area. Staff therefore finds that the proposed use will not adversely affect access to light and air for neighboring properties.

vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;

Applicant Response: The development complies with all setback requirements, maintaining appropriate spatial relationships with adjacent properties.

Staff Analysis: Staff concurs with the applicant's response. The proposed change of use does not modify the existing building footprint, setbacks, or site layout. No new structures, encroachments, fences, walls, or alterations to landscaping or open space areas are proposed as part of this request.

The development remains consistent with applicable setback requirements and maintains established spatial relationships with adjacent properties. Accordingly, Staff finds that the project complies with the Town's standards regarding setbacks and site buffering, and no adverse impacts are anticipated.

vii. The architectural and site design are compatible with the character of the surrounding area; and

Applicant Response: The unchanged exterior ensures architectural compatibility with the surrounding built environment.

Staff Analysis: Staff concurs with the applicant's response. The proposed request involves no exterior alterations to the building façade, roofline, materials, or site design elements. As the building envelope and architectural features will remain unchanged, the project preserves the existing visual character and relationship to surrounding development.

Because the proposal is limited to an internal change of use and does not modify the exterior appearance or site configuration, Staff finds that the architectural and site design remain compatible with the character of the surrounding area.

viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

Applicant Response: No new signage or lighting is proposed that would adversely affect neighboring properties or vehicular traffic. In sum, the proposed residential use is designed to coexist in a stable and mutually beneficial manner with surrounding commercial and residential activities, satisfying the Town's definition of compatibility under Section 30-126(d)(1).

Staff Analysis: Staff concurs with the applicant's response. The proposed change of use does not include the installation of new signage or exterior lighting, nor does it modify any existing sign or lighting configuration. As no additional illumination, sign area, or changes to visibility are proposed, the project will not adversely affect adjacent properties or vehicular traffic patterns. Existing signage and lighting remain subject to the Town's applicable standards.

2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use. The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Applicant Response: The subject property is of sufficient size and configuration to accommodate the proposed residential use without requiring any expansion or modification to

the existing building footprint. The second-floor renovation will occur entirely within the existing structure, which has historically supported commercial office uses of comparable or greater intensity. The scale and intensity of the proposed residential use is modest, limited to five long-term rental units, and does not exceed the capacity of the site's infrastructure or layout. Access to the site is provided through established ingress and egress points that have served the property effectively for decades. These access points support safe and efficient internal circulation for both vehicles and pedestrians, and no new curb cuts or traffic modifications are proposed. The existing circulation pattern ensures minimal disruption to surrounding businesses and maintains the integrity of the activated corridor along Commercial Boulevard. The site includes sufficient off-street parking to meet the Town's requirements for residential use, supported by previously granted parking credits from 1995 and 2012. These credits, combined with the current parking layout, ensure that the proposed use will not burden public parking resources or adjacent properties. While the project does not involve exterior modifications, the existing site design includes appropriate setbacks, landscaping, and open space that contribute to the overall compatibility and buffering of the property. The building's architectural features and urban design are consistent with the surrounding built environment, and the interior-only scope of the renovation ensures that no adverse impacts will result from construction or occupancy. In summary, the site's dimensions, layout, infrastructure, and access are fully adequate to support the proposed residential use, and the project meets all requirements under Section 30- 126(d)(2) for conditional use approval.

Staff Analysis: Staff concurs with the applicant's response and finds that the subject property possesses sufficient site area, configuration, and infrastructure capacity to accommodate the proposed conditional use. The request involves an internal conversion of existing second-floor office space to five long-term residential units and does not require expansion of the building footprint, modification of site boundaries, or intensification beyond the structural capacity of the existing development.

The scale and intensity of the proposed residential use are modest and consistent with the mixed-use character of the corridor. The property has historically supported commercial office activity of comparable or greater intensity, and the proposed use does not exceed the functional capacity of the site. Existing ingress and egress points remain unchanged and continue to provide safe and efficient access for vehicles and pedestrians. No new curb cuts, circulation changes, or roadway modifications are proposed.

The site provides adequate off-street parking in compliance with Town Code requirements, inclusive of previously granted parking credits that remain valid and applicable. The reconfiguration of certain parking spaces to eliminate tandem parking for residential units further ensures code compliance without expanding the site or increasing impervious area. The development does not rely on public parking facilities and does not introduce operational characteristics that would burden surrounding infrastructure.

Because no exterior modifications are proposed, existing setbacks, landscaping, open space treatment, and buffering conditions remain intact. Utilities and infrastructure serving the property are already established and adequate to support the proposed residential occupancy.

Based on the foregoing, Staff finds that the size, shape, layout, access, parking, and infrastructure of the site are sufficient to accommodate the proposed conditional use, and the

request satisfies the criteria set forth in Section 30-126(d)(2).

3. Compliance with the Comprehensive Plan and Code of Ordinances. The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

Applicant Response: The proposed conditional use complies fully with the Town's Code of Ordinances, including all applicable environmental, zoning, and concurrency regulations. The property is located within the B-1 zoning district, where mixed-use development, including residential units above ground-floor commercial space, is expressly permitted subject to conditional use approval. The project adheres to all dimensional standards, including height, setbacks, and parking, and does not require any variances or exceptions. In addition, the proposed development is consistent with the goals and policies of the Town's Comprehensive Plan. Specifically, it advances the Plan's objectives to:

- (i) Encourage adaptive reuse of underutilized commercial space;
- (ii) Promote mixed-use development that supports walkability and reduces automobile dependency;
- (iii) Increase the availability of long-term housing options to support year-round residency;
- (iv) Enhance the character and vitality of activated corridors such as Commercial Boulevard.

By converting vacant office space into long-term residential units, the project contributes to a more balanced and sustainable land use pattern. It supports economic development by increasing foot traffic and patronage of nearby businesses, while also reinforcing the Town's vision for vibrant, pedestrian-oriented streetscapes. The project's limited scale and interior-only scope ensure that it integrates seamlessly into the existing urban fabric without triggering adverse environmental or infrastructure impacts. Accordingly, the proposed use satisfies all requirements under Section 30- 126(d)(3) and aligns with both the regulatory framework and long-term planning vision of the Town.

Staff Analysis: Staff concurs with the applicant's response and finds that the proposed conditional use is consistent with the Town's Code of Ordinances and Comprehensive Plan. The property is located within the B-1 Zoning District, which permits mixed-use development, including residential units in conjunction with commercial uses, subject to conditional use approval. The proposed internal conversion complies with applicable dimensional standards, including height, setbacks, and parking requirements, and does not require variances or regulatory exceptions.

From a planning perspective, the request is consistent with the Comprehensive Plan's objectives supporting mixed-use development patterns, adaptive reuse of existing structures, and the promotion of residential opportunities within established commercial corridors. The conversion of underutilized office space to long-term residential occupancy advances policies encouraging walkability, corridor vitality, and a balanced land use mix.

Because the proposal is limited in scale and confined to the existing building envelope, it does not introduce new environmental impacts, does not exceed infrastructure capacity, and remains consistent with concurrency requirements. Based on the foregoing, Staff finds that the proposed conditional use satisfies the criteria of Section 30-126(d)(3) and aligns with both the

regulatory standards and long-range planning framework of the Town.

4. Proper Use of Mitigative Techniques. The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

Applicant Response: The proposed conditional use incorporates effective mitigative techniques to ensure that adjacent land uses and community infrastructure are not adversely impacted. The renovation is strictly limited to the interior of the second story of the existing building, eliminating the need for exterior construction activities that could generate noise, dust, vibration, or visual disruption. This approach significantly reduces the potential for adverse impacts on neighboring businesses and residential properties. By preserving the building's exterior façade and maintaining existing setbacks, the project avoids any alteration to light, air flow, or sight lines, thereby protecting the environmental and aesthetic quality of the surrounding area. No changes are proposed to signage, lighting, or access patterns, ensuring that vehicular and pedestrian circulation remains uninterrupted and safe. The long-term residential nature of the proposed use further mitigates potential nuisances commonly associated with transient or high-turnover occupancy. Residents leasing for periods exceeding six months are more likely to integrate into the community, respect neighborhood norms, and contribute to a stable and predictable use pattern. Additionally, the project's compliance with all applicable zoning, building, and life safety codes ensures that the site will continue to operate in a manner that supports public health, safety, and welfare. The absence of any exterior modifications or expansion of use intensity means that no additional burden will be placed on public infrastructure, utilities, or municipal services. In total, the design and operational characteristics of the proposed use reflect a deliberate and responsible effort to mitigate adverse impacts, satisfying the requirements of Section 30-126(d)(4).

Staff Analysis: Staff concurs with the applicant's response and finds that the proposed conditional use appropriately incorporates mitigative measures to prevent adverse impacts on adjacent properties and community infrastructure. The scope of work is limited to an interior renovation of the existing second-floor space, thereby avoiding exterior construction impacts such as prolonged noise, dust, vibration, or visual disruption. Because no expansion of the building envelope, alteration of setbacks, or modification of site configuration is proposed, established light, air, and sight relationships remain unchanged.

No new signage, lighting, or access modifications are proposed, and existing circulation patterns will continue to function as previously approved. The conversion to long-term residential occupancy further mitigates potential nuisance impacts by avoiding transient or short-term lodging activity, thereby promoting stability and predictability in site operations.

The project remains subject to compliance with all applicable zoning, building, fire, and life-safety regulations, ensuring continued protection of public health, safety, and welfare. Given the interior-only nature of the renovation and the absence of increased site intensity or infrastructure demand, Staff finds that the proposal will not burden surrounding land uses or municipal services.

Accordingly, Staff determines that the conditional use incorporates appropriate mitigative techniques and satisfies the criteria set forth in Section 30-126(d)(4).

Site Plan Amendment Application

Section 30-318 of the Town Code (**Exhibit 4**), which outlines the requirements for parking, is also applicable to the request. The Code allows the Development Services Director to waive many application requirements necessary for the evaluation of the conditional use application. The traffic study was waived as the Staff determined the conversion of office spaces into five (5) residential dwelling units would have no significant traffic impact on the Property. A survey, floor plan, and site plan were submitted as part of the application. No exterior changes are being proposed to the existing building. The parking requirements are outlined below.

Parking Requirements The request to convert the second-floor office space into five (5) residential spaces impacts the parking requirements for the site. Pursuant to Sections 30-318(b) and 30-314 of the Town Code, office uses are required to provide one (1) parking space per every 250 square feet (**Exhibits 5 & 6**). Multiple family dwellings require one and one-half (1 ½) parking spaces for each dwelling unit with less than three (3) bedrooms, plus one (1) guest space for every five (5) units. The minimum required number of parking spaces for the Property with the existing commercial use and the proposed residential use is shown in Table 1 below. The "Spaces Credited" column refers to parking spaces that were credited to properties when Commercial Boulevard was redesigned to create the current plazas, and the parking spaces previously available to individual properties were converted into common parking areas.

PARKING TABLE			
Non-Residential Use:		Existing	Proposed
Retail GLA	1 sp/225 GLA	1865 s.f.	1865 s.f.
Office GLA	1 sp/250 GLA	7550 s.f.	2,150 s.f.
Restaurant CSA	1 sp/50 CSA	261 s.f.	261 s.f.
Residential Use:	1.5/unit<3 BR + 1 guest	0	5 units
Parking Requirement		Existing	Proposed
Credits/Exemptions	24 credits (1995) + 1 space restaurant exemption (2012)		
1 st Floor		22	22
2 nd Floor		21	9
Total Requirement		43	31
Net Requirement		18	6 (min.5 on-site)
Provided (on site)			
Tandem		18	0
Standard		0	7
Handicap		0	1
Total (on-site)		18	8

The parking for the Property is composed of a combination of physical spaces behind the building, spaces credited to each portion of the building at the time the plazas were created on Commercial Boulevard, and exempted spaces that were received in 2012 through parking exemption applications. Allocation of Flexibility Units Flexibility units are the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Future Land Use Plan and the lesser number of dwelling units permitted by the Town's certified Future Land Use Plan. Pursuant Section 30-100 of the Town Code, the assignment of

flexibility units is subject to meeting the provisions and requirements of the Broward County Land Use Plan, as incorporated into the Town's certified land use plan. The Flexibility Rules allow the Town to approve the location of residential units on properties designated for Commercial Land Use, so long as the Town determines that a sufficient number of flexibility units are available to be assigned to the Property, and the rules and restrictions regarding the allocation of flexibility units, as established by the Broward County Land Use Plan, are met. Flexibility Zone ("Flex Zone") boundaries are established by the Broward County Land Use Plan. There are two Flex Zones that encompass the Town - Flex Zone 24 and Flex Zone 39. The Property is located within Flex Zone 39. In order to allocate flexibility units, the Town must first determine whether there are available flexibility units in the Flex Zone. The Town maintains a log of the number of available flexibility units and provides an annual status report to the County. Currently, there are 278 Flexibility Units available for allocation within Flex Zone 39. Therefore, the request for two (2) flexibility units may be granted by the Town Commission. Additionally, the Town can only allocate flexibility units by an official action as established in the Town's Unified Land Development Regulations and subject to compliance with the provisions for mixed use development as contained therein. The flex unit may be allocated as part of the Commission's approval of the conditional use and site plan amendment application.

Citizen Participation Meeting

On January 26, 2026, the Applicant conducted a Citizen Participation meeting in accordance with Section 30-114 of the Town Code and provided the Town with a summary of the meeting (**Exhibit 7**).

Discussion

Recommendation and Conditions

Notification was posted on the Property, the Town's website, and mailed to affected parties within 300 feet as required by Section 30-139(d) of the Town Code (**Exhibit 8**). The Town has not received any responses from the public in favor or in opposition to the proposed project.

The Department has reviewed the applications submitted in association with this request and has found that the request to permit a mixed use development on the Property is in compliance with the:

- a. Broward County Flexibility Rules, as provided in the Broward County Land Use Plan and Town of Lauderdale-By-the-Sea certified adopted Comprehensive Plan; and
- b. Chapter 30, "Unified Land Development Regulations" of the Town Code of Ordinances.

The Department recommends approval of the:

- a. Conditional Use Application to permit a mixed use development on the Property, per Section 30-271 "B-1 Business Zoning District"; and Section 30-126 "Conditional Use"; and
- b. Level 2 Site Plan Modification Application for review of compliance with parking requirements for the Property per Section 30-318 "Minimum Parking Requirements"; Section 30-114 "Off-street Parking; General Requirements"; and the requirements for a Site Plan Amendment as provided in Chapter 30 Unified Land Development Regulations; and
- c. Flex Unit Allocation Application to permit residential units on the Property, per Section 30-100 "Allocation of Flexibility Units".

The Department recommends the following conditions:

1. The Applicant shall secure a building permit, as defined in Section 30-121(e) of the Town Code for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code
2. All construction shall be in accordance with the plans, incorporated into the approved Development Order (**Exhibit 9**), which are listed in this report and in accordance with all modifications and conditions approved by the Town Commission. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.
3. For any property located west of Seagrape Drive containing more than four (4) dwelling units, each dwelling unit shall be leased or occupied for a minimum period of one hundred twenty (120) consecutive days. No lease, rental agreement, or occupancy arrangement for a term of less than 120 consecutive days shall be permitted.
4. Pursuant to the 2021 Edition of the NFPA 101 Life Safety Code, the proposed use shall be classified under Chapter 30, *New Apartment Buildings*. Prior to the issuance of any building permit, the structure shall be equipped throughout with an approved automatic fire sprinkler system and an approved fire alarm system, designed and installed in accordance with the applicable provisions of NFPA 101 and all other applicable codes and standards.
5. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
6. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
7. All applicable state and federal permits shall be obtained before commencement of construction.

Recommendation: Recommendation: Staff recommends that the Board vote to recommend the Town Commission's approval of the request for site plan modification, conditional use, and flex unit allocation.

Exhibits:

1. Exhibit 1 - Site Plan Modification and Conditional Use Development Applications
2. Exhibit 2 - Sec. 30-271. - B-1 district - Business and Sec. 30-126. - Conditional uses review
3. Exhibit 3 - Sec. 30-126. - Conditional uses review
4. Exhibit 4 - Sec. 30-318. - Minimum parking requirements
5. Exhibit 5 and 6 - Sec. 30-318. - Minimum parking requirements and Sec. 30-314. - Off-street parking; general requirements.
6. Exhibit 7 - 2026-02-10 Citizen Participation Meeting Summary Package

7. Exhibit 8 - Sec. 30-139. - Notice of Public Hearings
8. Exhibit 9- Development Order 253-257 v2

LAUDERDALE BY THE SEA



Administrative Purpose

Application Number: 2024-SPM2-01 (SITE PLAN MODIFICATION)
BTR #: _____
Date Application Submitted: December 9, 2024
Date Application found Completed: _____
Pre-Application Meeting Date: _____
Non-Refundable Application Fee: \$450.00
Cost Recovery Fee: \$1000.00

In accordance with Section 30.110.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist and Fee Schedule.

Check appropriate application and block:

- | | |
|---|---|
| ☐ Appeal of Administrative Decision | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☒ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☐ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 253-257 E. Commercial Blvd. 5 Apartment Unit Remodel

Folio Numbers: 4943-18-07-0220

Street Address: 253-257 E. Commercial Blvd.

Legal Description: Silver Shores Sec of Lauderdale By the Sea Unit B 31-3 B Lot 5,6 Blk J

Name of Property Owner: 255 Commercial Center LLC Property Owner's Phone #: 954-914-6467

Address of Property Owner: 531 North Ocean Blvd., Unit 201, Pompano Beach, FL 33062

Property Owner's Email Address: bilysahni@gmail.com

Name of Applicant: 255 Commercial Center LLC Applicant's Phone #: 954-914-6467

Applicant's Address: 531 North Ocean Blvd., Unit 201, Pompano Beach, FL 33062

Applicant Email Address: bilysahni@gmail.com

Name of Agent (e.g. Contractor Representing the Project): Olive Judd, PA, Kristy E. Armada

5/28/2020

Universal Application

Agent's Email Address: Karmada@olivejudd.com Agent's Phone #: 954-334-2250

Agent's Address: 2426 East Las Olas Blvd., Fort Lauderdale, FL 33301

Land Use Plan Designation: Commercial Zoning District: B-1

Existing Use of the Subject Property: Second Story Only - Office Space

Proposed Use of the Subject Property: Second Story Only - Short Term Vacation Rental/Residential

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Bill Sawhney (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: 255 Commercial Center LLC Date: 11-12-2024

Signature of Property Owner: [Signature]

Print Name of Property Owner: 255 Commercial Center LLC Date: 11-12-2024

Signature of Property Owner: [Signature]

State of Florida:

County: Broward

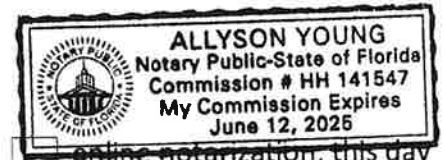
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day

12 of NOVEMBER, 2024

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: ALLYSON YOUNG My Commission Expires: 6/12/25

Notary Signature: [Signature]

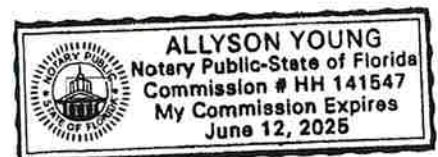


Print Name of Property Owner: 255 Commercial Center LLC Date: 11-12-2024

Signature of Property Owner: [Signature]

State of Florida:

County:



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day

12 of NOVEMBER, 2024

The person signing is ☒ personally known to me or has ☐ produced identification

Print Notary Name: ALLYSON YOUNG My Commission Expires: 6/12/25

Notary Signature: 

05/26/2024 12:06 PM



OLIVE | JUDD

November 25, 2024

Jhanelle Campbell, Development Services Director
City of Lauderdale-by-the-Sea
4501 Ocean Drive
Lauderdale-by-the-Sea, FL 33308

Re: Site Plan Modification Application for 253-257 East Commercial Boulevard

Dear Ms. Campbell,

On behalf of 255 Commercial Center LLC, the owner and applicant, I am submitting this letter to accompany the Development Services Application and Site Plan Modification Application for the property located at 253-257 East Commercial Boulevard. The purpose of this application is to request approval for the proposed modifications to the existing site plan.

Project Description and Requested Changes:

The applicant seeks to demolish and renovate the second story of the commercial building located at the aforementioned address. The second story currently consists of six office bays, identified on the attached plan page A-02 as Ex Suite 200, Ex Suite 201, Ex Suite 202, Ex Suite 203, Ex Suite 206, and Ex Suite 207. The proposed modification involves the demolition of the interior of the second story and the renovation to create five residential units, as depicted on plan page A-04.

The applicant intends to use the resulting five residential units as short-term vacation rentals. This change from office space to short-term vacation rentals is expected to bring several benefits to the city, including:

Increased Tourism and Economic Activity: The conversion to short-term vacation rentals will attract more visitors to the area, boosting local businesses and contributing to the overall economic growth of Lauderdale-by-the-Sea.

Enhanced Property Utilization: The renovation will optimize the use of the property, transforming underutilized office space into vibrant residential units that cater to the growing demand for vacation accommodations.

Community Revitalization: The influx of tourists and short-term residents will contribute to the revitalization of the Commercial Boulevard area, enhancing its appeal and vibrancy.

Zoning Compliance:

The property is located within the B-1 zoning district and on Commercial Boulevard, which is an activated boulevard. According to the zoning regulations for the B-1 district, short-term vacation

rentals are permitted uses. Therefore, the proposed use of the renovated residential units as short-term vacation rentals complies with the zoning requirements for this district.

Exterior Modifications:

It is important to note that no changes will be made to the exterior of the building as part of this renovation project. The modifications are limited to the interior of the second story, ensuring that the building's exterior appearance remains consistent with the existing streetscape.

We kindly request your review and approval of this site plan modification application. Should you have any questions or require further information, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,

Kristy Armada

Kristy E. Armada, Esq,

Is this a modification to a previously approved site plan? X Yes or No

If yes, please provide the date and application number of the previous approval: May 22, 2012/2011-PR-14

Existing Future Land Use Plan Designation: Commercial Existing Zoning Classification: B-1

Existing Use of property (if vacant, state vacant): Second Story: Office Space

Number of units are existing (residential/motel/hotel): Second Story: 5 The date last occupied: Occupied

Will any units be demolished: Second Story: all five units will be demolished/renovated Number of units to remain:

	NUMBER OF UNITS		DENSITY	
	Existing	Proposed	Existing	Proposed
Single-Family				
Duplex				
Townhouse				
Multi-family	0	5	7029 sf	7029 sf
Hotel/Motel Unit with kitchen				
Hotel/Motel Unit without kitchen				

	GROSS FLOOR AREA	
	Existing	Proposed
Commercial		
Office		
Restaurant		
Medical		
Other Uses		
Accessory Uses		

Note: If the original site plan was not completed to the required specifications, please schedule a meeting with the Development Services Staff. Depending on the request, the following information may be requested:

- Detail Sheet
- Floor Plans
- Building Elevations
- Renderings or perspectives of proposed development
- Landscape Plans
- Parking
- Survey that identifies the following:
 - Distance of structure from property line
 - Distance between structures
 - Property lines
 - Existing setbacks
 - Easements
 - Adjacent Right-of-Way



TOWN-OF-LAUDERDALE-BY-
4501 Ocean Dr.
Fort Lauderdale, FL 33308
Phone: (954)640-4200

Term ID: 001

Sale - Approved

Date: 11/27/24

Time: 12:31:44

Card Type: Chase

Entry Method: Manual

Card #: XXXXXXXXXXXXX2544

Invoice #: 112724

Approval Code: 04352D

Customer PO: 2024SPMLVL2

Amount

\$1,450.00

I agree to pay the above total amount according to the card
issuer agreement. (Merchant agreement if credit voucher)

Thank You!

Customer Copy

LAUDERDALE BY THE SEA

DEC 9 '24 10:51

If a Site Plan Modification Level 2 is required, as determined by the Town Manager, the project presents a significant change in intensity of use which, in turn, may have a significant impact upon facilities, concurrency nearby and adjacent properties.

If it is found that there would be a change in intensity of use which, in turn, may have a significant impact upon facilities, concurrency, nearby and adjacent properties, the applicant will need to apply for a Site Plan Modification Level 2. In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-123, the following determines the criterion for a Site Plan Modification Level 2:

- Does the modification increase the buildable square footage of the development?
- Does the modification reduce the provided number of parking spaces below the required number of parking spaces?
- Does the modification cause the development to be below the development standards for the zoning district in which it is located or other applicable standards in the Land Development Regulations?
- Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees, or hedges?
- Does the modification adversely affect the elevation design of the structure or reduce the overall design of the structure below the standards stated in article I, division 2, Architectural Review Requirements?
- Does the modified development meet the concurrency requirements of the Town of Lauderdale-By-The-Sea Comprehensive Plan?
- Does the modification alter the site layout so that the modified site plan does not resemble the approved site plan?

Note: With the application, please submit the documents via email or thumb drive.

- Fee for Site Plan Modification Level 2 + Deposit (See Fee Schedule)
- Completed and notarized Universal Development Application
- Proof of Ownership (Deed, Title Work)
- Copy of Development Order originally approved by the Town
- Letter from the applicant that sets forth the requested changes, along with the following:
 - An exhibit showing the portion of the Site Plan which is to be changed in its present condition
 - An exhibit depicting the requested change
- Traffic Study (if required)
- One (1) copy of the plans at 11" x 17" in color (see specifications for site plan in Section E below)
- One (1) Copy of site plan previously approved by the Town (see specifications for site plan below)
- One (1) current survey, signed and sealed
- Two (2) copies of the proposed plans signed, sealed, and bounded at 24" x 36" (see specifications for site plan in Section E below)
- Photos of site and of adjacent properties

NOTE: If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

LAUDERDALE BY THE SEA

DEC 9 '24 14:49



For Administrative Purpose Only

Application Number: 2024-CO-02 (CONDITIONAL CASE)

BTR #: _____

Date Application Submitted: December 9, 2024

Date Application Found Complete: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$ 150.⁰⁰

Cost Recovery Fee: \$ 400.⁰⁰

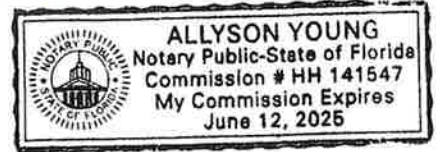


9
 8
 7
 6
 5
 4
 3
 2
 1



Print Name of Property Owner: 255 Commercial Center LLC Date: 12.2.24

Signature of Property Owner:



State of Florida: _____

County: BROWARD

SWORN AND SUBSCRIBED before me this 2 day of DEC, 20 24

The person signing is ☒ personally known to me or _____ has produced identification _____

Print Notary Name: ALLYSON YOUNG

My Commission expires: 6.12.25

Notary Signature:

Print Name of Applicant: _____ Date: _____

Signature of Property Applicant: _____

State of Florida: _____

County: _____

SWORN AND SUBSCRIBED before me this _____ day of _____, 20__

The person signing is _____ personally known to me or _____ has produced identification _____

Print Notary Name: _____

My Commission expires: _____

Notary Signature: _____

FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Pre-Application meeting date: _____

Non-refundable Application Fee: _____

Cost Recovery Fee: _____

CONDITIONAL USE – LEVEL 2 MODIFICATION STANDARDS

Application #: _____ **Project Name:** 253-257 E. Commercial Blvd. 5 Apartment Unit Remodel

Previous Application #: _____ **Previous Development Order #:** Resolution 2021-67

The Level 2 Modification for a Conditional Use must address the following criteria (attach additional sheet as necessary):

Does the modification increase the buildable square footage of the development: No

Does the modification reduce the provided number of parking spaces below the required number of parking spaces: No

Does the modification cause the development to be below the development standards for the zoning district in which it is located or other applicable standards in the Land Development Regulations: No

Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees or hedges: No

[illegible][illegible]

Administrative Use Only

CONDITIONAL USE-LEVEL 2 MODIFICATION CHECKLIST



TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Department of Development Services
4501 N. Ocean Boulevard Lauderdale-By-The-Sea, FL 33308
Phone: 954-640-4210 Fax: 954-640-4654
Email: Planning@LBTS-FL.gov
www.LBTS-FL.GOV



CONDITIONAL USE – LEVEL 2 MODIFICATION CHECKLIST

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-126(e) – Conditional Use-Level 2 Modification, the following is a list of the required documentation required for development approval of a Conditional Use-Level 2 Modification application.

Items for Submittal:

- Fee for Conditional Use -Level 2-Modification (See Fee Schedule – updated once a year)
- A completed Development Application signed and notarized
- Copy of previously approved Conditional Use Development Order
- Completed responses to the questions on Page 2 of this Application
- Two (2) hard copies of a site plan (as applicable)
- Upon resubmittal of the plans, include a letter response to the Town comment. This is done by providing the comment received from the Town followed by a response by the applicant
- Digital copies of the above referenced documents – via email, disk or thumb drive

TOWN-OF-LAUDERDALE-BY-
4501 Ocean Dr.
Fort Lauderdale, FL 33308
Phone: (954)640-4200

Term ID: 001

Sale - Approved

Date: 12/03/24 Time: 15:07:14
Card Type: Chase
Entry Method: Manual
Card #: XXXXXXXXXXXXX2990

Invoice #: 120324
Approval Code: 01430D
Customer PO: 253CommercialBlvd

Amount \$550.00

I agree to pay the above total amount according to the card
issuer agreement. (Merchant agreement if credit voucher)

Thank You!

Customer Copy

Sec. 30-271. - B-1 district—Business.

(a) *B-1 uses permitted.*

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

- a. Antiques store,
- b. Art galleries,
- c. Arts and crafts supply store,
- d. Automobile rental or leasing agencies (no outdoor display),
- e. Bait and tackle shop,
- f. Bakery,
- g. Bank,
- h. Barber shops and hair salons,
- i. Bicycle rental shop with no outside storage,
- j. Book store,
- k. Business and professional employment agency,
- l. Camera and photographic supply store,
- m. Card and stationery store,
- n. Catering businesses,
- o. Church and place of worship,
- p. Clothing store,
- q. Coin-operated dry cleaning and laundry and/or pickup station,
- r. Community theaters, dinner theaters and cultural centers,
- s. Computer/software store,
- t. Consignment store,
- u. Cooking schools,
- v. Copy center,
- w. Courier service,
- x. Delicatessen,
- y. Dental laboratory,
- z. Drug store/pharmacy (no on-site prescription writing for controlled substances identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355),
- aa. Fabric/needlework/yarn shop,
- bb. Fishing pier,
- cc. Florist shop,
- dd. Formal wear sales and rental,
- ee. Fruit and produce store,
- ff. Furniture and home furnishings,

- gg. Gift shop,
- hh. Government administration,
 - ii. Grocery/food store/supermarket,
 - jj. Hardware store,
 - kk. Health and fitness center,
 - ll. Household appliances store,
- mm. Ice cream/yogurt store,
- nn. Interior decorator,
- oo. Jewelry store,
- pp. Library branch,
- qq. Linen/bath/bedding store,
- rr. Luggage/handbag/leather goods store,
- ss. Mail/postage/fax service,
- tt. Marine parts and supplies store,
- uu. Reserved,
- vv. Massage therapist (licensed therapist to be on premises at all times of operation; see subsection (j) below for supplemental regulations),
- ww. Meat and poultry store,
- xx. Medical supplies sales, medical/dental office,
- yy. Motorized scooter sales or moped sales and rentals (indoor only, outdoor sales, storage or display prohibited),
- zz. Museum,
- aaa. Music/musical instrument store, Tapes/videos/music CD/vinyl record stores
- bbb. Office building,
- ccc. Optical store,
- ddd. Reserved,
- eee. Photographic studio,
- fff. Police and fire substation,
- ggg. Retail electronic sales and repair,
- hhh. Restaurant, which may also include the following accessory uses:
 1. Sidewalk cafés which would be appurtenant to, and a part of, a restaurant, subject to the requirements of chapter 17, article VI, sidewalk cafés.
 2. Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the principal restaurant use and that is not regulated under chapter 17, article VI, and subject to the regulations set forth in subsection (h), below.
 3. Walk-up windows for food and/or beverage service.
- iii. Seafood store,
- jjj. Shoe sales and repair,
- kkk. Shop for marking articles sold at retail on the premises,

- lll. Reserved,
 - mmm. Sporting goods store, including dive shops,
 - nnn. Studios for artists, photographers, musicians (including recording studios), and dance,
 - ooo. Reserved,
 - ppp. Tailor/dressmaking store, direct to the customer,
 - qqq. Reserved,
 - rrr. Tool rental (small tools and equipment, indoor display only),
 - sss. Toy/game store,
 - ttt. Reserved,
 - uuu. Travel agency,
 - vvv. Veterinarian or animal grooming with all activities enclosed within the building with no outside noise,
 - www. Watch and jewelry repair,
 - xxx. Cigar store (not meeting the definition of tobacco paraphernalia store, no customer service area),
 - yyy. *Uses not listed.*
 - 1. Any use not covered by the above list may be authorized in the B-1-A district by the Town Manager or designee only if the proposed use is similar to a listed use; otherwise, an amendment to this chapter is required.
 - 2. The Town Manager or designee shall consult with the Town Commission on any proposal to find that a use is similar, prior to authorizing such use in the B-1-A district.
 - 3. Whenever a use is approved as a similar use, the Town Manager shall report such finding in the written Town Manager report at a subsequent Town Commission meeting.
- (2) *Conditional uses.* The following conditional uses may be permitted upon approval pursuant to the conditional use procedures of this Code:
- a. Bicycle taxi (no outside storage or display).
 - b. Reserved.
 - c. Reserved,
 - d. Charter and sightseeing boat.
 - e. Child and adult day-care centers.
 - f. Convenience store, subject to the requirements as set forth in subsection (i), below.
 - g. Drive-through services that are accessory to a primary use, provided that any approval of the drive-through use by the Town Commission shall specifically establish the location and traffic flow pattern of the drive-through.
 - h. Dry cleaner.
 - i. Marina, subject to the requirements as set forth in subsection (i) below.
 - j. Mixed use, subject to the requirements as set forth in subsection (i) below.
 - k. "Paid private parking" on parcels with a primary use, excluding standalone parking lots subject to the requirements as set forth in subsection (i) below.
 - l. Parking garage.
 - m. Permitted use exceeding 10,000 square feet in gross floor area.

- n. Pet store (see subsection (k) below for supplemental regulations).
- o. Pool supply store.
- p. Outside storage of propane tank cabinets for the storage, sale or rental of propane tanks.
- q. Water craft sales and rental (new or used).
- r. Waterfront hotel.
- s. *Conditional uses not listed.*
 - 1. Permission to apply for conditional uses not covered by the above list in the B-1 district may be granted by the Town Manager or designee only if the proposed conditional use is similar to a listed conditional use; otherwise, an amendment to this chapter is required.
 - 2. The Town Manager or designee shall consult with the Town Commission on any proposal to determine that a conditional use is similar to those listed, prior to authorizing the filing of an application to seek approval of that conditional use in the B-1 district.
 - 3. Whenever a use is approved as a similar use, the Town Manager shall report such finding in the written Town Manager report at a subsequent Town Commission meeting.
 - 4. Approval of a conditional use shall also be subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code.

(b) *Height.*

- (1) No building shall be erected to a height greater than two stories on lots less than 50 feet in width, nor greater than three stories on any other lots.
- (2) Lots which are adjacent may be combined and developed as one parcel, and may utilize the wider lot height restrictions if a joinder of the lots under a unity of title or covenant-in-lieu is provided in a form acceptable to the Town Attorney.

(c) *Lot coverage.* Buildings not used for residential purposes shall occupy no more than 90 percent of the lot area.

(d) *Design.*

- (1) Construction shall be limited to one building on lots 50 feet or less in width.
- (2) All buildings shall be of C.B.S. construction.
- (3) Except on waterfront properties, no parking spaces constructed after March 28, 2017 shall be located along the primary street frontage and to the maximum extent feasible without losing required parking, as determined by the DSD, existing parking along the primary street frontage shall be removed from the primary street frontage for any redevelopment.
- (4) Curbcuts providing access to parking areas shall be located on streets other than Commercial Boulevard, except where a property only has access from Commercial Boulevard, or it is determined based on a traffic study that access from Commercial Boulevard is necessary for safe and efficient vehicular and pedestrian circulation.
- (5) Each structure shall have its own sustaining walls; party walls are prohibited.
- (6) There shall be at least one front entrance and one rear entrance to buildings.
- (7) The first floor of a building extending from street to street on inside lots, shall have two front facades and entrances.
- (8) There must be a ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.
- (9)

Building façades on the second or third stories shall be physically and visually diverse, incorporating features such as balconies, alternate or varied setbacks, eyebrows or other artistic and architectural features on at least 40 percent of the linear frontage per story above the first. The DSD shall review and approve compliance with this criteria through the architectural review process, and may decrease the 40 percent standard by ten percent if the DSD finds that such a change enhances the Mid-century Modern façade and remains consistent with the architectural design guidelines.

(10) Building façades on the majority of the length of the first floor must incorporate architectural features such as eyebrows, awnings, canopies or other artistic and architectural features to create shade.

(e) *Minimum building size.* No building shall be erected on any lot, that is not a waterfront lot, which does not comprise at least 1,200 ground floor square feet of floor space, exclusive of utility rooms, porches, garages and carports; and no building shall be erected on any waterfront lot, the main structure of which does not comprise at least 1,300 ground floor square feet of floor space, exclusive of utility rooms, porches, garages, and carports.

(f) *Setbacks.*

(1) *Front setback.* Buildings shall not be set back on the front except those erected on Ocean Drive (A1A) or Bougainvillea Drive which shall have the following setbacks:

- a. Ocean Drive (A1A), front setback of not less than 50 feet from the centerline of said thoroughfare; and
- b. Bougainvillea Drive, front setback of 25 feet from property line.

(2) *Side setback.*

- a. Buildings erected on Blocks 5, 6, 13, and 14 siding on El Mar Drive shall have a side setback of eight feet from the respective property lines of said thoroughfare;
- b. Buildings erected on Blocks 13, 14, 20 and 21 siding on Ocean Drive (A1A) shall have a side setback of not less than 50 feet from the centerline of said thoroughfare; and
- c. Where windows are required or present along an interior side lot line, a setback of not less than five feet shall be provided;
- d. Otherwise, buildings require no side setback.

(3) *Rear setback:*

- a. No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line.
- b. No building or any part thereof shall be erected on any lot closer than 30 feet from the rear lot line in the following designated areas:
 1. All of Block B except Lots 1, 2, 3, 12, 13, and 14 in Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat Book 28, page 39, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback described in subsection (3)(a) herein.
 2. All of Block E except Lots 1, 2, 3, 12, 13, and 14 of a subdivision of Track "D" of Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat Book 29, page 21, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback described in subsection (3)(a) herein.
 3. All of Blocks J and K except Lots 1, 2, 3, 12, 13, and 14 of Silver Shores Section of the Town of Lauderdale-By-The-Sea, Unit "B," according to the plat thereof, recorded in Plat Book 31, page 3, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback described in subsection (3)(a) herein.

(4)

Roof cornice setbacks. Roof cornices, if ten feet or more above the sidewalk, may project over the public street, provided the roof cornices are set back a minimum of two feet from the curbline.

(5) *Double front yard setbacks.* Double front yard setbacks shall not be required for buildings that extend from street to street on inside lots.

(g) *Lot subdivision.* Subdivision of lots to a width less than 25 feet is prohibited.

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

(1) *Permit required.* It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

(2) *Permit fee.* The fee for a permit for outside seating for a restaurant shall be as established by resolution of the Town Commission, shall be non-refundable, and shall accompany the outdoor seating application.

(3) *Permit application.* Application for a permit to provide outside seating for a restaurant shall be commenced by the filing of a complete application on a form provided by the Town with the Development Services Department. Such application shall include the following:

a. Name, address and telephone number of the applicant.

b. Name and address of business.

c. A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.

d. An 8½ × 11 inch drawing or larger at a minimum scale of one inch equals 20 feet showing the following:

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

2. The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;

3. Clear delineation of the boundary between private property and the public right-of-way;

4. The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.

e. When the outside seating area is visible from a public right-of-way, the application shall also include:

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

2. A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating area. This plan shall ensure that the outside seating area is maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and at the close of each business day to ensure a healthy and safe environment.

f. Written consent from the building owner for the proposed outside seating area.

g. In the event the outside seating area is proposed in front of an adjacent owner's property, the applicant must provide written consent from the adjacent property owner for use of this area.

h. Non-refundable application fee.

(4)

Permit Application Review. The Town Manager or designee shall review applications for compliance with the standards and requirements set forth in this article as well as any other applicable Town Code provisions.

- a. No application shall be accepted until it is deemed complete.
 - b. The Town Manager or designee shall review the submitted application within 20 business days and either accept the application if it is complete or, if incomplete, reject the application with a written notice of incompleteness, specifying the data missing from the application.
 - c. If an application is rejected, the applicant may resubmit the application with the additional information required. Upon each resubmittal, the Town Manager or designee shall have ten business days to review the resubmitted application and either accept the application as complete or provide written notice of any corrections, revisions or deficiencies. This process shall continue until the applicant has submitted a complete application or demands that the application be reviewed as is, without further revisions.
 - d. If an applicant fails to provide the additional information as requested by the Town Manager or designee within 60 days of the request for additional information, the Town Manager or designee may deem the application to be withdrawn by the applicant and the application considered null and void. Upon request, the applicant shall be entitled to one 60-day extension, provided the extension request is granted prior to the expiration of the above referenced 60-day time period.
 - e. For any application in which the outdoor seating area is not located directly in front the associated restaurant, the Town will send a courtesy notice to those businesses directly abutting the proposed outdoor seating. Any affected person may provide written comments to the Town Manager or designee within ten days of the date of the mailed notice, for the consideration of the Town Manager or designee. Failure to mail or receive such courtesy notice shall not affect actions taken under this article.
 - f. Prior to issuance of an outdoor seating permit or annual renewal, the Town Clerk shall certify that there are no outstanding fines, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property requesting an outdoor seating permit. An outdoor seating permit may not be issued until all outstanding fees and/or fines owed to the Town are paid in full.
 - g. The Town Manager or designee shall approve, approve with conditions, or deny an application based on the requirements of this article and compliance with the Town Code. Approval shall be in the form of an outdoor seating permit and as provided for in this article. A denial of an outdoor seating application shall be made in writing and shall provide the reasons for such denial. The applicant or an affected property owner whose property directly abuts the property, which is the subject matter of the application, may appeal the Town Manager or designee's decision on the outdoor seating permit application to the Town Commission.
- (5) *Location requirements.* The location of an outside seating area for a restaurant shall be subject to the following locational regulations:
- a. An outside seating area shall only be permitted on private property that is adjacent to a licensed restaurant business to which the permit is issued.
 - b. Tables and chairs shall not be permitted within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
 - c. The Town Manager or designee may permit an exception to the distance requirement of subsection b. above from ten feet to five feet where established pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.
 - d.

Markers approved by the Town Manager or designee shall be embedded into the property to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area or the area is otherwise clearly delineated.

(6) *Additional regulations for outside seating for a restaurant.*

- a. The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant, which is operated within a permanently enclosed building located on the same or adjacent parcel. The outdoor seating permit shall be personal to the permittee only and shall not be transferrable. The outdoor seating permit issued shall be specific to the location and is not transferrable to another location.
 - b. Live and/or amplified music shall be prohibited within the confines of the outdoor seating area. Speakers emitting music from inside the restaurant or food store serving the outdoor seating area shall be placed and directed in such a manner that the music's amplification is directed internally into the restaurant or food store.
 - c. Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.
 - d. Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.
 - e. All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.
 - f. No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.
 - g. Additionally, when the outside seating area is visible from a public right-of-way:
 1. No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 2. Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment.
 3. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating.
 - h. Shade structures.
 1. Umbrellas. Shall be no larger than eight and one-half feet in diameter and shall maintain a minimum vertical clearance from the sidewalk of not less than eight feet in height.
 2. Tents, canopies and pergolas or other similar structures are prohibited.
 - i. Outdoor seating. The maximum seating capacity shall be limited to one seat per ten square feet of outdoor seating area for chairs and one barstool seat per 24 inches of the linear outside bar area.
 - j. Greeting podiums and service stations.
 1. All furniture and fixtures, including any greeting podium and/or service station, shall remain within the confines of the designated outdoor seating area, located as close to the building as feasibly possible and shall not impede the public right-of-way.
- (7) Prior to issuance of a permit for outside seating, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property requesting a permit for outside seating. A permit to allow outside seating will not be issued until all

outstanding debts to the Town are paid in full.

- (8) Any primary restaurant which obtains a permit to have outside seating as an accessory use to the primary restaurant, pursuant to this section may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.

(i) *Specific conditional use requirements.*

- (1) *Convenience store criteria.* A convenience store may be permitted within the B-1 zoning district only on property that is located west of State Road A1A and subject to the following regulations:
 - a. A convenience store shall have frontage on Commercial Boulevard;
 - b. A convenience store may not be located within 500 feet of any other convenience store, as measured by airline measurement from the main entrance to the main entrance of each place of business; and
 - c. A convenience store shall also be subject to the requirements of F.S. § 812.1701 as may be amended.
- (2) *Marina uses.* The Town may approve a conditional use for a marina, subject to all of the following requirements:
 - a. *Application.* In addition to the standard site plan (if applicable), and conditional use application requirements, an application for a marina shall provide:
 1. A scaled drawing, or set of scaled drawings, containing the following information:
 - i. The dimensions of the proposed standard mooring area, marina mooring area, if applicable, and the navigational channel;
 - ii. Any existing or proposed boat slips and all structures in the proposed mooring area(s) and in the waterway within 100 feet of the proposed mooring areas;
 - iii. Upland buildings;
 - iv. Parking areas;
 - v. A table that details the uses on the upland property, the required number of parking spaces for those uses and the number of spaces available for the marina; and
 - vi. Any other information staff deems necessary to evaluate the conditional use application.
 2. The name, address, email address and phone numbers of the designated marina agent.
 3. A clean marina best practices plan (the "plan") for approval as part of the conditional use approval. The plan shall be based on the Florida Clean Marina Program's best management practices that are applicable for a marina of its type and services provided and will include a timeline for the implementation of each best practice.
 - b. *Approval.* Any Town Commission approval of a conditional use shall specifically identify the following:
 1. The dimensions of the marina mooring area and standard mooring area, as applicable, and the navigational channel in the waterway within 100 feet of the proposed marina mooring area.
 2. The area(s) designated for mooring or docking watercraft.
 3. The maximum number of watercraft to be moored or docked.
 - c. *Conditions of approvals.* In addition to any other conditions imposed by the Town Commission, the following requirements shall be included as conditions of the development order:
 - 1.

The applicant shall provide a scaled drawing of the affected waterway that shows the approved marina mooring area, if applicable, the navigational channel and the standard mooring areas as approved by the Commission, which shall be an exhibit to the development order.

2. The property owner shall keep the name, address, email address and phone numbers of the designated marina agent on file and current with the Town at all times. Such agent shall have the following duties:
 - i. Be available by phone 24 hours a day, seven days a week;
 - ii. Be able and willing to physically appear at the marina within three hours following notification from the Town of issues related to the marina use;
 - iii. Receive service of any notice of violation of the conditional use approval or the Code; and
 - iv. Monitor the marina at least weekly to assure continued compliance with the requirements of this section and the development approval.
 3. The marina shall maintain compliance with the clean marina best practices plan as approved by the Town Commission as part of the conditional use approval. The plan may be reviewed annually by the Town Commission and modifications may be required to ensure continued operation is consistent with current Florida Clean Marina best practices. Failure to adhere to the plan will be considered to be a material default of a conditional use permit.
 4. If the marina is or becomes eligible for certification as a Florida Clean Marina, then the marina shall be certified as a Florida Clean Marina by the Florida Department of Environmental Protection within nine months after either the conditional use approval date or the date of eligibility for certification and shall maintain such certification thereafter.
- (3) *Mixed use requirements.* The following provisions govern applications for approval of "mixed use" development as a conditional use in the B-1 district.
- a. *Purpose.* The purpose of encouraging mixed use development is to:
 1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the non-residential space;
 2. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
 3. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
 - b. *Mixed use development on commercially designated parcels.* The Town may approve a conditional use for mixed use development on B-1 zoned property when the property has a commercial land use designation in the Broward County Land Use Plan, if all of the following requirements are met:
 1. Flexibility units are available, in accordance with section 30-100, Flexibility rules, of the Town Code;
 2. The number of units and floor area limitations of this section are satisfied for the residential uses; and
 3. The property is located within 250 feet of Commercial Boulevard measured by airline measurement from the Commercial Boulevard right-of-way line. If any portion of a property lies within the 250-foot measurement, the whole property shall be eligible for mixed use development.
 - c. *Limitations on residential uses.*
 1. *Maximum number of units.* No mixed use development may be assigned more than ten percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole number, it shall be rounded up to the next whole number.

2. *Limitations on location of uses.*

- i. Non-residential use or space is prohibited on or above any floor which contains any residential use or space.
- ii. Residential use or space is prohibited on the ground floor.

3. *Floor area and lot coverage.*

- i. The residential floor area of the mixed use development shall not exceed 50 percent of the gross floor area of the building.
- ii. No building which includes residential uses shall occupy an area greater than 70 percent of the entire lot.
- iii. The required lot area per apartment or kitchen unit shall be not less than 800 square feet. The required floor area per apartment or kitchen unit shall not be less than 250 square feet minimum.
- iv. The required floor area for a hotel room shall not be less than 200 square feet.

4. *Affidavit of understanding.* Residential uses located east of A1A must include an affidavit of understanding, in a form acceptable to the Town Attorney regarding special event activity, street closures and noise ordinance waivers that periodically takes place downtown.

5. *Lease notice requirement.* Residential uses east of State Road A1A must include the following notice to all tenants in all leases and contracts:

This unit is located in the core of downtown Lauderdale-By-The-Sea. Special event activities periodically take place in this area on the streets directly below this unit. On any given occasion, street closures may take place and the noise ordinance may be waived. Such circumstances and inconveniences are accepted as part of this agreement.

6. *Rental restrictions.* Dwelling units that are used for rental purposes shall be limited as follows:

- i. On properties with less than four dwelling units, short term rentals are permitted as an accessory use if a rental certificate is first obtained pursuant to section 30-327; or
- ii. On properties located west of Seagrape Drive with more than four dwelling units, a minimum residency of 120 consecutive days is required.

d. *Parking requirements.*

1. The total number of required off-street parking spaces for a mixed use development shall be equal to the sum of the required parking for each use as if provided separately.
2. A minimum of one parking space per residential unit must be provided on-site.
3. For a unit that combines both residential and non-residential uses, the total required parking will be equal to the parking required for the non-residential use only. See sections 30-314 through 30-324 regarding off-street parking.

e. *Landscaping and open space requirements.* Mixed use developments shall be required to meet the vehicular use area requirements as provided in article VII, Landscape Code, of chapter 30, Unified Land Development Regulations, for non-residential uses.

(4) Paid private parking may be approved as a conditional use subject to the following:

- a. During business operational hours, only non-required parking spaces may be used as paid private parking.
- b. After business hours, required parking may also be used for paid private parking.
- c.

The price for parking shall be displayed at all times paid private parking is available in the manner approved by the Town Manager.

- (5) *Call center requirements.* The following provisions govern applications for approval of call centers as a conditional use in the B-1 district.
 - a. The applicant for a call center conditional use shall provide to the Town an operational plan containing information needed to assess the potential impact on parking and traffic, including the number of employees, a shift schedule including the maximum number of employees arriving from and leaving the call center during the shift change and any steps that may be proposed for mitigating parking and/or traffic impacts. Examples of mitigation measures include shifts schedules to avoid arriving and leaving at peak traffic hours, and providing incentives for employees using public transportation or ridesharing arrangements.
 - b. If determined by the DSD to be necessary, submittal of a traffic impact statement and/or parking study may be required to ensure that adequate parking will be available. If such traffic statement or parking study is required, the applicant shall be responsible for any costs incurred by the Town in reviewing such statement or study.
- (6) *Waterfront hotel criteria.* A waterfront hotel may be permitted within the B-1 zoning district only on properties containing frontage located on or adjacent to intra-coastal, canal or ocean water bodies and subject to the following regulations:
 - a. A waterfront hotel may provide the following permitted accessory uses for guests and residents: restaurants, gift shops, retail stores, personal service shops, parking and convention facilities. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, as specified in subsection 30-271(h). A minimum of 30 percent of the total building square footage shall be dedicated to permitted accessory retail commercial uses located on the ground floor within the principal building(s) and shall contain ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.
 - b. Bicycle parking when accessory to a hotel use, shall be permitted in lieu of providing required off-street parking, as specified in section 30-318.
 - c. A waterfront hotel, including all permitted accessory uses, shall provide a minimum 60 percent of the required parking to be located on-site. The remainder of required on-site parking may be satisfied by utilizing the Town PILOP program, as specified in section 30-321. The use of Town property for overflow valet parking may only be permitted pursuant to a license agreement approved by the Town.
 - d. Waterfront hotel rooms shall be a minimum of 200 square feet in gross floor area exclusive of bathrooms, toilets, closets or similar appurtenances.
 - e. A waterfront hotel rooftop may only be used for passive recreation as specified in subsection 30-313(y).
 - f. Notwithstanding the minimum side and rear setback requirements established pursuant to subsection 30-271(f) for properties within the B-1 zoning district, the minimum side and rear setback requirements for properties developed with waterfront hotel uses shall be the same as those zoning district setback requirements established for neighboring properties which share a common lot line with another lot or parcel of land.
- (j) *Massage therapists—Supplemental regulations.*
 - (1) *Massage therapist certificate required.* No establishment shall offer or provide massage services without obtaining a massage therapist certificate issued pursuant to this subsection (j), and maintaining such certificate. All persons providing massage services at the establishment shall be duly licensed under F.S. § 480.041 et seq.;

approved as a massage therapy apprentice as defined in F.S. § 480.033, or possess another valid health care practitioner license duly issued by the Florida Department of Health pursuant to F.S. ch. 456.

- a. *Application for businesses.* All establishments providing massage services as defined within this Code shall apply for a massage therapist certificate from the Town. Any establishment applying for a massage therapist certificate shall include the following information on a form provided by the Town:
 1. Proof of valid Florida Board of Massage Therapy license issued to the establishment in accordance with F.S. § 480.043 et seq.; and
 2. Proof of valid Florida Board of Massage Therapy or other state health care practitioner license for all personnel providing massage services at the establishment, in accordance with F.S. § 480.041 et seq. or F.S. ch. 456; or proof of Florida Board of Massage apprenticeship approval as defined in F.S. § 480.033, if applicable; and
 3. Proof of valid Florida driver's license or other government-issued identification for every person and massage therapist working at the establishment.
- b. *Term of massage therapist certificate for businesses.* Once issued, a massage therapist certificate shall remain valid for a period of one year, or until there is a change of the use, ownership, name, location of the establishment from that specified on the approved certificate, or until such time that the Town-issued business tax receipt (BTR) expires.
 1. The operator of any massage establishment that holds a certificate shall submit an application to renew the certificate within 30 days prior to the expiration date of the current certificate in order to continue operating.
 2. When there is a change of the use, ownership, business name, or establishment name, or establishment location from that specified on the approved certificate, a new certificate shall be required.
- c. *Requirement to supply updated information.* In the first week of each quarter during the term of a massage therapist certificate, each establishment holding a certificate shall supply the Town with the following information on a form and in the manner prescribed by the Town:
 1. Revocation, expiration, or change to the status of the state licenses described in subsection a. above; and
 2. Updated state driver's license or other government-issued identification information for all personnel providing massage services at the establishment, including new staff members.
 3. Proof of valid licensure of any new employees within seven days of employment, regardless of monthly report due date.
- d. *Display of certificate.* Establishments shall display the valid certificate in a place easily visible to any person entering the establishment and shall maintain proof of valid licenses and identification of each staff member on the premises of the establishment at all times during operation.
- e. *Revocation.*
 1. *Grounds for revocation.* The following shall be nonexclusive grounds for revocation of a massage therapist certificate:
 - i. Noncompliance with any provision of this subsection (j); or
 - ii. Noncompliance with F.S. ch. 480; or
 - iii. The Town's determination that issuance of a certificate was granted based upon false information, misrepresentation of fact, or mistake of fact by the representative of the establishment holding the certificate, or his or her agent; or

iv. Failure to remain "in good standing" as defined herein.

2. *Revocation procedure.* In the event the Town determines there are grounds for revocation, the Town shall schedule a hearing before the Town Manager and notify the certificate holder in writing and the grounds upon which such action is proposed, no less than seven days prior to the date of the hearing. In the event of an emergency the hearing may be held no less than 24 hours after notice to the certificate holder. Notice shall be deemed given when a notice has been properly addressed to the address as provided by the certificate holder on the certificate application, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service. Emergency notice shall be attempted by all available avenues including hand delivery. Proof shall be by clear and convincing evidence.

The Town Manager may:

- i. Find no violation;
- ii. Temporarily suspend the certificate for a time period as determined appropriate by the Town Manager;
- iii. Revoke the certificate for the remainder of its term.
- iv. Depending on the facts and circumstances, the Town Manager may suspend or revoke a license immediately subject to appeal as provided herein. Such appeal shall not stay the revocation or other action of the Town Manager.

A finding of violation twice within a one-year period shall require revocation of the license for the remainder of its term. Nothing in this subsection (j) shall take away other enforcement powers of the Town, Special Magistrate or any other agency provided by the Code or statute.

- f. *Exemptions.* Massage services in state-licensed hospitals and hospices, or those massages provided by a massage therapist acting under the direction of a licensed medical provider or practitioner, shall be exempt from the massage therapist certificate requirements of this subsection (j).
- (2) *Penalties.* Violations of this subsection (j) shall be punishable in a manner to be prescribed by the Town and may result in the revocation or suspension of a massage therapist certificate, the imposition of fines, or any other penalty applicable pursuant to any other law.
- (3) *"In good standing" defined.* For purposes of this subsection (j), the term "in good standing" means:
- a. That the applicant's state license is current;
 - b. That the applicant's state license will not expire during the fiscal year for which the massage therapy services certificate is issued (or if such the case, that a renewal for the state license has been filed);
 - c. That there are no pending Department of Health Administrative complaints against the applicant which seek permanent revocation or suspension of the applicant's state license;
 - d. That there are no pending Department of Health Administration complaints against the applicant's state license seeking a restriction of practice or placement on probation (the Town may disregard this evidence if it receives a resolution from the Board of Massage Therapy, or a letter from the Executive Director of the Department of Health indicating that the remedy sought will not preclude the applicant from pursuing the massage therapy services certificate); and
 - e. That the applicant is not being prosecuted, and does not have criminal charges pending at the state or federal prosecutor, at the time the Town must approve or deny the application for the massage therapist certificate.

(k) *Pet stores, supplemental regulations.*

(1) *Definitions.*

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations, and which does not obtain animals from a breeder or broker for payment or compensation.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue, sheltering and placement of animals in permanent homes or whose primary purpose is the prevention of cruelty to animals. This term does not include an entity that breeds or brokers animals or obtains animals from breeders or brokers for payment or compensation.

Certificate of source means a document from the source and declaring the source of origin of a dog or cat showcased on the premises. A certificate of source shall include at a minimum: (i) a brief description of the dog or cat, the name, address, telephone number, and e-mail address of the source of the dog or cat; and (ii) the pet store's certification of the accuracy of the certificate.

Pet store means a retail establishment where dogs or cats are sold, exchanged, bartered, offered for sale or adoption, advertised for sale, auctioned, given away or otherwise disposed of as pet animals to the general public at retail, including by appointment. Such definition shall not include an animal care facility or animal rescue organization, as defined herein.

Showcase means that an animal care facility or animal rescue organization temporarily displays to the public an adoptable dog or cat at a pet store, in order to facilitate the adoption of the dog or cat from that organization or facility. Dogs or cats may only be showcased during the hours of operation of the pet store, and shall be returned to the organization or facility during the hours that the pet store is closed.

- (2) *Prohibition.* It is prohibited and unlawful for a pet store to offer, deliver, offer for sale, barter, auction, rent, lease, give away, or otherwise transfer or dispose of a dog or cat in the Town.
- (3) *Exception.* Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats, provided the pet store shall not have any ownership interest in the dogs or cats offered for adoption and shall not receive a fee for providing space for the adoption of any of these dogs or cats.
- (4) *Certificate of source.* A pet store shall post and maintain in a conspicuous place, on or within three feet of each dog's or cat's kennel, cage or enclosure, a certificate of source for each dog or cat being showcased at a pet store. Falsification of a certificate of source by a pet store, pet store operator, or any other person is hereby declared unlawful.
- (5) *Record-keeping.* Pet stores shall maintain records, stating the name, address, telephone number and emails of the animal care facility or animal rescue organization that showcase from which each dog or cat was acquired for one year following the date of acquisition and maintaining a copy of the previous year. These records are subject to inspection by a Town official charged with enforcing these provisions upon request.
- (6) *Applicability to existing pet stores.* Any pet store operating in conformance with a Town conditional use approval issued prior to the adoption of this section may continue to operate in accordance with that approval and with all applicable laws. If the pet store ceases operation for more than 60 days or if the conditional use is revoked by the Town or otherwise invalidated, then the pet store shall thereafter conform to the requirements of this section.
- (7) *Penalty.* Any person who violates this section is subject to enforcement pursuant to Section 1-12 of this Code.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 348, § 2, 6-14-94; Ord. No. 363, § 2, 3-28-95; Ord. No. 2004-08, § 2, 6-22-04; Ord. No. 2004-12, § 8-10-04; Ord. No. 2005-15, § 2, 11-22-05; Ord. No. 2007-11, § 2, 9-25-07; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2009-10, § 6, 7-28-09; Ord. No. 2009-36, § 3, 2-23-2010; Ord. No. 2010-15, § 3, 11-9-2010; Ord. No. 2011-09, § 3, 5-24-2011; Ord. No. 2012-01, § 4, 3-27-2012; Ord. No. 2012-15, § 3, 10-9-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2015-17, § 4, 5-24-2016; Ord. No. 2017-03, § 3, 3-28-2017; Ord. No. 2017-07, § 2, 6-13-2017; Ord. No. 2019-07, § 2, 9-12-2019; Ord. No. 2020-01, § 2, 2-11-2020; Ord. No. 2020-09, § 2, 11-10-2020; Ord. No. 2021-10, § 2, 1-11-2022)

- (a) *Defined.* A conditional use is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.
- (b) *Intent, purpose and effect.* The purpose of this section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code. where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use is quasi-judicial, and shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review.

- (c) *Application.* A conditional use application shall provide the following information unless waived by the DSD:

- (1) Traffic impact study meeting the requirements of section 30-71(c)(14)d;
- (2) Square feet designated (indoors or out) for each specific use;
- (3) Estimated employment;
- (4) Estimated number and type of service vehicles;
- (5) Any unique facilities or structures proposed as part of site improvements; and
- (6) A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.

- (d) *Specific criteria for approving a conditional use.* A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The Board and/or Commission may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. The applicant shall demonstrate the following:

- (1) *Land use compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

Permitted uses, structures and activities allowed within the land use category;

- ii. Building location, dimensions, height, and floor area ratio;
 - iii. Location and extent of parking, access drives and service areas;
 - iv. Traffic generation, hours of operation, noise levels and outdoor lighting;
 - v. Alteration of light and air;
 - vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;
 - vii. The architectural and site design are compatible with the character of the surrounding area; and
 - viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.
- (2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- (3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.
- (4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- (e) *Conditional use approval amendments.* A conditional use approval is specific to the density and intensity of the proposed use, the particular site plan and any supplemental conditions approved. Unauthorized modification to a site plan or any of the specifics or conditions of the conditional use approval is a violation of the Town Code and subject to code enforcement action and/or revocation of the conditional use approved. Any proposed modification to the conditional use that affects density, intensity or minimum code requirements of the site development plan will require review and approval by the Town Commission.
- (1) The Town Manager shall determine if the request is a Level 1 Amendment or a Level 2 Amendment. In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of section 30-123(a)–(c) of the Code.
- a. Level 1 Amendment: Shall be processed pursuant to the requirements for a Level 1 Review- Administrative Approval as set forth in section 30-113.
 - b. Level 2 Amendment: Shall be processed pursuant to the requirements for a Level 2 Review - Town Commission Approval as set forth in section 30-113.
- (f) *Continuing jurisdiction.* The Town Commission hereby reserves to itself the jurisdiction and authority to review and revoke conditional use permits where the use or the continuation of the use:
- (1) Violates the conditions set forth by the Town Commission as a requirement for the granting of the use;
 - (2) Is injurious to the health, safety or welfare of the community or of the public;
 - (3) Tends to attract vagrants, loiterers or habitually intoxicated persons; or
 - (4) Has a history of repeated Code violations.

Sec. 30-126. - Conditional uses review.

- (a) *Defined.* A conditional use is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.
- (b) *Intent, purpose and effect.* The purpose of this section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code, where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use is quasi-judicial, and shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review.

- (c) *Application.* A conditional use application shall provide the following information unless waived by the DSD:
 - (1) Traffic impact study meeting the requirements of section 30-71(c)(14)d;
 - (2) Square feet designated (indoors or out) for each specific use;
 - (3) Estimated employment;
 - (4) Estimated number and type of service vehicles;
 - (5) Any unique facilities or structures proposed as part of site improvements; and
 - (6) A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.
- (d) *Specific criteria for approving a conditional use.* A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The Board and/or Commission may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. The applicant shall demonstrate the following:
 - (1) *Land use compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

i.

Permitted uses, structures and activities allowed within the land use category;

- ii. Building location, dimensions, height, and floor area ratio;
 - iii. Location and extent of parking, access drives and service areas;
 - iv. Traffic generation, hours of operation, noise levels and outdoor lighting;
 - v. Alteration of light and air;
 - vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;
 - vii. The architectural and site design are compatible with the character of the surrounding area; and
 - viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.
- (2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- (3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.
- (4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- (e) *Conditional use approval amendments.* A conditional use approval is specific to the density and intensity of the proposed use, the particular site plan and any supplemental conditions approved. Unauthorized modification to a site plan or any of the specifics or conditions of the conditional use approval is a violation of the Town Code and subject to code enforcement action and/or revocation of the conditional use approved. Any proposed modification to the conditional use that affects density, intensity or minimum code requirements of the site development plan will require review and approval by the Town Commission.
- (1) The Town Manager shall determine if the request is a Level 1 Amendment or a Level 2 Amendment. In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of section 30-123(a)–(c) of the Code.
- a. Level 1 Amendment: Shall be processed pursuant to the requirements for a Level 1 Review- Administrative Approval as set forth in section 30-113.
 - b. Level 2 Amendment: Shall be processed pursuant to the requirements for a Level 2 Review - Town Commission Approval as set forth in section 30-113.
- (f) *Continuing jurisdiction.* The Town Commission hereby reserves to itself the jurisdiction and authority to review and revoke conditional use permits where the use or the continuation of the use:
- (1) Violates the conditions set forth by the Town Commission as a requirement for the granting of the use;
 - (2) Is injurious to the health, safety or welfare of the community or of the public;
 - (3) Tends to attract vagrants, loiterers or habitually intoxicated persons; or
 - (4) Has a history of repeated Code violations.

Sec. 30-318. - Minimum parking requirements.

- (a) *Banks and savings and loan associations:* One parking space for each 235 square feet of floor area.
- (b) *Business, professional and governmental offices:* Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:

Office Size (GLA)	1 Space for Each (Square Feet)
Less than 5,000	250
5,000 to less than 20,000	300
20,000 to 50,000	325
More than 50,000	350

- (c) *Charter, sightseeing or fishing boats:* One parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof.
- (d) *Churches:* One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (e) *Convenience stores, grocery stores:* One parking space for each 125 square feet of floor area.
- (f) *Funeral homes:* One parking space for each four seats in public rooms.
- (g) *Furniture stores:* One parking space for each 500 square feet of floor area.
- (h) *Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm:* One parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift.
- (i) *Hotels, motels and apartment hotels:*
- (1) *One parking space for each rentable tourist unit.* A rentable tourist unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not have a kitchen. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable tourist units. A two-bedroom, one-bath unit with only one outside door is counted as one rentable tourist unit. If, in addition to rentable tourist units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.
 - (2) *Exemption for bicycle and neighborhood/low speed vehicle parking.* A hotel or motel use located in the RM-25 zoning district may receive exemptions not to exceed a total of 50 spaces, for bicycle and/or neighborhood/low speed vehicle parking, subject to the following:
 - a. *Bicycle*

- i. Exemptions are limited to 15 percent of the total amount of required parking of the maximum number of exemptions;
- ii. A minimum of four bicycle parking spaces shall be provided on the same site as the hotel or motel for each exempted vehicular parking space;
- iii. Each bicycle parking space shall provide for a minimum area of 18 inches by six feet. A reduced minimum area per bicycle may be approved by the Town Manager for bicycle racks that are designed as public art.
- iv. A hotel or motel that utilizes this exemption shall provide bicycles for use by hotel/motel guests at least equal to 50 percent of the total number of bicycles spaces provided.

b. *Neighborhood/Low Speed Vehicles*

- 1. Exemptions are limited to ten percent of the total amount of required parking not to exceed the maximum number of exemptions;
- 2. A minimum of one neighborhood/low speed vehicle space shall be provided on the same site as the hotel or motel for each exempted vehicular parking space.
- 3. A hotel or motel that utilizes this exemption shall provide neighborhood/low speed vehicles for use by hotel/motel guests at least equal to 50 percent of the total number of spaces provided. In no event shall less than one neighborhood/low speed vehicle be provided.

- (j) *Leased and rental vehicles*: One space for each leased car maintained on premises plus one space for each employee.
- (k) *Marinas and yacht basins*: One parking space for each boat slip and one parking space for each employee. Charter boats are regulated under (c) above.
- (l) *Medical, dental lab, chiropractic, health studio, etc., clinics*: One parking space for each 200 square feet of floor area.
- (m) *Multiple-family dwellings*: One and one-half parking spaces for each unit with less than three bedrooms, and two parking spaces for each unit with three or more bedrooms, plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses were separate from the multiple dwelling.
- (n) *Outside seating for restaurants located on private property*. Outside seating areas located on private property shall provide parking spaces as follows:
 - (1) Dining that is located under the structural roof of a building shall provide seating required for restaurants (s) below.
 - (2) The first 1,000 square feet of outdoor seating area that is open to the elements and not located under a structural roof of the building or permanent structure shall be exempt from parking requirements. Parking shall be provided for all square footage over the first 1,000 square feet at the rate of one space for each 100 square feet of customer service area shall be provided.
- (o) *Personal service shops*: One parking space for each 200 square feet of service floor area including barber shops and beauty shops.
- (p) *Pier*: Zero parking spaces for the pier deck area not associated with another use.
- (q)

Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums: One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 square feet of net floor area utilized for customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

(r) *Restaurants, including sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the public:* One parking space for each 50 square feet of gross floor area excluding food preparation areas, drink preparation areas, bathrooms, storage areas, and other areas not directly utilized by the public in patronizing such establishments, except that from March 8, 2011, until March 7, 2015, and as further limited below, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Exemption Program."

(1) *Application required.* To qualify for the parking exemption program, a parking exemption application must be submitted, in a form to be approved by the Town, with all supporting documentation. The parking spaces shall be allocated on a first come, first serve basis, as measured by the Town's receipt of a complete application package.

(2) *Eligibility for program.* The application, and all supporting documents, including any applicable building permit or development approval applications, for the construction of a new restaurant or for a restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to the program deadlines, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.

(3) *Program guidelines.*

a. *Districts.* There are hereby created two separate and distinct Parking Exemption Districts as follows:

1. *Oceanfront Center.* The Oceanfront Center shall include all B-1 and B-1-A zoned land adjacent to State Road A1A or Commercial Boulevard, east of Seagrape and, for the purposes of determining underutilized spaces, shall include the El Prado and A1A parking lots.
2. *Commercial Business District.* The Commercial Business District shall include all B-1 and B-1-A zoned land adjacent to Commercial Boulevard, west of Seagrape.

b. *Exemption maximum.*

1. *District maximums.* The maximum number of spaces available for exemption in each parking district shall be established by resolution of the Town Commission.
2. *Oceanfront Center.* There shall be a maximum exemption of 30 parking spaces per eligible restaurant.
3. *Commercial Business District.* There shall be a maximum exemption of 50 parking spaces per eligible restaurant.

c. *Eligible restaurant.* An eligible restaurant shall be a commercial establishment where food and beverages are ordered and consumed on premises and serviced by its own kitchen. No restaurant kitchen may provide eligibility for parking exemption for more than one restaurant.

d. *Program duration.* The parking exemption program shall last in each district for a period of four years, from March 8, 2011, to March 7, 2015, or until the maximum number of parking exemptions is allocated, whichever is earlier. However, during the four-year period, but after the initial allocation of the maximum number of parking exemptions in a district, the parking exemption program may be reactivated in that district if additional parking spaces are added to the total number of spaces available within the district, either by

action of the Town Commission or expiration or loss of parking exemptions. Notwithstanding the foregoing, the Town Commission, may, for any reason and in its sole discretion, discontinue this parking exemption program at any point during the four years.

- e. *Effect on 1995 exemption of pre-existing buildings, structures and uses from the parking requirement.* The parking exemption program provided herein is supplemental to, and in no way changes the parking exemption established in 1995 in section 30-314(b). Any parking space exemptions provided under the parking exemption program are in addition to any parking credits that may exist under the 1995 program.

(4) *Status following end of program.*

- a. *Nonconforming.* At the end of the parking exemption program, all restaurants built under the parking exemption program will become nonconforming uses, and shall be subject to the requirements of the nonconforming use provisions of the Town's Code of Ordinances. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the parking exemption program may be completely remodeled or rebuilt without providing additional parking, as originally permitted through the parking exemption program, as long as the square footage of customer service area is not increased.
- b. *Availability of exemptions to successor businesses.* If an eligible restaurant has opened and is operating with any exemptions obtained pursuant to the parking exemption program those exemptions will remain with the property for the benefit of future uses, even after the restaurant receiving the exemption is gone.
- c. *Changes in square footage or use.* The parking space exemptions obtained pursuant to the parking exemption program shall remain with the property. The use of the property may change and the square footage may increase or decrease without losing the parking exemption spaces. If a change of use or expansion creates the need for additional parking spaces under the Code standards in effect at the time of building permit, those additional spaces must be provided.

(5) *Reports.*

- a. *Notice prior to maximum utilization by district.* The Town Manager shall advise the Town Commission when spaces are allocated under this program, indicating the number of spaces allocated and the number of spaces available in each district.
- b. *Bi-annual report.* The Town Manager shall provide a bi-annual report to the Commission that describes the utilization, effectiveness and impacts of the parking exemption program.

- (6) *Notice and hearing prior to expiration of program.* Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on March 7, 2015.

(s) *Retail stores:* One parking space for each 225 square feet of floor area.

(t) *Shopping centers:* Parking space requirements vary depending on the size in gross leasable area (GLA) and composition of the center according to the following table:

Shopping Center	Base Rate	Special Uses Requiring Additional
Size in GLA	(1 Space for Each)	Spaces Above Base Rate
	(square feet)	

Less than 50,000	225	10 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 s.f. of office use > 10% of GLA
50,000—100,000	250	10 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 s.f. of office use > 10% of GLA
100,000—200,000	250	6 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats > 450 seats
		1 space for each 700 s.f. of office use > 10% of GLA
200,000—400,000	250	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA
400,000—600,000	225	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA
600,000—1,200,000	200	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA

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

(v) *Theaters, movies or otherwise:* One space for every three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats.

(w) *Uses not specifically mentioned:* The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of floor area.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-01, § 3, 3-8-2011; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2012-06, § 4, 3-27-2012; Ord. No. 2012-12, § 2, 7-24-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-14, § 4, 10-28-2014; Ord. No. 2015-17, § 6, 5-24-2016; Ord. No. 2017-09, § 4, 9-13-2017)

Sec. 30-318. - Minimum parking requirements.

- (a) *Banks and savings and loan associations*: One parking space for each 235 square feet of floor area.
- (b) *Business, professional and governmental offices*: Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:

Office Size (GLA)	1 Space for Each (Square Feet)
Less than 5,000	250
5,000 to less than 20,000	300
20,000 to 50,000	325
More than 50,000	350

- (c) *Charter, sightseeing or fishing boats*: One parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof.
- (d) *Churches*: One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (e) *Convenience stores, grocery stores*: One parking space for each 125 square feet of floor area.
- (f) *Funeral homes*: One parking space for each four seats in public rooms.
- (g) *Furniture stores*: One parking space for each 500 square feet of floor area.
- (h) *Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm*: One parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift.
- (i) *Hotels, motels and apartment hotels*:
- (1) *One parking space for each rentable tourist unit*. A rentable tourist unit is defined as a unit with an outside entry door and bathroom which can be rented individually. The unit may or may not have a kitchen. For example, a two-bedroom unit that can be converted to two separate units, each with outside door and bathroom, is counted as two rentable tourist units. A two-bedroom, one-bath unit with only one outside door is counted as one rentable tourist unit. If, in addition to rentable tourist units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.
 - (2) *Exemption for bicycle and neighborhood/low speed vehicle parking*. A hotel or motel use located in the RM-25 zoning district may receive exemptions not to exceed a total of 50 spaces, for bicycle and/or neighborhood/low speed vehicle parking, subject to the following:
 - a. *Bicycle*

- i. Exemptions are limited to 15 percent of the total amount of required parking of the maximum number of exemptions;
- ii. A minimum of four bicycle parking spaces shall be provided on the same site as the hotel or motel for each exempted vehicular parking space;
- iii. Each bicycle parking space shall provide for a minimum area of 18 inches by six feet. A reduced minimum area per bicycle may be approved by the Town Manager for bicycle racks that are designed as public art.
- iv. A hotel or motel that utilizes this exemption shall provide bicycles for use by hotel/motel guests at least equal to 50 percent of the total number of bicycles spaces provided.

b. *Neighborhood/Low Speed Vehicles*

1. Exemptions are limited to ten percent of the total amount of required parking not to exceed the maximum number of exemptions;
2. A minimum of one neighborhood/low speed vehicle space shall be provided on the same site as the hotel or motel for each exempted vehicular parking space.
3. A hotel or motel that utilizes this exemption shall provide neighborhood/low speed vehicles for use by hotel/motel guests at least equal to 50 percent of the total number of spaces provided. In no event shall less than one neighborhood/low speed vehicle be provided.

- (j) *Leased and rental vehicles*: One space for each leased car maintained on premises plus one space for each employee.
- (k) *Marinas and yacht basins*: One parking space for each boat slip and one parking space for each employee. Charter boats are regulated under (c) above.
- (l) *Medical, dental lab, chiropractic, health studio, etc., clinics*: One parking space for each 200 square feet of floor area.
- (m) *Multiple-family dwellings*: One and one-half parking spaces for each unit with less than three bedrooms, and two parking spaces for each unit with three or more bedrooms, plus one guest space for every five units. If, in addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be required by this section, if such uses were separate from the multiple dwelling.
- (n) *Outside seating for restaurants located on private property*. Outside seating areas located on private property shall provide parking spaces as follows:
 - (1) Dining that is located under the structural roof of a building shall provide seating required for restaurants (s) below.
 - (2) The first 1,000 square feet of outdoor seating area that is open to the elements and not located under a structural roof of the building or permanent structure shall be exempt from parking requirements. Parking shall be provided for all square footage over the first 1,000 square feet at the rate of one space for each 100 square feet of customer service area shall be provided.
- (o) *Personal service shops*: One parking space for each 200 square feet of service floor area including barber shops and beauty shops.
- (p) *Pier*: Zero parking spaces for the pier deck area not associated with another use.
- (q)

Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums: One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 square feet of net floor area utilized for customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

(r) *Restaurants, including sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the public:* One parking space for each 50 square feet of gross floor area excluding food preparation areas, drink preparation areas, bathrooms, storage areas, and other areas not directly utilized by the public in patronizing such establishments, except that from March 8, 2011, until March 7, 2015, and as further limited below, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Exemption Program."

(1) *Application required.* To qualify for the parking exemption program, a parking exemption application must be submitted, in a form to be approved by the Town, with all supporting documentation. The parking spaces shall be allocated on a first come, first serve basis, as measured by the Town's receipt of a complete application package.

(2) *Eligibility for program.* The application, and all supporting documents, including any applicable building permit or development approval applications, for the construction of a new restaurant or for a restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to the program deadlines, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.

(3) *Program guidelines.*

a. *Districts.* There are hereby created two separate and distinct Parking Exemption Districts as follows:

1. *Oceanfront Center.* The Oceanfront Center shall include all B-1 and B-1-A zoned land adjacent to State Road A1A or Commercial Boulevard, east of Seagrape and, for the purposes of determining underutilized spaces, shall include the El Prado and A1A parking lots.
2. *Commercial Business District.* The Commercial Business District shall include all B-1 and B-1-A zoned land adjacent to Commercial Boulevard, west of Seagrape.

b. *Exemption maximum.*

1. *District maximums.* The maximum number of spaces available for exemption in each parking district shall be established by resolution of the Town Commission.
2. *Oceanfront Center.* There shall be a maximum exemption of 30 parking spaces per eligible restaurant.
3. *Commercial Business District.* There shall be a maximum exemption of 50 parking spaces per eligible restaurant.

c. *Eligible restaurant.* An eligible restaurant shall be a commercial establishment where food and beverages are ordered and consumed on premises and serviced by its own kitchen. No restaurant kitchen may provide eligibility for parking exemption for more than one restaurant.

d. *Program duration.* The parking exemption program shall last in each district for a period of four years, from March 8, 2011, to March 7, 2015, or until the maximum number of parking exemptions is allocated, whichever is earlier. However, during the four-year period, but after the initial allocation of the maximum number of parking exemptions in a district, the parking exemption program may be reactivated in that district if additional parking spaces are added to the total number of spaces available within the district, either by

action of the Town Commission or expiration or loss of parking exemptions. Notwithstanding the foregoing, the Town Commission, may, for any reason and in its sole discretion, discontinue this parking exemption program at any point during the four years.

- e. *Effect on 1995 exemption of pre-existing buildings, structures and uses from the parking requirement.* The parking exemption program provided herein is supplemental to, and in no way changes the parking exemption established in 1995 in section 30-314(b). Any parking space exemptions provided under the parking exemption program are in addition to any parking credits that may exist under the 1995 program.
- (4) *Status following end of program.*
 - a. *Nonconforming.* At the end of the parking exemption program, all restaurants built under the parking exemption program will become nonconforming uses, and shall be subject to the requirements of the nonconforming use provisions of the Town's Code of Ordinances. Notwithstanding the foregoing, restaurants or expansions of restaurants built under the parking exemption program may be completely remodeled or rebuilt without providing additional parking, as originally permitted through the parking exemption program, as long as the square footage of customer service area is not increased.
 - b. *Availability of exemptions to successor businesses.* If an eligible restaurant has opened and is operating with any exemptions obtained pursuant to the parking exemption program those exemptions will remain with the property for the benefit of future uses, even after the restaurant receiving the exemption is gone.
 - c. *Changes in square footage or use.* The parking space exemptions obtained pursuant to the parking exemption program shall remain with the property. The use of the property may change and the square footage may increase or decrease without losing the parking exemption spaces. If a change of use or expansion creates the need for additional parking spaces under the Code standards in effect at the time of building permit, those additional spaces must be provided.
- (5) *Reports.*
 - a. *Notice prior to maximum utilization by district.* The Town Manager shall advise the Town Commission when spaces are allocated under this program, indicating the number of spaces allocated and the number of spaces available in each district.
 - b. *Bi-annual report.* The Town Manager shall provide a bi-annual report to the Commission that describes the utilization, effectiveness and impacts of the parking exemption program.
- (6) *Notice and hearing prior to expiration of program.* Following public notice, the Town Commission shall conduct a public hearing and evaluation of the program's impacts at least six months prior to its expiration on March 7, 2015.
- (s) *Retail stores:* One parking space for each 225 square feet of floor area.
- (t) *Shopping centers:* Parking space requirements vary depending on the size in gross leasable area (GLA) and composition of the center according to the following table:

Shopping Center	Base Rate	Special Uses Requiring Additional
Size in GLA	(1 Space for Each)	Spaces Above Base Rate
	(square feet)	

Less than 50,000	225	10 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 s.f. of office use > 10% of GLA
50,000—100,000	250	10 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 s.f. of office use > 10% of GLA
100,000—200,000	250	6 spaces for each 1,000 s.f. of food service
		3 spaces for each 100 cinema seats > 450 seats
		1 space for each 700 s.f. of office use > 10% of GLA
200,000—400,000	250	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA
400,000—600,000	225	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA
600,000—1,200,000	200	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 s.f. of office use > 10% of GLA

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

(v) *Theaters, movies or otherwise:* One space for every three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats.

(w) *Uses not specifically mentioned:* The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of floor area.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-01, § 3, 3-8-2011; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2012-06, § 4, 3-27-2012; Ord. No. 2012-12, § 2, 7-24-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2014-14, § 4, 10-28-2014; Ord. No. 2015-17, § 6, 5-24-2016; Ord. No. 2017-09, § 4, 9-13-2017)

Sec. 30-314. - Off-street parking; general requirements.

(a) *Purpose.* The purpose of the following sections is to provide off-street parking provisions which are intended for and in the interest of the citizens of the Town of Lauderdale-By-The-Sea. These sections shall be construed to be the minimum requirements for the promotion of the public health, safety, moral and general welfare of the community.

(b) *Scope.*

- (1) Any building, structure, or use instituted with the Town of Lauderdale-By-The-Sea after March 14, 1995 shall provide off-street parking facilities in accordance with the provisions of these sections for the use of occupants, employees, visitors and/or patrons thereof. Such off-street parking facilities shall be maintained and continued as long as the uses are continued.
- (2) Any building, structure or use, instituted or erected prior to the effective date of these sections need not provide additional off-street parking facilities in accordance with the provisions of these sections provided that such existing buildings, structures or uses are not altered so as to enlarge or increase the capacity, floor area or seats therein.
- (3) When an existing building or structure is expanded to increase the floor area or seats or to otherwise increase the capacity of the building or structure, the provisions of these sections shall apply to the increased floor area, seats or increased capacity only.
- (4) When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections.
- (5) The provisions of subsections (b)(3) and (b)(4) are provided to allow for the orderly expansion and re-use of existing buildings and structures. Additionally, applicants requesting an expansion in floor area, seat or capacity or a change in use are encouraged to pursue other options for the provision of required parking available in these sections.
- (6) It shall be unlawful for an owner or operator of any building, structure or use affected by these sections to discontinue, change or dispense with, or to cause discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of these sections. All such alternative vehicle parking facilities must be approved by the Town Manager or his designee, in writing, before the same may be used. It shall be unlawful for any person, firm or corporation to utilize such buildings, structure or use without providing the off-street facilities to meet the requirements of and be in compliance with this chapter.
- (7) An otherwise conforming existing hotel building, or a legal nonconforming existing hotel building permitted to rebuild under section 30-137 or the Town Charter, may be rebuilt or redeveloped as a hotel, according to the applicable provisions of this code and shall retain its parking credits pursuant to subsection [b](4) above. Any increase in floor area, or change of use, shall be subject to the additional parking requirements of this Code.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2014-13, § 2, 10-28-2014)

Olive Judd, P.A.
Citizen Participation Meeting Summary of January 26, 2026
253–257 E. Commercial Blvd.

Citizen Participation Meeting Summary Package



Site Plan Modification Level 2 & Conditional Use
Mixed-Use Residential Conversion
253–257 East Commercial Boulevard, Lauderdale-by-the-Sea, FL
Prepared by Olive Judd, P.A. – Kristy E. Armada, Esq.
Date: January 26, 2026

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SUMMARY OF THE APPLICATION AND PROPOSED PROJECT

The applicant seeks approval for a Site Plan Modification Level 2 and a Conditional Use to convert the existing second-floor office suites within the commercial building located at 253–257 East Commercial Boulevard into five long-term residential units, while preserving the current commercial uses on the ground floor. This application represents a strategic mixed-use residential conversion designed to enhance the activated Commercial Boulevard corridor in Lauderdale-by-the-Sea.

The proposed improvement is an interior-only adaptive reuse project. No changes are planned to the building's exterior façade, height, massing, footprint, or architectural character, all of which will remain entirely intact. The conversion focuses solely on the reconfiguration and renovation of the unused second-floor office bays—specifically Suites 200, 201, 202, 203, 206, and 207—into five self-contained residential units. This approach modernizes the building's use while preserving both its structural integrity and its presence within the commercial corridor.

The proposed residential units will serve as long-term rental apartments, each leased for a minimum of 120 consecutive days. This 120-day standard is not applicant-driven but rather a requirement of the Town's Code for properties west of Seagrape Drive that include more than four residential units. By complying with this standard, the project ensures stable, non-transient occupancy that supports neighborhood cohesion and mitigates the impacts typically associated with short-term lodging uses.

Each unit meets or exceeds applicable minimum floor-area requirements, including one ADA-compliant unit, ensuring accessibility and adherence to life-safety standards. The proposed unit mix has been crafted to provide comfortable long-term living opportunities consistent with the Town's residential expectations for mixed-use projects.

The subject property is located within the B-1 zoning district, which expressly allows for residential uses only as part of a mixed-use development and only with Conditional Use approval. The project satisfies all district standards, including vertical separation—commercial uses remain exclusively on the ground floor, while residential units occupy the second floor only, as required. No residential space is proposed on the ground floor and no commercial use is proposed above the residential units.

The proposal strongly aligns with the Town's Comprehensive Plan and the purpose of mixed-use development in the B-1 district. Specifically, the project advances municipal goals by:

- (i) Encouraging adaptive reuse of underutilized commercial spaces
- (ii) Supporting pedestrian-oriented development and reducing auto dependency
- (iii) Promoting year-round residency and strengthening neighborhood stability
- (iv) Enhancing the activated Commercial Boulevard corridor, a Town-designated area intended to support vibrant mixed-use activity

Olive Judd, P.A.
Citizen Participation Meeting Summary of January 26, 2026
253–257 E. Commercial Blvd.

Parking Compliance and Site Circulation

The proposed conversion requires reconfiguration of the building's rear parking area to meet current residential parking requirements. Residential units must be served by non-tandem, dedicated parking spaces. To achieve this, the applicant will remove 18 existing tandem parking stalls and replace them with seven standard spaces and one ADA-compliant parking space.

This configuration ensures that each of the five units is provided with a compliant, dedicated parking space.

The site continues to benefit from 24 previously granted parking credits (1995) and an additional restaurant-use exemption (2012), bringing the total available parking supply to 33 spaces, exceeding the 31-space total requirement for all uses. Therefore, the project meets or surpasses every applicable parking standard without impacting public spaces or adjacent properties.

Architectural Continuity and Neighborhood Compatibility

Because the project does not propose any exterior construction, the building's current architectural appearance, including its façade, height, material finishes, roofline, and setbacks, will remain unchanged. By preserving the building envelope and maintaining the existing commercial presence along Commercial Boulevard, the project supports architectural continuity and mitigates any potential impacts on adjacent properties.

The lack of exterior modifications ensures there will be no changes to light, airflow, view corridors, or neighborhood scale, and the long-term nature of the proposed residential use will promote predictable use patterns and reduce neighborhood disruption.

Overall, the proposed project is a thoughtful adaptive reuse that transforms an underutilized second-floor commercial space into a stable residential component within a walkable, mixed-use environment. It fully complies with the Town's zoning, land-use, and mixed-use requirements; supports long-term planning goals; and enhances the year-round vitality of the Commercial Boulevard corridor without altering the building's exterior or increasing its intensity.

This application demonstrates careful planning, regulatory alignment, and respect for neighborhood character, positioning the project as a model mixed-use improvement in Lauderdale-by-the-Sea.

Citizen Participation Meeting Summary

A Citizen Participation Meeting was held at Jarvis Hall on January 26, 2026. The applicant team presented the project scope, zoning compliance, long-term rental requirements, parking compliance, and anticipated neighborhood impacts.

Attendees List

Name	Role / Title	Affiliation
Bill Shani	Applicant / Property Owner	
James Shani	Applicant's Son	
Mike Retino	Contractor	
Hector Ampuero	Project Architect	
Karen Sylvester	Resident / Community Member	
Kristy E. Armada, Esq.	Applicant's Attorney	Olive Judd, P.A.

Community Member Comments and Applicant Responses

Karen Sylvester requested clarification on the 120-day lease reference.

Applicant Response: The 120-day minimum lease term is required by the Town Code for the project's location and configuration.

APPENDIX

Olive Judd, P.A.
Citizen Participation Meeting Summary of January 26, 2026
253-257 E. Commercial Blvd.

Notice of Meeting

NOTICE OF CITIZEN PARTICIPATION MEETING

CASE: 2024-CU-02/ 2024-SPM2-01

APPLICANT: 255 Commercial Center LLC

PROPERTY ADDRESS: 253-257 E. Commercial Blvd., Lauderdale By-The-Sea, FL 33308

LEGAL DESCRIPTION: LOTS 5&6, BLOCK J, SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B, P.B.
31, PG. 3, B.C.R.

REQUEST: Pursuant to Chapter 30, "Unified Land Development Regulations," Sections 30-271, "Mixed Use," and 30-100, "Flexibility Rules," of the Town's Code of Ordinances ("Town Code"), the Applicant has requested approval for a mixed-use development to allow the conversion of existing second floor office space to residential use, including the allocation of five (5) residential flexibility units, within the B-1 Zoning District for the property located at 223 E. Commercial Boulevard.

Dear Resident, Property Owner, or Interested Party:

255 Commercial Center LLC (hereinafter "Applicant") has filed an application for approval of a Site Plan Modification Level 2 and Conditional Use for a mixed-use development at the property located at 253-257 E. Commercial Boulevard, Lauderdale-By-The-Sea, Florida. The Applicant seeks approval to convert existing office space to residential use within the B-1 (Business) Zoning District, pursuant to Chapter 30, "Unified Land Development Regulations," including Section 30-271, Mixed Use, and Section 30-100, Flexibility Rules, of the Town's Code of Ordinances ("Town Code"). The request includes the allocation of five (5) residential flexibility units to allow residential dwelling units on property designated for commercial land use, subject to the availability of flexibility units within the applicable flexibility zone and compliance with all applicable provisions of Chapter 30 of the Town Code.

Therefore, please allow this correspondence to serve as Notice of a Citizen Participation Meeting scheduled for the following date, time, and location:

January 26, 2026
5:00 pm
JARVIS HALL
4505 N. OCEAN DRIVE
LAUDERDALE-BY-THE-SEA, FLORIDA 33308

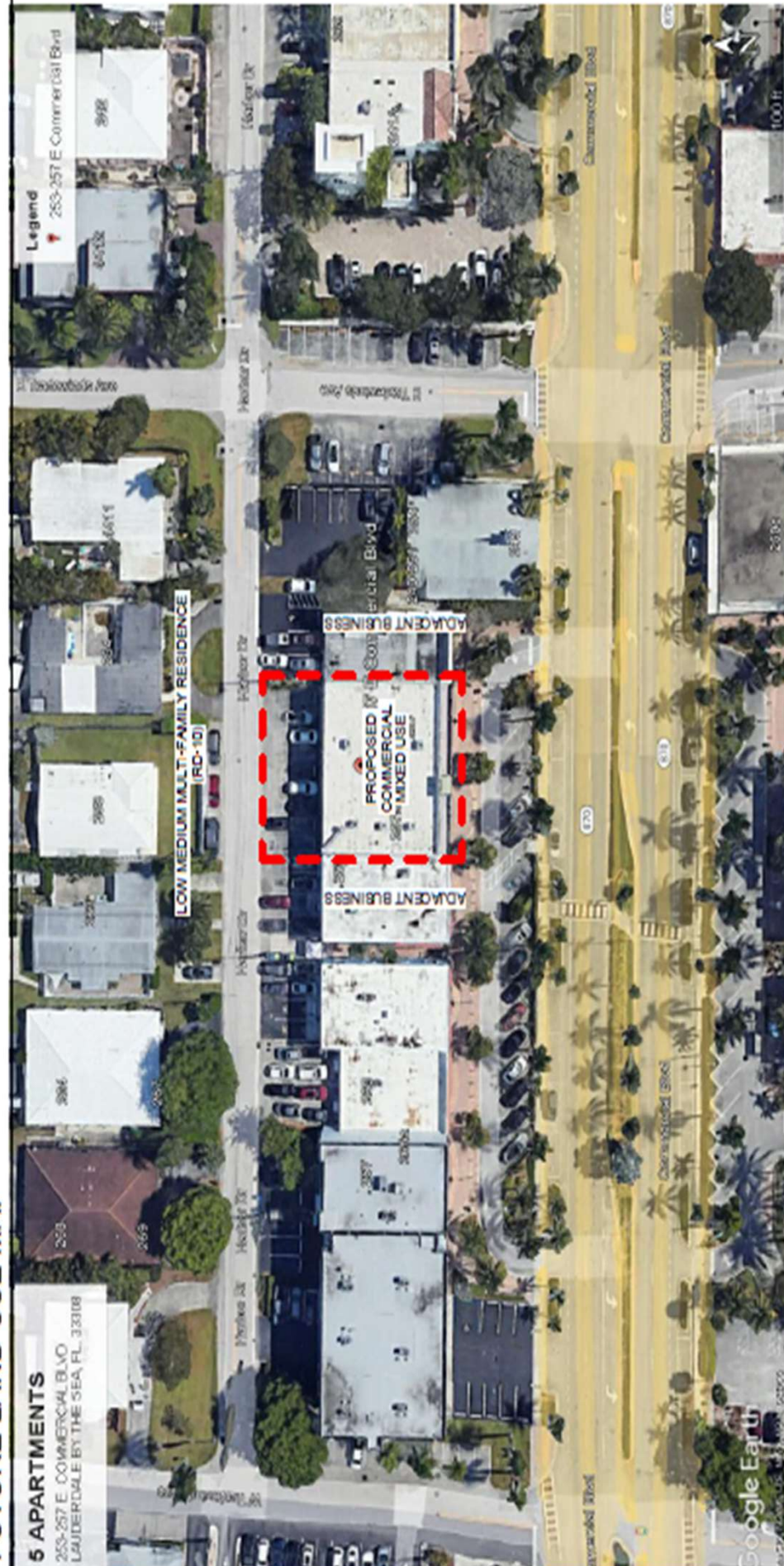
Any interested parties are encouraged to attend this meeting to discuss the proposed application, actively participate in the Town's development procedures and provide public comments.

Citizen Participation Meeting: Mixed- Use Residential Conversion at 253- 257 E Commercial Blvd

Engaging community for urban development and housing plans

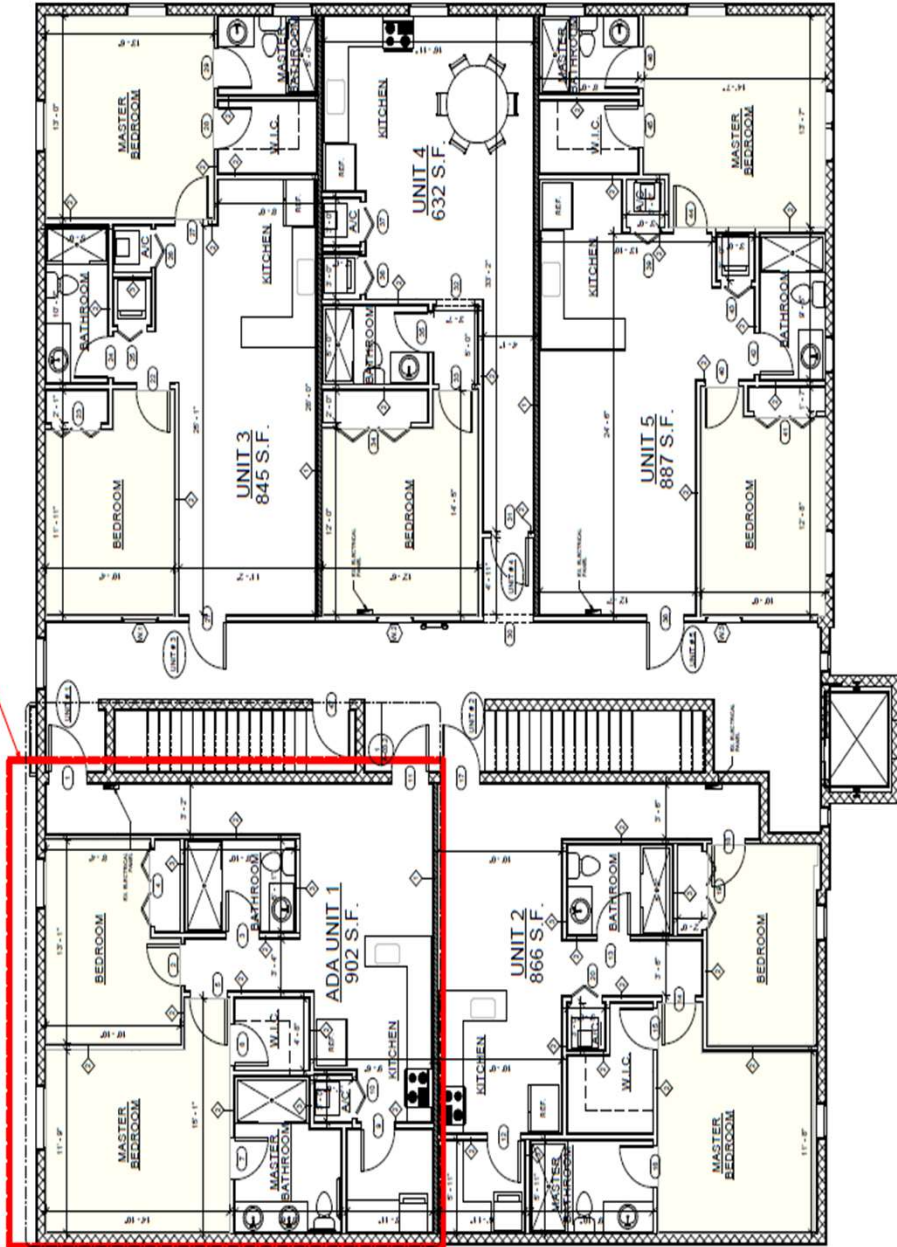
Project Overview and Purpose

Project Site

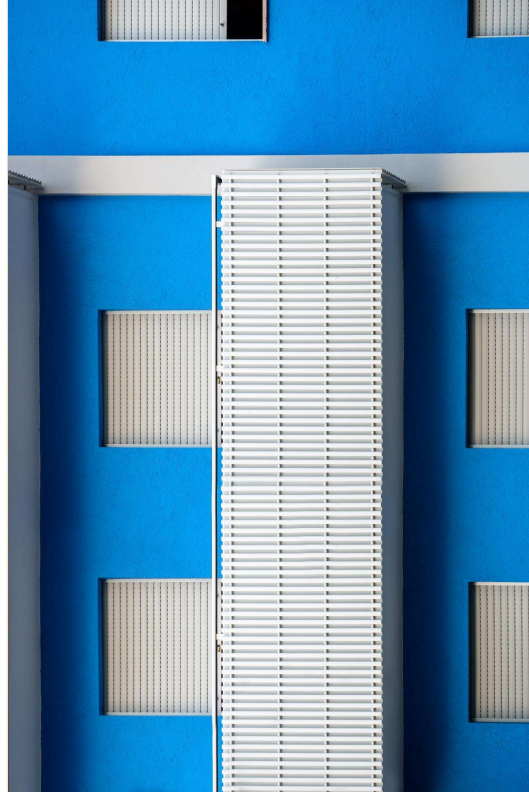


Plans

— ADA APARTMENT



Project Overview



Adaptive Reuse and Mixed Use

The project converts second-floor office suites into five long-term residential units while preserving ground-floor commercial uses.

Preservation of Building Character

No changes will be made to the building's exterior, footprint, or height, maintaining architectural character and visual continuity.

Long-term Residential Leasing

Residential units will be leased for a minimum of 120 days to promote neighborhood stability and reduce transient occupancy.

Sustainable Urban Development

The project supports walkability, reduces car dependence, and boosts economic vitality by increasing housing in commercial districts.

Purpose of Citizen Participation Meeting

Meeting Purpose

The meeting fosters transparency and dialogue without voting, allowing community feedback early in the process.

Project Presentation

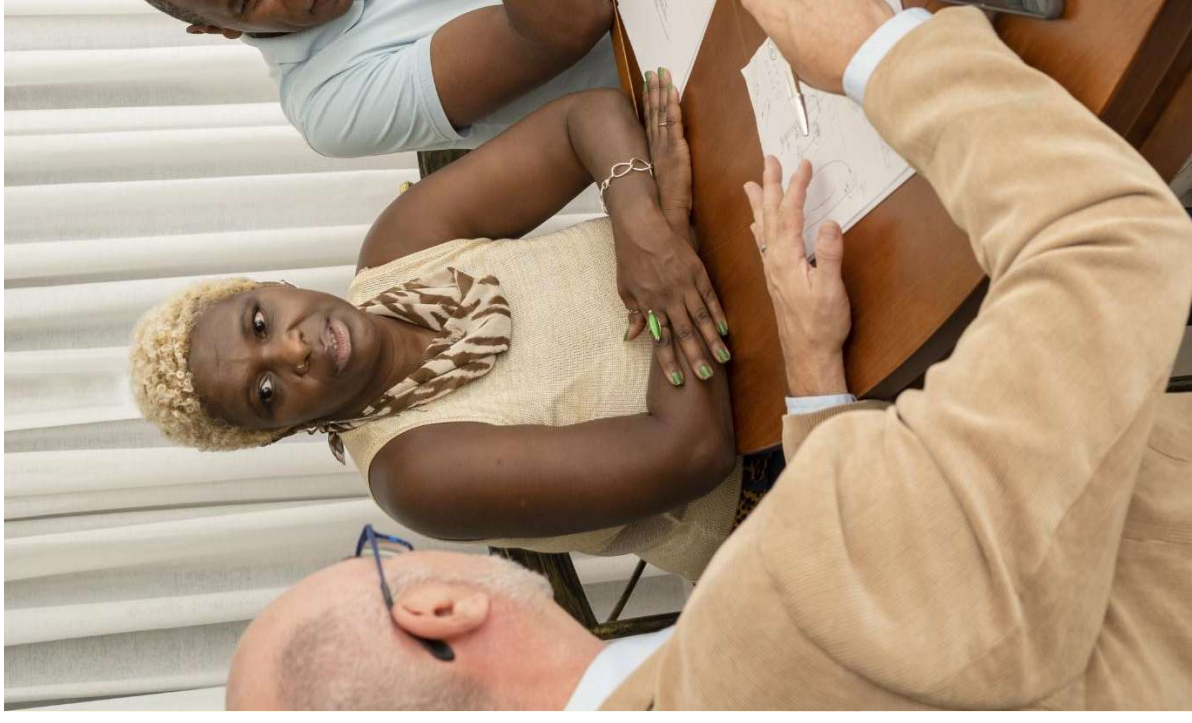
Applicants present the project scope, zoning compliance, and expected neighborhood impacts to inform attendees.

Public Engagement

Residents and stakeholders ask questions, review plans, and provide input on traffic, parking, and neighborhood compatibility.

Outcome and Trust Building

Feedback is documented to inform decisions, building trust and clarifying how projects align with town plans.



Project Details and Justification

What Is Being Proposed

Second Floor Conversion

The second floor will be converted from office space to five long-term residential rental units, maintaining the existing building structure.

Ground Floor Commercial Use

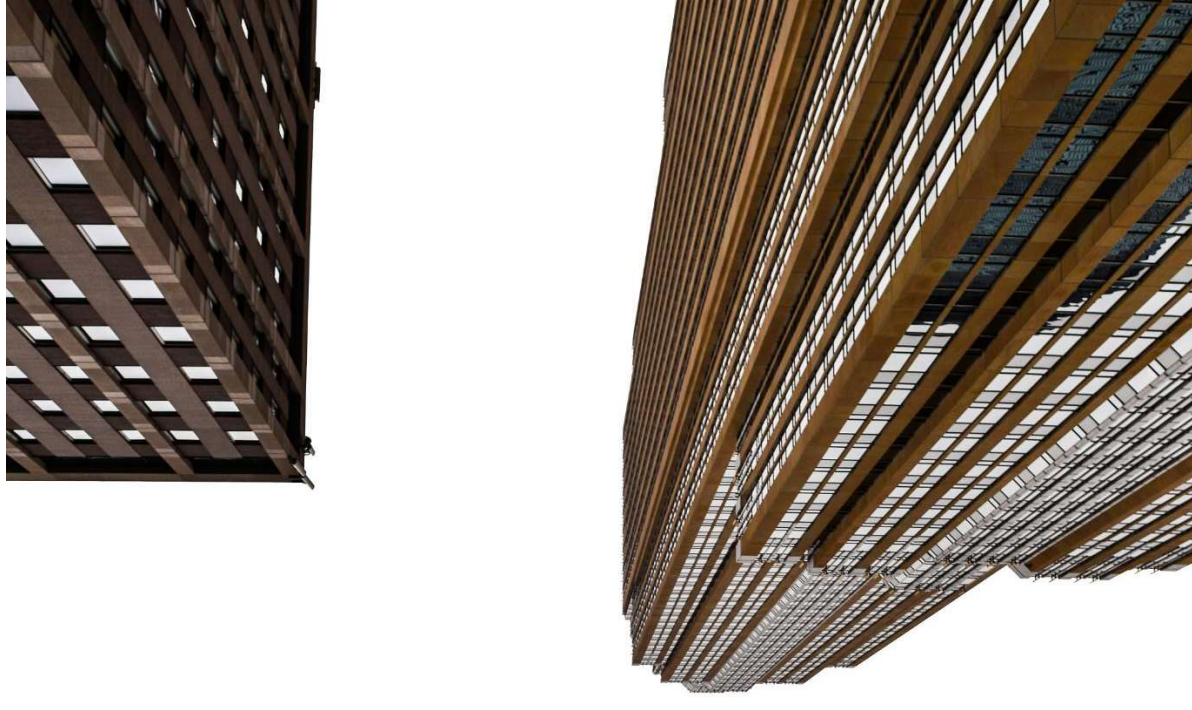
The ground floor will remain dedicated to commercial activities, preserving the mixed-use character and supporting economic vitality.

Accessibility and Compliance

One ADA-compliant unit and four standard units will meet accessibility and life safety standards, exceeding minimum space requirements.

Long-Term Rental Terms

All leases require a minimum of 120 days, promoting neighborhood stability and reducing transient occupancy nuisances.



Why This Project Benefits the Community



Promoting Adaptive Reuse

The project revitalizes underused commercial spaces, reduces vacancies, and increases property values in line with the Town's Comprehensive Plan.

Creating Vibrant Pedestrian Environment

It fosters a lively, walkable corridor with mixed-use development, enhancing community interaction and local economy along Commercial Boulevard.

Supporting Stable Housing Demand

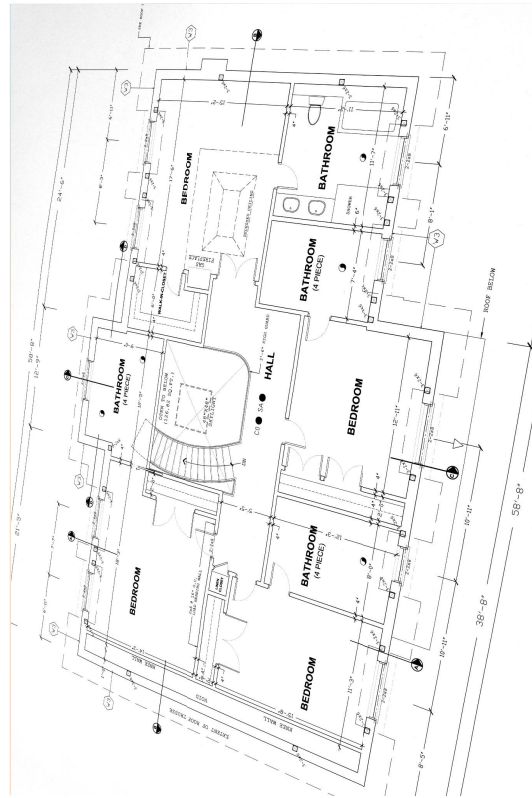
The development provides stable, long-term housing, maintaining neighborhood cohesion and supporting schools and civic institutions.

Emphasizing Sustainability

Minimizing new construction and promoting accessibility reduces environmental impact and automobile dependency.

Compliance and Technical Considerations

Zoning and Land Use Compliance



Zoning District and Conditional Use

The property is in the B-1 zoning district permitting residential uses in mixed-use developments with conditional approval.

Code Compliance and Standards

The project meets all town code provisions including dimensional standards without requiring variances or exceptions.

Vertical Separation and Flexibility Units

Residential units are on the second floor with commercial use on the ground floor, using flexibility units within allowed limits.

Alignment with Planning Objectives

The project aligns with the Town's Comprehensive Plan promoting mixed-use development, housing availability, and walkability.

Parking Compliance and Site Modifications



Dedicated Parking Spaces

One dedicated parking space per residential unit meets Town Code minimum requirements for residential use.

Removal of Tandem Spaces

Removal of 18 tandem parking spaces replaced by seven standard and one ADA-compliant back-out spaces improves compliance.

Parking Credits and Exemptions

Existing parking credits and exemptions from past approvals ensure no additional spaces or layout changes are needed.

Minimizing Community Impact

Avoiding public parking reliance reduces traffic impact and maintains accessibility for local businesses and residents.

Community Impact and Benefits

Construction and Neighborhood Impacts

Interior Renovation Only

Project limits work to interior second floor renovations, avoiding noise, dust, and visual disruption outside.

Preservation of Exterior Features

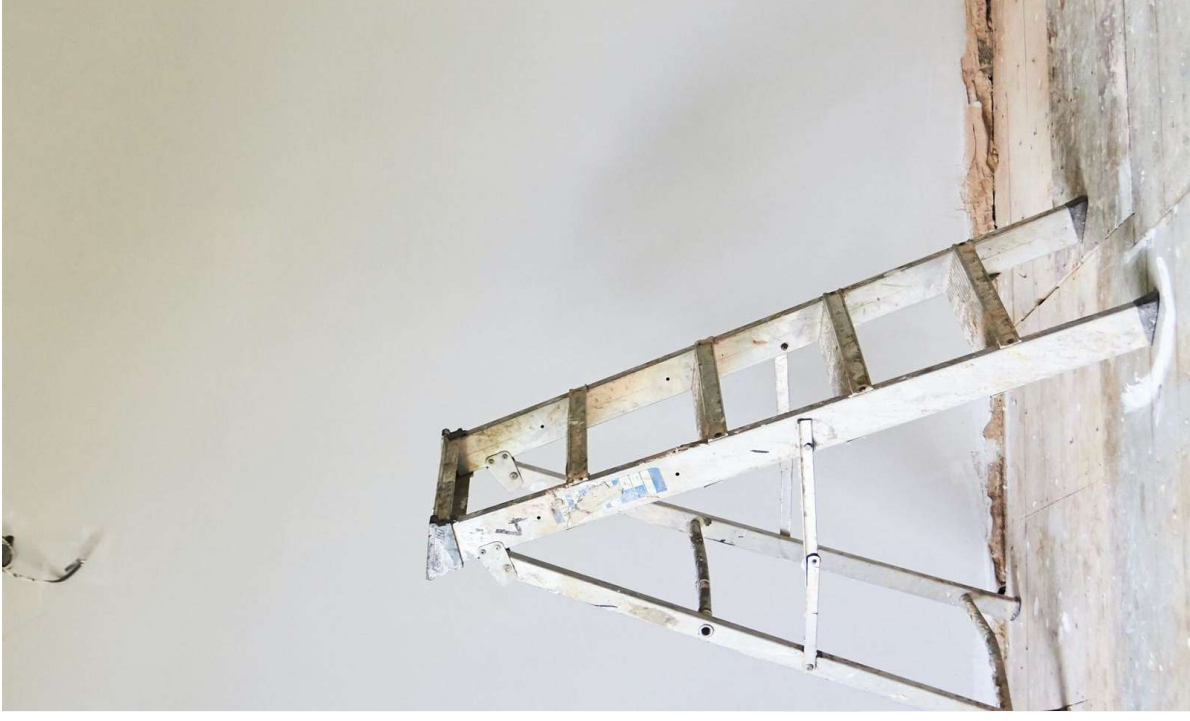
Exterior façade and setbacks remain unchanged, protecting neighborhood light, air flow, and sight lines.

Stable Long-Term Residency

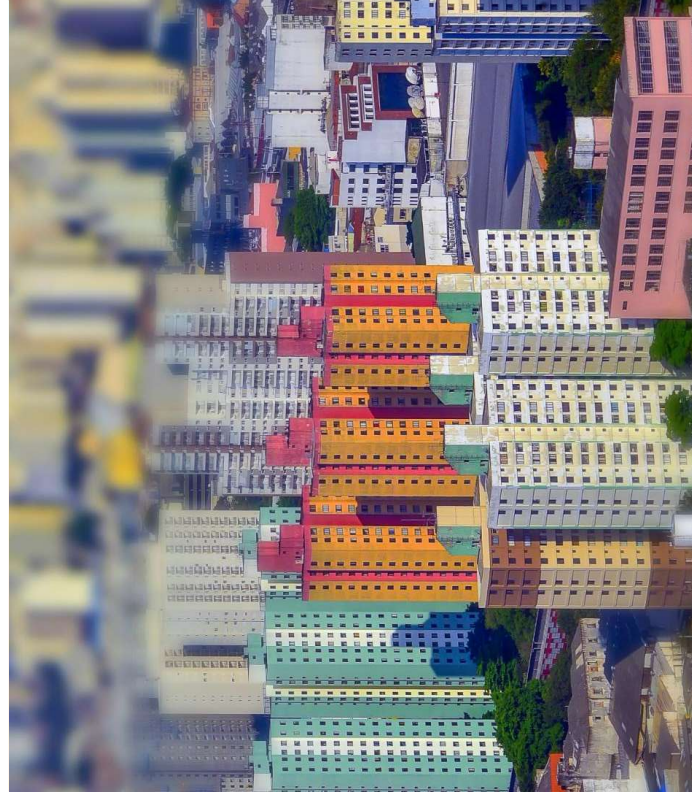
Long-term residents reduce neighborhood disruptions and promote community stability and respect.

Compliance and Minimal Impact

The project complies with zoning and safety codes and imposes no additional burden on infrastructure.



Community Benefits and Long-Term Value



Adaptive Reuse Strategy

Converting underutilized office space into residential units addresses housing demand and preserves building integrity.

Economic and Social Vitality

Long-term residents support local businesses and community activities, fostering neighborhood cohesion.

Sustainability and Walkability

The project reduces new construction and automobile dependency by promoting walkability near shops and services.

Balanced Urban Planning

Integrating residential and commercial uses creates a resilient, inclusive community aligned with long-term vision.

Sec. 30-139. - Notice of Public Hearings.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Applicant's name;
 - (2) The date, time, and place of the public hearing;
 - (3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;
 - (4) The nature, scope and purpose of the proposal being noticed;
 - (5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;
 - (6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and
 - (7) Other information as may be required by law.
- (b) *Mailed notice.*
- (1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.
 - (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (3) Property owners shall be determined by the ad valorem tax records of Broward County.
 - (4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.
 - (6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.
- (c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:
- (1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.
 - (2) Follow the timelines and ad type established in Table XXX in this article.
 - (3) For the purposes of this section and Table XXX:
 - a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.
 - b.

"Standard ad" shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.

- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:
 - (1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.
 - (2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.
 - (3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.
 - (4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.
 - (5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.
 - (6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.
- (e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.
- (f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.
- (g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application type	Florida Statute reference	Public participation meeting	Board notice date (as applicable)	Commission notice date	Type of notice			
					Website	Posted	Mailed 300'	Published (ad type)
Administrative adjustments, appeals from administrative decisions, plats		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (standard)
Architectural review, conditional use level 1 modification, site plan level 1 modification		n/a			n/a	n/a	n/a	n/a

Comprehensive plan—Text	163.3184	10 days	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
Comprehensive plan—Map	163.3184	10 days	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X	X	X	X (display)
Land Development Code—Text amendments changes to actual list of permitted, conditional, or prohibited uses within a zoning category	166.041(3) (c) 2	n/a	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
Land Development Code—All other text amendments	166.041	n/a	10 days	10 days	X			X (standard)

Zoning map change (<u>chapter 30</u>)— Town (less than 10 contiguous acres)	166.041(3) (c) 1	10 days	10 days	30 days	X		X	X (standard)
Zoning map change (<u>chapter 30</u>)— Town (10 or more contiguous acres)	166.041(3) (c)2	10 days	10 days	7 days— 1st public hrg 5 days— 2nd public hrg	X	X	X *	X * (display, with map)
Zoning map change (<u>chapter 30</u>)— Owner	166.041(3) (a)	10 days	10 days	10 days	X	X	X	X (standard)

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2022-05, § 3, 8-24-2022)



**SITE PLAN AMENDMENT, CONDITONAL USE,
AND FLEXIBILITY UNITS DEVELOPMENT ORDER
2024-CU-02/ 2024-SPM2-01/2024-FXU-01
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**

PROJECT NAME: 253-257 E Commercial Boulevard

ADDRESS OF PROPERTY: 253-257 E Commercial Boulevard

FOLIO #: [494318070220](#)

PROPERTY OWNER: 255 COMMERCIAL CENTER LLC

APPLICANT: 255 COMMERCIAL CENTER LLC

APPLICANT ADDRESS: 531 N OCEAN BLVD #201 POMPANO BEACH, FL 33062

REQUEST: Pursuant to Chapter 30, “Unified Land Development Regulations,” Sections 30-271(i)(3)(b), “Mixed Use,” Section 30-123, “Modification of Approved Site Plan,” and Section 30-100, “Flexibility Rules,” of the Town’s Code of Ordinances (“Town Code”), the Applicant has requested approval for a mixed-use development to allow the conversion of existing second floor office space to residential use, including the allocation of five (5) residential flexibility units, within the B-1 Zoning District for the property located at 253-257 E. Commercial Boulevard (the “Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE-BY-THE-SEA, Florida, on March 24, 2026, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 “Unified Land Development Regulations” of the Town Code.

SECTION 2. APPROVAL. The request to approve a Site Plan Modification, Conditional Use, and Flexibility Unit Allocation to permit a mixed-use development including five (5) second-floor residential dwelling units located within the B-1 Zoning District is hereby approved as shown on the plans attached as Exhibit 1, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. The Applicant shall secure a building permit, as defined in Section 30-121(e) of the Town Code, for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.
2. All construction shall be in accordance with the plans, incorporated into the approved Development Order as **Exhibit 1**, which are listed in this report and in accordance with all modifications and conditions approved by the Town Commission. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.
3. For any property located west of Seagrape Drive containing more than four (4) dwelling units, each dwelling unit shall be leased or occupied for a minimum period of one hundred twenty (120) consecutive days. No lease, rental agreement, or occupancy arrangement for a term of less than 120 consecutive days shall be permitted.
4. Pursuant to the 2021 Edition of the NFPA 101 Life Safety Code, the proposed use shall be classified under Chapter 30, *New Apartment Buildings*. Prior to the issuance of any building

permit, the structure shall be equipped throughout with an approved automatic fire sprinkler system and an approved fire alarm system, designed and installed in accordance with the applicable provisions of NFPA 101 and all other applicable codes and standards.

5. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
6. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
7. All applicable state and federal permits shall be obtained before commencement of construction.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Development Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of _____, 2026

MAYOR EDMUND MALKOON

ATTEST:

Courtney Easley, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney