

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING BOARD AGENDA

Jarvis Hall
4505 Ocean Drive
Wednesday, October 04, 2017
6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. APPROVAL OF MINUTES
 - a [August 16, 2017](#)
4. PUBLIC COMMENTS
5. NEW BUSINESS
6. OLD BUSINESS
 - a [Review of Ordinance 2017-12 Incorporating Broward County Regulations for the Town's Annexed Areas into the Town's Code of Ordinances. \(Linda Connors, Development Services Director\)](#)
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 INSURE 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, at the far right end of the dais.

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.

**NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES**

*Jarvis Hall - 4505 Ocean Drive
Wednesday, August 16, 2017*

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:00P.M. Members present were Charles Clark, Roseann Minnet, John Lanata, John Graziano, 1st Alternate Cari McCormack and 2nd Alternate Paul LaCoursiere. The absent member was David Chanon. Also present were Assistant Town Attorney Kathryn Mehaffey, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Planning and Zoning Board Meeting Minutes – July 19, 2017

(This was incorrectly listed on the agenda as the July 19, 2017 minutes were previously approved at the July 26, 2017 meeting.)

b. Planning and Zoning Board Meeting Minutes – July 26, 2017

Ms. Minnet made a motion to approve the minutes of July 26, 2017 as presented. The motion was seconded by Ms. McCormack. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments but no one came forward. He closed public comments and turned the meeting over to Development Services Director Linda Connors to present New Business.

5. NEW BUSINESS

- a. 2017-CUS-04: Conditional Use – Waiver of the requirements of Article VIII “Sign Regulations” of Chapter 30 for one wall sign for the Plunge Beach Hotel at 4660 El Mar Drive. (Linda Connors, Development Services Director)

Development Services Director Linda Connors clarified that because there are six people in attendance this evening, 2nd Alternate Paul LaCoursiere would participate in discussions but would not vote. She said that Doug Barrow was here representing the hotel and explained that they want to put a sign on the El Mar Drive side designed in the Town's architectural style of choice, Mid-Century Modern. Since the Town realized that Mid-Century Modern signs tend to be larger than what is normally allowed in the Sign Code, the Town Commission adopted a provision in the Sign Code that allows an exemption (a conditional use) for a Mid-Century Modern sign. Per the Sign Code, 32 sq. ft. is allowed and this sign is much larger at 421 sq. ft. She explained how a sign is measured and that even though this is a large sign, the diamond symbol is skewing the remainder of the sign. The star symbol is also larger than what is allowed by code but the letters are the appropriate size per code. If the three components of the sign (hotel name plus diamond and star symbols) are calculated individually, the total

square footage would be 166 square feet. Staff found that the sign meets the criteria of Section 30-510 of the Town's Unified Land Development Code which outlines the specific criteria for approving a conditional use sign waiver and recommend approval. The conditions for this approval are in the Staff Report and Ms. Connors read the conditions into the record. She spoke with neighbors to the north of the sign and all their concerns were answered and they had no objections. Notice of the meeting was sent twice.

Ms. Connors answered Ms. Minnet that there was one other property on El Mar Drive, the Tides Inn, which also was granted a conditional use for their sign. Doug Barrow answered that the sign would be up lit from the ground. In regard to the effect on turtles, Ms. Connors answered that lighting would be reviewed at time of permit to determine the type of lighting, etc. Mr. Barrow also spoke about amber lighting. As there were no other board questions or concerns, the Chair asked for public comments but no one came forward. The public hearing was closed.

Mr. Graziano made a motion to approve Staff's recommendations on 2017-CUS-04. The motion was seconded by Mr. Clark. The motion carried 5-0.

Ms. Connors said that Staff would present the application to the Town Commission at their September 13, 2017 Meeting for final approval.

6. OLD BUSINESS

- a. Review of Ordinance 2017-11 Deleting Inapplicable and Duplicative Broward County Regulations for the Town's Annexed Areas. (Linda Connors, Development Services Director)

Development Services Director Linda Connors reviewed what transpired at the July 19th and July 26th Planning and Zoning Meetings. The Board reviewed the former Broward County Code applicable to the 1997 and 2001 annexed areas with the Town's current code. The Board discussed and determined which code provisions should be deleted, are duplicative in nature or are not applicable. Ordinance 2017-11 reflects the Board's decisions from their last two meetings. She spoke about the County's lighting standards that were kept because the Town did not have this and about keeping the Town's less restrictive language in certain areas (e.g., swimming pools, spas, boat lifts and boat slips). She spoke about policy on how to handle existing boat lifts without permit records. She said that when the Town Commission reviewed the ordinance, they felt that letters should be sent to affected property owners to let them know about the boat lift issue and to record a document so that anyone wishing to buy the affected property could do a search and see that the boat lift was non-compliant. This is being discussed with the Town's Attorney.

Ms. Connors spoke about additional zoning regulations and districts that remain and need to be incorporated from County rules for inclusion in the Town's Code of Ordinances. They still need to be reviewed and Town Staff will prepare a future amending ordinance to ensure that district regulations follow the same format and become a seamless part of the Town's regulations. She spoke about County's permitted usages (e.g., mortuary). Permitted usages would be reviewed with the P&Z Board. She said that the Town Commission hired the Mellgren Planning Group to help Staff speed up this process. Ms. Minnet suggested that for the next meeting, to have a Zoning Map reflecting all the districts. This would help show which areas are affected by things. Mr. Graziano wanted to know what would be considered grandfathered in the northern zone (e.g., overhang, shed or something that does not meet new requirements). Ms. Connors explained that the language may not be the same but for most, the intent was the same. Ms.

Connors offered to speak to associations who have questions regarding this. Ms. Connors also explained grandfathering as something built legally and then the code changes, you are grandfathered until such time that it has to be replaced for up to 50% replacement and then you have to come up to the new code. If it was built without permit, then you are at risk and have to come up to code. If it was built before annexation, the County has shared their records with the Town. Ms. Connors said that homeowners should keep all records for their home and pass those records on to any new owner of the house. Always do any work with the proper permit. As there were no other board questions or concerns, the Chair asked for public comments but no one came forward. The public hearing was closed.

Ms. McCormack made a motion to approve Ordinance 2017-11 as written by Town Staff. The motion was seconded by Mr. Clark. The motion carried 5-0.

Ms. Minnet wanted to ensure that included in the motion was the letter, the seawall and the recorded portion of it and she was told that the motion did include these things.

7. UPDATES/BOARD MEMBER COMMENTS

8. ADJOURNMENT

Ms. McCormack made a motion to adjourn at 6:29PM. The motion was seconded by Mr. Graziano. The motion carried 5-0.

Chair John Lanata

ATTEST:

Date Accepted: _____

Development Services Director Linda Connors



Town of Lauderdale-By-The-Sea
Development Services Department

To: Planning and Zoning Board
From: Linda Connors, Development Services Director
Date: September 29, 2017
Meeting Date: October 4, 2017
Old Business: Review of Ordinance 2017-12 Incorporating Broward County Regulations for the Town's Annexed Areas into the Town's Code of Ordinances.

Purpose

The purpose of this memorandum is to review Ordinance 2017-12 (**Exhibit 1**) which incorporates regulations from the 2001 Broward County code that currently governs the Town's Annexed Areas into the Town's land development regulations.

Background

At their July 19th and July 26th meetings, the Planning and Zoning Board reviewed the 2001 Broward County Code (applicable to the 1997 and 2001 Annexed Areas) with the Town's current code to determine which code provisions should be deleted because they do not reflect the Town of Lauderdale-By-The-Sea or the existing development, are duplicative in nature or are not applicable either because they are not zoning regulations preserved by law or agreement or they are not applicable to properties in the Town. At their August 16th meeting, the Board reviewed and recommended approval of Ordinance 2017-11 which reflected the Board's discussions and the decisions made at those previous meetings. The Town Commission subsequently approved this ordinance at their September 13, 2017 meeting.

Review

With the first step completed, the next step is to take the language remaining from Ordinance 2017-11 and incorporate it into the Town's Code of Ordinances. Proposed Ordinance 2017-12 accomplishes this goal by relocating related language into the appropriate location, revising wording to follow the Town's existing language and format; and incorporating the applicable County zoning categories in the Town's code of ordinances.

Zoning Districts:

The Town code currently includes the following residential zoning districts - RS5, RD10, RM-25 and RM-50. There are also several districts from the County zoning regulations that, while a part of the Town's laws, have not been integrated into our codified regulations. The ordinance incorporates the additional County residential zoning districts and regulations that are applicable in the annexed area into the Town's codified regulatory framework (See Table 1 below).

Table 1 – Annexed Area Incorporated Zoning Districts

Zoning Category	Density Allowed	Current Development
RS-4	4 dwelling units per acre	Terra Mar/Bel Air Single Family
RS-5	5 dwelling units per acre	Three lots to the west of the Blue Water Terrace entrance of Ocean Walk
RM-15	15 dwelling units per acre	Hampton Beach Club parking lot
RM-16	16 dwelling units per acre	Assumption Catholic Church
R-5 Hotel	20 dwelling units per acre	Ocean Walk
RM-25	25 dwelling units per acre (additional criteria to Town's code)	Multi-family condominiums adjacent to North Ocean
Planned Unit Development PUD	Planned Unit (flexible)	Cabana Bay

The staff also reviewed the uses allowed in the county districts and recommends imposing conditional use requirements for those uses that were not applicable to the built environment (do not currently exist in the district). There were several uses that were listed in the County regulations that were already addressed in other sections of the existing Town Code. These were removed from the individual district regulations to avoid duplication. The uses removed from specific district lists, and the applicable locations of the current Town Code regulatory section are:

- 1) Accessory Uses and Structures (Town Code Chapter 30, Section 30-313);
- 2) Home office (Town Code Chapter 12, Section 12-24);
- 3) Yard sales (Town Code Chapter 14.5 Article I);
- 4) Outdoor event (Town Code Chapter 17 Article VIII);
- 5) Wireless communication facilities (Town Code Chapter 30, Section 30-325); and
- 6) Essential Services (accessory uses and structures, wireless communication facilities, governmental functions)

Special care was taken to document those uses that were removed from the individual district listings, and clearly identify the sections of the Code that still provide for those uses, in order to memorialize the process and document compliance with the Town's Charter. In addition, the term "Villa" was deleted from the RM-15, RM-16 and RM-25 districts. This term is not defined in the applicable County code or Town Code, but is incorporated within the Town's existing definition of multi-family dwelling which is a permitted use within those districts. Criteria that existed in the County code for certain uses such as sewerage pumping station, nursery school and golf course, were incorporated into the code as additional conditional use criteria.

Previously, in Ordinance 2017-11, where the county had more restrictive requirements (such as swimming pools and dock standards) the County regulation was deleted so that the code more closely followed the Town's zoning regulations. In reviewing the remaining zoning regulations, staff took a similar approach. For example, when incorporating the County's regulations into the Town's, minimum floor area requirements were deleted for all uses except RM25. The Town's RM25 regulations include minimum standards, but since we cannot confirm without extensive research that all properties in the annexed area meet these standards, we have retained the minimum standards from the County regulations for the area north of Pine Avenue (annexed area).

Cabana Bay was developed as a Planned Unit Development District (PUD). PUD zoning is generally utilized in larger unified developments and is not appropriate for standard platted lots. This district designation allows for a bit more flexibility in design than following a standard zoning district. We deleted the county code approval procedures and required site plan approval under the Town Code for future redevelopment of the site. We also deleted a provision from the County code which would have allowed an applicant to adjust the lot dimensions of up to 50 percent of the PUD lots without Town approval. Staff is suggesting that, at some point in the future, the Town consult with the owners of this property and consider whether to rezone the property designated as PUD so that there is an underlying RM16 zoning district (will require a referendum). This proactive measure would ensure that zoning regulations for this parcel are in place that are consistent with the neighboring properties should the property ever redevelop.

Parking:

The county provided for two types of parking uses in the general zoning districts and we have applied the conditional use procedure for both of these uses: "Off-site Parking Lot" is a use allowed in the RS-4, RS-5, RM15, RM-16, RM-25 (north of Pine Avenue), and R-5 districts. An Off-site Parking Lot is an accessory parking lot which serves an allowed non-residential use located within 500 feet of the off-site parking lot. The standards for the Off-Site Parking Lot use were incorporated into section 30-320 with the remainder of the Town's parking standards. "Open Parking Lot" is a use which is allowed in the R-5 district. The criteria have been set out in the conditional use criteria within the district. An Open Parking Lot is a stand-alone parking lot. .

Things to Consider

1. Changing the Uses in the Zoning Districts

Staff realizes that many of the allowed uses inherited from the County's zoning districts are not appropriate for the character and size of the Town. However, the 2006 revisions to Section 7.1(9) of the Town's charter limits the Town's ability to "rezone for any other use whatsoever." (**Exhibit 2**). While it is clear that adding uses triggers the need for approval by referendum, the Town Attorney agrees it is not clear that deleting uses requires a referendum as there is no action providing for "other uses". Staff has proposed requiring conditional use approval for many of the uses that are listed as permitted uses but do not currently exist, and many times, would not be appropriate within the district given the built environment that exists today. As a reminder, a conditional use is a use that would not be appropriate or compatible with the generally permitted uses in the zoning district, but could be appropriate if the impacts of the use were mitigated. When criteria for these uses existed in the County code we included those requirements as criteria for conditional use approval.

The Board should evaluate the uses, environment, and regulations and make recommendations if they believe any of the identified uses should be permanently deleted. Should the Town ultimately decide that any of these uses should be completely deleted from the Code, a final determination on the need for a referendum process will be made. Regardless of whether a referendum is required, changes of this nature would be addressed in a separate independent ordinance in conjunction with the referendum process discussed below if necessary (see #2 below).

2. Referendum process (if necessary)

As discussed above, a referendum is required to add and possibly delete uses from the Town's residential zoning districts. Since the annexation, the County regulations for the annexed area that were in place at the time of the annexations have been part of the Town laws, even though they were not codified. As such, the 2006 referendum requirements apply to these districts as well. If the Town Commission approves an

ordinance that requires approval of the voters, the Ordinance will call for, and set, a referendum of the voters on a designated date. The changes will not be effective unless approved at referendum. The Town will, at least 90 days (and no more than 120 days) prior to the election publish a notice that includes the full text of the proposed change. Election dates must be coordinated with the Broward County Supervisor of Elections who has informed us that we must submit any referendum materials to their office no later than January 2, 2018 if the Town desires to pursue a referendum as part of the March 2018 municipal election.

3. Sign Regulations

The County's regulations for monument signs were less restrictive than those of the Town. This made sense because of the many condominiums in this area that require signage, but do not have a significant amount of frontage on Ocean Drive. The proposed ordinance includes the less restrictive monument sign regulations, but only for the northern (annexed) area of the Town.

4. Other

As a reminder, the Board recommended that the Commission include regulations regarding sea wall construction and parking lot lighting from the County's ordinances in the Town code. This information was kept and is being formally codified into the Town's land development regulations. This language will now apply to both the annexed area and historic town.

Procedure

The Town Commission will review Ordinance 2017-12 on first reading at the October 10th Commission meeting.

Exhibits: 1. Ordinance 2017-12
2. Section 7.1 of the Town Charter

u:\- planning & zoning board\2017 cases\annexation #4 october 4\pz staff report annexation #4 10.04 meeting 3c7358404.docx

ORDINANCE 2017-12

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, TO INCORPORATE APPLICABLE ZONING DISTRICTS FOR THE ANNEXED AREAS, LYING GENERALLY NORTH OF PINE AVENUE, INTO THE CODE OF ORDINANCES, TO APPLY CONDITIONAL USE REQUIREMENTS TO CERTAIN EXISTING PERMITTED USES IN THOSE DISTRICTS, AND TO MAKE RELATED CHANGES TO THE DEFINITIONS, REGULATIONS, STANDARDS AND SUPPLEMENTAL REGULATIONS APPLICABLE THROUGHOUT THE TOWN; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

WHEREAS, The Town completed two annexations in the north end of town in 1997 and 2001 respectively, which collectively expanded the Town north from Pine Avenue to the Terra Mar Island neighborhood (the “Annexed Areas”); and

WHEREAS, the applicable annexation agreement and special act required that the County zoning in effect at the time of the annexations remain effective for the properties lying within those annexation areas until Comprehensive Plan and zoning amendments have been completed; and

¹ Additions to the text are shown in underline. Deletions to text are shown in ~~striketrough~~.

WHEREAS, the necessary Comprehensive Plan amendments were completed and the City's Comprehensive Plan has been updated several times bringing the areas under the Town's Comprehensive Plan; and

WHEREAS, Town staff has completed an extensive evaluation of the existing uses and development in the Annexed Areas, the applicable Broward County regulations and the relative current Town zoning regulations in order to begin the process of unifying the Land Development Regulations for the entire Town; and

WHEREAS, on September 13, 2017, the Town Commission adopted ordinance 2017-11 which implemented the first phase of amendments to unify the regulations by deleting the code provisions that did not reflect the Town of Lauderdale-By-The-Sea or the existing development, were duplicative in nature or were not applicable either because they were not zoning regulations preserved by law or agreement or they were not applicable to properties in the Town; and

WHEREAS, the Town desires to complete the second phase of amendments to unify the regulations by incorporating all the Town's zoning districts into the codified regulations, adopting a uniform organization and regulatory framework throughout the Town; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on October 3, 2017, and recommended _____ of the amendment; and

WHEREAS, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined

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

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

SECTION 1. Recitals. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment. The Code of Ordinances of the Town of Lauderdale-By-The-Sea, is hereby amended as provided in Exhibit A, attached hereto and incorporated herein.¹

SECTION 3. Applicability of Town Code. Chapter 30, Unified Land Development Regulations of the Town Code of Ordinances, shall hereinafter be applicable throughout the Town, including in the Annexed Areas lying north of Pine Avenue.

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

SECTION 5. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading.

Passed on the first reading, this ____ day of _____, 2017.

Passed and adopted on the second reading, this ____ day of _____, 2017.

¹ Additions to the text are shown in underline. Deletions to text are shown in ~~striketrough~~.

MAYOR SCOT SASSER

First Reading

Second Reading

Mayor Sasser

Vice-Mayor Brown

Commissioner Oldaker

Commissioner Sokolow

Commissioner Vincent

ATTEST:

Tedra Smith, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

¹ Additions to the text are shown in underline. Deletions to text are shown in ~~striketrough~~.

1 **ARTICLE V. – ZONING**

3 **Sec. 30-3. – General rules of interpretation.**

4 * * *

5 (g) Inclusions.

6 (1) As used in this article, words in the singular shall include the plural and
7 those in the plural include the singular.

8 (2) The word "person" includes a corporation, unincorporated association
9 and partnership, as well as individual.

10 (3) The word "building" includes structure and shall be construed as if
11 followed by the phrase "or part thereof."

12 (4) The word "street" includes any name commonly used for a roadway.

13 (5) The word "watercourse" includes channel, creek, ditch, dry run, spring,
14 stream and canal, but does not include a lake, pond or pool without
15 outlet.

16 (6) The word "may" is permissive; the word "shall" is mandatory and not
17 merely.

19 **Sec. 30-11. – Definitions.**

20 * * *

21 *Common docking area...*

22 Common Open Space. A parcel or parcels of land, or a combination of land and
23 water within a site designated as a planned unit development, and designed and
24 intended for the use or enjoyment of residents of the planned unit development.

25 *Community residential facility, category 1....*

26 * * *

27 *Pervious area...*

28 Phase. A specified portion of a planned unit development that may be developed
29 as an individual component and shall be in the approved site plan, and specified within
30 the development schedule.

Planned Unit Development. An area of land developed as a single entity, or in approved stages in conformity with a site plan by a developer, or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.

Planning and Zoning Board...

* * *

DIVISION 2. - DISTRICTS

Subdivision A. - Generally

Sec. 30-181. - Establishment of zoning districts.

* * *

(b) Zoning district designations. The land and water areas of the Town of Lauderdale-By-The-Sea are zoned in accord with zoning districts. These zoning districts are designated as follows:

~~(1) Town Zoning Districts~~ are subject to the provisions of Article VII - Planning and Zoning, as set forth in the Town Charter, Part I, of the Town Code of Ordinance:

<u>RS-4</u>	<u>Residential 4 - single-family dwellings</u>
RS-5:	Residential single-family dwellings <u>Residential 5 - Single family dwellings</u>
RD-10:	Residential two-family (duplex) dwellings <u>Duplex</u>
<u>RM-15</u>	<u>Residential multi-family dwellings</u>
<u>RM-16</u>	<u>Residential multi-family medium density dwellings</u>
RM-25:	Residential multi-family dwellings <u>Apartments and lodging</u>
RM-50:	Residential <u>high-density</u> multi-family dwellings
<u>R-5</u>	<u>Residential medium-high density dwellings</u>
B-1-A	<u>Neighborhood</u> Business
B-1:	Commercial <u>Business</u>
CF:	Community facilities iesy district
P:	Recreation and open space

Exhibit A

(2) ~~Broward County Zoning Districts that are applicable to development approved by Ordinance adopted by the Broward County Board of County Commissioners prior to September 11, 1991, and subject to provisions of Article VII – Planning and Zoning, as set forth in the Town Charter, Part I, of the Town Code of Ordinance:~~

*R-5:	Motel
*PUD:	<u>Planned unit development</u>

~~(3) Broward County Zoning Districts in effect prior to October 1, 2001, that are applicable to annexed areas and subject to the provisions of Article VII – Planning and Zoning, as set forth in the Town Charter, Part I, of the Town Code of Ordinance:~~

*RS-4:	Residential single-family dwellings
*RS-5:	One-family detached dwelling
*RM-15	Multi-family dwellings
*RM-16	Multi-family dwellings
*RM-25:	Multi-family dwellings
*	Broward County Zoning Districts Indicated on Town Zoning Map

Sec. 30-182. - Purpose and intent of zoning districts.

The following section defines the purpose and intent of the Town zoning districts established by this chapter:

(a) Low density dwelling (RS-4 and RS-5) districts. ~~These RS-5 (five units per acre maximum) districts are~~ intended to provide areas within the Town for single-family detached dwellings at a maximum density of five dwelling units per acre, consistent with the low single-family residential classifications of the Town of Lauderdale-By-The-Sea Future Land Use Plan, at a maximum density as follows:

(1) RS-4: four dwelling units per acre.

(2) RS-5: five dwelling units per acre.

- (b) Low medium density dwelling (RD-10) district. The RD-10 district is intended to provide areas within the Town for low medium density single-family detached residences or two-family (duplex) units at a maximum density of ten dwelling units per acre, consistent with the low medium multi-family residential classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan.
- (c) Medium-high density dwelling (RM-15, RM-16, RM-25, and R-5,) districts. These RM-25 districts are is intended to implement the medium-high multi-family residential classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan with a maximum density ~~ies of~~ as follows:
- 1(1) RM-15: 15 dwelling units per acre.
- 2(2) RM-16: 16 dwelling units per acre.
- 3(3) RM-25: 25 dwelling units per acre for residential uses, and 50 units per acre for hotel and motel uses.
- 4(4) R-5: 20 dwelling units per acre.
- (d) High density dwelling (RM-50) district. The RM-50 district is intended to implement the high multi-family residential classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan, with a maximum density of 50 dwelling units per acre for residential uses and 100 units per acre for hotel and motel uses.
- (ef) Planned Unit Development (PUD) district. The PUD district implements the Cabana Bay Village development order issued by Broward County prior to annexation of the development into the Town.
- (fe) Commercial (B-1 and B-1-A) districts. The B-1 and B-1-A districts are intended to implement the commercial classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan by providing for a business area to service shopping and personal service needs, as further described below:
- (1) The B-1-A district is intended to meet the shopping and service needs of the Town residents and visitors. The B-1-A district limits certain uses which could have a detrimental effect on the local community if these uses were permitted to exist without certain standards being met. The B-1-A district is located primarily in the center of the Town's Business District.
- (2) The B-1 district is intended to provide for the location of commercial business establishments dependent upon high visibility. The B-1 district limits certain uses which could have a detrimental effect on abutting residential neighborhoods if these uses were permitted to exist without certain standards being met. The B-1 district is located primarily on Commercial Boulevard.
- (gf) Community facilities (CF) district. The CF district is intended to implement the community facility classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan and to provide for suitable locations for development

serving public needs, including government, religious facilities, educational facilities and other public purpose facilities which generally benefit the community.

- (hg) Recreation and open space (P) district. The P district is intended to implement the recreation and open space classification of the Town of Lauderdale-By-The-Sea Future Land Use Plan by providing for areas for the development of nonprofit active or passive recreational facilities and the preservation of open space.

Subdivision C. – RS-4 District Regulations

Sec. 30-211. -RS-4 district—North residential single-family dwellings.

(a) Use.

(1) Permitted uses¹. No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single-family dwelling.

(2) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to [section 30-327](#).

(3) Conditional uses. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Off-site parking lot, subject to section 30-320.

b. Community residential facility with adult day care permitted as an accessory use.

c. Nonprofit neighborhood social and recreational facilities.

d. Golf course.

e. Place of worship.

f. Family day care home.

g. Temporary sales offices.

(b) Height. No building or structure, or part thereof, shall be erected or altered to exceed two stories which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida

¹ Several “uses” were removed from the regulatory listing in this district because they are already permitted in the district, but addressed elsewhere in the Town Code. The uses removed from this district specific list, and the location of the current Town Code regulatory section are: 1) Accessory Uses and Structures (Town Code Chapter 30, Section 30-313); 2) Home office (Town Code Chapter 12, Section 12-24); 3) Yard sales (Town Code Chapter 14.5 Article I); 4) Outdoor event (Town Code Chapter 17 Article VIII); 5) Wireless communication facilities (Town Code Chapter 30, Section 30-325); and 6) Essential Services.

Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

(c) Residential setbacks.

(1) Front setback. No residence shall have a front setback of less than 25 feet from the front lot line.

(2) Side setback. No building or any part thereof shall be erected on any lot closer than 7.5 feet to either side lot line.

(3) Corner lot side setbacks. No residence shall have corner lot side setback abutting a street of less than 15 feet from the property line

(4) Rear setback. No residence or any part thereof shall have a rear setback of less than 15 feet.

(5) Roof overhangs. Front and rear roof overhangs, cornices, eaves, sills, columns, ornamental features, chimneys, and awnings may project 36 inches into a required setback except side roof overhangs may only extend within five feet from the property line.

(d) Non-residential setbacks.

(1) Front setback. No non-residential use shall have a front setback of less than 30 feet from the front lot line.

(2) Side setback. No non-residential building or any part thereof shall be erected on any lot closer than 15 feet to either side lot line.

(3) Corner lot side setback. No non-residential use shall have a corner lot side setback abutting a street of less than 15 feet to the property line.

(4) Rear setback. No non-residential building or any part thereof shall have a rear setback of less than 15 feet.

(5) Roof overhangs. Front and rear roof overhangs, cornices, or eaves for non-residential buildings may project or extend no more than 36 inches into a required setback except side roof overhangs may only extend within 12.5 feet from the property line.

(e) Minimum lot size. Each lot shall be at least 7,500 square feet in area.

(f) Maximum lot coverage. The combined area occupied by all buildings and roofed structures shall not exceed 40 percent of any individual lot area.

Subdivision DC. - RS-5 District Regulations

Sec. 30-211. - RS-5 district—South Residence~~residential single-family dwellings.~~

(a) Use.

(1) Permitted uses. No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single-family dwelling.

~~a.~~(2) Construction on lots of 80 feet or less in width shall be limited to one building to a lot.

~~b.~~(3) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.

(2) Conditional uses north of Pine Avenue.² The following uses may be permitted north of Pine Avenue, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Off-site parking lot, subject to section 30-320.

b. Community residential facility with adult day care permitted as an accessory use.

c. Nonprofit neighborhood social and recreational facilities.

d. Golf course.

e. Place of worship.

f. Family day care home.

g. Temporary sales offices.

(b) Height. No building shall be erected or altered exceeding two stories, which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

² Several “uses” were removed from the regulatory listing in this district because they are already permitted in the district, but addressed elsewhere in the Town Code. The uses removed from this district specific list, and the location of the current Town Code regulatory section are: 1) Accessory Uses and Structures (Town Code Chapter 30, Section 30-313); 2) Home office (Town Code Chapter 12, Section 12-24); 3) Yard sales (Town Code Chapter 14.5 Article I); 4) Outdoor event (Town Code Chapter 17 Article VIII); 5) Wireless communication facilities (Town Code Chapter 30, Section 30-325); and 6) Essential Services.

* * *

Subdivision ED. - RD-10 District Regulations

Sec. 30-221. - RD-10 district—Duplex.

* * *

(b) *Height.* No building shall be erected or altered exceeding two stories, which shall not be higher than 33 feet above normal grade level. As provided in [section 7.1\(1\)](#) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

* * *

Subdivision F. - RM-15 District Regulations

Sec. 30-222. -RM-15 district—Residential multi-family dwellings.

(a) Use.³

(1) Permitted uses. No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a multiple-family dwelling (three or more units).

(2) Conditional uses.

a. Single-family dwelling.

b. Two-family dwelling.

c. Townhouse.

d. Community residential facility with adult day care permitted as an accessory use.

e. Nonprofit neighborhood social and recreational facility.

³ The Term “Villa” was deleted from this list of permitted and conditional uses. The term was not defined in either the original Broward County Code or the Town Code and is encompassed within the Town’s definition of multi-family dwelling.

Several “uses” were removed from the regulatory listing in this district because they are already permitted in the district, but addressed elsewhere in the Town Code. The uses removed from this district specific list, and the location of the current Town Code regulatory section are: 1) Accessory Uses and Structures (Town Code Chapter 30, Section 30-313); 2) Home office (Town Code Chapter 12, Section 12-24); 3) Yard sales (Town Code Chapter 14.5 Article I); 4) Outdoor event (Town Code Chapter 17 Article VIII); 5) Wireless communication facilities (Town Code Chapter 30, Section 30-325); and 6) Essential Services.

- f. Golf course.
 - g. Places of worship.
 - h. Family day care home.
 - i. Child care facility.
 - j. Temporary sales office.
 - k. Bed and breakfast.
 - l. Off-site parking lots, subject to section 30-320.
- (3) Special accessory uses
 - a. Community residential facilities having 50 or more units may have restaurants, nightclubs, dining rooms or bars. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, dining room or bar.
 - b. Community residential facilities having 100 or more units may provide retail stores, personal service shops and convention facilities for guests or residents. Such uses shall be located within the principal building(s) and shall only be accessed through the main lobby of the facility.
 - c. The aggregate gross floor area of all permitted accessory uses shall not exceed 30 percent of the gross floor area of the principal building(s) on the plot.
- (b) Height. No building shall be erected or altered exceeding three stories, which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.
- (c) Residential setbacks.
 - (1) Front setback. No residence shall have a front setback of less than 25 feet from the front lot line.
 - (2) Side setback. No building or any part thereof shall be erected on any lot closer than 20 feet to either side lot line.
 - (3) Rear setback. No building or part thereof shall have a rear setback of less than five feet.
 - (4) Roof overhangs. Front and rear roof overhangs, cornices, eaves, sills, columns, ornamental features, chimneys, and awnings may project 36 inches

into a required setback except side roof overhangs may only extend within five feet from the property line.

(5) Corner lot side setbacks. Corner lot side setbacks abutting a street shall be 25 feet from the property line.

(d) Non-residential setbacks.

(1) Front setback. No non-residential use shall have a front setback of less than 30 feet from the front lot line.

(2) Side setback. No non-residential building or any part thereof shall be erected on any lot closer than 15 feet to either side lot line.

(3) Corner lot side setback. No non-residential use shall have a corner lot side setback abutting a street of less than 15 feet to the property line.

(4) Rear setback. No non-residential building or any part thereof shall have a rear setback of less than 15 feet.

(5) Roof overhangs. Front and rear roof overhangs, cornices, or eaves for non-residential buildings may project or extend no more than 36 inches into a required setback except side roof overhangs may only extend within 12.5 feet from the property line.

(e) Minimum lot size, maximum density and minimum lot dimensions.

(1) A minimum lot area of 2,904 square feet is required for each dwelling unit, not to exceed a density of 15 dwelling units per net acre.

(2) Every individual lot shall have at least one side that has a minimum dimension of 60 feet. The lot line that provides access to the lot must have a minimum dimension of 19 feet.

(f) Maximum lot coverage. The combined area occupied by all buildings and roofed structures shall not exceed 40 percent of any individual lot.

Subdivision G. - RM-16 District Regulations

Sec. 30-223. –RM-16 district—Residential multi-family medium density dwellings.

(a) Use⁴.

⁴ The Term “Villa” was deleted from this list of permitted and conditional uses. The term was not defined in either the original Broward County Code or the Town Code and is encompassed within the Town’s definition of multi-family dwelling.

Several “uses” were removed from the regulatory listing in this district because they are already permitted in the district, but addressed elsewhere in the Town Code. The uses removed from this district specific list, and the

(1) Permitted uses. No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used for one or more of the following uses:

a. Multiple-family dwelling.

b. Places of worship.

(2) Conditional uses. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Single-family dwelling.

b. Two-family dwelling.

c. Townhouse.

d. Community residential facility with adult day care permitted as an accessory use.

e. Nonprofit neighborhood social and recreational facility.

f. Golf course.

g. Family day care home.

h. Child care facility.

i. Temporary sales office.

j. Bed and breakfast.

k. Off-site parking lots subject to section 30-320.

(3) Special accessory uses.

a. Community residential facilities having 50 or more units may have restaurants, nightclubs, dining rooms or bars. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, dining room or bar.

b. Community residential facilities having 100 or more units may provide retail stores, personal service shops and convention facilities for guests or residents. Such uses shall be located within the principal building(s) and shall only be accessed through the main lobby of the facility.

c. The aggregate gross floor area of all permitted accessory uses shall not exceed 30 percent of the gross floor area of the principal building(s) on the plot.

location of the current Town Code regulatory section are: 1) Accessory Uses and Structures (Town Code Chapter 30, Section 30-313); 2) Home office (Town Code Chapter 12, Section 12-24); 3) Yard sales (Town Code Chapter 14.5 Article I); 4) Outdoor event (Town Code Chapter 17 Article VIII); 5) Wireless communication facilities (Town Code Chapter 30, Section 30-325); and 6) Essential Services.

(b) Height. No building shall be erected or altered exceeding three stories which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

(c) Residential setbacks.

(1) Front setback.

a. No nonresidential building shall have a front setback of less than 30 feet from the front lot line.

b. No residence shall have a front setback of less than 25 feet from the front lot line.

(2) Side setback.

a. Townhouses are not required to provide side yards on any common party wall plot line.

b. No building or any part thereof shall be erected on any lot closer than 20 feet to either side lot line.

(3) Rear setback. No building or any part thereof shall have a rear setback of less than five feet.

(4) Roof overhangs. Front and rear roof overhangs, cornices, eaves, sills, columns, ornamental features, chimneys, and awnings may project 36 inches into a required setback except side roof overhangs may only extend within five feet from the property line.

(5) Corner lot side setbacks. Corner lot side setbacks abutting a street shall be 25 feet from the property line.

(d) Non-residential setbacks.

(1) Front setback. No non-residential use shall have a front setback of less than 30 feet from the front lot line.

(2) Side setback. No non-residential building or any part thereof shall be erected on any lot closer than 15 feet to either side lot line.

(3) Corner lot side setback. No non-residential use shall have a corner lot side setback abutting a street of less than 15 feet to the property line.

(4) Rear setback. No non-residential building or any part thereof shall have a rear setback of less than 15 feet.

(5) Roof overhangs. Front and rear roof overhangs, cornices, or eaves for non-residential buildings may project or extend no more than 36 inches into a required setback except side roof overhangs may only extend within 12.5 feet from the property line.

(e) Minimum lot size, maximum density and minimum lot dimensions.

(1) A minimum lot area of 2,722 square feet is required for each dwelling unit, not to exceed a density of 16 dwelling units per net acre.

(2) Maximum density for category 3 community residential facilities shall be calculated as two (2) bedrooms equals one dwelling unit.

(3) Every individual lot shall have at least one side that has a minimum dimension of 60 feet. The lot line that provides access to the lot must be a minimum of 19 feet.

(4) The minimum lot size for all permitted nonresidential uses shall be one net acre, with a minimum street frontage of 150 feet, except that existing nonresidential buildings on lots which are less than one net acre may be expanded provided the expansion meets all requirements for setbacks, off-street parking, landscaping, and all other development standards in effect at the time of site plan submittal for the expansion.

(f) Maximum lot coverage. The combined area occupied by all buildings and roofed structures shall not exceed 65 percent of any individual lot for single-family dwellings and 40 percent for all other uses.

Subdivision H. - R-5 District Regulations

Sec. 30-252. - R-5 district—Hotel (20).

(a) Use⁵.

(1) Permitted use. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than multi-family dwelling.

⁵The “use” *Accessory Uses and Structures* was removed from the regulatory listing in this district because it is already permitted in the district, but addressed elsewhere in the Town Code. The location of the current Town Code regulatory section is Chapter 30, Section 30-313.

(2) Conditional uses. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Two, single-family dwellings.
- d. Residence on floating homes or vessels.
- e. Private office for doctor or dentist accessory to a dwelling subject to the standards in subsection (b), below.
- f. Rooming house with not more than four rooms for rent.
- g. Hotel, motel, tourist home, lodging house, boarding- house, villas, bungalow court.
- h. Private club, lodge, fraternity, sorority and other similar uses, not operated for profit.
- i. Publicly owned and operated library, art gallery or museum.
- j. Recreation buildings and facilities, playgrounds, playfields, parks, beaches, owned and operated by federal, state, county or municipal government.
- k. Golf course, subject to the requirements as set forth in subsection (c), below.
- l. Educational, recreational and social centers subject to the requirements as set forth in subsection (d), below.
- m. Church, and church or parochial school incidental to a church. Institutions of an educational, philanthropic or eleemosynary character, not operated for profit, other than penal or correctional institutions or vocational or trade schools.
- n. Colleges and universities offering courses of study leading to an academic degree and meeting the academic requirements of the Southern Association of Colleges and Secondary Schools.
- o. Nursery school or child care center subject to the requirements of subsection (e), below.
- p. Hospitals, sanitariums, convalescent homes, nursing homes.
- q. Orphanages, institutions for the aged, indigent or infirm, but not including the mentally ill.
- r. Existing cemetery, crematory or mausoleum.
- s. Existing railroad right-of-way, not including switching, freight, or storage tracks, yards, buildings or maintenance structure.

- t. Community garage.
 - u. Medical or dental office or clinic.
 - v. Sewerage or water treatment, pumping and storage plants to serve the surrounding residential area, subject to the requirements set forth in subsection (f), below.
 - w. Sewage lift or pumping stations, containing no treatment facilities, subject to the requirements as set forth in subsection (g), below.
 - x. Transformer substation subject to the requirements as set forth in subsection (h), below.
 - z. Off-site parking lots subject to section 30-320.
 - aa. Open parking lots subject to section 30-320(4) and the requirements as set forth in subsection (b)(8) below.
- (3) Special accessory uses.
- a. Hotel, apartment hotel and motels having 50 or more units may have restaurants, nightclubs, dining rooms or bars which are located in the main building and which are of such design and size as to cater primarily to the guests of the main use, subject to the provisions of all Town regulations.
 - b. Hotels, apartment hotels, multiple dwellings and motels having 100 or more guest rooms may have retail stores, personal service shops, offices and similar uses for the convenience of their guests.
 - c. The special accessory uses permitted under paragraphs a. and b. above shall be subject to the following limitations and requirements:
 - 1. Access to such special accessory uses shall be limited to the interior of the building, and there shall be no direct public access from the exterior of the building; provided that the doors for exit purposes only may be located in the exterior walls of the building.
 - 2. For each street front, one sign not to exceed 15 square feet in area shall be allowed for each 100 feet of street frontage or fraction thereof; but in no case shall the total of such signs exceed two signs per street frontage. Such signs shall be used to advertise the following accessory uses: restaurants, dining rooms and cocktail lounges. Such accessory uses may be advertised only upon these permitted signs.
 - 3. There shall be no show windows or displays relating to such special accessory uses on the exterior of the building or visible from any street, waterway, ocean front or adjacent property.

4. The space occupied by such special accessory uses shall be on the interior of the building, and there shall be no evidence or indication of the existence of such special accessory uses on or from the exterior of the building.

(b) Specific conditional use criteria.

(1) Accessory doctor or dentist office. A private office for a doctor or dentist accessory to dwelling may be permitted as a conditional use, subject to the following:

- a. Not more than one doctor or dentist shall practice in such office.
- b. The use shall comply with the requirements of Section 12-24.

(2) Golf course. A golf course may be approved as a conditional use subject to the following:

- a. Miniature golf and practice driving tee facilities are prohibited.
- b. A minimum area of 100 acres of land in one parcel and any accessory parking area, building or structure is required.
- c. The golf course must be located at least 100 feet from any other residentially zoned property.

(3) Education, recreation and social centers. An education, recreation or social center may be approved as a conditional use subject to the following:

- a. The use must be intended to serve the surrounding neighborhood.
- b. A minimum lot area of 40,000 square feet.
- c. Any buildings or roofed structure on a lot utilized for such use shall be located at least 50 feet from any other residentially zoned property.
- e. No parking area shall be located within 10 feet of any lot line.

(4) Nursery school or child care center. A nursery school or child care center may be approved as a conditional use subject to the following:

- a. The building shall be located at least 20 feet from any residentially zoned lot.
- b. One or more completely and securely fenced play lots must be provided, maintained and used for the children at play in connection with the use.
- c. If the play area is closer than 50 feet to any property line, it shall be screened by a masonry wall or compact evergreen hedge not less than

504 five feet in height, located not less than two feet from any other
505 residentially zoned lot.

506 (5) Sewerage or water treatment, pumping and storage plants may be permitted
507 as a conditional use subject to the following:

508 a. The lot shall not be less than 100 feet in width and 10,000 square feet in
509 area, and as large as necessary to provide required setback area.

510 b. No building or structure shall be located nearer to any other residentially
511 zoned property or to any street line than a distance equal to the height or
512 such building or structure.

513 c. No unenclosed sewage treatment facility shall be located nearer to any
514 street line than 125 feet nor nearer to any other residentially zoned
515 property than 175 feet.

516 d. No enclosed sewage treatment facility, or water pumping or treatment
517 facility, shall be located nearer than 35 feet to any street line or nearer
518 than 50 feet to any other residentially zoned property.

519 e. All lots shall have a landscaped setback area at least 35 feet in width or
520 depth adjacent to all street lines, and adjacent to all lot lines separating
521 the subject lot from other residentially zoned property. The landscaped
522 setback area shall not be used for any building, structure, fence, wall,
523 parking, storage or other use except that a fence not over five feet in
524 height may be erected in any such setback area at least 35 feet from any
525 street line. The landscaped setback area shall be planted with grass,
526 shrubbery and trees; and no part shall be paved or surfaced except for
527 minimum driveways and walkways for access. All landscaping shall be
528 maintained in a healthy, growing condition, properly trimmed and
529 watered.

530 f. All machinery, equipment and mechanical or electrical facilities shall be
531 so designed and operated as to minimize noise effects upon surrounding
532 residential properties.

533 g. Lots shall not be used for business, storage or service purposes for a
534 franchised area.

535 (6) Sewerage lift or pumping station. A sewerage lift or pumping station may be
536 permitted as a conditional use subject to the following:

537 a. Where the station is of the underground type, all parts of shall be at least
538 three feet below grade except for an access tube not over five feet in
539 maximum horizontal dimension, extending not over three feet above

grade, and meters and switches on a post extending not over five feet above grade. The access tube and meter or switch post may be located within a utility easement but not less than 15 feet from any street line. If not located in a utility easement, all such aboveground structures shall be at least 25 feet from any street line and at least 15 feet from any plot line.

b. Where the station is wholly or partially above grade, there shall be a setback of at least 30 feet from all residentially zoned property.

c. The lot shall be landscaped with grass, shrubbery and trees, which shall be kept in a healthy, growing condition, properly watered and trimmed.

(7) Transformer substation. A transformer substation may be permitted as a conditional use subject to the following:

a. The lot shall be provided with setbacks of at least 30 feet from all street lines and lot lines of other residentially zoned property, and a setback of at least 25 feet from a rear lot line.

b. The setback areas required under this subsection shall be fully landscaped with grass, shrubbery and trees, and shall not be used for any fences, wall, building or structure, except that a fence not over six feet in height may be erected at least 30 feet from any street line. Minimum driveways or walkways necessary for access may cross required yards.

c. All landscaped areas shall be maintained in a healthy, growing condition, properly watered and trimmed.

(8) Open parking lot. Open parking lots for parking of private, self-propelled passenger vehicles, not including buses, as a principal use may be approved as a conditional use subject to the following:

a. The lot shall provide a front yard not less than 25 feet in depth, nor less than the front yard of any existing residential structure immediately adjacent and on either side of the lot.

b. A side yard shall be provided on each side of the lot, except on an alley side, not less than ten feet in width.

c. An ornamental fence or wall four feet in height shall be placed between the parking area and the required yards and on the rear lot line, with only such openings as may be required for access.

d. The required front and side yards shall be planted and kept in lawn that

is maintained so as to present a healthy, neat and orderly appearance.
The required yards shall be kept free from refuse and debris.

e. No signs shall be permitted other than unlighted entrance and exit markers, not exceeding two square feet in area, located within the parking area.

f. The parking area shall be provided and maintained with a stable surface treated and graded so as to prevent dust and surface water accumulation.

g. If lighting is provided for the parking area, all lights shall be subdued, shaded and focused away from all dwellings.

h. No business of any kind, including repair, service, washing, sale, display or storage, shall be conducted on or from the plot.

(c) Height. No building shall be erected or altered exceeding three stories, which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height

(d) Setbacks.

(1) Front setback. No building shall have a front setback of less than 25 feet from the front lot line.

(2) Side setbacks. No building or any part thereof shall be erected on any lot closer than ten feet to either side lot line.

(3) Rear setback. Except as provided in subsection (k)(4) below, no building or any part thereof shall have a rear setback of less than 15 feet.

(4) Waterfront rear setback. No building or any part thereof shall have a rear setback abutting a waterway of less than 25 feet.

(5) Roof overhangs. Front and rear roof overhangs, cornices, eaves, sills, columns, ornamental features, chimneys, and awnings may project 36 inches into a required setback except side roof overhangs may only extend within five feet from the property line.

(6) Corner lot side setbacks. No building shall have a corner lot side setback abutting a street of less than 15 feet.

(e) Minimum lot size, maximum density and minimum lot dimensions

(1) Minimum lot width at the building line shall not be less than 60 feet.

(2) Minimum lot area shall be not less than 6,000 square feet.

(3) Residential density shall not exceed 20 dwelling units per net acre.
dwelling.

(f) Lot coverage. The combined area occupied by all main and accessory buildings
and structures shall not exceed 40 percent of the area of the plot for two-story
buildings or 50 percent for one-story buildings.

[Continued on following page]

Subdivision E. - RM-25 District Regulations

Sec. 30-241. - RM-25 district—Apartments and lodging.

(a) *Use.*⁶ 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 one or more of the following uses:

(1) *Permitted uses south of Pine Avenue:*

a. Apartment house; and

⁶ The Term “Villa” was deleted from this list of permitted and conditional uses. The term was not defined in either the original Broward County Code or the Town Code and is encompassed within the Town’s definition of multi-family dwelling

Several “uses” were removed from the regulatory listing for areas in this district North of Pine Avenue because they are already permitted in the district, but addressed elsewhere in the Town Code. The uses removed from this district specific list, and the location of the current Town Code regulatory section are: 1) Accessory Uses and Structures (Town Code Chapter 30, Section 30-313); 2) Home office (Town Code Chapter 12, Section 12-24); 3) Yard sales (Town Code Chapter 14.5 Article I); 4) Outdoor event (Town Code Chapter 17 Article VIII); 5) Wireless communication facilities (Town Code Chapter 30, Section 30-325); and 6) Essential Services.

b. Hotel.

(2) Permitted uses north of Pine Avenue⁷.

a. Multiple-family dwelling.

b. Hotel, motel or timeshare apartment.

c. Townhouse.

(3) Conditional uses south of Pine Avenue. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Single-family residence unless exempted by section 30-242(a)(4);

b. Duplex, unless exempted by section 30-242(a)(4); duplex development is subject to the notice requirement of section 30-221(f) (the reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses);

c. Group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);

d. Church or parish building;

e. Office of professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building.

(4) Conditional uses north of Pine Avenue. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Single-family dwelling

b. Two-family dwelling.

c. Community residential facility with adult day care permitted as an accessory use.

d. Nursing home, convalescent or rehabilitation home.

e. Golf course.

f. Places of worship.

g. Family day care home.

h. Child care facility.

i. Temporary sales office.

j. Bed and breakfast.

k. Off-site parking lots, subject to the requirements in section 30-320.

(53) *Temporary uses.* A temporary real estate sales office may be permitted on a site under the following conditions:

- a. The parcel has an active Town Commission approved site plan or building permit;
- b. There are adequate parking spaces for the sales use based upon the office parking requirements established in section 30-318 of the Town Code;
- c. The office does not exceed 1,000 square feet;
- d. The office is approved by the Town Commission in conjunction with the Commission's approval of the site plan, or by other separate consideration;
- e. The office shall not be allowed to remain in use for more than six months from the effective date of the temporary office approval or, if applicable, the related temporary office building permit, whichever is later, unless time extensions are granted by the Town Commission.

(64) *Special accessory uses.*

- a. Hotels, motels and apartment hotels located south of Pine Avenue, with a minimum of 100 dwelling units or more may provide restaurants and gift shops when the uses are an ancillary use to the primary hotels or residential use, subject to the following:

1. The maximum size of floor area of said uses, either individually or in total, shall not exceed 4,000 square feet or five percent of the total building floor area.

- b. Hotels, motels and community residential facilities located north of Pine Avenue may have the following accessory uses:

1. Hotels, motels and community residential facilities having 50 or more units may have restaurants, nightclubs, dining rooms or bars. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, dining room or bar.

699 2. Hotels, motels and community residential facilities having 100 or more
700 units may provide retail stores, personal service shops and convention
701 facilities for guests or residents. Such uses shall be located within the
702 principal building(s) and shall only be accessed through the main lobby
703 of the facility.

704 3. The aggregate gross floor area of all permitted accessory uses shall
705 not exceed 30 percent of the gross floor area of the principal
706 building(s) on the lot.

707 cb. Parking shall be permitted as an accessory use.

708 de. Bicycle parking when accessory to a hotel or apartment hotel use, shall be
709 permitted in lieu of providing required off-street parking, as specified in
710 section 30-318, Minimum parking requirements, (c) Hotels and motels.

711 ed. Vacation rental is a permitted accessory use if a vacation rental certificate is
712 first obtained pursuant to section 30-327.

713 (b) *Site plans to be approved.*

714 (1) Any development in the RM-25 district shall be permitted only upon review and
715 approval of plans for such development by the procedures provided in article IV
716 of this chapter.

717 (2) In reviewing development plans, the Planning and Zoning Board and Town
718 Commission shall consider the effect of the proposed development on existing
719 and future buildings in the vicinity and may impose conditions and restrictions
720 upon the construction, location and operation of any development, including but
721 not limited to lighting, building, setbacks, off-street parking and loading,
722 vehicular accessway and landscaping, as may be deemed necessary to
723 promote the general objective of this subdivision and to minimize any injury to
724 the value of the property in the neighborhood.

725 (3) All buildings or structures shall be of C.B.S. or reinforced concrete construction
726 and shall be designed with every practical consideration for appearance, safety,
727 fire protection, health, light and air.

728 (c) *Height.* No building shall be erected or altered exceeding three stories which shall
729 not be higher than 33 feet above normal grade level. As provided in section 7.1(1)
730 of the Charter, in accordance with the Florida Building Code, bulkheads and
731 penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or
732 ventilation or air conditioning apparatus shall not be included in determining building
733 height. All other roof structures, including parapet walls, shall not exceed four feet in
734 height above the maximum allowed building height.

(d) *Accessory rooftop uses.* The rooftop of a building may be used for passive recreational purposes subject to the following.

(1) *Requirements.* All passive recreational rooftop use shall satisfy the following:

a. *Definitions.* For purposes of this section, the following definitions will apply.

1. "Balcony" shall mean an unenclosed area that may or may not be covered in whole or in part by a roof, and that is directly accessible from, and an extension of, the habitable space that is at least 100 square feet in floor area on the same floor level.

2. "Rooftop" shall mean the exterior surface on the top of a building. "Rooftop" does not include:

i. A balcony; or

ii. An enclosed space, as defined by the Florida Building Code, on the top floor of a building.

3. "Transient uses" shall include such uses as hotel, motel, apartment building, condominium, or time share uses.

(2) *Area and setback.*

a. The area of the roof to be used shall be limited to 75 percent of the total square footage of the floor area below, including balconies;

b. The rooftop use shall be set back at least five feet from any roof edge that faces a private property line shared with a detached building; and

c. The rooftop use area shall be demarcated by physical barriers to restrict access to non-designated areas.

(3) *Structures.*

a. *Transient uses:* No permanent structures may be erected.

b. *Non-transient uses:* No permanent structures may be erected other than benches, planters and outdoor kitchens no larger than 30 square feet.

c. *Prohibited for all uses:* Permanent roofs, awnings and canopies, hot tubs and pools.

(4) *Temporary objects and furniture.*

a. Temporary objects or furniture shall not be visible when viewed at five feet above the grade of the adjacent right-of-way or waterway at any point within 125 feet from the building on which the rooftop use is located;

b. All parapets, railings and code-required safeguards shall remain free from towels or other temporary objects at all times;

c. All temporary objects or furniture are the responsibility of the property owner and shall be secured or removed from the rooftop when not in use so as to prevent them from being blown from the roof. Temporary objects and furniture shall be removed from the roof prior to a vacancy of more than 14 days.

(5) Passive recreational use activities shall be closed from 10:00 p.m. to 7:00 a.m.

(6) Upon the issuance of a "Hurricane Warning or "Hurricane Watch" by the Broward County Office of Emergency Management, the permittee shall forthwith remove and place indoors all tables, chairs, planters, umbrellas and other temporary objects or furniture located on the rooftop.

(e) *Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.

(f) *Size of buildings.* Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.

(g) *Buildings facing two streets.* Any building extending from street to street shall have two building fronts, and observe applicable setbacks on both streets with the exception of Block 30 between Datura Avenue and Hibiscus Avenue where the setback on Bougainvillea Drive shall be a minimum of 20 feet.

(h) *Setbacks.*

(1) *Front setbacks south of Pine Avenue.*

a. Except as provided in this subsection, no building shall be set closer than 25 feet to the street line upon which the front of said building shall face, provided that each building shall be considered as having one front, and provided that in no event shall the setback from the front line be greater than 35 feet.

b. In the case of a building being erected on a lot where there is a building on each of the adjacent lots, the setback need not be greater than that of the building set farthest back from the street line.

c. In the case of a building being erected on a lot where there is a building on only one adjacent lot, the setback need not be greater than ten feet more than the setback of the adjacent building.

(2) Front setbacks north of Pine Avenue.

a. Every individual plot used for nonresidential uses shall maintain a setback along any street side of at least 30 feet.

b. Every individual plot used for multiple-family dwellings consisting of three or more dwelling units shall maintain a setback along all street sides of at least 25 feet.

(32)Rear setbacks south of Pine Avenue.

a. *Structures east of El Mar Drive.* No part of any building or seawall on the east side of El Mar Drive shall extend eastward from El Mar Drive to a distance greater than the distance specifically shown for the respective lots in the tabulation set out in this subsection:

Block	Lot	Feet
1(A)	1	137
	2	137
	3	137
	4	137
	5	137
	6	137
	7	137
	8	138
	9	139
	10	140
	11	141
2	1	146
	2	146
	3	146
	4	146
	5	146
	6	146

Exhibit A

	7	146
	8	146
	9	147
	10	148
	11	149
	12	150
3	1	152
	2	153
	3	154
	4	155
	5	158
	6	161
	7	164
	8	167
	9	170
	10	173
	11	177
	12	178
4	1	179
	2	184
	3	189
	4	194
	5	199
	6	200
	7	200
	8	200
	9	201
	10	201
	11	201
	12	201
5	7	201
6	7	201
7	1	210
	2	203
	3	196
	4	192

Exhibit A

	5	188
	6	184
	7	179
	8	173
	9	167
	10	161
	11	155
	12	149
	13	143
8	1	138
	2	131
	3	125
	4	125
	5	125
	6	125
	7	121
	8	117
	9	113
	10	109
	11	105
	12	101
	13	106
	14	111
	15	117
	16	122
	17	127
9	1	136
	2	136
	3	136
	4	136
	5	136
	6	136
	7	136
	8	136
	9	136
	10	137

	11	138
	12	139
	13	140
	14	140
	15	142
	16	143
	17	144

818

819 b. *All other structures south of Pine Avenue*. No building or any part thereof
820 shall be erected on any lot closer than ten feet from the rear lot line,
821 provided that where the height of the building exceeds 22 feet, the ten-foot
822 minimum setback shall be increased by one foot for each four feet by which
823 the height of the building exceeds 22 feet.

824 (4) Rear setbacks north of Pine Avenue. No building or any part thereof shall be
825 erected on any lot closer than five feet from the rear lot line.

826 (5) Rear oceanfront setbacks. Notwithstanding the setback requirements
827 hereinbefore specified, all new buildings or additions to existing buildings shall
828 be located a minimum of 50 feet landwards of the mean high waterline of the
829 Atlantic Ocean, as required by the Florida Department of Environmental
830 Protection.

831 (6) Side setbacks south of Pine Avenue.

832 a. *Corner setback*. For a corner lot, the setback from the side street line shall
833 be not less than ten feet, provided that if the height of the building exceeds
834 22 feet the setback shall be 15 feet.

835 b. (4) Side setbacks. Side setbacks shall not be less than ten feet, with the
836 proviso that if the height of the building exceeds 22 feet, the ten-foot
837 setback shall be increased by one foot for every two feet by which the
838 height of the building exceeds 22 feet.

839 c. (5) Waterfront setback. No residence or accessory building thereof shall have
840 a rear or side setback abutting the Intracoastal or an inland waterway, of
841 less than 12 feet from the property line.

842 (7) Side setbacks north of Pine Avenue.

843 a. *Corner setback*. For a corner lot, the setback from the side street shall be
844 not less than 25 feet.

845 b. *Side setbacks*. Side setbacks shall not be less than 20 feet.

(86) *Roof overhangs.*

- a. Front roof overhangs, cornices, eaves or balconies may encroach into the front yard setback no more than five feet.
- b. Side roof overhangs, cornices, eaves or balconies may not encroach closer than five feet to the side property line.
- c. Rear roof overhangs, cornices, eaves or balconies shall not extend closer than two feet to the rear property line.

(i) *View corridors.* Oceanfront development and redevelopment located east of El Mar Drive shall create and preserve view corridors to the ocean.

(1) *Location and size.*

- a. All side setbacks shall be designed as view corridors;
- b. A site shall provide view corridors that are no less than one foot in width for each ten feet of building length, provided that no view corridor shall be less than ten feet wide or if the property's side setback is less than ten feet, the width of the side setback;
- c. There shall be a view corridor provided on each side of each principal building on a multi-building site.

(2) *View requirements.* View corridors shall maintain a clear view from four feet to 12 feet above ground and shall be unencumbered with any structure, roadway, off-street parking area or landscaping that blocks the viewpoint of a pedestrian from the El Mar Drive right-of-way.

- a. The view corridor shall extend the full east to west length of the site.
- b. Bridges or corridors that are not fully enclosed and architectural features including roof overhangs that are 12 feet or more above ground shall be allowed within view corridors.
- c. There shall be no accessory structures, furniture, umbrellas, opaque fences, hedges or ground foliage, whether temporary or permanent in nature, in excess of four feet in any view corridor.
- d. All trees in the view corridor over four feet in height shall provide a clear trunk space of a minimum of 12 feet.

(j) *Length of building.*

- (1) No building shall be erected or altered to a length exceeding 200 lineal feet.

- (2) Bridges or corridors that are 12 feet or more above ground and are not fully enclosed shall not be counted towards the maximum building length if the buildings that they connect are at least ten feet apart.

(k) Density and lot area.

- (1) Required lot area shall be at least 1,742 feet per multiple-family kitchen dwelling unit and at least 871 square feet per hotel room (1,742 square feet for condominium).

- (2) Every individual lot north of Pine Avenue shall have at least one side which has a minimum dimension of 60 feet. The plot line which provides access to the plot must be a minimum of 19 feet.

- (3) The minimum lot size for all permitted nonresidential uses north of Pine Avenue shall be one net acre, with a minimum street frontage of 150 feet.

- (4) Existing nonresidential buildings on lots which are less than one net acre or do not meet the minimum street frontage may be expanded provided the expansion meets all requirements for setbacks, off-street parking, landscaping, and all other development standards in effect at the time of site plan submittal for the expansion.

- (5) Net density of development shall not exceed 25 kitchen dwelling units or 50 hotel rooms per acre of site (25 units per acre for condominiums and apartments).

- (6) In computing the permissible number of units for a given site, one-half or more of a unit shall be counted and permitted as a full unit in meeting density limits.

- (7) The square footage defined herein is intended to prohibit the flexibility of rental units constructed in RM-25 zoned areas contrary to the intent of the Zoning Code. Each unit or room with an attached bath and separate door leading to the outside or to a corridor, alley, or other outside exit shall be considered one rental accommodation unit.

- (8) Maximum density for category 3 community residential facilities shall be calculated as two (2) bedrooms equals one dwelling unit.

- (l) *Number of buildings.* Construction shall be limited to one building on lots of 80 feet or less in width.

(m) *Minimum building and dwelling unit sizes.*

- (1) South of Pine Avenue. No building shall be erected on any lot, 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/or 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/or carports.

(2) North of Pine Avenue. The following minimum floor areas per dwelling unit shall be provided:

a. multiple-family: 600 square feet

efficiency: 400 square feet

b. hotel room: 200 square feet

(n) Maximum lot coverage north of Pine Avenue. The combined area occupied by all buildings and roofed structures on lots located north of Pine Avenue shall not exceed 40 percent of the lot area.

Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60 feet in width or less in the RM-25 districts south of Pine Avenue.

These provisions are intended to encourage the redevelopment of property within the Town. These provisions shall apply only to existing lots or plots of 60 feet or less in width west of or fronting on Bougainvilla Drive. These provisions shall not be applicable to lots or plots that are created by the subdivision of wider lots or plots. The provisions of the Town's Land Development Code shall continue to apply, especially those pertaining to the development within an RM-25 district, except that the provisions herein set forth shall apply to the redevelopment of lots or plots 60 feet in width or less to the extent of a conflict.

(a) *Density.*

(1) Lots or plots with less than or equal to 140 feet in depth shall be limited to two dwelling units per lot or plot with a minimum of 1,800 square feet of living area in each dwelling unit;

(2) Lots or plots greater than 140 feet in depth shall be limited to three dwelling units per lot or plot with a minimum of 2,000 square feet of living area in each dwelling unit.

(3) Hotel, motel or short-term tenancy units are a prohibited use for such lots or plots west of Bougainvilla Drive.

(4) Single family and duplex dwellings are exempt from the conditional use approval requirements established in 30-241(a)(2), but are subject to the notice requirement of section 30-221(f).

(5) The reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses and structures.

(b) *Setbacks.*

(1) *Front setback* . No building shall be set closer than 25 feet to the street line upon which the front of said building shall face, provided that each building shall be considered as having one front, and provided that in no event shall the setback from the front line be greater than 35 feet unless approval is given by the Board of Adjustment. Balconies and roof overhangs may encroach no closer than 20 feet to the front property line.

(2) *Side setbacks.* Side setbacks shall not be less than five feet. No building encroachments or overhangs may encroach with five feet of the side lot line. Any portion of the building that exceeds 22 feet in height shall have an additional side setback of one foot for each two feet of height exceeding 22 feet. Parapet walls and ornamental features not exceeding four feet in height above a flat roof shall be exempt from the additional setback requirement. Lots on the intracoastal or inland waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12 feet from the seawall.

(3) *Rear setback.* The land development regulations regulating rear setbacks in the development of an RM-25 district shall apply to the redevelopment of 50-foot lots unchanged.

(c) *Minimum ground floor area.* The minimum ground floor area requirements of the Land Development Code as applied to an RM-25 district shall not apply. Instead the minimum square feet of living area shall be:

(1) Lots or plots with less than or equal to 140 feet in depth shall have a minimum of 1,800 square feet of living area under air conditioning in each dwelling unit;

(2) Lots or plots greater than 140 feet in depth shall have a minimum of 2,000 square feet of living area under air conditioning in each dwelling unit.

(d) *Parking.* Except as modified herein, the parking provisions of sections 30-241 and 30-313 of the Town's Code of Ordinances shall remain in effect.

(1) The minimum width shall be ten feet for a one-way driveway and 20 feet for a two-way driveway.

(2) The minimum back-up dimension for a driveway serving a garage or parking space shall be 24 feet.

- (e) *Landscape strip*. There shall be a landscape strip abutting all pavement adjacent to the property line measuring a minimum of 2.5 feet in width, except for permitted driveway connections to the street.

Secs. 30-243—30-250. - Reserved.

Subdivision JF. - RM-50 District Regulations

Sec. 30-251. – RM-50 district –~~Hotel~~Residential - high density.

* * *

Subdivision K. - PUD District Regulations

Sec. 30-252. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

(a) *Applicability*. This section applies to the existing PUD currently known as the Cabana Bay Village Condominium as approved by Broward County, legally described as Tract “A” of the Assumption Plat, recorded in Plat Book 123 at Page 47 of the Broward County, Florida Public Records. The PUD District is included in this Chapter exclusively for said property and shall not be utilized in the rezoning of any other property within the Town.

(b) *Objectives*. In order to promote planned infill development or redevelopment, allow greater freedom of design, improve the opportunity for flexibility and creativity in land development, and achieve the intent of land use regulations, this district is established to:

- (1) Encourage provision of planned residential communities in accordance with an approved comprehensive development plan.
- (2) Allow diversification of uses, structures and open spaces when not in conflict with existing and permitted land uses on abutting properties.
- (3) Provide maximum opportunity for application of innovative site planning concepts to the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate size, shape and location.
- (4) Ensure that development will occur according to limitations of land use, site design, population density, building coverage, improvement standards and construction phasing authorized through approval of a comprehensive development plan.

(c) *Permitted uses*.

- (1) *Residential Uses*:

a. Single-family attached and detached dwellings, and multiple-family dwellings.

b. Adult congregate living facilities

c. Planned residential communities. Supporting commercial and special uses may also be permitted within an approved residential planned unit development district when complementary to, compatible with and required for the orderly operation of the planned community.

(2) Nonresidential Uses:

a. Planned commercial centers. Supporting noncommercial and special uses may also be permitted within an approved commercial planned unit development district when complementary to, compatible with and required for the orderly operation of a commercial center.

b. Planned industrial parks. Supporting nonindustrial and special uses may also be permitted within an approved industrial planned unit development district when complementary to, compatible with and required for the orderly operation of a planned park.

c. Planned special complexes. Recreational, cultural, educational or other similar uses may also be permitted within an approved special planned unit development district when complementary to, compatible with and required for the orderly operation of planned complexes.

d. Retail sales, including food and beverage service; automobile service station.

e. Personal services and household appliance repair services. Dry cleaning shall be done within completely enclosed solvent-reclaiming units.

f. Business and professional office, medical facilities, funeral homes, private and commercial schools.

g. Marine facilities.

(3) Hotels, Motels and Restaurants: Hotels, motels and restaurants may be permitted upon a consideration of the following criteria:

a. The total acreage used for said hotel, motel and restaurant, including necessary parking, support buildings and grounds appurtenances, shall not be considered common open space and shall be included within the maximum total acreage permitted under this section for commercial use.

b. The trafficway system in the area adjacent to said use shall be adequate to support the anticipated traffic to be generated by the hotel, motel or

restaurant.

c. The area of said use shall be calculated as part of the total commercial acreage permitted, and the density shall not exceed 40 hotel-motel units per gross acre as per special area delineated on the development plan.

(d) Common open space.

(1) All common open space shall be preserved for its intended purpose as expressed in the approved site plan. Common open space shall be conveyed to trustees provided in an indenture establishing an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development so that the common open space will be used as specified on the development plan and to ensure the maintenance of all common open space.

(2) All privately owned common open space shall conform to its intended use and remain as expressed in the approved site plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners.

(3) All common open space shall be improved to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the planned unit development.

(4) All common open space as well as public and recreational facilities shall be specifically included in the development plan schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures. If the Town determines that the rate of construction of dwelling units is greater than the rate at which common open spaces and recreational facilities have been constructed and provided, no further residential permits shall be issued until the proper ratio has been provided.

(5) The association or nonprofit corporation responsible for administering the common open space shall conform to the following requirements:

a. The developer shall establish, by charter, the association or nonprofit corporation prior to any sale.

b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the planned unit development, and said association or corporation shall not discriminate in its members or shareholders.

c. The association or nonprofit corporation shall manage all common open

space and recreational and cultural facilities which are not dedicated to the public and shall provide for the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned.

(e) Land use regulations. The land use regulations are as follows:

(1) Floor Area Ratio (FAR): FAR is the permitted residential square foot amount of floor area of buildings per square foot of land area in the planned unit development site. FAR times the total square footage of land area equals the maximum floor area permitted in the planned unit development. The maximum allowable FAR for the PUD is 0.65.

(2) Open. Space Ratio (OSR): OSR is the minimum required square foot amount of land area which must remain open space, without buildings, but including paved area, per square foot of residential floor area. OSR times the total square footage of floor area equals the minimum open space required. The minimum required OSR for the PUD is 1.1.

(3) Livability Space Ratio (LSR): LSR is the required square foot amount of open space which is not used for vehicular purposes, i.e., driveways and parking, per square foot of floor area. LSR times the total square footage of residential floor area equals the minimum livability space required. The minimum required LSR for the PUD is 0.61.

(4) Minimum Lot Area, Distance Between Structures, Frontage and Setbacks.

a. No minimum lot size shall be required within a planned unit development district.

b. No minimum distance between structures shall be required within a planned unit development district.

c. Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach, private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a dedicated road. The Town shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct county services, and to generally ensure the health and safety of the residents of the planned unit development.

d. There are no required setbacks or yards except that there shall be a setback or yard not less than 25 feet in depth abutting all public road

rights-of- way within or abutting a planned unit development district.

(f) All lots, tracts or parcels of a subdivided or resubdivided planned unit development are to be controlled by the approved site plan rather than by the provisions of the zoning code. The provisions governing changes in the approved site plan will apply.

(g) Compatibility Zone. Within 150 feet of the interior perimeter of the planned unit development district, use, setback, height and plot coverage requirements shall be at least as restrictive as the adjacent zoning or as indicated by established adjacent development.

(h) Maximum Length of Structures. No maximum length of structures shall be required within a planned unit development district.

(i) Off-Street Parking Requirements. Off-street parking shall meet all requirements of section 30-318.

(j) Landscaping. Landscaping shall meet all requirements of Article VII.

(k) Underground Utilities. Within the planned unit development, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping with shrubs and plants to screen all utility facilities permitted above ground.

(l) Approval. An applicant for a planned unit development shall apply submit a master site plan encompassing the entirety of the planned unit development, including all phases, pursuant to and consistent with the requirements of this section and Chapter 30, Article IV, Division 2. "Site Plan Procedures and Requirements." Such site plan shall specify and clearly illustrate the location, relationship, design nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.

(m) Professional Services Required. Any site plan submitted as part of an application for a planned unit development shall certify that the services of two or more of the following professionals were utilized in the design or planning process:

(1) A planner who possesses the education and experience to qualify for full membership in the American Institute of Planning, and/or

(2) A landscape architect registered by the State of Florida, and/or

(3) An architect licensed by the State of Florida, together with

(4) A professional engineer registered by the State of Florida, and trained in the field of civil engineering, and/or

(5) A land surveyor registered by the State of Florida.

(n) Conformance to approved plan.

(1) No building permit for a particular phase of a planned unit development shall be issued for such phase of the planned unit development until a final site plan for that particular phase of the planned unit development reflecting the following is approved by the Town:

a. All dedicated and private streets.

b. All proposed lots, parcels or tracts, including dimensions, lot, tract or parcel numbers and type of structures or uses.

c. Common open space and recreational areas.

d. Maximum plot coverage per lot, tract or parcel.

e. Minimum setbacks from individual lot, tract or parcel boundaries.

f. Minimum separation between any two buildings on the same lot, tract or parcel.

g. Maximum height of any proposed structure.

h. Maximum density.

i. All easements.

(2) All development shall be in conformance with the approved site plan.

Subdivision LG. – B-1A District Regulations

Subdivision MH. – B-1 District Regulations

Subdivision NI. – Reserved

Subdivision OJ. – CF District – Community Facilities

Subdivision PK. – P District – Recreation and Open Space

Subdivision QL. - Supplemental Regulations

Sec. 30-313. - General provisions.

(a) Drainage facilities.

(b) Use of buildings.

- 1191 (c) Moving of buildings.
- 1192 (d) Fences, walls and hedges.
- 1193 (e) Regulations applicable to El Mar Drive.
- 1194 (f) Use, public areas.
- 1195 (g) Aesthetic design.
- 1196 (h) Two fronts.
- 1197 (i) Standards for driveways and swales.
- 1198 (j) ~~Reserved~~ Groins, seawalls and breakwaters.
- 1199 (k) Reserved.
- 1200 (l) Paving drainfield areas.
- 1201 (m) Satellite television antennas and dishes.
- 1202 (n) Lighting.
- 1203 (o) Control of lighting for protection of sea turtle nesting areas.
- 1204 (p) Elevation of filled land.
- 1205 (q) Swimming pools, pool decks, patios, hot tubs and spas; [setbacks and enclosure
- 1206 required].
- 1207 (r) Decks.
- 1208 (s) Other mechanical and plumbing equipment [setback requirements].
- 1209 (t) Accessory buildings and structures.
- 1210 (u) Generator [and fuel storage tank] regulations.
- 1211 (v) Window screening for vacant storefronts.
- 1212 (w) Rooftop photovoltaic solar systems.
- 1213 These general provisions shall govern development within the corporate limits of the
- 1214 Town, as follows:
 - 1215 (a) *Drainage facilities.* All improved property, whether new construction or
 - 1216 renovation or repair of present property, must provide adequate drainage
 - 1217 facilities and drainage fields and all well and drainage locations must be shown
 - 1218 on a site plan in accordance with all applicable regulations.
- 1219 * * *
- 1220 (j) ~~Reserved.~~ Groins, seawalls and breakwaters.

(1) The approval of the U.S. Army Corp of Engineers must be obtained for any encroachment into the waters of the Atlantic Ocean or any other navigable waterway.

(2) Seawalls shall be of the sloping, high energy-absorbing type, or of a vertical type with high energy-absorbing, rubble mound on the ocean or waterway side of the vertical wall. The top or bottom of a sloping seawall shall not be located closer than 100 feet from mean low water shoreline.

* * *

(n) *Lighting.* Where lighting facilities are provided for parking areas, they shall be designed and installed so as to reflect the light away from any contiguous residential zoned property (see subsection 30-317(i) for parking facility lighting requirements).

* * *

(t) *Accessory buildings and structures.*

(1) On a lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory uses and structures.

(2) Accessory buildings may not exceed one story on any lot containing a single-family, duplex or townhouse dwelling unit.

(3) Accessory buildings shall not exceed half the height of any principal building or 12 feet whichever is more, on lots containing multiple-family dwellings other than townhomes. On any plot containing grouped dwellings, other than townhomes, of varying heights, accessory buildings shall not exceed half the height of the lowest building on the plot or 12 feet whichever is more.

(4) The aggregate floor area of all accessory buildings shall not exceed five percent of the plot area.

(5) No accessory building shall contain more than 50 percent of the floor area of the principal building.

(6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory building in the commercial zoning district.

* * *

Sec. 30-317. - Design standards.

* * *

(i) Lighting. All off-street parking facilities serving multiple-family residential developments containing eight or more dwelling units and serving all non-residentially zoned or used properties shall be illuminated in accordance with the following standards.

(1) For the purpose of this subsection, open-air parking areas shall include the parking surface of open parking lots and accessways thereto at grade level. Enclosed parking facilities shall include multi-level parking garages and enclosed grade level parking facilities.

(2) Intensity of illumination:

a. Open-air parking areas shall provide an average illumination intensity of one footcandle equal to one lumen per square foot, and shall be well distributed on the pavement areas and pedestrian walkways; however, at no point shall illumination be less than one-quarter of a footcandle.

b. Enclosed parking areas shall provide an average illumination intensity of 50 footcandles at the entrance, ten footcandles in traffic lanes and five footcandles in vehicle parking areas.

c. Automatic teller machines (ATM) shall be provided with a maintained minimum of three footcandles of light measured at grade level. Parking areas that serve the ATM must also meet the three footcandle standard.

d. The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, 345 East 47 Street, New York, New York, 10017, is the standard to be used by the architect or engineer as a guide for the design and testing of parking area lighting.

e. Overspill of lighting onto adjacent properties or rights-of-way shall not exceed three footcandles vertical and shall not exceed one footcandle horizontal illumination measured at grade level. All lighting must be shaded or screened and positioned in such a manner as to reflect the light away from any contiguous residential zoned property pursuant to subsection 30-313 (j), and to minimize offensiveness to persons on all other neighboring properties and temporary blinding of drivers of vehicles passing illuminated property.

f. All required illumination shall be controlled by automatic devices. The required illumination for open-air parking areas shall operate from dusk to dawn with one-half light levels permitted from midnight to dawn. Enclosed

parking areas shall maintain the lighting levels specified in this section 24 hours a day either by operating lighting at all times, or at all such times as would be required to maintain the required lighting levels.

g. Lighting shall comply with requirements of subsection 30-313(o) for the protection of sea turtle nesting areas.

(3) Compliance requirements:

a. A conceptual parking facility lighting plan, showing the general location and type of lighting proposed, shall be submitted with any application for final site plan approval. Prior to the issuance of a development order for a building permit, a parking facility lighting plan prepared by a registered architect or engineer shall be submitted for new construction, additions to existing buildings, changes of use, or expansion or reconfiguration of parking areas. The lighting plan shall be certified by the registered architect or engineer as providing illumination in accordance with the minimum standards set forth in this subsection.

b. Subsequent construction must comply with the lighting plan.

c. As a prerequisite to the issuance of final approval of any parking facility and of the lighting installation, and further, prior to the lighting installation being placed in permanent use, a letter of compliance from a registered professional engineer shall be provided to the Director stating that the installation has been field checked and meets the requirements of this section.

(4) Maintenance requirements: All lighting installations required by this subsection shall be maintained in compliance with the minimum illumination requirements specified herein by the owners and occupants of the property.

* * *

Sec. 30-320. - Parking other than on-site location.

(a) Regulation of required parking, shared parking and off-site required parking.
Parking spaces shall be located as follows:

(1) *Onsite:* Required parking spaces may be located upon the same plot or parcel of land the parking area is intended to serve.

(2) *Off-site:* Required parking spaces may be located offsite, upon a plot of land owned or leased by the same person or business entity that owns the business which is served by the parking spaces that is:

~~a.~~(i) Located within the Town's corporate limits and zoned for business use; or

- b.(ii) Located in an RM-25 district, when the lot is adjacent to the business use;
or
- c.(iii) On an RM-25 lot located within 50 feet of the RM-25 lot utilized for parking
for the business under subsection (2)(ii) above.
- d. On a lot located north of Pine Avenue which is zoned RS-4, RS-5, RM-15,
RM-16, or RM-25 and located within 500 feet of a nonresidentially used lot,
if approved as a conditional use and subject to the following:
1. No more than 25 percent of the required parking for the nonresidentially
used not may be provided on the off-site lot.
 2. Except as provided in subparagraph 8. of this subsection, the minimum
lot size for off-site parking lots shall be 10,000 square feet of net area
with a minimum street frontage of 100 feet on a public right-of-way at
least 60 feet in width which is designated as a collector or arterial road
on the Broward County Trafficways Plan.
 3. Except as provided in subparagraph 8. of this subsection, access to the
parking lot shall only be from the designated collector or arterial road.
 4. A landscape buffer at least ten feet in depth shall be provided on all
sides of the plot.
 5. A decorative, translucent visual barrier shall be provided at least two
and one-half feet inside the perimeter of the required landscape buffer
on any side which is contiguous to a residential district. The minimum
height of such visual barrier shall be four feet and the maximum height
shall be eight feet measured from the established grade. The visual
barrier shall be in one of the following forms:
 - (i) A translucent fence or wall; or
 - (ii) Landscape material dense enough to provide only translucent
visibility.
 6. The off-site parking facility must comply with all requirements of Section
30-314, Off-Street Parking; general requirements.
 7. No signs shall be permitted except entrance or exit signs or signs
identifying the purpose of the off-site parking lot. Such signs shall be no
larger than six square feet and not higher than four feet above the
ground unless affixed flush on the required visual barrier. No exterior
illumination of such signs shall be permitted.

1361 8. Off-site parking lots shall be used only for the temporary parking of
1362 operable, currently licensed private passenger vehicles of patrons of the
1363 nonresidentially used property which the parking lot serves.

1364 9. Where a residentially zoned plot used for off-site parking is contiguous
1365 to or separated from the nonresidentially used property it serves by a
1366 dedicated alley, such plot may be used for all or any portion of required
1367 parking for the nonresidentially used plot it serves. The provisions of
1368 paragraphs 2. and 3. of this section shall not be applicable, provided the
1369 off-site parking is accessed only from the dedicated alley or from the
1370 nonresidential plot it serves.

1371 (3) *Shared:* Required parking spaces may be permitted to be utilized for meeting
1372 the parking requirements of two or more separate permitted uses, when it is
1373 clearly established by the applicant that the two or more uses will utilize the
1374 spaces at different times of the day, as follows:

1375 a.(i) Location. The two or more separate permitted uses must be on adjacent
1376 lots, in a complex, or on a unified development site.

1377 b.(ii) Study. The applicant shall prepare a Shared Parking Study, using a
1378 methodology approved by the Town Manager, establishing the peak
1379 parking requirements of the permitted uses, based on a time of day
1380 occupancy analysis. The results of the Study must be approved by the
1381 Town Commission.

1382 c.(iii) Change of hours. Any modification of the business hours of any of the
1383 businesses that results in a parking usage overlap shall result in revocation
1384 of the approval, or enforcement by the Town of the Shared Parking
1385 Agreement required below, or both.

1386 (4) *Requirements:* Required parking which is off-site or shared parking must
1387 comply with the following:

1388 a.(i) Users. Required parking is for the convenience of the employees, patrons
1389 or guests of the use providing the required parking.

1390 b.(ii) Overnight parking. Overnight parking of any size truck, commercial van, or
1391 trailer shall be prohibited as provided in Chapter 19, Article II of the Code of
1392 Ordinances.

1393 c.(iii) Fencing of parking lots in RM-25 district. Parking lots in the RM-25 district
1394 shall be enclosed by a ventilated concrete fence or hedge of not less than
1395 42 inches nor more than 72 inches in height to conceal such parking.

1396 d.(iv) Agreement required. Use of either off-site or shared parking to meet
1397 required parking, wherever located, requires a Shared Parking Agreement
1398 between the owner of the use and the owner of the parking spaces. The
1399 Shared Parking Agreement must be in writing, provide cross access and
1400 ingress and egress if necessary, and provide for maintenance of the

parking and enforcement of the Agreement. The Agreement shall run to the benefit of the Town and shall be binding upon any heirs, successors and assigns. The Agreement shall include a provision whereby the owner of the use acknowledges that the continued validity of the use is contingent on a valid Shared Parking Agreement, and that termination of the Agreement shall result in revocation of the approval of the use, unless alternative parking is provided to meet the minimum parking requirement of the Town Code within 90 days of notice of termination. The Agreement may be terminated only upon agreement of the Town Manager or his or her designee, which may be granted if (a) each property standing on its own satisfies the off-street parking requirements established by the code, or (b) Town or other off-street facilities will be provided within 90 days which meet the requirements of this article. A lease or rental agreement may be utilized as a Shared Parking Agreement if it meets the requirements of this section. Any Agreement pursuant to this section must be in a form approved by the Town Attorney and shall be recorded in the public records of Broward County.

Sec. 30-507. - Restrictions and standards by sign type.

* * *

(g) Monument identification sign.

(1) Monument identification signs south of Pine Avenue, and all such signs in the RM-50 District, shall comply with the following standards in addition to the standards in paragraph (3):

a.(1)One monument identification sign with one or two faces, is permitted per street frontage, when located on a plot with 200 feet or greater of continuous frontage on the same street;

b.(2)A monument sign shall not exceed six feet in height or 32 square feet in sign area and shall be set back at least ten feet from any public street right-of-way;

(2) Monument identification signs north of Pine Avenue in the RM-15, RM-16 and RM-25 districts shall comply with the following standards in addition to the standards in paragraph (3):

a. Sign structure. The supporting structure of a monument sign shall not be less in width than 20 percent of the width of the sign face, inclusive of any box, cabinet or frame. The supporting structure for sign faces, inclusive of any box, cabinet or frame, which are less than nine feet in width, may be less than 20 percent of the width of the sign face but not

less than 18 inches. No copy shall be permitted on the supporting structure other than the building address.

b. Minimum clearance. All monument signs having a supporting structure less in width than the sign face, inclusive of any box, cabinet, border or frame, shall maintain a minimum vertical clearance of eight feet, except that such signs eight feet in height or less shall maintain a maximum vertical clearance of three feet. Vertical clearance shall be measured from the sidewalk adjacent to the sign or, in the absence of sidewalks, measured from the crown of the right-of-way adjacent to the sign, to the bottom of the box, cabinet, border or frame of the sign face.

(3) All monument identifications signs shall comply with the following requirements:

a.(3)No monument sign may be placed within 30 feet of a street intersection or in any location that would obstruct cross-visibility at a driveway intersection or would obstruct cross-visibility for back-out parking; and

b.(4)A monument sign shall be perpendicular to the ground and may be perpendicular or parallel to the primary building façade.

* * *

Sec. 30-508. - Sign regulations by zoning district.

(a) RS-4, RS-5 and RD-10 districts. Only the following types of signs are permitted within the RS-4, RS-5 and RD-10 zoning districts, subject to the limitations and requirements contained in the definitions and restrictions and standards by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

(1) Private informational, directional, and similar signs.

(2) *Subdivision and residential development identification signs* : Only if location previously approved by the Town Commission pursuant to site plan approval procedures.

(3) In addition, no more than two temporary signs, including any exempt temporary signs, shall be permitted on any single plot at the same time.

(b) RM-15, RM-16, RM-25, and RM-50, and R-5 districts. Single-family and duplex residences and plots located in the RM-25 district shall be subject to the sign regulations as listed for the RS-4, RS-5 and RD-10 districts listed above.

Only the following types of signs are permitted within the RM-15, RM-16, RM-25, and RM-50 and R-5 districts, subject to the limitations and requirements contained in the definitions and restrictions and standards by sign type and the general design standards sections of these regulations, and subject to the additional limitations stated below:

(1) Private informational, wayfinding, directional, and similar signs.

(2) *Monument signs*:

a. Within the RM-25 District south of Pine Avenue and within all properties zoned RM-50, one sign with one or two faces per street frontage, only on a plot with 200 or more feet of continuous frontage on the same street. Properties north of Pine Avenue within the RM-15, RM-16, RM-25, and R-5 districts having less than 200 feet of continuous frontage on the same street may have up to two signs, not to exceed five square feet in area and five feet in height.

(3) *Subdivision and residential development identification signs* : Only if the location and other aspects of such signs have been previously approved by the Town Commission pursuant to site plan approval procedures.

(4) In addition, each multi-family or non-residential use:

a. May display no more than two of the following permanent signs, with a combined total sign area of not more than 32 square feet, per street frontage:

1. *Building or development identification signs*: One sign per building per street frontage, with a sign height no greater than 35 feet.

2. *Canopy or awning signs*: With a sign height no greater than 18 feet.

3. *Hanging sign*: One sign per building per street frontage, with a sign height no greater than 18 feet.

4. *Changeable copy signs*: One sign per street frontage, with a sign height no greater than 18 feet.

5. *Pole or pylon signs*: Limited to hotels, motels, apartment buildings and condominiums only, with no more than one sign per street frontage per property.

6. *Wall signs*: With a sign height no greater than 35 feet.

b. The total sign area of all signs attached to the wall, canopy and/or awnings of a building face shall not exceed 15 percent of the area of the building façade.

- c. If a hotel or motel takes over an adjoining hotel or motel, then the combined hotel or motel is entitled to 16 additional square feet of separate wall or awning sign area; the existing signs shall not be increased in size by this additional footage.

Example for [subsection] 30-508(b)(4)c.:

Hotel A = is allowed a maximum of 32 square feet wall/awning sign

Hotel B = is allowed a maximum of 32 square feet wall/awning sign
(and adjoins hotel A)

If hotel A takes over hotel B, then maximum total signage allowed for the two combined hotels = 32 square feet + 16 square feet = 48 square feet total.

- (5) In addition, no more than two temporary signs, including any exempt temporary signs, shall be permitted on any single business at the same time.
- (6) Each hotel or motel is permitted one sign on a door, column, wall, pole/pylon sign, or interior side of a window, not to exceed three square feet. Any window sign under this section shall count toward the 25 percent window coverage maximum.

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ARTICLE VII. - PLANNING AND ZONING

Sec. 7.1. - Maximum height for buildings established; referendum vote required for increases in zoned residential-district height limits.

- (1) No building within the jurisdictional boundaries of the Town, as they existed on March 20, 2006, shall have more than four (4) stories above grade, and the maximum height of buildings within the Town that have four (4) stories above grade shall be forty-four (44) feet above grade, as defined in the Florida Building Code, or above a horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, whichever of those two levels is higher. The maximum height for all other buildings within the Town shall be thirty-three (33) feet
 - (a) Above grade, as defined in the Florida Building Code, or
 - (b) Above a horizontal plane eighteen inches above the crown if the roadway at the highest point adjoining the property on which the building is located, or
 - (c) Above the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations,

Whichever of those three levels is highest. Height shall be measured from the applicable base level specified above to the highest point on a flat roof, or to the median elevation between the peak of a sloped roof and the lowest edge of the sloped roof. In accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height; all other roofs structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

- (2) In any building within the Town that has more than three (3) stories above grade, the first story shall be at grade level and shall be used for parking, either with or without toll collection booths. The first story may also be used for storage, refuse, security, registration, maintenance, and/or access, either with or without a lobby, provided that at least one-half ($\frac{1}{2}$) of the square footage of the first story is used for parking. Only within districts of the Town zoned for business ("B") use, the first story of buildings having more than three (3) stories above grade may also be devoted to non-residential commercial uses, provided that dedicated parking required by Town ordinance or code for the proposed buildings is provided off-street at a location on or adjacent to the property on which the buildings are situate, and designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic. In any building within the Town that has more than three (3) stories above grade, the first story shall be restricted to the above enumerated uses, and may be used for no other purpose whatsoever. For the purposes of this provision of the Charter, a story is at grade level if its floor is at or below grade and its ceiling is above grade; a story that is at grade level is also above grade. Nothing in this paragraph shall be construed so as to prohibit any building within the Town that has more than three (3) stories above grade from also having one (1) or more subterranean stories below grade, provided, however, that in any building within the Town that has more than three (3) stories above grade, all subterranean stories shall be subject to the same restrictions on use as are established in this paragraph for the first story.
- (3) Buildings which exceed thirty three (33) feet above grade, and which exceed thirty three (33) feet above the horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, but which are nevertheless allowed under subparagraph (1)(c) of this Section, and which do not include a non-habitable first floor with ample

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parking as required by Town ordinance or code, in accordance with the number and type of units in those buildings, must have dedicated off-street parking at a location on or adjacent to the property on which the buildings are situate. Parking for buildings in this category must be designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic.

- (4) All existing buildings within the Town that were legally in compliance with existing height and use restrictions on March 20, 2006, or were grandfathered on that date, but that either exceed the maximum building height limit established in paragraph (1), above, of this section of the Charter, or that fail to comply, where applicable, with the restrictions on use established in paragraph (2), above, of this section of the Charter, (hereinafter referred to as "Non-conforming Buildings") shall be considered legal, but non-conforming.
- (5) Notwithstanding the maximum building height limit established in paragraph (1), above, of this section of the Charter, an existing non-conforming building may be replaced by a new nonconforming building when, and only when:
 - (a) The existing non-conforming building has:
 - (i) Been destroyed by fire, natural disaster, or other act of God; and
 - (ii) The property owner has submitted and received Town approval of a site plan depicting the replacement building; and
 - (iii) Construction of the replacement building is commenced within twelve (12) months of the date of destruction; or
 - (b) The existing non-conforming building is:
 - (i) Demolished as part of a Town approved redevelopment of the property; and
 - (ii) Prior to demolition, the property owner has submitted and received Town approval of a site plan depicting the replacement building; and
 - (iii) Construction of the replacement building is commenced within six (6) months of the date of site plan approval.
 - (c) The Town Commission may grant one (1) or more six (6) month extensions to the time periods for commencement of construction established in paragraphs (5)(a)(iii) and (5)(b)(iii), above, provided a written request for extension is filed with the Town Clerk prior to (in the case of a first request for extension) the expiration of the initial applicable time period for commencement of construction or prior to (in the case of a subsequent request for extension) the expiration of the most recent extension of the applicable time period for commencement of construction.
 - (d) All new non-conforming buildings constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall comply, where applicable, with the restrictions on use established in paragraph (2), above, and the provisions for parking availability established in paragraph (3), above, of this section of the Charter.
 - (e) The maximum allowable height of any new non-conforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original height of the non-conforming building which it replaces, plus any additional height which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the charter) may be necessary to obtain the same number of habitable stories as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new non-conforming building from being constructed to a lesser height or from containing fewer habitable stories than that of the original non-conforming building which it replaces. For the purposes of this provision of the

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Charter, the term "habitable story" means any story or part thereof that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

- (f) The maximum allowable square footage of any new nonconforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original square footage of the non-conforming building which it replaces, plus any additional square footage which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the Charter) may be necessary to obtain the same number of habitable square feet as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new nonconforming building from being constructed either with less total square footage or with less habitable square footage than that of the original non-conforming building which it replaces. For the purposes of this section of the Charter, the term "habitable square footage" means the square footage of that portion of a building that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.
- (6) The maximum building height limits, the restrictions on use and the maximum allowable square footage, and the provisions governing parking established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall be applicable to all real property located within the boundaries of the Town as the boundaries exist on March 20, 2006.
- (7) Every resident of the Town shall have the standing to enforce the maximum building height limits and the maximum allowable square footage established in paragraphs (1), (2) and (5), above, of this section of the Charter, by means of a suit in equity seeking either mandamus; prohibition; or any combination thereof, but nothing in this provision of the Charter shall be construed to either create a cause of action at law for money damages, or to authorize a court of equity to award money damages as an incident to equitable relief, or to authorize an award of attorney's fees to the prevailing party or to any other party.
- (8) The maximum building height limit established in paragraph (1), above, of this section of the Charter, supersedes any existing zoning ordinance or land development regulation to the extent that said zoning ordinance or land development regulation establishes anywhere within the Town a maximum building height limit greater than that established in paragraph (1), above, of this section of the Charter, but nothing in this section of the Charter shall be construed to supersede, modify or repeal any existing zoning ordinance or land development regulation that establishes anywhere within the Town a maximum building height limit lower than that established in paragraph (1), above, of this section of the Charter.
- (9) The Town Commission may not increase, by ordinance or by variance, the maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, nor may the Town Commission modify, amend or repeal, by ordinance or by variance, the restrictions on use established in paragraph (2), above, or the provisions for parking availability established in paragraphs (2), (3) or (5), above, of this section of the Charter, nor may the Town Commission increase, by ordinance or by variance, the maximum allowable square footage established in paragraph (5), above, of this section of the Charter. The maximum height limits established for residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD in the Town's land development code as of March 20, 2006, may be increased, or such districts re-zoned for any other use whatsoever, only by a referendum vote of the registered voters of the Town in the manner established in Article IV, Section 4.7 [50] of this Charter for the repeal or amendment of initiated ordinances. The Town may not create new categories of zoning without approval of such categories by a similar referendum vote; and all provisions of such new categories of zoning must be submitted to the voters for approval.

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- (10) The maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, may be increased only by an amendment to or by repeal of this section of the Charter. The restrictions on use established in paragraph (2), above, and the provisions governing parking availability established in paragraphs (2), (3) and (5), above, of this section of the Charter, may be modified, amended or repealed only by an amendment to or by repeal of this section of the Charter. The maximum allowable square footage established in paragraph (5), above, of this provision of the Charter, may be increased only by an amendment to, or by repeal of this section of the Charter. Except as expressly provided below, this section of the Charter may be amended or repealed only by means of a majority vote of the registered voters of the Town at a referendum election held either on the same day as a regularly scheduled November general election or on the same day as a regularly scheduled March municipal general election. The amendment or repeal of this section of the Charter at a special election held on a day other than a regularly scheduled November general election or on a day other than a regularly scheduled March municipal general election is expressly prohibited, except that a special election or special election by mail may be held to correct, to the minimum practicable extent, a provision adjudged by a court of competent jurisdiction to violate the State or Federal Constitution or any valid state or federal law, but only after such adjudication is affirmed on appeal. Amendments approved at a special election may include no elements not directly related to such court adjudication.
- (11) These provisions of the Charter shall be effective immediately upon adoption by a majority of the registered voters of the Town voting in a referendum to amend the Charter so as to include these provisions. Upon adoption, the maximum building height limits, the restrictions on use, the maximum allowable square footage and the provisions governing parking availability established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall immediately apply to all real property located within the boundaries of the entire Town. Upon adoption of these provisions, and pending amendment of any portion or portions of the Town's Code of Ordinances inconsistent with this section of the Charter, the more stringent provisions of this section shall apply.