

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

Agenda

Thursday, September 17, 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

Thursday, September 17, 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. April 1, 2026 Planning and Zoning Board Non-Approved Meeting Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. 2024-CU-02/2024-LVL2-SPM-01/2024-FXU-01-Pursuant to Chapter 30, "UnifiedLand Development Regulations," Sections 30-271(i)(3), "Mixed Use Requirements," and 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 E.Commercial Boulevard (the "Property").

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

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, April 1, 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 6:03PM.

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 1st Alternate Gregory Maloney. Present in person were Town Attorney Judelande Jeune, Development Services Director (DSD) Jhanelle Campbell, Assistant Development Services Director David Lee, Planner Alex Battle, and Board Clerk Megan 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 – February 4, 2026

Board Member Piersante made a motion to approve the P&Z Minutes of February 4, 2026 as written and was seconded by Vice Chair Richardson. The motion to approve carried unanimously.

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for comments and closed this agenda item as there were no requests to speak.

5. NEW BUSINESS

5.A.

Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative Adjustments,” of the Town’s Code of Ordinances (the “Town Code,” the Applicant has requested an administrative adjustment from Section 30-313 (t)(2)(b)(1) “Permanent Generators” of the Town’s Code, to permit the encroachment of a generator one (1) foot , four (4) and one-quarter (1/4) inches into the required 5-foot side setback for the property located at 228 Imperial Lane (the “Property”)

Development Services Director (DSD) Campbell explained that this agenda item was previously before this board and was denied. Since this time, the applicant has re-worked and brought it back tonight in a form that could be deemed acceptable. She gave background on the already installed generator on the west property line that was denied in 2024. It was later conditionally approved pending inspection verification and an administration adjustment was required prior to the Certificate of Occupancy (CO). This item was brought before this board last July and it was denied. Staff explored changes to the Code which was brought to and denied by the Town Commission. The applicant paused the application and was returning tonight with a revised proposal. The encroachment was still for 1 foot 4¼ inches but included additional mitigation measures now for sound deafening. She reminded that the neighbor to the west was in opposition then but was no longer in opposition due to the additional measures proposed. The application now met the Level 2 Administrative Adjustment Threshold with the 1 foot 4¼ inches. Staff recommended that the board

recommend approval of this item to the Town Commission with the additional measures outlined plus the standard development order requirements. The DSD answered Board Member Simpson that all the conditions outlined, like the sound deafening measures, would have to stay and be part of the development order. Board Member Simpson then asked about what would happen when the generator needed replacement and the DSD explained that the approval would remain in place if the generator would be replaced in the same location and same encroachment. Board Member Piersante said he read the letter from the neighbor, Stuart Dodd. Board Member Piersante had no problem with this application now as the generator would not be running everyday but rather when there was a power outage. He recommended approval. The DSD said that the applicant's attorney was present to answer any questions. As there were no further board questions/comments, the Chair opened the floor to public comments. There were no public requests to speak.

Board Member Piersante made a motion to make a recommendation to the Town Commission to approve this agenda item as presented with the sound deafening measures plus the standard development order requirements and was seconded by 1st Alternate Maloney. The motion to recommend approval to the Town Commission carried 6-0.

7. UPDATES/BOARD MEMBER COMMENTS

None.

Development Services Director Campbell acknowledged the FAU students who were in attendance today due to a class requirement. She further informed that today was the last day for Megan Small and everyone wished Megan good luck with her future endeavors.

8. ADJOURNMENT

Vice Chair Richardson made a motion to adjourn at approximately 6:12PM and the motion was seconded by Board Member Piersante. The motion to adjourn carried unanimously.

Chair Karen Sylvester

ATTEST:

Date Accepted: _____



Agenda Item No: 5.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: September 17, 2026

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: 2024-CU-02/2024-LVL2-SPM-01/2024-FXU-01-Pursuant to Chapter 30, "Unified Land Development Regulations," Sections 30-271(i)(3), "Mixed Use Requirements," and 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 E. Commercial Boulevard (the "Property").

Explanation:



Figure 1. Subject Property

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 five (5) residential dwelling units to be located at 255 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 (**Exhibit 2**) 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.

Background

The subject property is a developed parcel located within the B-1 zoning district and is part of a linear shopping center fronting Commercial Boulevard. The existing two-story building was originally constructed in the 1970s. The ground floor contains an Italian restaurant, a shoe repair shop, and a real estate office, while the second floor is currently used as office space. The property also includes eighteen tandem parking spaces located behind the building. The applicant proposes to convert the entire second-floor office space into five residential apartment units, including one ADA-accessible unit.

Request

Bill Sahni (the “Applicant”) proposes to convert the existing second-floor office space into five code-compliant dwelling units, including one accessible unit. The units are intended to be rented for minimum periods of 120 days because vacation rentals are limited to a maximum of four dwelling units. The existing elevator and stairways will continue to provide access to the second floor. No exterior building modifications are proposed.

The approximately 0.18-acre site is part of a shopping center occupying Block J of the Silver Shores Section of Lauderdale-by-the-Sea Unit B plat, which includes a platted public access drive and angled parking. The subject two-story building is located on Lots 5 and 6 in the eastern portion of the shopping center. The property has direct one-way westbound access from Commercial Boulevard, as well as access to the rear of the building and its private parking area from Harbor Drive via East Tradewinds Avenue.

The property has 24 parking-space credits granted in 1995 and a one-space parking exemption granted in 2012 for a restaurant use. The remaining parking required for the mix of retail, office, and restaurant uses that existed in 2012 is currently accommodated by 18 tandem spaces behind the building, accessed from Harbor Drive.

Although the proposed conversion from office to multifamily residential use reduces the property’s overall parking requirement, the residential parking requirement cannot be satisfied using tandem spaces. At least five on-site parking spaces must be provided for the proposed residential units, including one accessible space associated with the accessible dwelling unit. To address these requirements, the Applicant proposes to replace the existing 18 tandem spaces with seven standard parking spaces and one accessible parking space. The reconfigured spaces would back out onto Harbor Drive.

Review of the site plan modification is primarily to review parking, since there are no other changes being made to the Property.

Town Code Provisions

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 in italics (**Exhibit 2**).

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 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 satisfies the land use compatibility criterion. The conversion of the existing second-floor office space into five residential dwelling units is consistent with the mixed-use character of the B-1 zoning district, where residential uses may coexist with commercial activities.

The proposal does not increase the building's height, footprint, massing, or overall intensity, and no exterior building modifications, new signage, or additional exterior lighting are proposed. Consequently, the project is not expected to adversely affect the surrounding area with respect to appearance, light and air, noise, odors, smoke, vibration, or other nuisances.

The property will continue to utilize its existing access points. The proposed parking reconfiguration will provide seven standard spaces and one accessible space, satisfying the requirement to provide at least five non-tandem parking spaces for the residential units, including one accessible space. The property's previously approved parking credits and exemption will continue to address the remaining parking demand associated with the existing commercial uses.

Based on the proposed scale and intensity, the absence of exterior building modifications, the long-term nature of the residential occupancy, and compliance with applicable parking and development requirements, staff finds that the proposed use can coexist with surrounding commercial and residential uses without unduly negatively affecting nearby properties. Therefore, staff finds the application consistent with the land use compatibility criterion set forth in Section 30-126(d)(1).

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

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

Staff Analysis: The proposed residential use is permitted in the B-1 zoning district as part of a mixed-use development. The existing commercial uses on the ground floor will remain, while the second floor will be converted from office space to five dwelling units. Therefore, the proposal satisfies this criterion.

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: No changes are proposed to the building's location, dimensions, height, footprint, massing, or floor area ratio. Therefore, the proposal satisfies this criterion.

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: The existing access drives and service areas will remain unchanged. The parking area at the rear of the building will be reconfigured from 18 tandem spaces to seven standard spaces and one accessible space. Based on the property's existing parking credits and exemption, the proposed parking configuration satisfies the Town's applicable parking requirements. Therefore, the proposal meets this criterion.

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 Finding: The proposed conversion of the second-floor office space into five dwelling units is not expected to result in a significant increase in traffic or noise. The residential use will not introduce commercial hours of operation, and no new outdoor lighting is proposed. Therefore, the proposal satisfies this criterion.

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 Finding: No exterior modifications or building expansions are proposed. Accordingly, the project will not alter the existing light and air conditions on the property or surrounding properties. Therefore, the proposal satisfies this criterion.

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

Applicant Response: The use will not include any new setbacks and buffers such as fences, walls landscaping and open space.

Staff Finding: The proposed use will be located entirely within the existing building. No changes to the existing setbacks, fences, walls, landscaping, buffers, or open-space treatment are proposed. Therefore, the proposal satisfies this criterion.

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

Applicant Response: No exterior changes to the structure are being proposed

Staff Finding: No exterior architectural modifications are proposed. The existing building design and site configuration will generally remain unchanged, except for the proposed reconfiguration of the rear parking area. The project will therefore maintain the established character of the surrounding area and satisfies this criterion.

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

Applicant Response: No new lighting or signs are being proposed with this project.

Staff Finding: No new signs or exterior lighting are proposed as part of the application. Therefore, the project is not expected to adversely affect surrounding properties or vehicular traffic through signage or lighting and satisfies this criterion.

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 Finding: *There is sufficient site size, site specifications and infrastructure to accommodate 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.

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.

Staff Finding: *The conditional use complies with the applicable regulations of the Town's Unified Land Development Regulations and is consistent with the Town's 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.

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 Finding: The proposed conversion will occur primarily within the existing building, with no expansion of the building footprint or changes to its exterior façade, setbacks, signage, or outdoor lighting. These limitations reduce the potential for impacts related to construction activity, noise, dust, vibration, light, air, sight lines, and visual compatibility. Although the rear parking area will be reconfigured, the property's existing points of access will remain unchanged, and the revised parking arrangement will provide the required standard and accessible parking spaces.

The project remains subject to all applicable zoning, building, fire, accessibility, and life-safety requirements. Based on these factors, staff finds that the proposal incorporates sufficient measures to mitigate potential impacts on adjacent properties and community infrastructure and satisfies Section 30-126(d)(4).

Site Plan Amendment Application

Section 30-318 of the Town Code (**Exhibit 2**), 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 (**Exhibit 3**) 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 4 & 5**). 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.

Table 1

Area	Required Spaces	Physical Spaces*	Spaces Credited	Spaces Exempted
Credits/ Exemptions 24 Credits (1995) +1 Space restaurant exemption (2012)				
First Floor	22	2	6	2
Second Floor	21	1	4	0
Total Requirement	43	18 Tandem spaces	24	1
Provided on Site		8 Spaces (7 Standard and 1 Handicap Space)		

*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 an exempted space that was received 2012 through parking exemption application.

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 five (5) 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 6**).

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 7**). 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:

- c. 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
- d. Level 2 Site Plan Modification Application for review of compliance with parking requirements for the Property per Section 30-318 "Minimum Parking Requirements"; Section 30-314 "Off-street Parking; General Requirements"; and the requirements for a Site Plan Amendment as provided in Chapter 30 Unified Land Development Regulations; and
- e. Flex Unit Allocation Application to permit residential units on the Property, per Section 30-100 "Allocation of Flexibility Units".

Staff recommends the following conditions:

1. Rental Restrictions. Pursuant to Section 30-271(i)(3)c.6.ii. of the Town Code, the dwelling units shall not be rented for a period of fewer than 120 consecutive days. Short-term and vacation rentals are prohibited on the property.
2. 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.

3. All construction shall be in accordance with the plans, incorporated into the approved Development Order, 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.
4. 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.
5. 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.
6. All applicable state and federal permits shall be obtained before commencement of construction.

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 Application Forms and Narrative
2. Exhibit 1 - 255 E. Commercial Blvd - Conditional Use Application
3. Exhibit 2 - Article IV Division 2 - Site Plan Procedures and Requirements
4. Exhibit 2 -Sec. 30-271 (1)(3)
5. Exhibit 2 - Sec. 30-126
6. Exhibit 2 - Sec. 30-100
7. Exhibit 3 - Site Plan and Data Table
8. Exhibit 3 - Floor Plan
9. Exhibit 3 - Survey
10. Exhibit 4 - Sec. 30-318 (b)
11. Exhibit 5 - Sec. 30-314
12. Exhibit 6 - 2026-02-10 Citizen Participation Meeting Summary Package
13. Exhibit 7 - Sec. 30-139 (d)

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.

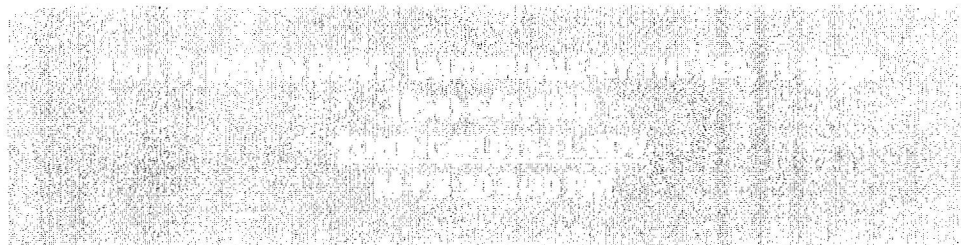
Sincerely,

Kristy Armada

Kristy E. Armada, Esq,

LAUDERDALE BY THE SEA

Universal Development Application



Administrative Purpose

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

In accordance with Section 30.111-30.113 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: billysahni@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: billysahni@gmail.com

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

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]

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

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

Signature of Property Owner: [Signature]

State of Florida:

County: Broward

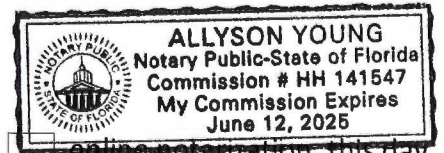
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day

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]



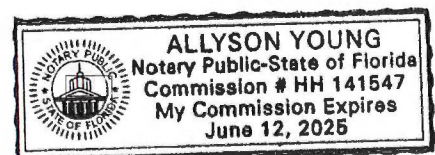
Applicant

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

Signature of Property Owner: [Signature]

State of Florida:

County:



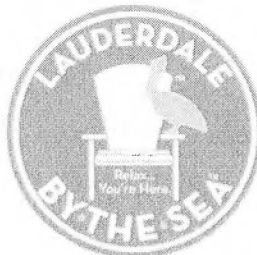
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day

12 of NOVEMBER, 2024.

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

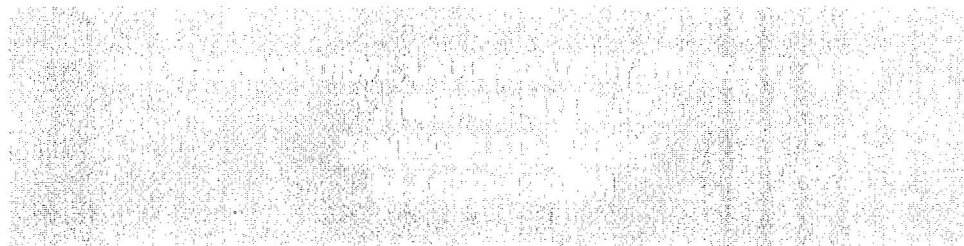
Print Notary Name: ALLYSON YOUNG My Commission Expires: 6/12/25

Notary Signature: 



LAUDERDALE BY THE SEA

3171 N. W. 10th Avenue, Suite 100, Fort Lauderdale, FL 33309



For Administrative Purpose Only

Application Number: _____

BTR #: _____

Date Application Submitted: _____

Date Application Found Complete: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

LAUDERDALE BY-THE-SEA

SITE PLAN MODIFICATION LEVEL 2

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?

Documents to Submit

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.

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:

UNIT TYPE	NUMBER OF UNITS		PLOT SIZE	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					

LAND USE TYPE	GROSS FLOOR AREA		PLOT SIZE	NUMBER OF STORIES
	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



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

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, the proposed modification does not increase the buildable square footage of the development. The scope of work is limited to interior renovations within the existing second-floor structure, converting previously approved office space into five long-term residential units. There are no changes to the building's footprint, height, or massing, and no expansion of the structure is proposed.

The total gross floor area remains unchanged, and the project does not involve any additions or new construction that would increase the buildable area. As such, the development continues to comply with all applicable dimensional standards and does not exceed the allowable square footage under the Town's zoning regulations.

Does the modification reduce the provided number of parking spaces below the required number of parking spaces: No, the modification does not reduce the number of provided parking spaces below the required number.

The total parking requirement for the site is 31 spaces—22 for the first floor and 9 for the second floor.

The site provides 8 on-site parking spaces, including 7 standard spaces and 1 ADA-compliant space.

Additionally, the property benefits from 25 previously granted parking credits (24 from 1995 and 1 restaurant exemption from 2012), bringing the total available parking to 33 spaces. This exceeds the required 31 spaces, ensuring full compliance with the Town's parking standards.

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, the proposed modification does not cause the development to fall below the standards of the B-1 zoning district or any other applicable provisions of the Town's Land Development Regulations. The project complies fully with all dimensional, use, and parking requirements, including setbacks, building height, lot coverage, and floor area ratios. The conversion of second-floor office space into five long-term residential units is expressly permitted as a conditional use within the B-1 district when integrated into a mixed-use development. The residential units are located entirely on the second floor, maintaining the required vertical separation from the ground-floor commercial uses. The total residential floor area comprises of 50% of the building's gross floor area, and the building occupies less than 70% of the lot, in compliance with code limitations. Each unit exceeds the minimum required lot and floor area standards.

Additionally, the project meets all parking requirements through a combination of on-site spaces and previously granted parking credits, with no variances or waivers requested. No exterior modifications are proposed, and the existing site infrastructure, access, and circulation patterns remain unchanged.

In summary, the proposed modification adheres to all applicable zoning and land development standards and does not result in any noncompliance with the Town's regulations.

Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees or hedges No the proposed modification does not have any adverse effect on adjacent or nearby properties, nor

it reduce any required physical buffers such as fences, trees, or hedges. The scope of the modification is limited to interior renovations on the second floor of the existing building, with no changes to the building footprint, site layout, or exterior features.

All existing landscaping, fencing, and buffer elements will remain intact and unchanged. The project maintains compliance with all setback and buffering requirements established by the Town's Land Development Regulations. Additionally, the long-term residential nature of the proposed use promotes neighborhood stability and minimizes potential nuisances such as noise, traffic surges, or parking overflow.

The unchanged exterior and continued use of existing access drives and service areas ensure that the development remains compatible with surrounding properties and does not introduce any new visual, environmental, or operational impacts.

Does the modified development meet the concurrency requirements of the Town of Lauderdale-By-The-Sea Comprehensive Plan Yes, the proposed modification meets all applicable concurrency requirements outlined in the Town of Lauderdale-by-the-Sea Comprehensive Plan. The project involves the interior conversion of existing second-floor office space into five long-term residential units, without expanding the building footprint or increasing the intensity of use beyond what the site and infrastructure have historically supported.

The development does not place additional demand on public facilities or services beyond existing capacity. Access to the site remains unchanged, and no new curb cuts or traffic modifications are proposed. The project complies with all parking requirements through a combination of on-site spaces and previously granted parking credits, ensuring that it does not burden public parking resources.

Furthermore, the proposed residential use is consistent with the Town's goals for sustainable growth, increased housing availability, and reduced automobile dependency. The project supports the Comprehensive Plan's objectives related to land use compatibility, infrastructure adequacy, and community character, and does not trigger any adverse impacts on transportation, water, sewer, drainage, or other public services.

Does the modification alter the site layout so that the modified site plan does resemble the approved site plan

No, the proposed modification does not alter the site layout in a manner that would cause the modified site plan to deviate from the approved site plan. The scope of the modification is limited to interior renovations on the second floor of the existing building, specifically converting office bays into five long-term residential units. There are no changes to the building's footprint, height, massing, or exterior design.

The existing access drives, service areas, setbacks, landscaping, and open space remain unchanged. The reconfiguration of the rear parking area—replacing 18 tandem spaces with 7 standard back-out spaces and 1 ADA-compliant space—has been designed to comply with the Town's parking standards and does not alter the overall site layout in a way that would conflict with the previously approved plan.

As such, the modified site plan maintains the integrity and appearance of the original approved site plan and continues to reflect the Town's vision for the B-1 zoning district and activated corridor along Commercial Boulevard.

Administrative Use Only



Application #: _____
BTR#: _____

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
www.lbts-fl.gov

DEVELOPMENT APPLICATION

In accordance with Section 30.111-30.113 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. Please also refer to the Fee Schedule, updated annually by the Town, as provided on the website which will indicate the cost per application type. Please check the development approval being requested:

- ☐ Abandonment
- ☐ Administrative Adjustment-Level 1
- ☐ Administrative Adjustment-Level 2
- ☐ Architectural Review-Preliminary
- ☐ Architectural Review-Final
- ☐ Bicycle Racks
- ☐ Conditional Use
- ☐ Conditional Use Amendment-Level 1
- ☒ Conditional Use Amendment-Level 2

- ☐ Conditional Use-Sign
- ☐ Conditional Use-Transfer Fee
- ☐ Construction Time Extension
- ☐ Development Order Extension
- ☐ Encroachment Application
- ☐ Landscape Plan
- ☐ Landscape Plan Amendment
- ☐ Parking Reduction-Level 1
- ☐ Parking Reduction-Level 2

- ☐ Preliminary Site Plan
- ☐ Sidewalk Cafe
- ☐ Sidewalk Cafe Modification
- ☐ Site Plan
- ☐ Site Plan Modification-Level 1
- ☐ Site Plan Modification-Level 2
- ☐ Tree Removal
- ☐ Variance-Single Family
- ☐ Variance - Other
- ☐ Other _____

Based on approval being requested, refer to the corresponding checklist and supplemental requirements.

Project Name: 253-257 E. Commercial Blvd. 5 Apartment Unit Remodel Folio Number(s): 4943-18-07-0220

Street Address: 253-257 E. Commercial Blvd.

Subdivision Name: _____ Block(s): _____ Lot(s): _____

Name of Property Owner: 255 Commercial Center LLC Address of Property Owner: 531 North Ocean Blvd., Unit 201, Pompano Beach, FL 33062

Property Owner's Phone Number: 954-914-6467 Property Owner's Email Address: billysahni@gmail.com

Name of Applicant: 255 Commercial Center LLC Address of Applicant: 531 North Ocean Blvd., Unit 201, Pompano Beach, FL 33062

Applicant Phone Number: 954-914-6467 Applicant Email Address: billysahni@gmail.com

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

Agent's Address: 2426 E. Las Olas Blvd., Ft. Lauderdale, FL 33301 Agent's Phone: 954-334-2250 Email Address: karmada@olivejudd.com

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

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

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

As applicable, answer the following:

Existing Number of Units: 0 residential

Proposed Number of Units: 5 residential

Existing Square Footage: 7029 sf

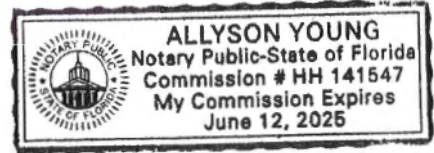
Proposed Square Footage: 7029 sf



DEVELOPMENT APPLICATION SIGNATURE PAGE

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

Signature of Property Owner: [Signature]



State of Florida: _____

County: Broward

SWORN AND SUBSCRIBED before me this 2 day of DEC, 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 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: _____

DIVISION 2. - SITE PLAN PROCEDURES AND REQUIREMENTS

Sec. 30-119. - Mandatory site plan approval.

Approval of a site plan is required prior to the development of land in the Town of Lauderdale-By-The-Sea.

- (a) *Exempt development.* Notwithstanding any other provision of this article, the following activities shall not require compliance with this section:
 - (1) The deposit and contouring of fill on land.
 - (2) Implementation, by a governmental entity, of a water management plan approved by the Town Commission, as such plan relates to an approved development of regional impact (not conceptual development of regional impact).
 - (3) Construction of a single-family home on an existing single lot.
 - (4) Construction of a duplex on an existing single lot.
- (b) Existing development expansions and partial redevelopment.
 - (1) Notwithstanding any other provision of this article, the following activities shall be required to comply with (2) and (3) of this subsection but shall, upon compliance with (2) and (3) below, not require compliance with the remainder of this division.
 - a. Level 1 site plan amendments to existing conforming properties for which approved site plan files cannot be located.
 - b. Conditional use for paid private parking.
 - (2) Applicant will be required to submit an as-built site plan that meets the requirements of section 30-121.
 - (3) Staff will review the as-built provided and as part of the review process for the application, will require modifications that achieve the maximum degree of compliance possible with this chapter. In seeking to achieve the maximum degree of compliance, parking, square footage or density of the current use of the existing structure and site shall not be reduced unless necessary to address an unsafe condition or compliance with other governmental regulations is required.
 - (4) Improvements to the existing structure that increase the non-conformity of the site are not allowed except as provided for in section 30-137 of the Town Code.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017)

Sec. 30-120. - Reserved.

Editor's note— Ord. No. 2017-01, § 2, adopted Jan. 16, 2017, repealed § 30-120, which pertained to application for conceptual or preliminary site plan review and derived from Ord. No. 2014-08, § 3, 7-7-2014.

Sec. 30-121. - Application for site plan approval.

- (a) *Procedures.* An application for final site plan approval shall be filed and processed pursuant to division 1, Generally, of this article.
- (b)

Submission requirements. An application for site plan approval shall include the following information unless waived by the DSD upon a determination that such information is not applicable or not essential to the review of a specific project:

- (1) A survey as required in section 30-112.
- (2) A development plan, the overall size of which shall be 24 inches by 36 inches, drawn at a scale not less than one inch equals 50 feet and shall include all of the following:
 - a. Legal description.
 - b. Site plan location sketch.
 - c. Site boundaries clearly identified, and dimensioned with ties to section corners.
 - d. All adjacent rights-of-way, with identification of ultimate right-of-way line, center line, right-of-way width measurement, paving width measurement, existing median cuts and intersections.
 - e. Any recorded non-vehicular access lines and access restrictions along adjacent rights-of-way.
 - f. Adjacent uses and future land use and zoning designations surrounding the site.
 - g. Proposed use and number of stories for all proposed structures including height to the roofline and additional height of parapet, if applicable.
 - h. Building separations and dimensions to lot lines.
 - i. Proposed external door locations.
 - j. Setbacks from each relevant property line for:
 1. Each corner of each structure;
 2. Pavement;
 3. Accessory structures;
 4. Structural planters and accessories;
 5. All roof overhangs; and
 6. Balconies.
 - k. Vehicular circulation system for cars, bicycles and other required vehicle types, with indication of connection to public rights-of-way and reservoir dimensions.
 - l. Geometry of all paved areas including centerlines, dimensions, radii and elevations.
 - m. Location of all parking areas with all spaces dimensioned, numbered and labeled as to type if other than standard.
 - n. Location of trash, garbage and recycling disposal system and provisions for accessibility to garbage trucks and pedestrians.
 - o. Loading areas with dimensions and provisions for accessibility to vehicles of the required type.
 - p. Accessibility provisions for emergency vehicles including fire engines.
 - q. Proposed bicycle racks with dimensions and number of spaces.
 - r. Pedestrian circulation system on site and adjacent to the site, including ADA accessible compliance features.
 - s. Details, dimensions and placement for any walls or fences.
 - t. View corridors, if applicable.

- u. The location of the coastal construction control line (CCCL), if applicable.
- v. Existing and proposed fire hydrant locations and water main sizes.
- w. Provider of water and wastewater facilities.
- x. Site data table setting forth the required minimum or permitted maximum, where appropriate, and the proposed for the following:
 - 1. Land use and zoning designations.
 - 2. Site area: Gross acreage and square footage.
 - 3. Site area: Net acreage and square footage (gross area covered by the property excluding road rights-of-way, if any).
 - 4. Proposed uses including the following:
 - i. Number and type of dwelling units and density for residential uses;
 - ii. Number of rooms with and without kitchens for hotel uses;
 - iii. Designated customer service area square footage for restaurants; and
 - iv. Gross square footage by use for all other uses.
 - 5. Building length for each structure.
 - 6. Required and proposed setbacks for each building.
 - 7. Pervious, impervious, and paved surface, in square footage and percentage of site area.
 - 8. Landscape open space and setback open space area and associated percentages.
 - 9. Required and provided number of parking and loading spaces and breakdown, as appropriate:
 - i. Number for each type (standard, compact and handicap) and percentage of total in compact spaces;
 - ii. Number of tandem parking spaces, if applicable;
 - iii. Number of bicycle spaces provided and number of parking spaces exempted; and
 - iv. Number of LSV spaces provided and number of parking spaces exempted.
- y. Height data table including:
 - 1. Highest crown of road adjacent to the building;
 - 2. Eighteen inches above crown of road or first habitable floor level (documentation of habitable floor level if more than 18 inches above crown of road);
 - 3. Top of roof deck;
 - 4. Top of parapet (if applicable); and
 - 5. Top of highest roof top structure.

(3) Architectural requirements.

- a. Proposed building colors and materials.
 - 1. Building colors shall be designated in accordance with a color or paint scheme identified in the Town's Architectural Design Standards (ADS) and selected in accordance with the architectural style of the building.
 - 2.

The applicant shall provide samples of the building materials at each Board and Commission hearing.

3. The building materials and color samples shall be retained by the Town for the purpose of comparing the completed development with the approved materials and colors. Once the construction is complete and the Town has determined that the materials utilized match the approved materials, the Town may keep photographic record of the materials and dispose of the physical sample in accordance with statutory record retention requirements.
- b. Front, side and rear elevations of all buildings showing concealment of all mechanical or accessory equipment located on the roof, ground, or any other exterior location.
- c. Building floor plans.
- d. Proposed external doors.
- e. Renderings, if the improvement: 1) is visible from any public right-of-way, 2) is to a building façade, or 3) involves the renovation or expansion of more than 25 percent of the building area. Such renderings shall include all of the following:
 1. Street-level perspective drawings as one would view the project from a pedestrian level, with ground truths to depict and determine the appropriate scale of the project.
 2. Oblique aerial drawings from opposing view which indicate the mass outline of all proposed structures, including the outlines of adjacent, existing and previously approved structures.
 3. Context plan indicating the proposed development and outline of nearby properties with uses and height labeled.
 4. Unless otherwise specified, all renderings and illustrative drawings are for illustrative purposes only. Information shown on a rendering or illustrative detail, and not specifically depicted on the site plan shall not be considered part of the final approval.
- (4) Landscape plan demonstrating compliance with article VII of this chapter, prepared, signed and sealed by a registered landscape architect, or other person authorized pursuant to F.S. ch. 481, pt. II, as amended, which plan shall also specifically identify the location of existing native vegetation and the portion that will be removed, relocated and preserved.
- (5) A letter from Broward County Environmental Licensing and Building Permitting division stating that no Broward County tree removal license is required or a Broward County tree removal license and letter approving proposed replacement trees.
- (6) A letter from the Town's Recycling Coordinator indicating that the proposed garbage/recycling area meets the code requirements and is large enough to accommodate the proposed development.
- (7) Photometric plan.
- (8) Preliminary civil plans.
 - a. Schematic representation of the proposed drainage system including retention areas, swales and direction of drainage flow. Location of all drainage features, and retention areas, if any.
 - b. Schematic water and sewer plans.
- (9) A valid pre-application approval letter from the Florida Department of Transportation if the site proposes a change to existing permitted direct vehicle access to A1A or Commercial Boulevard west of A1A (Ocean Drive).

- (10) List of outside agency permits anticipated for the proposed development.
- (c) For presentation purposes, the applicant shall prepare and present to the Planning and Zoning Board and to the Town Commission, as applicable, a landscape plan, site plan and building elevations which have been colored to accurately reflect the colors and materials of the proposed development.
- (d) Upon approval of the site plan, the applicant shall submit to the Town a digital copy of the colored site plan and building elevations with the approved color manufacturer number and the manufacturer and style of materials.
- (e) *Effective period of site plan approval.*
 - (1) Unless otherwise designated in the approved development order, upon approval of a site plan by the Town Commission, the applicant shall have 12 months from the date of approval to obtain a building permit for an above-ground principal structure as shown on the Town-approved site plan when the property which is the subject of the site plan is west of the coastal construction control line and 18 months when the property is east of the coastal construction control line.
 - (2) A site plan that has been approved on or after July 7, 2014, that includes more than one principal structure, shall expire unless all of the following occur:
 - a. A complete application and building permit and a certificate of occupancy is issued for one of the principal structures as provided in subsection (b)(1) above; and
 - b. A complete application for a building permit for any subsequent principal structure shown on the approved site plan has been submitted within 12 months following the date of issuance of a certificate of occupancy for the principal structure most recently completed; and
 - c. A building permit for such principal structure is issued within 18 months following the date of issuance of a certificate of occupancy for the principal structure most recently completed; and
 - d. Such building permit remains valid and in effect until a certificate of occupancy or other equivalent approval is granted for such principal structure; and
 - e. A complete application is submitted and building permits are issued for each subsequent principal structure in accordance with subsections (b)(2)a., b., and c. until a certificate of occupancy or its equivalent is issued for all of the principal structures on the approved site plan.

Notwithstanding the provisions of this subsection (b)(2), a site plan that includes more than one principal structure shall expire if certificates of occupancy for all principal structures have not been issued within four years of site plan approval.

- (3) If a building permit for construction of a principal structure as provided herein expires, the site plan shall expire and prior to issuance of any additional building permits, the applicant shall be required to submit an application for and receive approval of a new site plan for such principal structure.
- (4) If an applicant fails to secure a building permit in the allowed time, all previous approvals shall become null and void.
- (5) For purposes of this subsection, a permit, shall mean a master building permit for the main structure on the property. A demolition, clearing and grubbing permit, foundation, or any other subpermit shall not constitute a building permit for site plan review purposes.
- (6)

The Town Commission, at its discretion, may extend the approval of a site plan for an additional time period, not to exceed one year, provided a request for extension is filed prior to the expiration of the original approval period. In granting such extensions, the Town Commission may require modifications to or impose additional conditions on the site plan.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017)

Sec. 30-122. - Site plan requirements.

Development depicted in a site plan shall meet the following requirements:

(a) *Site plan design.*

(1) Off-street parking facilities.

- a. *General design requirements.* Internal site circulation shall follow a functional classification and hierarchical design criteria to assure that the movements between the public right-of-way and the parking stall are conducted in an efficient and orderly manner. All streams of departing traffic from the parking stalls in a parking lot shall be assembled and delivered to an internal collector facility that combines them into a few concentrated streams which will then be connected to the public right-of-way at a properly spaced access location(s).
- b. *Functional elements of on-site circulation system.* Car parking stalls, parking aisles, driveways, reservoir areas and entrances are the basic functional elements of the on-site circulation system. Additional elements, including but not being limited to perimeter roads, rear collector roads, service roads within the proposed development, left-turning lanes, right-turning lanes, traffic lights, frontage roads in the public right-of-way immediately adjacent to the proposed development may also be required, pursuant to this article.

1. *Parking stalls and aisles.*

- i. The minimum size (in feet) of a vehicular parking stall space shall be as follows:

9' × 18'—Standard space.

8.5' × 20'—Parallel space.

10' × 25'—Loading space.

12' × 18'—Handicap space.

8' × 15'—Compact space.

8' × 11'—Neighborhood/low speed vehicle space.

8.5' × 18' for each vehicle with a maximum stacking of two vehicles (36 feet)—Tandem employee/valet space.

- ii. All required parking stalls shall have direct and unobstructed access from a parking aisle unless waived by the DSD and appropriate board or commission.
- iii. No parking stall shall directly abut a driveway unless waived by the DSD and appropriate board or commission.

- iv. Access for emergency vehicles shall be in accordance with NFPA1 Florida Fire Prevention Code.
- v. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, parking and storage of vehicles with individual parking stalls clearly defined, with directional arrows and traffic signs provided as necessary for traffic control.
- vi. Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements and safety.
- vii. All parking areas shall be so arranged that if there are ten or more contiguous parking stalls along the same parking aisle, the eleventh space shall be a landscaped peninsula a minimum of five feet in width. Other suitable solutions or innovative designs may be substituted when approved by the DSD and appropriate board or commission.
- viii. Acceptable plans for off-street parking shall designate not more than 25 percent of the total parking spaces as compact parking spaces.
- ix. Handicapped parking spaces and passenger loading zones shall be comply with F.S. §§ 316.1955, 316.1956 and 553.48 and the "Florida Accessibility Code for Building Construction." All required signs identifying disabled/handicapped parking spaces shall indicate the amount of fine assessed for illegal parking in the disabled/handicapped space. Disabled/handicapped parking spaces shall be counted as spaces which satisfy required parking.

2. *Driveways.*

- i. All parking aisles shall connect to a driveway.
- ii. A parking lot which exceeds 60 parking stalls shall be designed with at least one two-way directional driveway loop system connecting the entrance to the parking stalls and the principal building. Other innovative designs may be substituted when approved by the DSD and appropriate board or commission.
- iii. The minimum separation distance between a driveway, service drive, parking stall, or parking aisle, and a structure or property line shall be five feet, except at a drive-in teller or pick-up window. The minimum separation distance between a driveway, service drive, or parking aisles and a right-of-way shall be ten feet where there is no connection between the driveway and the street.
- iv. Two-way on-site access driveways that do not directly abut parking spaces shall be a minimum of 20 feet wide. Otherwise, driveways shall be a minimum of 24 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such increase.
- v. One-way on-site access driveways that do not directly abut parking spaces shall be a minimum of 12 feet wide. Otherwise, driveways shall be a minimum of 14 feet wide. Required widths shall be increased according to vehicle type or if the number of parking stalls connected or the number of trips generated justifies such an increase in width.
- vi.

Any off-street parking facility shall have either driveway approaches of sufficient width to allow for two-way traffic, or one-way driveways connected to aisles, parking areas or maneuvering areas in such a manner as to permit traffic to both enter and leave the property, facing forward, at the same time. A driveway which is only wide enough for one-way traffic shall not be used for two-way access.

- vii. Driving aisles: Two-way driving aisles shall be a minimum of 24 feet wide: one-way driving aisles shall be a minimum of 12 feet wide, clearly marked for one-way traffic.
- viii. Drive-through lane requirements: Businesses that provide a drive-through service are required to provide drive-through service lane or lanes, that comply with the following requirements:
 - aa. Drive-through service lane(s), whether for stacking or queuing, must be separate and distinct lanes from the circulation lanes necessary for entering or exiting the property.
 - bb. Each drive-through lane shall be separated from other on-site lanes. Each such drive-through lane shall be curbed, striped, marked or otherwise distinctly delineated.
 - cc. Drive-through lanes shall not conflict, or otherwise hamper access, to or from any parking space.
 - dd. Pedestrian walkways shall be clearly separated from drive-through lanes.
 - ee. No drive-through speaker box shall be directed to face a residential zoning district.
 - ff. Stacking spaces necessary for the provisions of drive-through lanes shall be determined using the following table:

Type of Facility	Inbound Vehicles	Outbound Vehicles
Drive-thru bank tellers	6 spaces per service position	1 space per service position
Drive-thru bank, automatic tellers	3 spaces per service position	1 space per service position
Drive-thru restaurant (measured from pick-up window)	6 spaces per service position	1 space per service position
Drive-thru coffee/espresso restaurant or café	3 spaces per service position	1 space per service position
Laundry	3 spaces per service position	1 space per service position

A stacking space is hereby defined as a space within a vehicular use area for the temporary stopping of a vehicle awaiting service as provided in this section. A stacking space shall be 20 feet long by ten feet wide. A stacking space shall be located in an area within a parking facility which is not used for any other vehicular use such as access, parking, site circulation or loading.

- hh. Inbound stacking requirements shall be counted from the first stopping point.
Outbound stacking requirements shall be counted from the last stopping point.
 - ii. Each stacking space shall be clearly defined on the site plan and shall be in a location that does not conflict or interfere with other traffic entering, using, or leaving the site. The design configuration shall ensure that backing into the public street is prevented.
 - jj. Each proposed drive-through business shall be analyzed for consideration of vehicular circulation for other cars, pedestrian circulation, and ADA accessibility.
 - kk. Any business not listed shall have the same requirements as the most similar use described above, as determined by the DSD.
- 3. Circulation design. A parking lot abutting a trafficway shall be designed for full on-site circulation. A parking lot abutting a street other than a trafficway may be designed for partial on-site circulation.
 - 4. Hotels and motels located on residentially zoned property shall be permitted to have back out parking into any public right-of-way except A1A if no traffic hazard is created.
 - 5. Parking and loading areas to be curbed. Except for one-family and two-family dwellings, all parking and loading areas shall be constructed with a six-inch raised curb or bumper blocks located a minimum distance of seven feet behind the street right-of-way line and other property lines along sidewalks, safety islands, driveways, sight distance triangles, and other places as needed unless determined to be unnecessary by a finding of the Town that given the particular circumstances of the site such curb can be eliminated in certain areas without creating safety hazards. The raised curb shall be constructed in such a manner as to prevent vehicles from crossing sidewalks or other pedestrian walkways, other than by means of an approved driveway approach.

(2) *Loading facilities.*

- a. Off-street truck loading and unloading areas may be required for all buildings and establishments which receive and/or ship materials or merchandise by truck. The number of loading spaces, design of spaces and any exceptions to the requirement will be determined by the DSD and approving body. The determination will be based on a review of the site and surrounding properties, the current building configuration (if a renovation or site plan amendment) and the ability to provide required loading and unloading areas without reducing required parking spaces.
- b. Off-street truck loading shall be required except as provided in subsection c. below. If the off-street loading facilities are required, they shall be designed to accommodate both the parking and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls.
- c.

If off-street loading facilities are not required, then on-street loading vehicles shall be situated in such a way that the sidewalk and the street remains unobstructed and pedestrians and vehicles, respectively may pass.

- (3) *Vehicular reservoir areas.* Adequate reservoir capacity shall be required for both inbound and outbound vehicles to facilitate the safe and efficient movement between the public right-of-way and the development. An inbound reservoir shall be of sufficient size to ensure that vehicles will not obstruct the adjacent roadway, the sidewalk and the circulation within the facility. An outbound reservoir shall be required to eliminate backup and delay of vehicles within the development.
- a. *Design.* A reservoir area shall be designed to include a space of 12 feet wide by 20 feet long for each vehicle to be accommodated within the reservoir area and so that vehicles within the reservoir area do not block parking stalls, parking aisles or driveways of off-street parking facilities.
 - b. *Adjacent to trafficway.* The number of vehicles required to be accommodated within a reservoir area adjacent to a trafficway shall be established by the Town Engineer dependent on the proposed development and accepted industry standards.
 - c. *Adjacent to nontrafficway street.* All off-street parking facilities shall provide a reservoir area at the point(s) of connection of a driveway with a public right-of-way. The reservoir area for any residential use other than single-family detached or commercial use shall accommodate at least one percent of the number of parking stalls served by the driveway. For parking lots with fewer than 100 cars, the reservoir area shall be able to accommodate at least one car.
 - d. For a development adjacent to a nontrafficway street that generates less than 500 trips per day, a lesser number of stacking spaces may be authorized based on a traffic impact statement that indicates the characteristics of the proposed use or abutting right-of-way support a determination that the need for stacking spaces is less than required and the number of stacking spaces provided shall be sufficient to protect the safety of those traveling on and off site.
- (4) *Access for vehicles other than automobiles.*
- a. Structures intended for principal uses shall be made accessible to the following type of vehicles:
 - 1. Residential uses, other than single-family or duplex: Single unit truck (SU).
 - 2. Commercial uses: Single unit truck and semi-trailer (WB-40) combination intermediate.
 - 3. Definitions of, as well as required specifications for, the above vehicle types shall be those found in the American Association of State Highway and Transportation Officials (AASHTO) Geometric Highway Design.
 - b. All buildings other than single-family or duplex residences shall be accessible to fire apparatus from two sides. Fire engines shall be considered as a WB-40 as defined by the AASHTO Geometric Highway Design. The area required to meet the AASHTO design standards shall be paved or treated to ensure support to a 16-ton weight vehicle. This area shall be maintained free of trees and bushes and shall be clearly designated for this purpose.
 - c. Fire lanes shall be provided for all buildings or any part thereof which are set back more than 150 feet from the ultimate right-of-way line of a public road, or which exceed 30 feet in height and are set back more than 50 feet from the ultimate right-of-way line of a public road. Fire lanes shall be

at least 20 feet in width with a minimum of ten feet provided between the fire lane and any adjacent building. Any dead-end road more than 300 feet long shall be provided with a turnaround area at the closed end. The turn-around area shall be a minimum of 90 feet in diameter.

- d. Required parking spaces, parking aisles and driveways shall not be used as loading or parking areas for any type of vehicle, including emergency vehicles, other than automobiles.

(5) *Driveway entrance from public right-of-way, excluding single-family, two-family and townhome dwellings.*

If a driveway connects development to a trafficway, or a street within a trafficway corridor, the provisions of subsection 30-122(b) shall apply. The following requirements apply to driveways connecting development to a nontrafficway corridor street. Single-family, two-family and townhome dwelling driveways are regulated in section 30-313 of the Town Code.

a. *Design requirements.*

1. The area within the development to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading, and parking maneuvers to be carried out on private property and completely off the street right-of-way unless waived by the DSD.
2. The minimum distance from the ultimate right-of-way line at any ingress or egress driveway to any interior service drive or parking stall with direct access to such driveway shall be as noted in subsection (a)(9) of this section.

b. *Number and location of driveway entrances.* In order to provide the maximum safety with the least interference to the traffic flow on public streets, and to provide ease and convenience in ingress and egress to private property, the number and location of driveways shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street as follows:

1. One driveway shall be permitted for ingress and egress purposes to a single property or development.
2. Two driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum driveway spacing between the two driveways equals or exceeds 50 feet.
3. Three driveways entering on a particular street from a single property or development may be permitted if all other requirements of this section are met and if the minimum driveway spacing between adjacent driveways equals or exceeds 100 feet.
4. In general, not more than three driveways will be permitted from a single property or development. However, in the case of extensive property development (property exceeding ten acres in total land area and/or containing more than 1,000 parking stalls), additional driveways may be permitted provided all other requirements of this section are met and the minimum driveway spacing between adjacent driveways equals or exceeds 300 feet.
5. The minimum driveway spacing between driveways on adjacent properties shall be 50 feet. This driveway spacing may be modified by the DSD and appropriate board or commission if a traffic engineering study acceptable to the Town demonstrates that public safety will not be adversely affected by such modification.

c. *Driveway entrance width according to type.*

1. Ramp-type or swale-type driveway entrance. Except as provided in subsection 2., below, all driveways shall be constructed with the standard ramp-type or swale-type driveway entrance and shall conform to the width requirements in the Town's design standards.
2. Street-type driveway entrance. Construction of a street-type driveway shall be required for entrances of any development which includes a parking area for 300 or more vehicles or where the development anticipates substantial loading or trucking operations. Such driveway shall be a minimum width of 30 feet and a maximum width of 60 feet.

d. *Limitations on driveway entrance improvements.*

1. There shall be a minimum of 15 feet of straight tangent length between a driveway and the radius return or chord of the ultimate right-of-way line of an intersection of local streets. At all other intersections the minimum straight tangent length shall be 50 feet.
2. There shall be a minimum of 45 feet between the closest radius return of a driveway and the intersection of local street ultimate right-of-way lines. At all other intersections the distance shall be 80 feet.
3. No driveway entrance shall include any public facility such as traffic signal poles, crosswalks, loading zones, utility facilities, fire alarm supports, meter boxes, sewer clean outs, or other similar type structures.
4. Within the ultimate right-of-way limits, the maximum recommended driveway grade is approximately three percent. The maximum allowable grade is 4.2 percent or one-half inch per foot. The maximum slope immediately beyond the ultimate right-of-way line shall not change in excess of five percent for either angle of approach or break over angle. Variations from these standards shall be permitted if adherence to these standards would cause incompatibility with existing swales.
5. Existing driveway approaches shall not be relocated, altered, or reconstructed without approval for relocation, alteration, or reconstruction of such driveway approaches. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit to abandon the driveway approach and shall, at the developer's expense, replace all necessary curbs, gutters, swale areas and sidewalks.
6. If the closest intersection involves two streets classified as arterial or collector, then traffic movements to and from any driveway within 125 feet of an intersection with a collector and 250 feet of an intersection with an arterial shall be limited to right turns only unless waived by the DSD and appropriate board or commission.
7. No driveway shall be constructed prior to issuance of a permit for work in the right-of-way by the appropriate governmental agency.

(6) *Limitations on improvements in the ultimate right-of-way.* No obstructions of any type which are deemed unsafe by FDOT or the Town shall be left in the ultimate right-of-way as a result of any improvements in the ultimate right-of-way.

(7) *Sight distance.*

- a. *Cross-visibility requirements at the intersection of driveways and public rights-of-way.* If a driveway intersects a public right-of-way, there shall be no sight obstruction within a triangular area of property on both sides of a driveway formed by the intersection of each side of the driveway and the ultimate right-of-way line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.
- b. *Cross-visibility requirements at pedestrian crosswalks and other areas of pedestrian concentration.* If a crosswalk intersects a vehicular access aisle, driveway or an ultimate right-of-way, there shall be no sight obstruction within a triangular area of property on both sides of a crosswalk or walkway formed by the intersection of each side of the walkway and the ultimate right-of-way line or aisle with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two sides.
- c. *Sight triangles.*
 1. Within the triangular areas described above, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular parking space, sign, wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross-visibility at a level between 30 inches and eight feet above the level of the center of the adjacent intersection. Any wall or fence within the sight triangle must be constructed in such a manner as to provide adequate cross-visibility over or through the structure between 30 inches and eight feet in height above the driving surface.
 2. The following will be permitted within the triangular area described above:
 - i. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 inches and eight feet above the level of the center of the adjacent intersection. Trees must be so located so as not to create a traffic hazard. Landscaping except required grass or ground cover shall not be located closer than five feet from the edge of any roadway pavement, and three feet from the edge of any alley or driveway pavement.
 - ii. Fire hydrants, public utility poles, street markers and traffic control devices.
- (8) *Design of trafficway corridors.* A site connected to a street at any point within a trafficway corridor shall meet the design criteria, requirements and standards of the Broward County Land Development Code.
- (9) *Design of nontrafficway corridors.* A site connected to a street which is not within a trafficway corridor shall meet the design criteria, requirements and standards of subsection 30-122(b).
- (10) *Required pervious area and green space.*
 - a. Commercial and mixed use developments in the B-1 or B-1-A zoning district which front Commercial Boulevard: 0 percent.
 - b. All other commercial and mixed use developments in the B-1 or B-1-A zoning district: 15 percent.
 - c. Residential uses: 25 percent.
 - d.

For the purposes of this requirement all other use, such as, but not limited to, utilities, transportation and office park, shall be included in the commercial category. In mixed use developments, the most restrictive of the applicable impervious area limitations shall be utilized.

- e. If a property fronts the beach and the property owner has riparian rights on the beach, the portion of the property that has beach area cannot be counted towards the required landscaped pervious area.
 - f. The requirements of this subsection do not exempt any property from compliance with article VII, Landscape Code Requirements.
 - g. Pervious areas may be used to satisfy requirements for landscaping and setbacks, buffer strips, drain fields, passive recreation areas, or any other purpose that does not require covering with a material that prevents infiltration of water into the ground.
 - h. In the case of the use of an impervious material which does not cover all the surface to which it is applied, credit towards the computation of the pervious area shall be given according to the percentage of pervious area that is retained. However, pervious brick material may not be counted towards the required landscaped pervious area.
 - i. In cases where the ULDR allows some required parking stalls to be grassed, no credit towards the computation of pervious area shall be granted for such areas.
 - j. Each proposed development shall include provisions for the application of best management practices to enhance retention areas such as grass ponds, grass swales, French drains, or combinations thereof, and shall meet all requirements of the applicable 208 Areawide Wastewater Treatment Management Plan.
- (11) *Natural Resource Areas.* If a proposed development includes all or any part of any lands identified as a Natural Resource Area by Broward County, or any lands for which a notice of public hearing for designation as a Natural Resource Area has been given, the proposed development shall incorporate the Natural Resource Area in such a fashion as to significantly conserve the integrity of the area as appropriate to the affected resource. The proposed development shall be subject to the following requirements:
- a. A generalized resource survey (GRS) shall accompany a development application. Said GRS shall be conducted by a professional with appropriate expertise for the resource involved. The survey may be in the form of an aerial or field survey showing the approximate location and extent of the resource on the site, and shall be accompanied by photographs illustrating significant areas. The GRS shall be prepared at the same scale as the proposed site plan. Said survey shall contain a brief written assessment of the resources which have been identified.
 - b. Resource area modification. Negative development impacts upon natural resource areas are to be discouraged. However, upon demonstration by the applicant that one or more of the following conditions exist, a modification to the natural resource area may be proposed:
 - 1. *Street opening.* The location of the natural resource area on the property prevents the opening of reasonable and necessary travel lanes in a public ROW;
 - 2. *Utilities and drainage.* The location of the natural resource area on the property prevents the construction of utility lines or drainage facilities which cannot feasibly be rerouted;

3. *Property access.* The location of the natural resource area on the property prevents all reasonable access to the property; or
 4. *Property use.* The location of the natural resource area on the property precludes all reasonable use of the property.
- c. Resource management plan. Any proposed development activity which would negatively impact the natural resource area must be mitigated through a long term resource management plan, approvable by the Broward County Planning and Development Management Division, which significantly improves the viability of the remainder of the resource. Said resource management plan must be based upon the generalized resource survey and provide for the enhancement and/or the restoration of the ecological value of the remainder of the natural resource area through the proposed mitigation.
 - d. No development order shall be issued until an agreement providing for implementation of the resource management plan has been executed and recorded, and any covenants, easements or physical improvements required by the plan are in place; or
 - e. No certificate of occupancy shall be issued for developments that include natural resource areas unless it is determined that the applicable provisions of the resource management plan and agreement specified in subsection d., above, have been met.
- (12) *Sidewalks.* Except as required in articles X and XI, all sidewalks shall be provided as follows:
- a. *Location.* Sidewalks shall be constructed adjacent to all trafficways delineated on the Broward County Trafficways Plan, as amended, all functionally classified County collector roads and local streets. Sidewalks shall be provided on both sides of the local street except when the DSD approves an alternate pedestrian circulation plan submitted by the applicant, or the Town Commission waives the sidewalk requirements on one or both sides of the local street.
 - b. *Dimensions and construction standards.* Sidewalks shall be at least five feet wide and shall be constructed in accordance with the Minimum Construction Standards Applicable to Public Rights-of-Way along roadways under Broward County jurisdiction and all applicable the Town Code and design standards along local streets. The sidewalk shall be separated from the trafficway or street by a curb or swale.
 - c. *Pedestrian barriers.* The DSD and appropriate board or commission may require that a site plan indicate fences, hedges, berms, other landscaping, or other barriers on site plans in order to discourage pedestrians from crossing hazardous streets at unsafe points or at numerous points. When possible, sites shall be designed so as to promote pedestrian street crossings only at traffic control signals, crosswalks, or intersections.
 - d. *Accessibility to disabled.* Sidewalks shall be constructed to provide accessibility to disabled persons at intersections, midblock crossings, bus stops, bus bays, bus shelters and sidewalk connections to the road surface or drop curb ramps. Sidewalks shall not be constructed within utility easements where existing or future utility poles, service boxes, or other obstructions will reduce the width of the sidewalk below five feet, or as mandated for accessibility by the Americans with Disabilities Act, as same may be amended from time to time.

Water, wastewater and stormwater easements. If a water, wastewater or stormwater line to be maintained by the Town, City of Fort Lauderdale or Pompano Beach is to be installed, it shall be installed within a dedicated easement, or a dedicated right-of-way if approved by the relevant maintaining authority, which meets the following standards:

- a. An easement adjacent to a dedicated road right-of-way shall be a minimum of 12 feet in width, shall run parallel to the dedicated road right-of-way and shall not be included as part of the road dedication.
 - b. A lot line easement shall be a minimum of 15 feet in total width. Such easement may be mutually shared by adjoining lots or parcels.
 - c. A maintenance easement in which both water and wastewater lines are to be installed shall be a minimum of 20 feet in total width. Such easement may be mutually shared by adjoining lots or parcels.
 - d. The width of an easement immediately adjacent to a building or structure shall be determined by the following factors: Type of pipeline (water, wastewater, stormwater or force main), size and elevation of line, damage to buildings or structures in the case of failure, and accessibility to utility maintenance equipment.
- (14) *Architectural review criteria.* The Planning and Zoning Board and/or the Town Commission, as applicable, shall evaluate the building elevations, floor plans, building materials and building colors submitted by the applicant in terms of the following criteria:
- a. Consistency and harmony with the design of the existing and approved development within the surrounding area.
 - b. The extent to which the project design contributes to and enhances the quality of development within the Town and is consistent with the intent of this article.
 - c. The extent to which the design of the project is consistent with sound and accepted architectural, planning and engineering principles.
 - d. Compliance with article II, Development Review Requirements, division 1, Architectural Review Requirements, of this chapter.
- (15) *Review of potential impacts on adjacent development.* The proposed development shall include a review of potential impacts on adjacent development, to ensure development is compatible and harmonious with adjacent land uses and does not adversely impact land use activities and residential areas in the immediate vicinity. Such review shall include, but is not limited to, the following site plan development characteristics:
- a. Location of building(s), dimensions, height, and floor area ratio.
 - b. Location and extent of parking, access drives and service areas.
 - c. Traffic generation and traffic circulation.
 - d. Hours of operation.
 - e. Trash management plan.
 - f. Alteration of light, air, odors, shadows, and noise levels.
 - g. Setbacks and buffers such as fences, walls, landscaping and open space treatment.

(b)

Access to trafficway corridors. In order to provide safe and adequate access between proposed development and trafficways, a trafficway corridor shall meet the requirements of the Broward County Land Development Code.

(c) *Design standards and requirements for traffic control on local streets.*

(1) General requirements applicable to all local streets not located within a trafficways corridor.

- a. *Improvements required.* An applicant shall construct or bond for the construction, prior to issuance of any development order, all roadway and drainage improvements for those rights-of-way lying within or adjacent to the proposed development and necessary to accommodate the traffic generated by the development. Such improvements shall be in accordance with the applicable portions of the following: The Town's Design Standards, Resolution No. 85-3606, "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction," set out in the Broward County Administrative Code, the Manual for Uniform Minimum Standards for the Design, Construction and Maintenance of Streets and Highways (the "Green Book"), the Grading and Drainage Regulations and Standards, Water Management Regulations and Standards and Drainage Design Criteria and Standards of the Broward County Water Wastewater Services Division, and the Manual of Uniform Traffic Control Devices as approved by the Broward County Traffic Engineering Division.
 1. *On-site improvements.* A developer shall be required to construct or bond for the construction of those on-site improvements required by the provisions of this section and any additional improvements necessary for traffic safety, including but not limited to the following: pavement, rock base, fill, curbs, gutters, sidewalks, bikeways, guardrail, shoulder areas, swales, roadside recovery areas, bridges, drainage outlets, catch basins, drainage pipes, culverts, drainage ditches, headwalls, endwalls, rip-rap, traffic signals and interconnecting facilities, traffic control signs and pavement markings, street name signs, identification signs, left and right turn lanes, median openings, bus turnouts, and traffic separators.
 2. *Off-site improvements.* A developer shall be required to construct or bond for the construction of those roadway and drainage improvements on property adjacent to the proposed development necessary to connect the new development to an existing adequately paved adjacent street system unless waived by the DSD and the appropriate board or commission and public agency.
- b. *Access to development.* Every lot or parcel shall be served from a publicly dedicated street; provided, however, that a developer may retain as private a local street or a collector nontrafficway street if the following conditions are met:
 1. Public right-of-way is not required in order to serve adjacent development that is existing or projected on the Town's certified land use plan;
 2. A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities; and
 3. A reciprocal easement for ingress and egress is granted all residents of the development; and
 4. Private local or collector streets comply with all applicable construction standards contained in the "Minimum Construction Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction," adopted by Resolution No. 85-3606, set out in the Broward County

Administrative Code.

- c. *Right-of-way required.* An applicant will be required to dedicate right-of-way in addition to the right-of-way requirements of the Town's design standards in the following situations:
 - 1. If proposed access from the development to an existing dedicated and accepted street does not meet the total right-of-way requirement for a complete road,
 - 2. If a development has a greater impact on an existing road than that for which the roadway width had previously been designed.
 - 3. If a development abuts or contains an existing street of inadequate right-of-way width.
- d. *Alleys.*
 - 1. Alleys may be provided to serve residential, business, commercial and industrial areas and shall be a minimum of 30 feet in width.
 - 2. Changes in direction of the alignment of an alley shall be made on a centerline radius of not less than 50 feet.
 - 3. Dead-end alleys shall be prohibited where possible, but if unavoidable, shall be provided with adequate turnaround and facilities for service trucks at the dead-end, with a minimum external diameter of 100 feet of right-of-way, or as determined to be adequate by the DSD and the appropriate board or commission.
 - 4. At intersections with streets or other alleys, a corner chord right-of-way based on not less than a 20-foot radius shall be provided by dedication or, if acceptable to the DSD and Town Commission, by grant of easement.
- e. *Blocks.*
 - 1. The length, width and shape of blocks shall be determined with due regard to:
 - i. Provisions of adequate building sites, suitable to the needs of the use contemplated.
 - ii. Zoning requirements as to the lot sizes and dimensions.
 - iii. Need for convenient and safe access, circulation and control of pedestrian and vehicular traffic.
 - iv. Limitations and opportunities of topographic features.
 - 2. Pedestrian crosswalks, of not less than ten feet in width, may be required in blocks if necessary to provide safe and convenient access to schools, playgrounds, shopping centers, transportation or other community facilities.
- f. *Lots.*
 - 1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to the topography and to the character of the area.
 - 2. Lot dimensions and areas shall not be less than those specified by the applicable zoning regulations.
 - 3. Side lot lines shall be substantially at right angles or radial to street lines.
 - 4. The minimum arc frontage for lots abutting the turnaround of a cul-de-sac shall be 25 feet for residential uses and 60 feet for uses other than residential.

(2) *Design criteria for local streets by development type.* The design of local streets shall comply with the requirements of the provisions of the Town's design standards depending on the type of development proposed. Deviations may be allowed but only where approved by the DSD and Town Commission upon a finding that substantially equivalent protection of the public safety can be achieved by alternative standards; provided, however, that no alternative standard having more than a ten percent deviation from the numerical standard stated below shall be permitted. If a proposed development includes more than one type of use, the highest criteria shall apply.

- a. *Residential development.* Residential streets shall be adequate to permit neighborhood traffic circulation to flow from the highest element of the hierarchical classification, the expressway, arterial or collector, to the lowest element, the local residential street. Circulation within a residential development shall be adequate when the criteria of the Town's standards are met and when collectors and local streets are provided which meet the standards of the comprehensive plan.
 - 1. *Residential collector street.* The residential collector street serves as the principal circulation facility within the residential neighborhood unit. Its function is to collect traffic from the interior and deliver it to the closest perimeter intraneighborhood transportation between the residential units and the local centers of attraction such as neighborhood shopping centers, schools, and neighborhood parks.
 - 2. *Local residential street.* The primary function of the local street is to provide the access of vehicles to single-family residential development fronting on the street. Local streets shall provide access to low density residential development and connect local traffic from private driveways to collector streets. Local streets are required when connections of driveways or private streets to the collector would be otherwise closer than 250 feet.
- b. *Commercial development.* Commercial development shall be designed to satisfy the needs generated by residential development. The size and location of the proposed commercial development shall be appropriate to support the proposed use.
 - 1. *Pedestrian access.* Neighborhood and community commercial facilities shall have an efficient and direct pedestrian way connection to the residential areas the facilities are intended to serve. The design of local commercial facilities shall allow pedestrian and bike riders direct access from adjacent neighborhood areas, with due consideration to the elimination of points of conflict between pedestrians and vehicles.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017)

Sec. 30-123. - Modification of approved site plan.

If an applicant's development plans change after previously receiving site plan approval, the applicant may file an application for modification of an approved site plan, pursuant to section 30-112, with the Department. Applications for modification of an approved site plan shall be classified as provided below.

- (a) *Level 1 - Administrative approval.* A Level 1 site plan modification will, as determined by the Town Manager, have:
 - (1) No adverse effect on the approved site and development plan;

- (2) No adverse impact upon adjacent and nearby properties; and
- (3) No adverse aesthetic impact when viewed from a public right-of-way.
- (b) *Level 2 - Town Commission approval.* A Level 2 site plan modification presents a significant change in intensity of use which, in turn, may have a significant impact upon facilities, concurrency, nearby and adjacent properties, or findings made at the time of approval of the site and development plan as determined by the Town Manager and which requires Town Commission review and approval.
- (c) *Modification Level Criterion.* In determining the level of review applicable to a modification, the Town Manager shall consider the following questions:
 - (1) Does the modification increase the buildable square footage of the development?
 - (2) Does the modification reduce the provided number of parking spaces below the required number of parking spaces?
 - (3) 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?
 - (4) Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees, or hedges?
 - (5) 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?
 - (6) Does the modified development meet the concurrency requirements of the Town of Lauderdale-By-The-Sea Comprehensive Plan?
 - (7) Does the modification alter the site layout so that the modified site plan does not resemble the approved site plan?
- (d) *Appeal.* When any determination of modification made by the Town Manager is challenged or contested by the applicant, an appeal may be taken to the Town Commission.
- (e) *Procedure.* All site plan modifications shall be processed as set forth in division 1, generally, of this article.
- (f) *Required information.* The following information must be presented with a request for a site plan modification:
 - (1) Development order approving the original site plan, if applicable.
 - (2) Site plan information as deemed necessary by the Department.
 - (3) Minor modification: A letter from the applicant that sets forth the requested changes, along with an exhibit showing that portion of the site plan which is to be changed in its present condition and an exhibit depicting the requested change.
- (g) *Time frame.*
 - (1) Upon approval of a Level 2 site plan modification by the Town Commission, the applicant shall have six months or until the expiration date of the original approval, whichever is later, to secure a building permit from the Department.
 - (2) If an applicant fails to secure a building permit in that time, all previous approvals shall become null and void and the applicant will be required to resubmit the plan for site plan review.
 - (3)

At its discretion, the Town Commission may extend the approval of a major site plan modification for a six-month period.

(4) Level 1 - Administrative site plan modifications shall not extend the time limits of an approved site plan.

(h) *Reporting.* The DSD shall prepare and provide to the Town Manager a quarterly report on Level 1 - Administrative approval site plan modifications, which shall be filed a minimum of quarterly with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017)

Sec. 30-124. - Dedication and conveyance credits and adjustments.

(a) Whenever a development order approving a site plan includes a condition of approval requiring the dedication of fee title interest in land for right-of-way, sidewalks, utilities, access or any other Town or public purposes, the Town Commission may grant:

- (1) Density credit for all or a portion of the land dedicated or conveyed to the Town or the public;
- (2) Adjustment to building setback requirements and encroachments thereon; and/or
- (3) Relief from the requirements for providing open space.

(b) At such time as the development order is approved and recorded, and the land has been dedicated or conveyed, the approved site plan shall be deemed to be in conformity with all provisions of the Town's Code of Ordinances.

(Ord. No. 2014-08, § 3, 7-7-2014)

Sec. 30-125. - Unity of title or covenant in lieu of unity of title.

An applicant that proposes a site plan that includes multiple buildings on a single property shall submit one of the following documents:

- (a) *Unity of title.* A unity of title, approved for legal form and sufficiency by the Town Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees or lessees and others presently or in the future having any interest in the property; or
- (b) *Covenant in lieu of unity of title.* A declaration of restrictive covenants, approved for legal form and sufficiency by the Town Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. To the extent applicable, the declaration shall contain the following necessary elements:
 - (1) The subject site will be developed in accordance with the approved site plan. No modification shall be submitted to the Town for approval without the written consent of the then owner(s) of the phase or portion of the property for which modification is sought.
 - (2) If the subject property will be developed in phases, that each phase will be developed in accordance with the approved site plan.
 - (3)

In the event of multiple ownerships subsequent to site plan approval, that each of the subsequent owners shall be bound by the terms, provisions and conditions of the declaration of restrictive covenants. The owner shall further agree that he or she will not convey portions of the subject property to such other parties unless and until the owner and such other party (parties) shall have executed and mutually delivered, in recordable form, an instrument to be known as an "easement and operating agreement" which shall contain, among other things:

- (a) Easements in the common area of each parcel of land for ingress to and egress from the other parcels of land;
- (b) Easements in the common area of each parcel of land for the passage and parking of motor vehicles;
- (c) Easements in the common area of each parcel of land for the passage and accommodation of pedestrians;
- (d) Easements for access roads across the common area of each parcel of land to public and private roadways;
- (e) Easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel of land;
- (f) Easements on each such parcel of land for construction of buildings and improvements in favor of each such other parcel of land;
- (g) Easements upon each such parcel of land in favor of each adjoining parcel of land for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;
- (h) Easements on each parcel of land for attachment of buildings;
- (i) Easements on each parcel of land for building overhangs and other overhangs and projections encroaching upon such parcel of land from adjoining parcel of land for marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
- (j) Appropriate reservation of rights to grant utility easements;
- (k) Appropriate reservation of rights to road rights-of-ways and curb cuts;
- (l) Easements in favor of each such parcel of land for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
- (m) Appropriate agreements between the owners of the several parcels of land as to the obligation to maintain and repair all private roadways, parking facilities, common areas and common facilities and the like.

In addition, such easement and operating agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as agreed to by the parties, to insure that even although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan. Non-use variances created solely by separate ownerships, pursuant to this section, shall be waived.

- (4) *Duration and release.* The declaration of restrictive covenants shall be in effect for a period of 30 years from the date the documents are recorded in the public records of Broward County, Florida, after which time they shall be extended automatically for successive periods of ten years unless released in

writing by the owners and the Town Manager, acting for and on behalf of the Town, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.

- (5) *Enforcement.* Enforcement of the declaration of restrictive covenants shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

(Ord. No. 2024-07, § 2, 7-23-2024)

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 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 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)

Curbscuts 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 curblin.
- (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

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 unless otherwise approved by the Town Commission based on project-specific conditions. The Town Commission may authorize additional residential floor area upon finding that the project:
 - a. Provides adequate commercial frontage on the first floor along the primary street;
 - b. Remains consistent with the intent and purpose of the mixed-use regulations as outlined;
 - c. Ensures compatibility with surrounding properties;

- d. Does not negatively impact parking, traffic or public infrastructure;
 - e. Enhances the overall architectural and streetscape character of the area; and
 - f. Complies with all other applicable development standards.
 - 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; Ord. No. 2026-02, § 2, 1-27-2026)

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.

(Ord. No. 2014-08, § 3, 7-7-2014)

Sec. 30-100. - Flexibility rules.

- (a) Flexibility rules allow the Town to revise and rearrange land uses within a flexibility zone and allow the development of residential dwelling units on properties designated for commercial land use in the Broward County Land Use Plan, without requiring an amendment to that designation.

(1) *Definitions.*

- a. *Flexibility zones:* Flexibility zones are fixed geographic areas within the Town, designated on the Broward County Land Use Plan, which provide limits on the number of additional dwelling units and additional commercial acreage which may be permitted by the Town's comprehensive plan.
- b. *Flexibility units:* Flexibility units are the total number of additional residential dwelling units permitted by the Broward County Land Use Plan above the total number of dwelling units allowed within the same flexibility zone by the Town's comprehensive plan.

- (2) *Determination of available flexibility units.* The Town Manager or designee shall maintain a log of the number of available flexibility units in each flexibility zone, the number of flexibility units assigned to parcels within each zone and within the Town, and the reason for assigning flexibility units to a parcel.

- (3) *Assignment of flexibility units.* If a sufficient number of flexibility units are available, the Town may allocate flexibility units for mixed use development in the B-1 or B-1-A zoning district, as provided in sections 30-261 and 30-271, provided that the County's flexibility rules and regulations are met and all other applicable requirements of chapter 30 of the Code are met.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-03, § 2, 3-28-2017)

253-257 E. COMMERCIAL BLVD
LAUDERDALE BY THE SEA, FL. 33308

CODE RESEARCH

DESIGN TEAM	ARCHITECT JARVIS WYANDON, 4746 KICE ROAD, SHEEPSPORT, LA 71119 SHRIVER@JARVISWYANDON.COM CONTACT: JARVIS WYANDON PHONE: 654.864.4312 EMAIL: jwyandon@jarvisw.com
MEP ENGINEER M. ENGINEERING & INSPECTION SERVICES, LLC 1881 N UNIVERSITY DRIVE, CORAL SPRINGS, FL 33071 CONTACT: MARLENE L. ORO PHONE: 954.235.9065 EMAIL: INFO@ML-ES.COM	MEP ENGINEER M. ENGINEERING & INSPECTION SERVICES, LLC 1881 N UNIVERSITY DRIVE, CORAL SPRINGS, FL 33071 CONTACT: MARLENE L. ORO PHONE: 954.235.9065 EMAIL: INFO@ML-ES.COM

W

Jarvis M. Wenden, Architect
Director - Interior Designer - Planner
Lic. # AR94138
4734 Rice Road
Shreveport, Louisiana 71119
P: (937) 834-4112
Email: jmwenden@gmail.com

PROJECT NO:	
DRAWN BY:	JMW
CHECKED BY:	JMW
DATE:	11/12/2025
FILE NAME:	

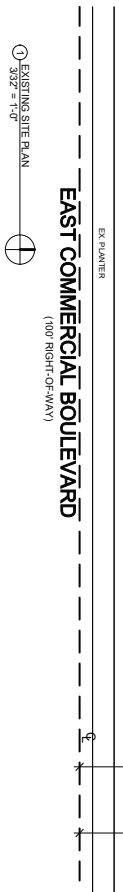
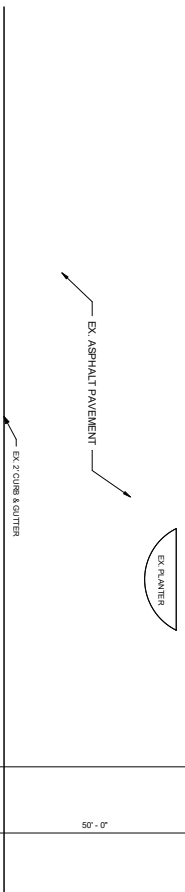
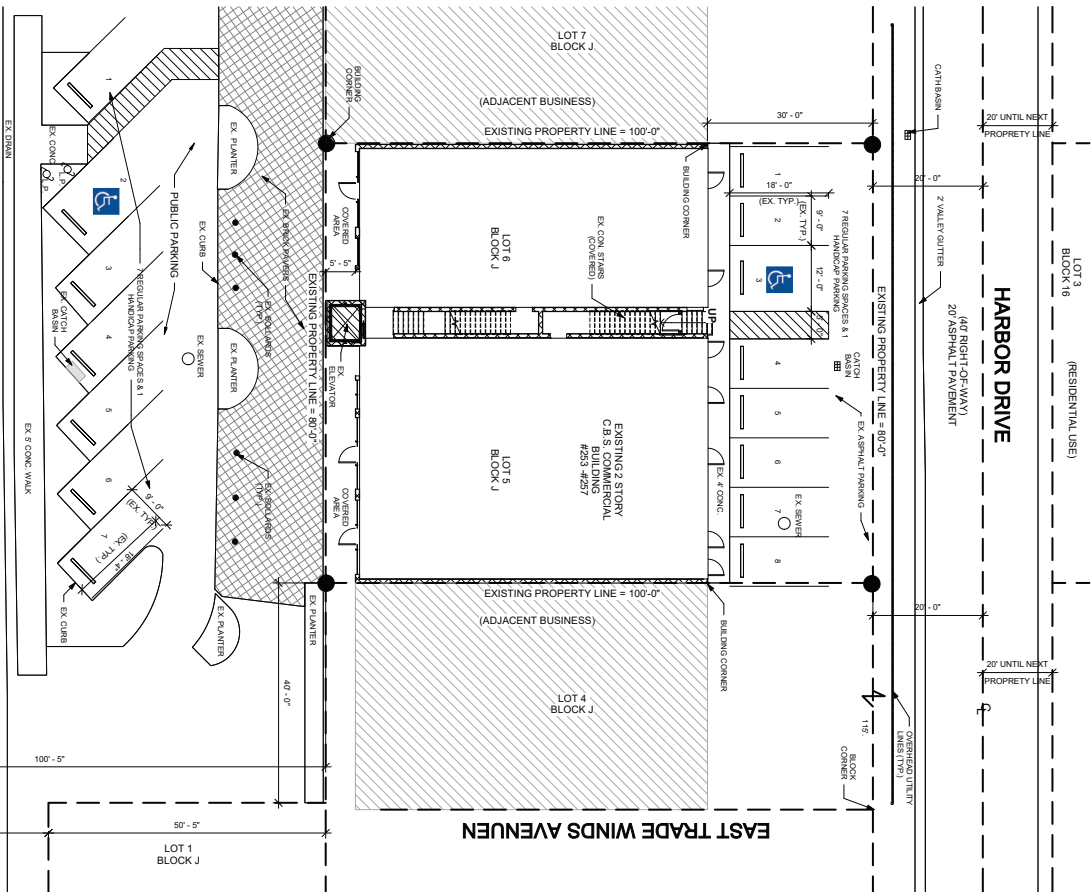
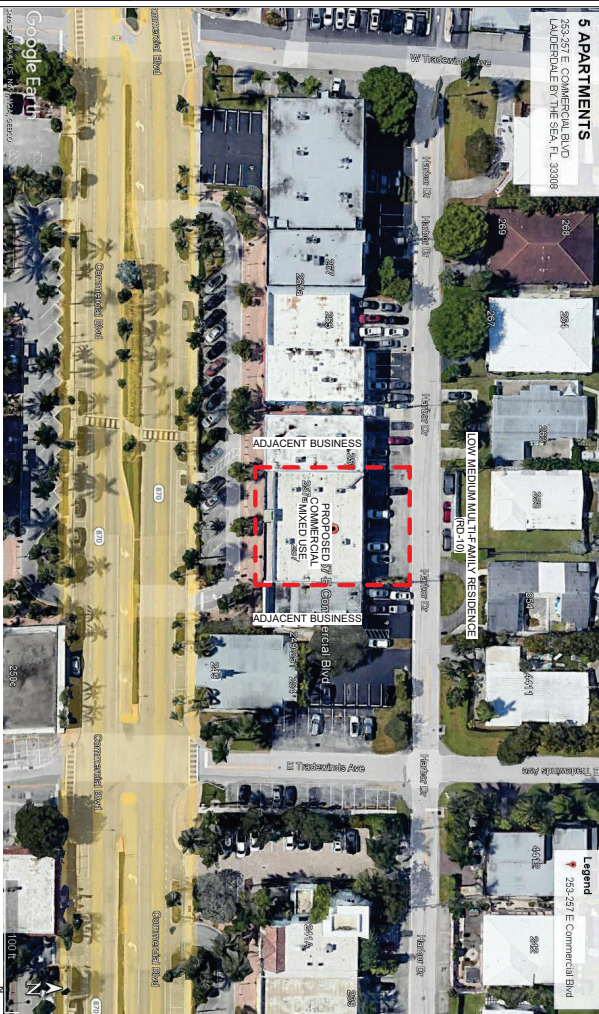
**GENERAL NOTES &
SITE PLAN**

A-00

SHEET: OF

SITE DATA TABLE				City of Fort Lauderdale
Provider of Water Service: Provider of Sanitary Sewer Service: Zone Category	EXISTING Commercial B-1 Retail, Offices, Restaurant	PROPOSED Commercial MXU: Retail, Offices, Restaurant, Apartments		
Site Area Net square footage Net acreage	8,000 s.f. 183,000/41.4 Acres	8,000 s.f. 183,000/41.4 Acres		
Future Land Use Category				
Users				
REQUIRED/PERMITTED	EXISTING	PROPOSED		
Building Height	3 stories max., 33 ft.	2 stories		
Rear Setback	30 ft. min. by plat.	30'-0"		
Total Building S.F.	10,240	10,240		
Ground Floor Coverage	Max. 70% for MXU	5,120 s.f.		
Canopy	(6,500 s.f.)	5,120 s.f.		
Residential Use:				
Sq. ft. (BUILDING)	0	5,120		
% Total Building s.f.	0 S.F.	5%		
Number of Units	N/A	5		
120-day min. stay for more than 4 units				
Site s.f. per unit	N/A	802 S.F.		
120-day min. stay for more than 4 units				
Site s.f. per unit	250 s.f. min.	N/A		
Landscape				
VULV (paved) Area	2,795 S.F.	2,795 S.F.		
VULV Landscape	0 S.F.	0 S.F.		
Area s.f. and, % VULV				
Non-Residential Use				
1 sq/225 GLA	Existing	Proposed		
Office GLA	1 sq/225 GLA	1,000 s.f.		
Residential CSA	1 sq/220 GLA	2,150 s.f.		
Residential Use:	1 sq/50 CSA	261 s.f.		
Permitting Requirements	1.5unit<3 BR + 1 guest	5 units		
Credits/Exemptions	24 credits (1995) + 1 space	Existing restaurant exemption (2012)		
1st Floor	22	22		
2nd Floor	43	43		
Total floor area	65	65		
Net Requirement Provided (on site)	18	6 (min 5 on-site)		
Standard	18	0		
Handicap	0	7		
Total (on-site)	18	8		

FUTURE LAND USE MAP



**COMMERCIAL BUILDING
USE CHANGE
253-257 E. COMMERCIAL BLVD
LAUDERDALE BY THE SEA,
FL. 33308**

Architect - Interior Designer - Planner
 Lic. # AR94138
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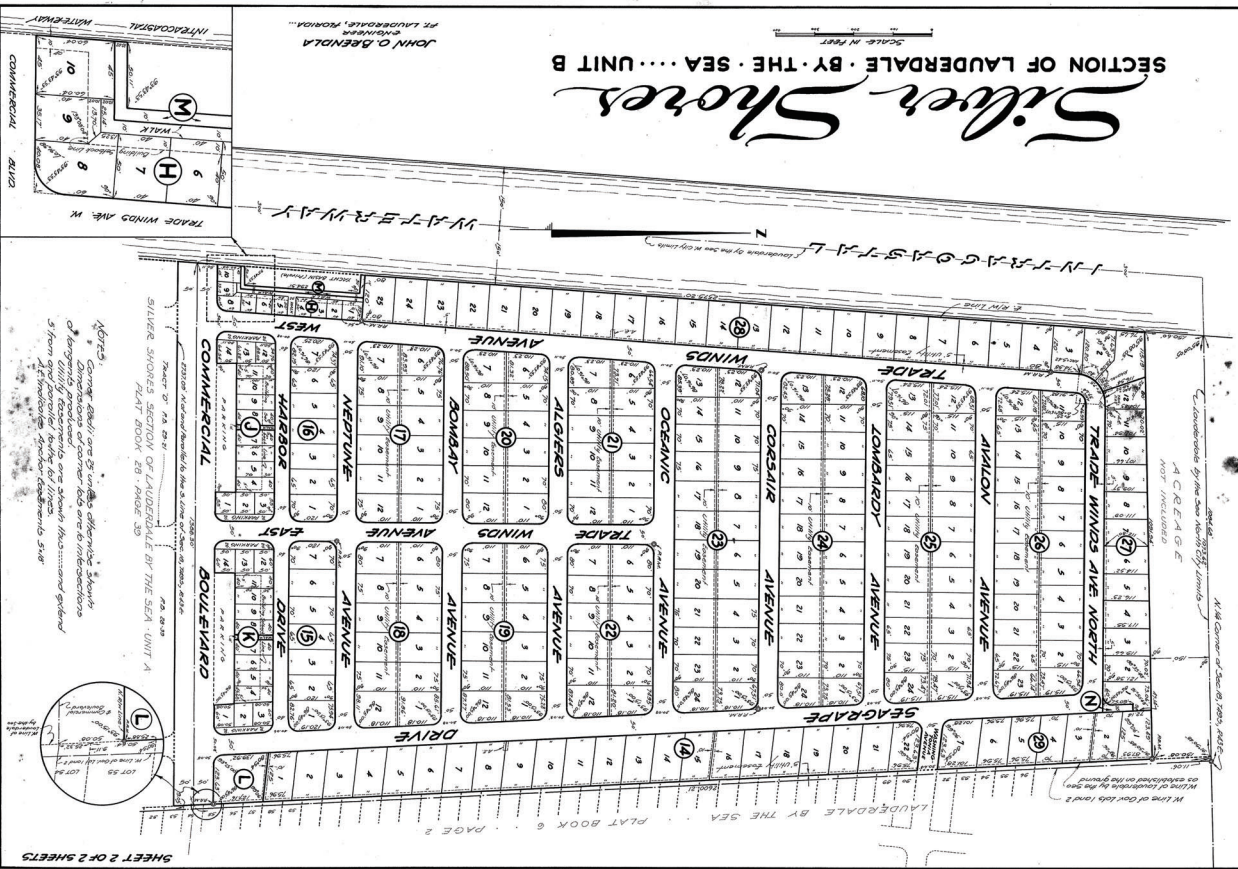
PROJECT NO:	
DRAWN BY:	JMW
CHECKED BY:	JMW
DATE:	11/12/2005
FILE NAME:	

**PROPOSED SITE
PLAN**

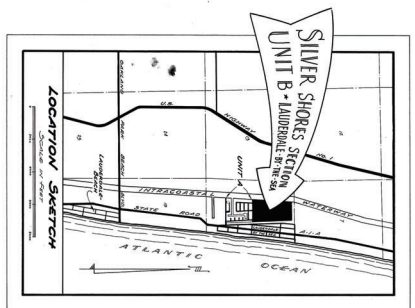
A-01

Silver Shores

SECTION OF LAUDERDALE · BY THE SEA · UNIT B



Notes:
1. Corner of lot 1 is 5' wide of line of lot 1.
2. Dimensions of corner lots are 6' wide of line of lot 1.
3. From any lot, the line of lot 1 is 5' wide of line of lot 1.



NOTES:
1. Corner of lot 1 is 5' wide of line of lot 1.
2. Dimensions of corner lots are 6' wide of line of lot 1.
3. From any lot, the line of lot 1 is 5' wide of line of lot 1.

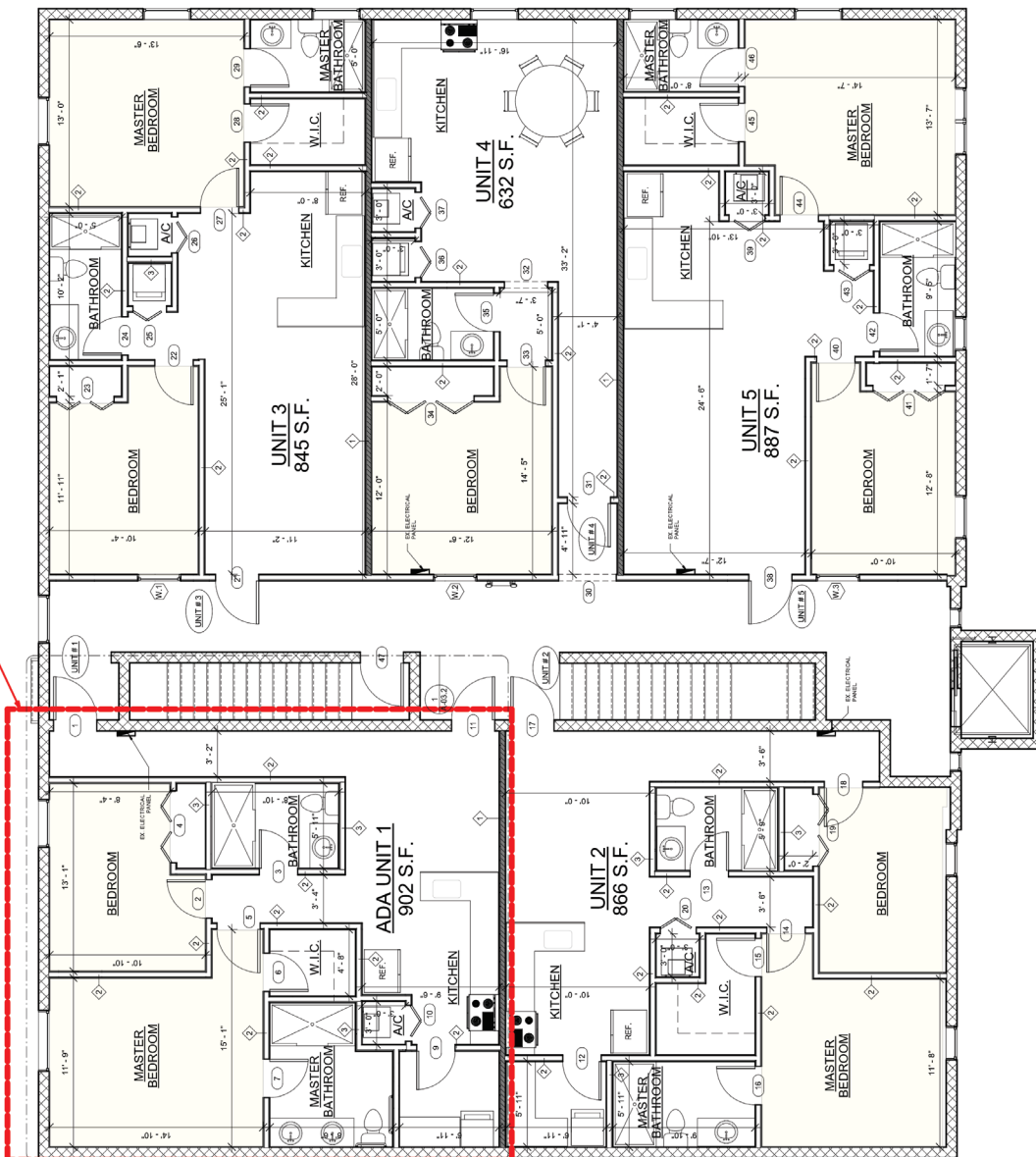
DESCRIPTION
The Silver Shores Section of Lauderdale by the Sea Unit B is a subdivision of land located in the City of Lauderdale by the Sea, Broward County, Florida. The section is bounded by the Atlantic Ocean to the south and the City of Lauderdale by the Sea to the north. The section is divided into 24 lots, each of which is 1/4 of an acre in area. The section is located in the City of Lauderdale by the Sea, Broward County, Florida.

LOCATION SKETCH
The Silver Shores Section of Lauderdale by the Sea Unit B is located in the City of Lauderdale by the Sea, Broward County, Florida. The section is bounded by the Atlantic Ocean to the south and the City of Lauderdale by the Sea to the north. The section is divided into 24 lots, each of which is 1/4 of an acre in area. The section is located in the City of Lauderdale by the Sea, Broward County, Florida.

ACKNOWLEDGMENT
I, the undersigned, do hereby certify that the Silver Shores Section of Lauderdale by the Sea Unit B is a subdivision of land located in the City of Lauderdale by the Sea, Broward County, Florida. The section is bounded by the Atlantic Ocean to the south and the City of Lauderdale by the Sea to the north. The section is divided into 24 lots, each of which is 1/4 of an acre in area. The section is located in the City of Lauderdale by the Sea, Broward County, Florida.

COUNTY ENGINEER
I, the undersigned, do hereby certify that the Silver Shores Section of Lauderdale by the Sea Unit B is a subdivision of land located in the City of Lauderdale by the Sea, Broward County, Florida. The section is bounded by the Atlantic Ocean to the south and the City of Lauderdale by the Sea to the north. The section is divided into 24 lots, each of which is 1/4 of an acre in area. The section is located in the City of Lauderdale by the Sea, Broward County, Florida.

NOTARY PUBLIC
I, the undersigned, do hereby certify that the Silver Shores Section of Lauderdale by the Sea Unit B is a subdivision of land located in the City of Lauderdale by the Sea, Broward County, Florida. The section is bounded by the Atlantic Ocean to the south and the City of Lauderdale by the Sea to the north. The section is divided into 24 lots, each of which is 1/4 of an acre in area. The section is located in the City of Lauderdale by the Sea, Broward County, Florida.



1 PROPOSED SECOND FLOOR PLAN
1/4" = 1'-0"

EXHIBIT 3

WINDOW SCHEDULE				
Mark	SIZE (W/H)	SILL HEIGHT	FRAME MATERIAL	COMMENTS
W.1	36" x 48"	3" - 0"	ALUMINUM	INTERIOR WINDOW INTO BEDROOM IN UNIT 3
W.2	36" x 48"	3" - 0"	ALUMINUM	INTERIOR WINDOW INTO BEDROOM IN UNIT 4
W.3	36" x 48"	3" - 0"	ALUMINUM	INTERIOR WINDOW INTO BEDROOM IN UNIT 5

NOTE FOR FINISHES

FLAME SPREAD FOR WALL AND CEILING FINISHES SHALL BE MAX. 200, SMOKE DEVELOPED MAX. 450 - FBC R302.9, AND FLAME SPREAD FOR INSULATION SHALL BE MAX. 25, SMOKE DEVELOPED MAX. 450 - FBC R302.10

FLOORING NOTE

ALL FLOOR FINISHES TO BE SLIP RESISTANCE AND

SMOKE DETECTOR NOTE:

ALL SMOKE DETECTORS ARE EXISTING INSIDE AND OUTSIDE THE EXISTING SLEEPING AREAS

WORK NOTE

NO EXTERIOR WORK TO BE PERFORMED UNDER THIS PERMIT JUST BATHROOM REMODEL

BATHROOM NOTE:

THE BATHTUB AND SHOWER FLOOR AND WALLS ABOVE
BATHTUB WITH SHOWERHEADS AND IN SHOWER
COMPARTMENTS SHALL BE FINISHED WITH
NONABSORBANT SURFACE EXTENDED TO HEIGHT OF
NO LESS THAN 6 FEET ABOVE THE FLOOR

FLOORING NOTE

ALL FLOORING IN MASTER BATHROOM TO BE REPLACED WITH NEW FLOORING (OWNER / CONTRACTOR TO SELECT). ALL FLOORING TO HAVE UNDERLAYMENT OF SOUND RETENTION SUBSTRATE CALLED "WHISPERMAT". SEE SPEC. SHEET ATTACHED.

CONTRACTOR NOTE

- CONTRACTOR TO FIELD VERIFY ALL STRUCTURAL COLUMNS, BEAMS AND LOAD BEARING WALLS PRIOR TO INSTALLATION OF ANY AND ALL EXTERIOR WINDOW OR DOOR.
- ANY DEVIATIONS FROM CONSTRUCTION DRAWINGS SHALL REQUIRE ARCHITECT'S APPROVAL PRIOR TO CONSTRUCTION

BATHROOM TILE NOTE:

FIBER-CEMENT, FIBER-MAT REINFORCED CEMENTITIOUS BACKER UNITS, GLASS MAT GYPSUM BACKERS AND FIBER-REINFORCED GYPSUM BACKERS, PER STANDARDS AND INSTALLED MANUFACTURER'S RECOMMENDATIONS, SHALL BE USED AS BACKERS FOR WALL TILE IN TUB AND SHOWER AREAS AND WALL PANELS IN SHOWER AREAS. EFC R702.4.2

PROJECT NO:	
DRAWN BY:	JMW
CHECKED BY:	JMW
DATE:	11/12/2025

FILE NAME: **PROPOSED
SECOND FLOOR
PLAN**

HEET NO.

A-03

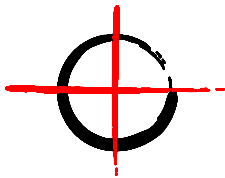
FEET: _____ OF _____



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architect - Interior Designer - Planner
 Lic. # AR94338
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 P: (954) 854-4312
 Email: jmw'andend@gmail.com

COMMERCIAL BUILDING
USE CHANGE
263-267 E. COMMERCIAL BLVD
LAUDERDALE BY THE SEA,
FL. 33308





PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073
PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net
CERTIFICATE NO.: LB6857

EXHIBIT 3

SURVEY ADDRESS:

253-257 E. COMMERCIAL BOULEVARD
LAUDERDALE BY THE SEA, FLORIDA 33308

CERTIFY TO:

1. 255 COMMERCIAL CENTER LLC

FLOOD ZONE & ELEVATIONS:

FLOOD ZONE: AE
BASE FLOOD ELEVATION: 6'
CONTROL PANEL NO.: 125123-0378-J
DATE OF FIRM INDEX: 07/31/24

REFERENCE BENCHMARK:
CITY OF FORT LAUDERDALE B.M."NE 1068"
ELEVATION = 4.204' (NAVD 1988)

POTENTIAL ENCROACHMENTS:

1. COVERED AREA, BRICK PAVERS AND ROOF OVERHANG CROSSES OVER THE SOUTHERLY PROPERTY LINE.
2. ASPHALT CROSSES OVER THE EASTERLY AND WESTERLY PROPERTY LINES.

LEGAL DESCRIPTION:

LOTS 5 AND 6, BLOCK J, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LEGEND & ABBREVIATIONS:

A	= ARC	D.E.	= DRAINAGE EASEMENT	P.C.	= POINT OF CURVATURE
A/C	= AIR CONDITIONER	ELEV.	= ELEVATION	P.E.	= POOL EQUIPMENT
A.E.	= ANCHOR EASEMENT	E.S.	= ELECTRIC SERVICE	P.I.	= POINT OF INTERSECTION
B.M.	= BENCHMARK	F.P. & L.	= FLORIDA POWER & LIGHT	P.R.C.	= POINT OF REVERSE CURVE
B.C.R.	= BROWARD COUNTY RECORDS	L.B.	= LICENSED BUSINESS	P.O.B.	= POINT OF BEGINNING
C.B.S.	= CONCRETE BLOCK STRUCTURE	L.P.	= LIGHT POLE	P.O.C.	= POINT OF COMMENCEMENT
CHATT.	= CHATTAHOOCHEE	M.H.	= MANHOLE	P.P.	= POWER POLE
C.O.	= CLEANOUT	(M)	= MEASURED	R	= RADIUS
CONC.	= CONCRETE	NAVD	= NORTH AMERICAN VERTICAL DATUM	R/W	= RIGHT-OF-WAY
C.L.F.	= CHAIN LINK FENCE	NGVD	= NATIONAL GEODETIC VERTICAL DATUM	T	= TANGENT
C.L.P.	= CONCRETE LIGHT POLE	NO.	= NUMBER	(TYP.)	= TYPICAL
(C)	= CALCULATED	O.H.	= OVERHANG	U.E.	= UTILITY EASEMENT
C.B.	= CHORD BEARING	O.R.B.	= OFFICIAL RECORDS BOOK	W.F.	= WOOD FENCE
C.R.	= CABLE RISER	O/S	= OFFSET	W.M.	= WATER METER
(D)	= DEED	(P)	= PLAT	Δ	= DELTA OR CENTRAL ANGLE
D.B.	= DEED BOOK	P.B.C.R.	= PALM BEACH COUNTY RECORDS	$\overline{CL}$	= CENTERLINE
M-D.C.R.	= MIAMI-DADE COUNTY RECORDS	P.B.	= PLAT BOOK	$\overline{92}$	= ELEVATION

GENERAL NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).

CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Jason H
Pinnell, P.S.M.

Digitally signed by Jason H Pinnell,
P.S.M.
DN: c=US, o=Unaffiliated,
dnQualifier=A01410C000001942E
319384001E898B, cn=Jason H
Pinnell, P.S.M.
Date: 2025.03.06 11:27:11 -05'00'

JASON H. PINNELL
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY

SKETCH NO.: 24-1272

DATE OF SURVEY: 07/31/24

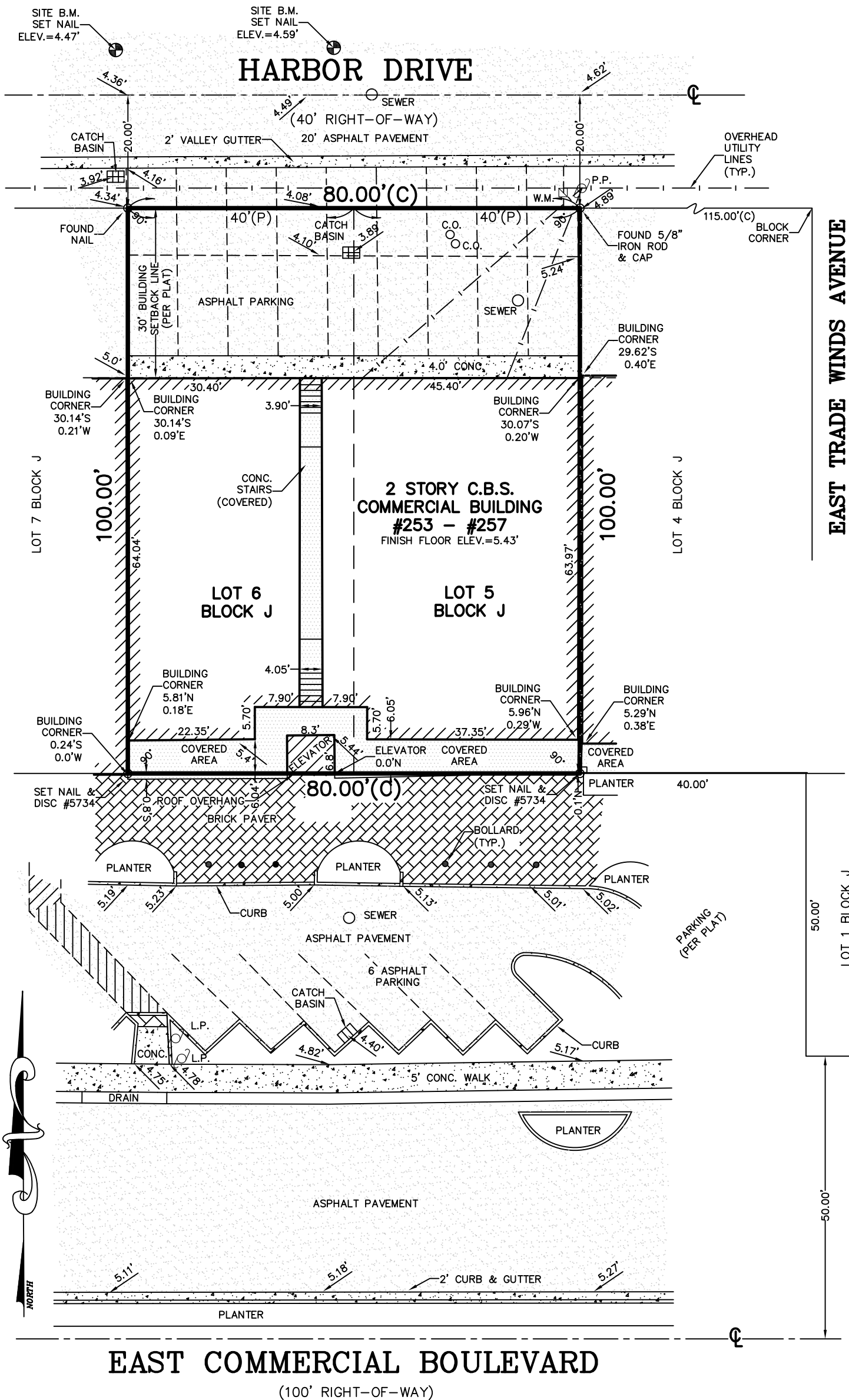
CHECKED BY: J.P. / K.M.

FIELD BOOK/PAGE: FILE

SIDE 1 OF 2

HARBOR DRIVE

EAST TRADE WINDS AVENUE



SCALE: 1" = 20'	SKETCH NO.: 24-1272
DRAWN BY: S.P.	SIDE 2 OF 2

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

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

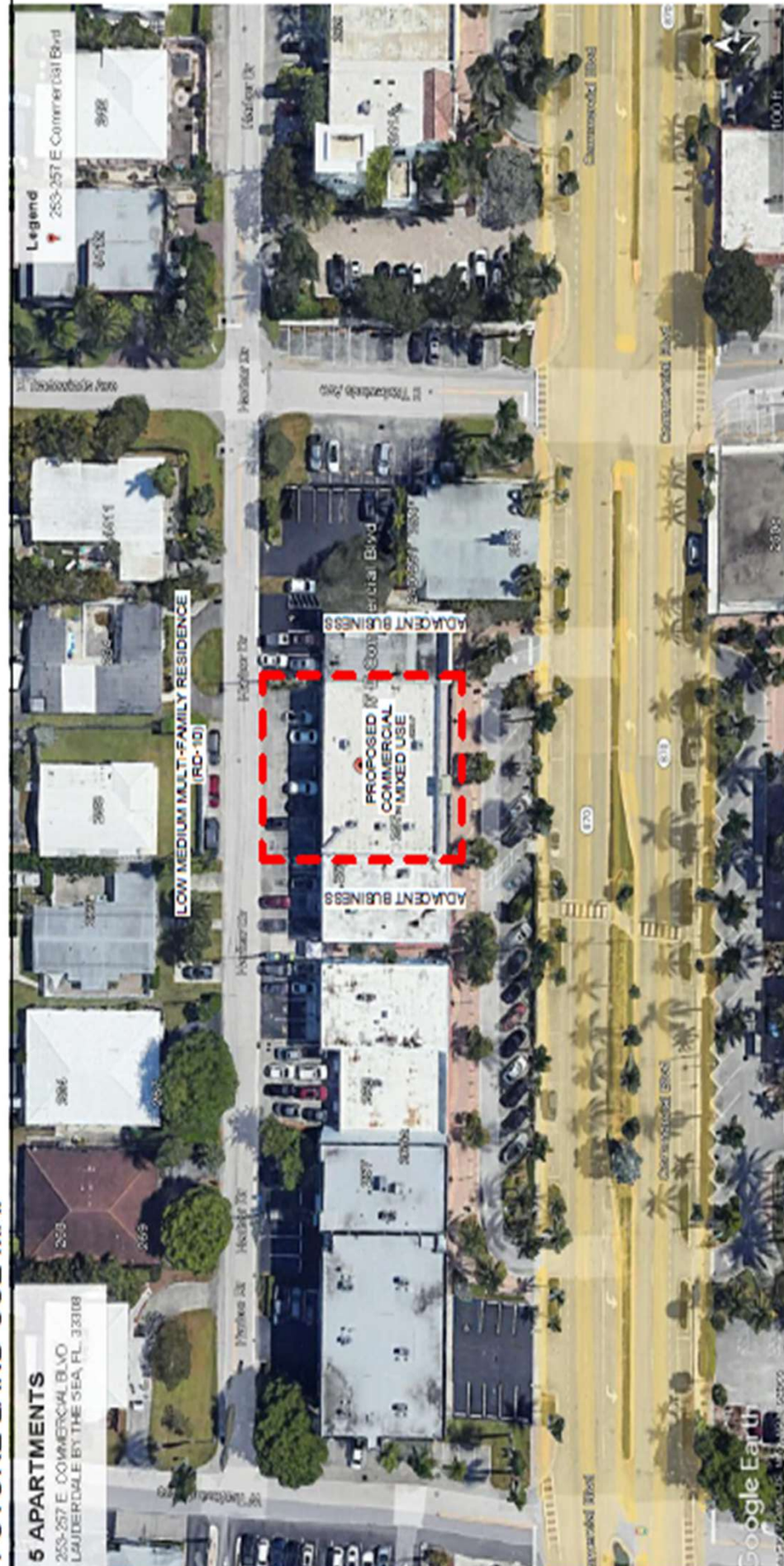
Any interested parties are encouraged to attend this meeting to discuss the proposed application, actively participate in the Town's development procedures and provide public comments.

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

Engaging community for urban development and housing plans

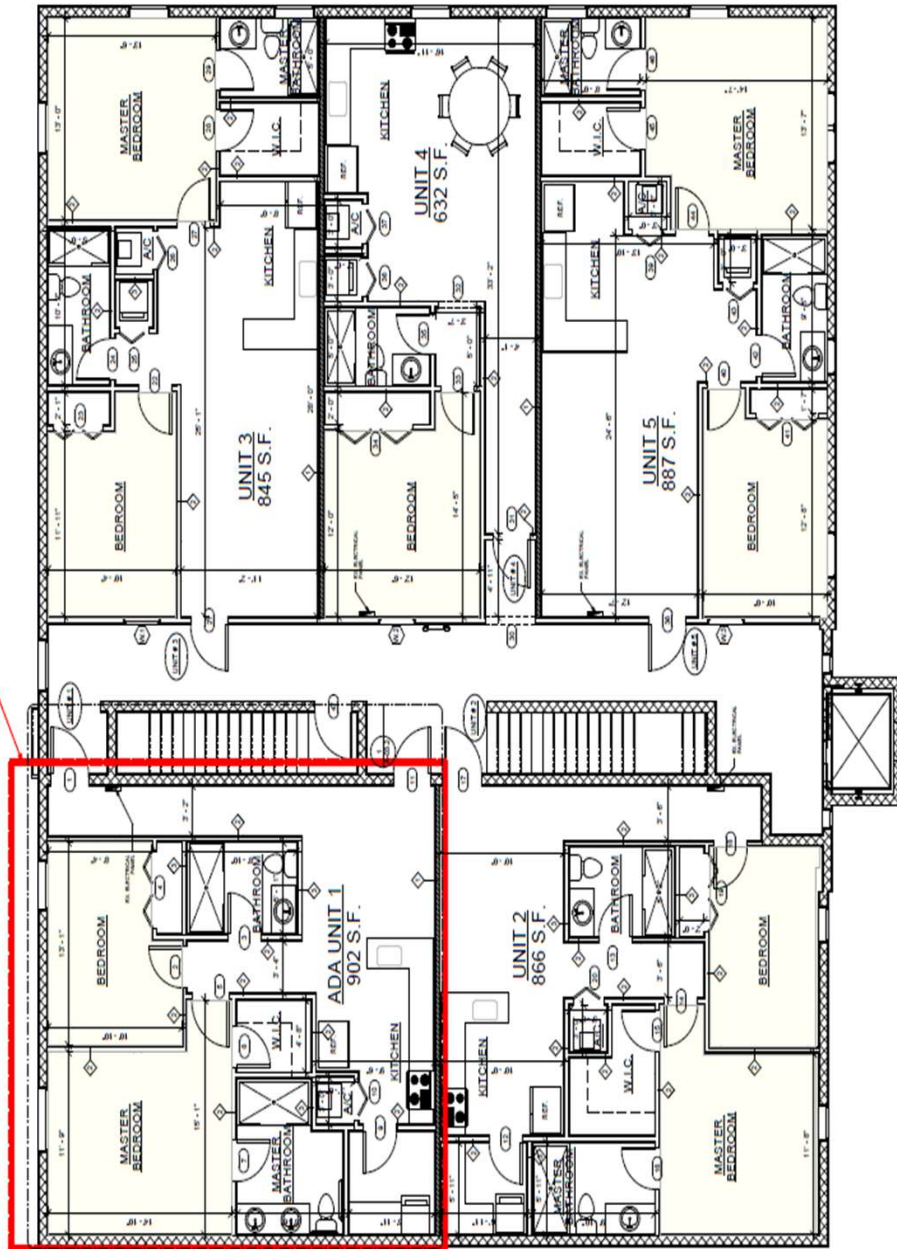
Project Overview and Purpose

Project Site

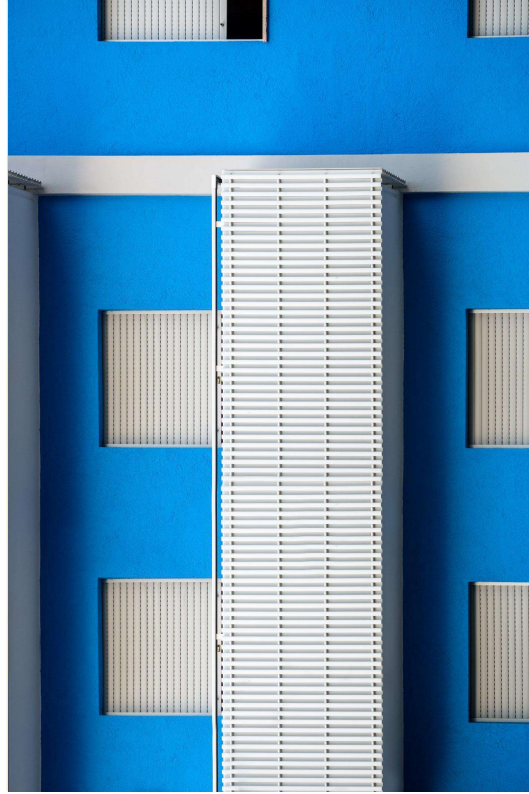


Plans

— 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

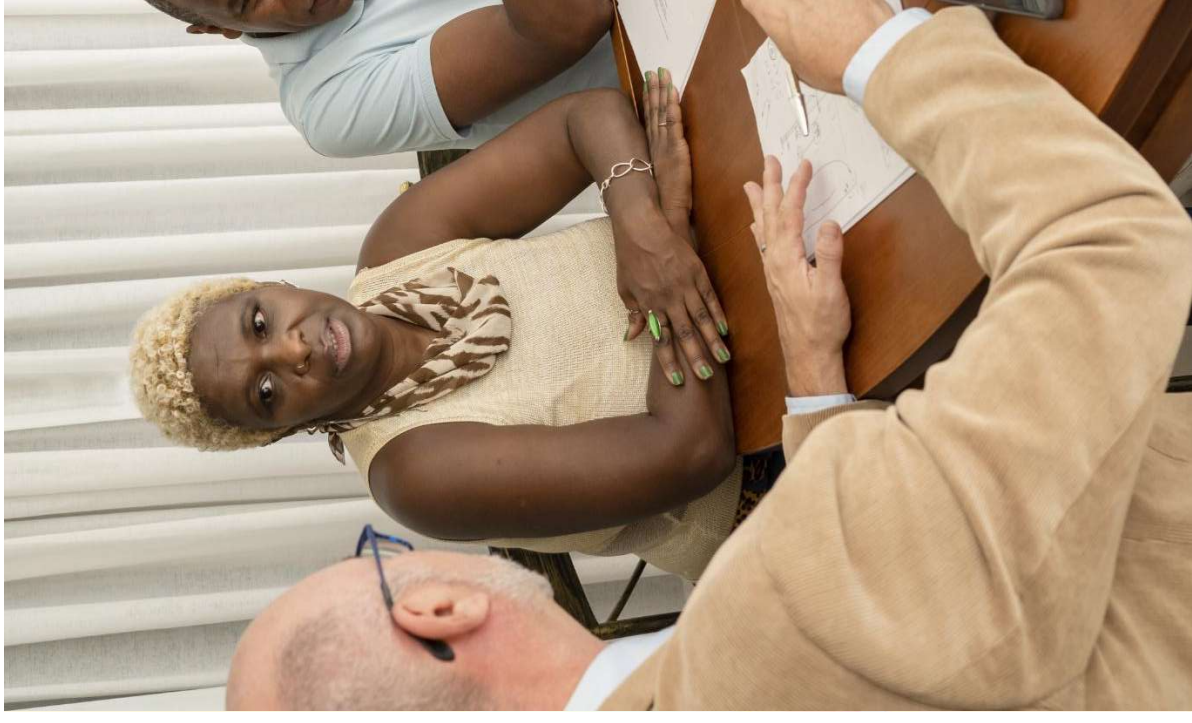
Applicants present the project scope, zoning compliance, and expected neighborhood impacts to inform attendees.

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

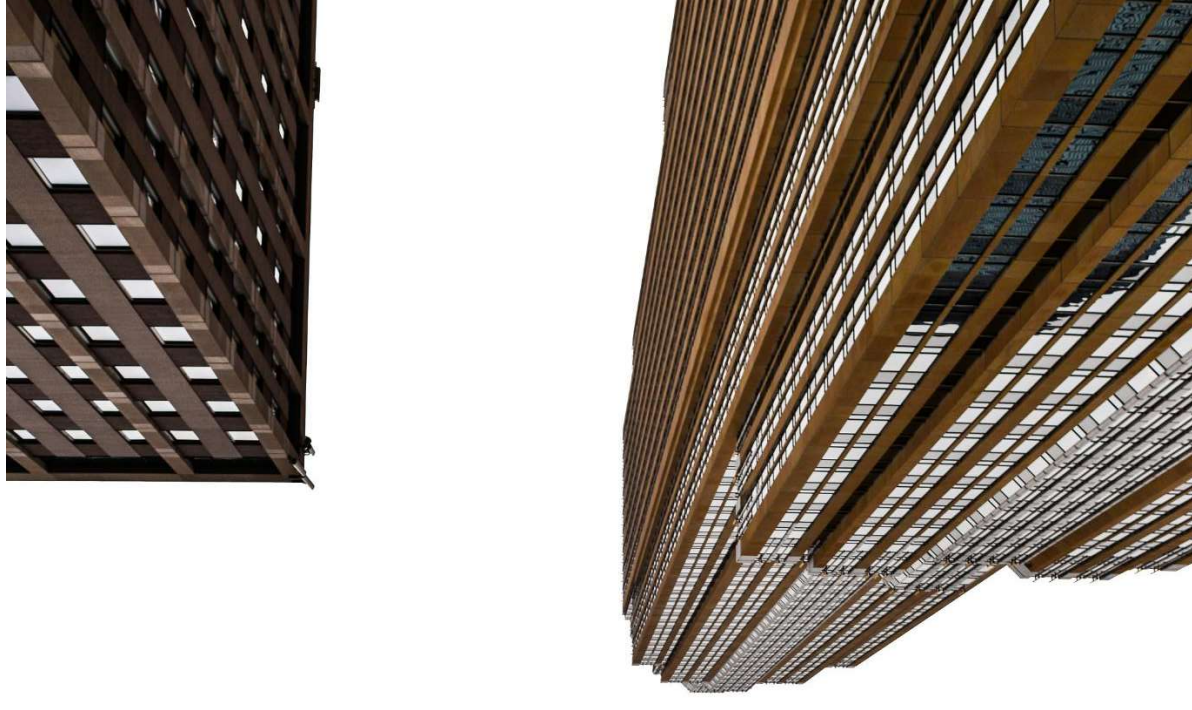
The ground floor will remain dedicated to commercial activities, preserving the mixed-use character and supporting economic vitality.

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

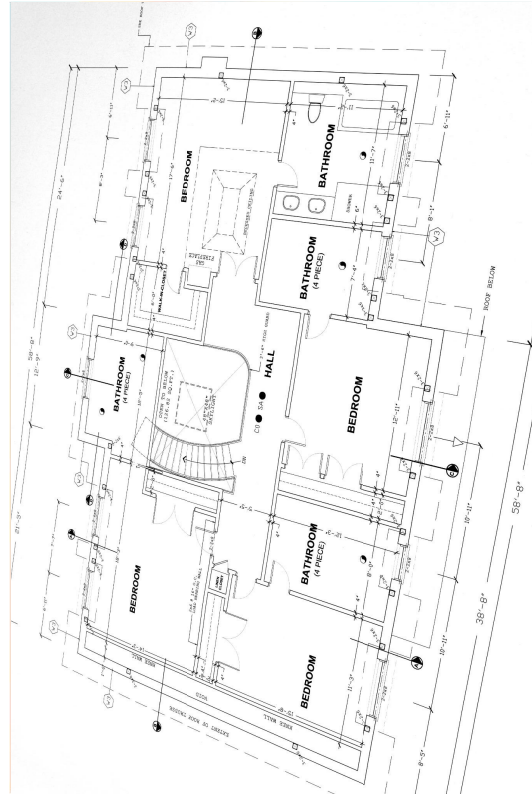
The development provides stable, long-term housing, maintaining neighborhood cohesion and supporting schools and civic institutions.

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

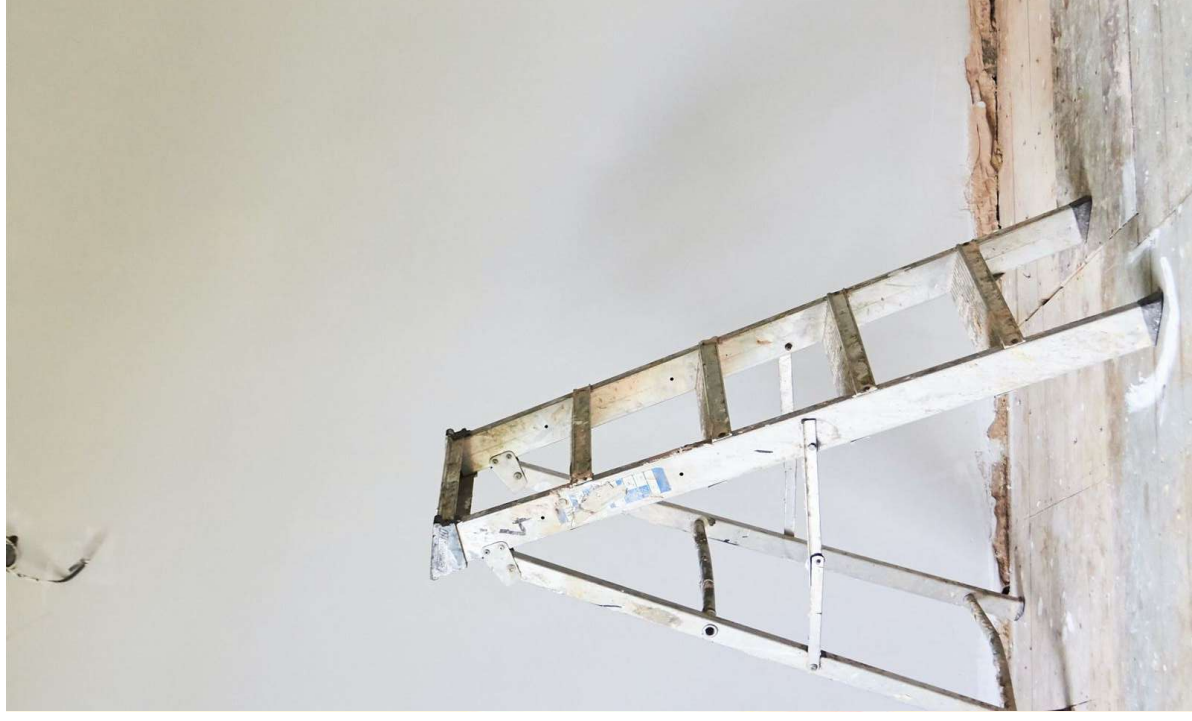
Exterior façade and setbacks remain unchanged, protecting neighborhood light, air flow, and sight lines.

Stable Long-Term Residency

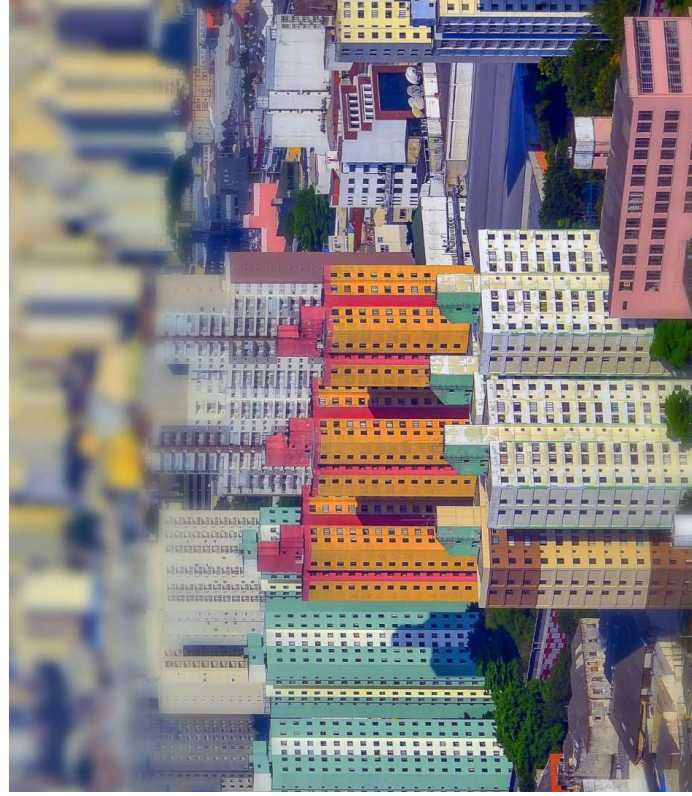
Long-term residents reduce neighborhood disruptions and promote community stability and respect.

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 conflict 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)