



Planning and Zoning Board

Jarvis Hall 4505 N. Ocean Drive 33308

Planning and Zoning Board

PLANNING AND ZONING BOARD

Being held at Wednesday, June 05, 2019

Jarvis Hall 4505 N. Ocean Drive 33308

1. **CALL TO ORDER**

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

3. **APPROVAL OF MINUTES**

3.a April 18th, 2019 Planning and Zoning Board Minutes

[PZ 2019 04.18 \(APR\).docx](#)

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a Ordinance 2019-05: Amending Chapter 30 “Unified Land Development Regulations;” Article V “Zoning;” Section 30-313 “General Provisions” to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

[APPROVED -Staff Report Ordinance 2019-05 Chain Link Fences 3FC5309.pdf](#)

[APPROVED-Ordinance- Sec._30_313.____General_provisions-.pdf](#)

6. **OLD BUSINESS**

Please see attached report and supplemental exhibits.

6.a Review of Town’s Land Development Code Regulations Regarding Hotel Uses.

[FINAL-Revised Redline Staff Report \(Waterfront Hotel B1 Zoning \)- APPROVED.docx](#)

[Ex 1 Minutes 2019-02-26 - Regular.pdf](#)

[Ex 2 VERSION 1 -Revised Final Waterfront Hotel Use Ordinance \(Rooftop Passive Recreation\) v1.pdf](#)

[Ex 3 VERSION 2- Revised Final Waterfront Hotel Use Ordinance \(Rooftop Passive Recreation with Pool and Pool Decks\) v2.pdf](#)

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.

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.



Planning and Zoning Board Agenda Item Report

Meeting Date: June 5, 2019

Submitted by: Jhanelle Campbell

Submitting Department: Development Services

Item Type: Minutes

Agenda Section: APPROVAL OF MINUTES

Subject Title:

April 18th, 2019 Planning and Zoning Board Minutes

Explanation:

Recommendation:

Attachments:

[PZ 2019 04.18 \(APR\).docx](#)

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Thursday, April 18, 2019

1. CALL TO ORDER

Chair Lanata called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at 6:02 PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Bernard Petreccia, 1st Alternate Howard Goldberg and 2nd Alternate Emeline Savidge. Alan Bluestein was the only absent member. Ms. Connors informed 2nd Alternate Emeline Savidge that she could participate in discussions but could not vote this evening and that as Howard Goldberg was the 1st Alternate, he could both participate in discussions and vote. Also present were Town Attorney James White, Development Services Director Linda Connors, Planner Susan Leven, and Clerk Kaliah Lewis.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – February 20, 2019

Mr. Ferrante made a motion to approve the minutes of February 20, 2019 as presented. The motion was seconded by Mr. Petreccia. The motion carried 5-0.

4. PUBLIC COMMENTS

Chair Lanata called for general public comments not specific to the agenda items now and no one wished to speak. The Chair closed public comments at this time.

5. NEW BUSINESS

a. 2018-VAC-04: Vacation of a ten (10) foot portion of a Utility Easement for Silver Shores located at 236-238 Garden Court/Folio No. 494318270200 and 494318270210. (Development Services Director Linda Connors)

Development Services Director Linda Connors gave a PowerPoint presentation stating that this is a request for vacation of a ten foot portion of a Utility Easement for Silver Shores located at 236-238 Garden Court for the Sky230 Project. She explained that there is a Utility Easement that runs in between two existing parcels and it would be underneath one of the buildings. They need to vacate the Utility Easement to allow for a clean title on the property. They already acquired the necessary letters of support from the utilities that are able to utilize that easement and they need to get approval from the Town to move forward with the process. They are asking for the Board's recommendation of approval and then it would be brought to the Town Commission for further review. Chair Lanata asked if this was previously before the Board and Ms. Connors answered that there was a similar one for the property located on Shore Court and this is located on Garden Court. The Chair opened up the hearing for Board questions/comments. Mr. Ferrante said that

Staff has approved this and the applicant obtained all the letters they need. He does not see any problem with this. There were no other Board questions and the public hearing was open but no one from the public wished to speak. The Chair closed the public hearing and called for a motion.

Mr. Whyte made a motion to recommend approval to the Town Commission of 2018-VAC-04 as presented. The motion was seconded by Mr. Petreccia. The motion carried 5-0.

- a. 2019-SP-01: Site Plan Review. 4433 Poinciana Street (Bonnar by the Sea)
(Susan Leven, Planner)

Planner Sue Leven answered Chair Lanata that this was before the Board in 2017. She explained that the code requires the Building Permit is to be acquired within twelve months from the approval date and it did not happen. The site plan approval expired. They needed to start over. She gave a PowerPoint presentation stating that this development is made up of two lots which were joined together as 4433 Poinciana Street. It is a vacant parcel. The proposed plan is for an eight-unit building with three stories in a Mid-Century design painted in a light gray color. It went through architectural review and was approved. She showed the Board Members a slide of what it would look like. The site has fourteen parking spaces and six are covered. The eight uncovered are at the front of the street. The make-up of the parking spaces is nine standard, one handicap and four compact. There is a pool in the back and quite a bit of proposed landscaping. There is a proposal for a 6' precast concrete fence which would run along three sides of the property. This agenda item would go to the Town Commission on the 23rd.

Ms. Leven asked for questions. Chair Lanata wanted to know if this was the same plan that they had before. Ms. Leven said that for the most part, the answer to this question is yes. Ms. Connors said that the previous comments from the Town Commission and the Planning and Zoning Board were incorporated into the document; otherwise it is exactly the same. Mr. Goldberg asked if these properties are up for sale. Ms. Leven assumes they are being marketed because there is advertising in front of the property. Chair Lanata asked for Staff's recommendation and Ms. Connors said that Staff approved it with conditions (most of which are standard conditions). She read into the record and explained the conditions to the Board Members. Mr. Goldberg said that it is consistent with the Town Code and Ms. Connors agreed. He felt that this should come to a vote and be moved along.

Mr. Petreccia made a motion to recommend approval to the Town Commission of 2019-SP-01 as recommended by Staff. The motion was seconded by Mr. Ferrante.

Chair Lanata called for public comments but as no one from the public wished to speak, the public hearing was closed.

The motion carried 5-0.

Ms. Connors said that Ms. Leven had a presentation on comprehensive planning and with the Board's permission and without objection, Ms. Leven gave her PowerPoint presentation, "Comprehensive Plan 101". Ms. Connors then spoke about things that would be coming up to be worked on for the Comp Plan such as Peril of Flood. We have to include opportunities and policies for the Town to adopt based on changes in weather patterns and how it would be dealt with. The County is in the process or has finalized some changes to their Comprehensive Plan which will trickle down to the Town and our Comprehensive Plan would need to be updated. The last time the Town updated its Comprehensive Plan was 2011 and we have to update the data, how it is written, and the history. We would be working on that throughout the next year or so. Ms. Savidge

asked if we would be updating the old Comprehensive Plan and Ms. Connors answered that we would be updating the old Comprehensive Plan to include the County and State requirements and updating the language so it reflects the community today. We would also be deleting some of the outdated or completed policies that are currently in the plan. Mr. Petreccia asked about new construction meeting new flood plans and Ms. Connors said that there are no specifics now but it would be looked into. Mr. Whyte inquired about maximum capacity of units and Ms. Connors said that we are approximately 99% built out and, for example, the eight units from today's meeting won't really impact the Town for planning purposes. Mr. Goldberg asked how many properties (houses, condos, etc.) are in Lauderdale-By-The-Sea and Ms. Connors said that she could get him those numbers. Then Mr. Goldberg asked if traffic, number of people, etc. are included in the planning because as the Town gets more well known, it becomes tougher to drive A-1-A during season. Ms. Connors explained that even neighboring communities impact traffic. There were no other Board questions.

Ms. Connors stated that there would be no May meeting and the next meeting would be June 5th. She asked the Board Members to please e-mail their summer travel dates so that Staff can try to coordinate/amend dates, if necessary, to ensure a meeting quorum.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Mr. Petreccia asked for an informational presentation regarding El Mar Drive. Ms. Connors would speak with the Town Manager about a presentation to the P&Z Board or when this subject would be presented to the Town Commission or to the community.

8. ADJOURNMENT

Mr. Ferrante made a motion to adjourn at 6:30PM. The motion was seconded by Mr. Whyte. The motion carried 5-0.

Chair John Lanata

ATTEST:

Date Accepted: _____

Development Services Director Linda Connors



Planning and Zoning Board Agenda Item Report

Meeting Date: June 5, 2019

Submitted by: Jhanelle Campbell

Submitting Department: Development Services

Item Type: Quasi Judicial Public Hearings

Agenda Section: NEW BUSINESS

Subject Title:

Ordinance 2019-05: Amending Chapter 30 "Unified Land Development Regulations;" Article V "Zoning;" Section 30-313 "General Provisions" to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

Explanation:

Section 30-313 (d) (1) (i) of the Town of Lauderdale-By-The-Sea Code of Ordinances (the "Town Code") regulates walls and fences within the Town. This regulation was adopted prior to the annexation of properties north of Pine Avenue and therefore addressed only those properties located south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5 and RS-4).

Currently the Town Code regulates chain link fences in the original town (RS-5, RD-10 and RM-25) residential zoning districts. When the annexed area zoning regulations were incorporated into the Town Code, the land development regulations concerning chain link fences were not expanded to include the additional residential zoning districts that were added from the annexed areas.

It is important to note that adoption of the proposed Town Code amendment modifying regulations concerning chain link fences will create legal nonconforming chain link fences on several residential properties located north of Pine Avenue. As such, consideration by the PZB should be given as to the status and future regulation of nonconforming chain link fences. For example, the following regulatory framework for nonconforming fences may include: (1) nonconforming chain link fences shall be regulated pursuant to the existing regulatory framework established for nonconforming structures under Section 30-137 "Nonconforming uses and structures" of the Town Code; or (2) nonconforming chain link fences shall be required to comply with the new modified chain link fencing regulations within a two (2) year time period commencing on the adoption and effective date of the new modified chain link fencing regulations.

Additionally, Staff is also proposing the removal of regulations concerning maximum privacy fence and wall height requirements for zero lot line residential properties. As such, staff is proposing the following amendment at lines 51-53 and 61-63 of the attached Ordinance (Exhibit 1):

Recommendation:

STAFF RECOMMENDATIONS: Staff recommends approval of the proposed ordinance.

Attachments:

[APPROVED -Staff Report Ordinance 2019-05 Chain Link Fences 3FC5309.pdf](#)

[APPROVED-Ordinance- Sec._30_313.____General_provisions-.pdf](#)



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

To: Planning and Zoning Board ("PZB")
Thru: Linda Connors, Development Services Director
From: Jhanelle Campbell, Planner
Date: May 30, 2019
Meeting Date: June 5, 2019
New Business: Ordinance 2019-05: Amending Chapter 30 "Unified Land Development Regulations;" Article V "Zoning;" Section 30-313 "General Provisions" to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

Section 30-313 (d) (1) (i) of the Town of Lauderdale-By-The-Sea Code of Ordinances (the "Town Code") regulates walls and fences within the Town. This regulation was adopted prior to the annexation of properties north of Pine Avenue and therefore addressed only those properties located south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5 and RS-4).

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It is important to note that adoption of the proposed Town Code amendment modifying regulations concerning chain link fences will create legal nonconforming chain link fences on several residential properties located north of Pine Avenue. As such, consideration by the PZB should be given as to the status and future regulation of nonconforming chain link fences. For example, the following regulatory framework for nonconforming fences may include: (1) nonconforming chain link fences shall be regulated pursuant to the existing regulatory framework established for nonconforming structures under Section 30-137 "*Nonconforming uses and structures*" of the Town Code; or (2) nonconforming chain link fences shall be required to comply with the new modified chain link fencing regulations within a two (2) year time period commencing on the adoption and effective date of the new modified chain link fencing regulations.

Additionally, Staff is also proposing the removal of regulations concerning maximum privacy fence and wall height requirements for zero lot line residential properties. As such, staff is proposing the following amendment at lines 51-53 and 61-63 of the attached Ordinance (**Exhibit 1**):

(d) *Fences, walls and hedges.*

(1) Height, design, and location of fences, walls, hedges.

- i. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in ~~RS-5, RD-10 and RM-25~~ residentially zoned property. Chain link fences are prohibited in any business zoning district.

- ~~i. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight feet subject to building setback requirements of the residential zoning district where fence/walls are erected.~~

STAFF RECOMMENDATIONS: Staff recommends approval of the proposed ordinance.

The Ordinance is scheduled for first reading at the Town Commission meeting of June 25, 2019.

Exhibits:

1. Ordinance 2019-05

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS;” ARTICLE V “ZONING;” SECTION 30-313 “GENERAL PROVISIONS” TO MODIFY REGULATIONS CONCERNING CHAIN LINK FENCES AND DELETING ZERO LOT LINE REGULATIONS CONCERNING MAXIMUM PRIVACY FENCE AND WALL HEIGHT REQUIREMENTS.; PROVIDING FOR GROUNDS FOR REVOCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR 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 Commission desires to update the Land Development Code to provide clarification, updated standards and review requirements for activities on rooftops; 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 June 5, 2019, and recommended the amendments be approved; 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 that this Ordinance is consistent with the Town’s Comprehensive Plan and 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. Section 30-313, “Fences, Walls and Hedges,” of Chapter

30, Unified Land Development Regulations of the Code of Ordinances, is hereby amended as follows¹:

Sec. 30-313. - General provisions.

- (a) Drainage facilities.
- (b) Use of buildings.
- (c) Moving of buildings.
- (d) Fences, walls and hedges.

These general provisions shall govern development within the corporate limits of the Town, as follows:

- (a) *Drainage facilities.* All improved property, whether new construction or renovation or repair of present property, must provide adequate drainage facilities and drainage fields and all well and drainage locations must be shown on a site plan in accordance with all applicable regulations.
- (b) *Use of buildings.* No building or structure shall be erected on any lot for any purpose or use other than as applicable in said district. Non-use variances may be granted pursuant to section 30-127, Variance Procedures and Requirements of the Town Code.
- (c) *Moving of buildings.* A conditional use permit is required for structures being moved into the corporate limits of the Town or for structures being relocated from one location within the Town to another location within the Town.
- (d) *Fences, walls and hedges.*
 - (1) Height, design, and location of fences, walls, hedges.

i. Chain link fences. Chain link fences shall be completely hidden from view when viewed from any portion of the right-of-way in ~~RS-5, RD-10 and RM-25~~ residentially zoned property. Chain link fences are prohibited in any business zoning district.

j. Placement of finished side. Except when a new wall or fence directly abuts an existing wall or fence preventing compliance with this requirement, fences and walls finished on only one side shall be placed to have the finished side facing out. If a fence or wall is erected and any portion is placed with an unfinished side facing out due to an abutting obstacle, then that portion shall be finished within 180 days of the obstacle being removed.

~~i. Zero lot line lots. Privacy fences and/or walls separating porches, patios, and pools along zero lot lines may be built to height not to exceed eight feet subject to building setback requirements of the residential zoning district where fence/walls are erected.~~

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

Section 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

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 _____, 2019.

Passed and adopted on the second reading, this ____ day of _____, 2019.

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	_____	_____
Vice-Mayor Sokolow	_____	_____
Commissioner Oldaker	_____	_____
Commissioner Strauss	_____	_____
Commissioner Malkoon	_____	_____

ORDINANCE NO. 2019-05

ATTEST:

Tedra Smith, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

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Planning and Zoning Board Agenda Item Report

Meeting Date: June 5, 2019

Submitted by: Linda Connors

Submitting Department: Development Services

Item Type: Discussion Item

Agenda Section: OLD BUSINESS

Subject Title:

Review of Town's Land Development Code Regulations Regarding Hotel Uses.

Explanation:

Please see attached report and supplemental exhibits.

Recommendation:

Procedure: Staff will review the discussion from tonight's meeting and will, if warranted, schedule the proposed ordinance at the Commission's next available meeting.

Attachments:

[FINAL-Revised Redline Staff Report \(Waterfront Hotel B1 Zoning \)- APPROVED.docx](#)

[Ex 1 Minutes 2019-02-26 - Regular.pdf](#)

[Ex 2 VERSION 1 -Revised Final Waterfront Hotel Use Ordinance \(Rooftop Passive Recreation\) v1.pdf](#)

[Ex 3 VERSION 2- Revised Final Waterfront Hotel Use Ordinance \(Rooftop Passive Recreation with Pool and Pool Decks\) v2.pdf](#)



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

To: Planning and Zoning Board ("PZB")
From: Linda Connors, Development Services Director
Date: May 29, 2019
Meeting Date: June 5, 2019
Old Business: Review of Town's Land Development Code Regulations Regarding Hotel Uses.

Background

At their February 26, 2019 meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's business zoning districts [red (B-1) area and pink (B1-A) area] to consider adding hotels as a permitted use in these areas (Exhibit 1). Currently, hotels and motels are allowed only in the RM25 zoning district (brown area).

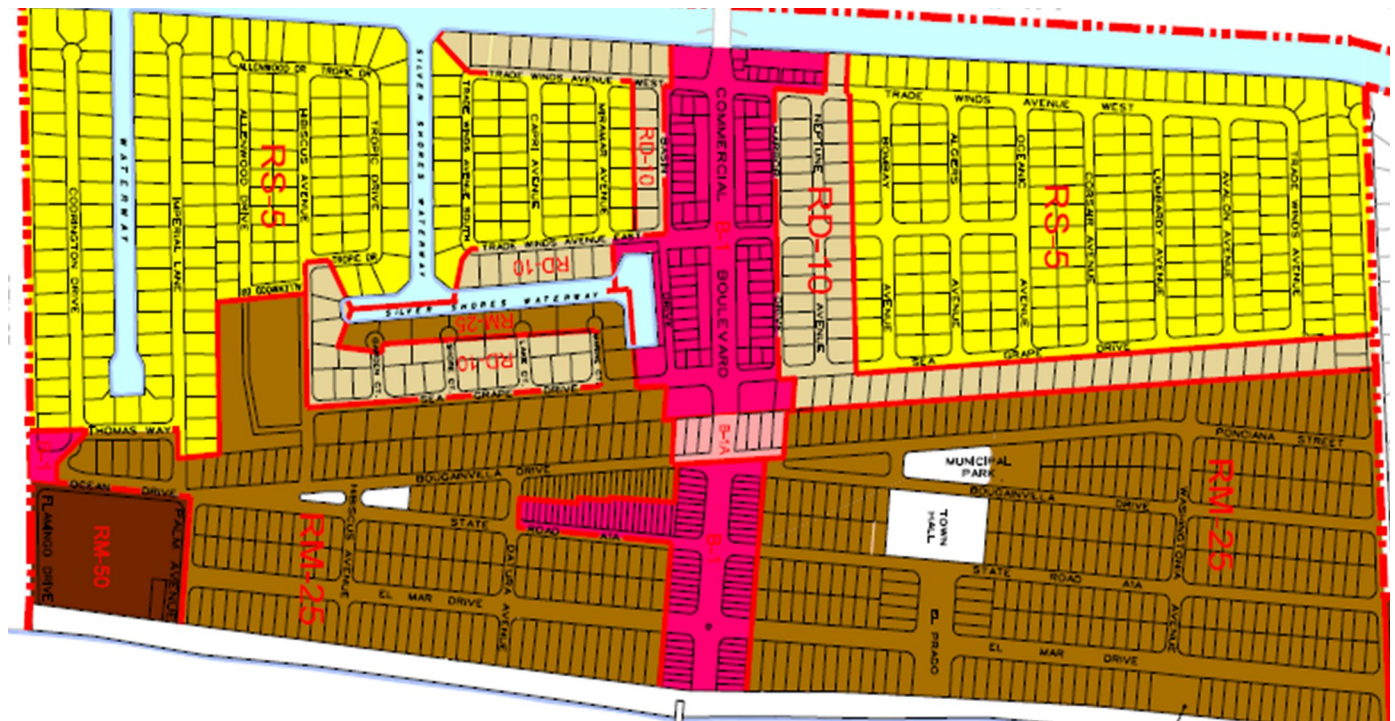


Figure 1 – Zoning Map



Background

In 2011, the Town Commission set a number of Planning priorities, one of which was to:

“Modify the code to encourage investment in and redevelopment of existing hotels, to discourage the conversion of tourist units to residential use, and to facilitate the development of new hotels.”

This was particularly important, because the community recognized the relationship between a healthy tourist economy and the economic success of our business community. The Town had recently lost several hotels rooms due to the construction of the Oriana Condominium development (4334 El Mar Drive) and many additional hotel units were demolished after the “Villas by the Sea” site plan (4444, 4445, 4510 and 4511 El Mar Drive) was approved. Businesses were suffering as a result of the reduced tourist economy.

As a result of this Planning priority, the Town Commission approved several changes to the RM25 zoning district (which is where hotels are currently allowed) in order to provide various incentives necessary to help spur economic redevelopment of these businesses. These changes included eliminating established advertising restrictions, provided various parking incentives, as well as improving definitions found in the Town code.

During this time period, the Town Commission also approved the Commercial Boulevard Streetscape program at a cost of \$7.5 million. This project reconstructed the oceanfront downtown area by creating plazas to encourage public gathering and adding landscaping and brick paver promenades, custom art pieces and new drainage systems. To support the commercial areas, the Commission also approved a parking exemption program to encourage new business development, added wayfinding signs and created a marketing strategy for the Town and increased our public parking inventory.

All of these changes have made a huge positive impact to the community east of Ocean Drive. Where we previously had vacant storefronts, we now have new restaurants. Empty sidewalks have been transformed with sidewalk cafés and people bustling on the street or just relaxing in the Adirondack chairs in one of our plazas. And our restaurants are enjoying increases in their business year after year. Hoteliers are investing in their properties and we have enjoyed increased occupancies.

Unfortunately, the western plazas are not enjoying similar success. Businesses continue to struggle and there are several long term vacancies in the plazas. This year, the Town's marketing department will be proactive in developing a program so that the west business district is recognized as its own destination and we will be encouraging new projects and events that will help foster and encourage people to explore this area.

Recently, the new owner of the Marina (262 Basin Drive) approached Town staff and the Town Commission with the idea of developing a small, intimate hotel on the marina site. Since hotels are not currently permitted in the Town's commercial zoning district, the Town Commission requested that Development Services Department staff analyze and evaluate various options, along with any necessary amendments to the Town Code for implementation, and to bring those items forward to the Planning and Zoning Board for review and consideration.

Staff considered the following questions to reach our recommendation:

1. Is this change consistent with the Town's comprehensive plan?

2. Should the Town allow hotel uses in the Town's commercial business zoning districts? Would this change be consistent with the Town's past and current initiatives?
3. If allowed in the commercial business zoning districts, should they be allowed in all areas, or should they be limited? Also, should they be permitted by right or be considered as a conditional use?
4. How do we preserve the commercial uses in the district and still allow hotels?
5. Parking requirements – should they be different since the location is within the commercial business zoning district?
6. Should rooftop uses be expanded to allow for hotel use and to allow swimming pools?

The following contains an analysis of the above referenced questions.

1. Is this change consistent with the Town's comprehensive plan?

The request is consistent with the Comprehensive plan. The Town's Comprehensive Plan includes the following Goals, Objectives and Policies that support an amendment to add hotels to the business zoning district:

Goal 1.0: To maintain a coastal, resort oriented residential community characterized by a land use mix which reflects a balancing of year-round, seasonal and tourist population needs with minimal disruption to natural systems that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Objective 1.6: To improve the overall physical appearance of the Town's business and seasonal residential areas.

Objective 2.3: Provide for redevelopment of selected multi-family and tourist residential areas in a manner sensitive to existing residents and the Town's historical resources.

Policy 2.3.1.: Support redevelopment proposals, which maintain the overall scale of the Town through proper height and bulk designs.

Goal 10.0: To promote the continued economic vitality of the Town's seasonal residential and business areas in a manner sensitive to the overall best interests of existing Town residents.

Objective 10.1: To maintain local hotel and motel occupancy rates higher than those of Broward County as a whole.

Objective 10.2: Cultivate an overall local resort image by undertaking/promoting related public and private property improvements.

Objective 10.3.: To broaden the tourist market base by encouraging innovation and modernization in the type, character and appearance of local tourist residential and business uses.

2. Should the Town allow hotel uses in the Town's business zoning districts? Would this change be consistent with the Town's past and current initiatives?
3. If allowed in the commercial zoning districts, should they be allowed in all areas, or should they be limited? Also, should they be permitted by right or be considered as a conditional use?

The Town Commission has an established goal of supporting hotels and the tourist economy within the Town. This established goal and our current initiatives to encourage redevelopment of the west Commercial areas supports the addition of hotel use in the B-1 zoning district.

However, we know that there is a balance that needs to be maintained of commercial businesses that support the Town and our visitors. For this reason, staff is recommending to initially permit hotels on waterfront properties located within the B-1 zoning district. This will allow the future conversion of a small limited number of properties and will help to ensure the balance of commercial and hotel would be kept in line. If a non-waterfront property approached the Town for a hotel use in the future, we could re-evaluate the request at that time. We would also be able to analyze and evaluate if there were any additional issues that would need to be addressed after the waterfront hotel change was made.

Staff acknowledges that a waterfront hotel use may require additional restrictions so that the use is compatible with the neighborhood. For this reason, we are suggesting that the waterfront hotel use be included in the Town Code as a permitted "conditional use" only within the B-1 zoning district. This will allow the Town Commission to add appropriate restrictions and conditions in relation to the neighborhood or impacted vicinity and to ensure that the "conditional" use would promote the public health, safety, and welfare of the neighborhood and surrounding area.

4. How do we preserve the commercial uses in the district and still allow hotels?

Under the proposed specific conditional use requirements, a waterfront hotel may provide the following permitted accessory uses for guests and residents: restaurants, gift shops, retail stores, personal service shops, parking and convention facilities. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, as specified in section 30-271(h). A minimum of 30% of the total building square footage shall be dedicated to permitted accessory retail commercial uses located on the ground floor within the principal building(s) and shall contain ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.

This requirement will ensure retail commercial uses are available for guest and residents and will facilitate streetscape enhancements and pedestrian flow and connectivity in order to create a walkable and safe environment necessary to help foster long term sustainable investment and redevelopment within the Town's commercial zoning districts.

5. Parking requirements – should they be different since the location is business district?

Staff is suggesting that the current standard of one parking space per rentable unit be maintained. We believe that a minimum of 60% of the parking for the hotel should be provided on the site. Additionally, if overflow valet parking is provided, then a license agreement approved by the Town will be required if Town parking spaces are to be utilized. This will ensure that the hotel guests will not be utilizing spaces that are meant for people shopping in the plazas, where parking is limited. It may also be worth considering allowing a hotel that has dedicated docking space for boats to count those dock spaces towards the parking space requirement.

6. Should rooftop uses be expanded to allow for hotel use and to allow swimming pools?

The marina's proposal is for their hotel to have a pool accessible by the rooftop. Many hoteliers inquiring about developing in Lauderdale-By-The-Sea have also inquired about rooftop pools. Since the properties are so small their request is logical. In the case of waterfront properties within the B-1 district, the need to accommodate parking would likely make sitting a pool on the ground floor very difficult. However, we also understand that the Commission has recently explored expanding rooftop uses and they were reluctant to expand rooftop uses to include pools within the Town. Therefore we have drafted two ordinances. One ordinance allows an option for a rooftop pool and one does not (Exhibits 2 and 3). The Board can therefore consider both options and make a determination to which version that they would like to recommend to the Commission.

Procedure

Staff will review the discussion from tonight's meeting and will, if warranted, schedule the proposed ordinance at the Commission's next available meeting.

- Exhibits: 1. February 26, 2019 Town Commission Meeting minutes
2. Ordinance 2019-07- B-1 Hotel Version 1
3. Ordinance 2019-07 B-1 Hotel Version 2

u:\- planning & zoning board\2019 cases\b1 zoning district regulations\final-revised redline staff report (waterfront hotel b1 zoning)- approved.docx

Lauderdale-By-The-Sea
Regular Town Commission Meeting
February 26, 2019

near the intersection. He agreed to add evaluation of relocating the pay station, but requested that the Commission not specify a location at this time.

Commissioner Oldaker continued that the Commission has had additional meetings with the marina owner, who has prepared conceptual designs for the redevelopment of his property with a hotel or motel. He suggested that they may wish to reconsider amending the Business District to allow for more space for hospitality.

Mayor Vincent asked if this would mean bringing the allowance of hotels in the B-1 district before the Planning and Zoning Board. Commissioner Oldaker confirmed this. Mayor Vincent agreed with this suggestion, citing the loss of hotel beds in the Town in recent years. Commissioner Malkoon proposed looking into allowing hospitality uses in the B-1-A zoning district as well.

Commissioner Strauss stated that he had requested Staff look into the possibility of having natural gas brought from Commercial Boulevard to the Silver Shores area.

At this time Mayor Vincent opened public comment, which he closed upon receiving no input.

15. ORDINANCES – PUBLIC COMMENTS

a. Ordinances 1st Reading

None.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

None.

17. QUASI JUDICIAL PUBLIC HEARINGS

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on the Item. Individuals wishing to speak on the Item were sworn in at this time.

Ordinance 2019-07

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, FLORIDA, AMENDING CHAPTER 30**
3 **“UNIFIED LAND DEVELOPMENT REGULATIONS”**
4 **ARTICLE V “ZONING,” DIVISION 2 “DISTRICTS,”**
5 **SUBDIVISION M “B-1 DISTRICT REGULATIONS,”**
6 **SECTION 30-271 “B-1 DISTRICT-BUSINESS” OF THE**
7 **CODE OF ORDINANCES TO PERMIT WATERFRONT**
8 **HOTELS AS A CONDITIONAL USE, MODIFYING**
9 **DISTRICT REGULATIONS AND ESTABLISHING**
10 **SPECIFIC CONDITIONAL USE REQUIREMENTS FOR**
11 **WATERFRONT HOTEL USES AND FURTHER**
12 **AMENDING SUBDIVISION Q “SUPPLEMENTAL**
13 **REGULATIONS;” PROVIDING FOR CODIFICATION,**
14 **SEVERABILITY, CONFLICTS, AND AN EFFECTIVE**
15 **DATE**

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

19 **WHEREAS**, the Town Commission desires to amend the Land Development Code to
20 permit waterfront hotels as a conditional use in the B-1 Zoning District, modify district
21 regulations and establish specific conditional use requirements for waterfront hotel uses; and

22 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
23 reviewed the contents of this Ordinance at a duly noticed public hearing on June 5, 2019, and
24 recommended the amendments be approved; and

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

Ordinance 2019-07

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. Division 2 “Districts,” Subdivision M “B-1 District
Regulations,” of Chapter 30 “Unified Land Development Regulations” of the Code of
Ordinances, is hereby amended as follows¹:

ARTICLE V. – ZONING

Division 2.- Districts

Subdivision M. - B-1 District Regulations

Sec. 30-271. - B-1 district—Business.

(a) *B-1 uses permitted.*

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

- (2) *Conditional uses.* The following conditional uses may be permitted upon approval
pursuant to the conditional use procedures of this Code:

- a. Bicycle taxi (no outside storage or display).
- b. Call center, subject to the requirements as set forth in subsection (i), below.
- c. Car wash/outdoor hand wash.
- d. Charter and sightseeing boat.
- e. Child and adult day-care centers.
- f. Convenience store, subject to the requirements as set forth in subsection (i), below.
- g. Drive-through services that are accessory to a primary use, provided that any
approval of the drive-through use by the Town Commission shall specifically
establish the location and traffic flow pattern of the drive-through.
- h. Dry cleaner.

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

Ordinance 2019-07

- i. Marina, subject to the requirements as set forth in subsection (i) below.
- j. Mixed use, subject to the requirements as set forth in subsection (i) below.
- k. "Paid private parking" on parcels with a primary use, excluding standalone parking lots subject to the requirements as set forth in subsection (i) below.
- l. Parking garage.
- m. Permitted use exceeding 10,000 square feet in gross floor area.
- n. Pet store.
- o. Pool supply store.
- p. Outside storage of propane tank cabinets for the storage, sale or rental of propane tanks.
- q. Water craft sales and rental (new or used).
- r. Waterfront Hotel.
- rs. Conditional uses not listed. Permission to apply for conditional uses not covered by the above list in the B-1 district may be granted by the Town Manager or designee only if the proposed conditional use is similar to a listed conditional use; otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult with the Town Commission on any proposal to determine that a conditional use is similar to those listed, prior to authorizing the filing of an application to seek approval of that conditional use in the B-1 district. Approval of a conditional use shall also be subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code.

(i) *Specific conditional use requirements.*

(6) Waterfront Hotel criteria. A waterfront hotel may be permitted within the B-1 zoning district only on properties containing frontage located on or adjacent to intra-coastal, canal or ocean water bodies and subject to the following regulations:

- a. A waterfront hotel may provide the following permitted accessory uses for guests and residents: restaurants, gift shops, retail stores, personal service shops, parking and convention facilities. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant, as specified in section 30-271(h). A minimum of 30% of the total building square footage shall be dedicated to permitted accessory retail commercial uses located on the ground floor within the principal building(s) and shall contain ground floor storefront facing the primary street. If the property is a corner lot, there must be a ground floor storefront facing both streets.
- b. Bicycle parking when accessory to a hotel use, shall be permitted in lieu of providing required off-street parking, as specified in section 30-318.

Ordinance 2019-07

- c. A waterfront hotel, including all permitted accessory uses, shall provide a minimum 60% of the required parking to be located on-site. The remainder of required on-site parking may be satisfied by utilizing the Town PILOP program, as specified in section 30-321. The use of Town property for overflow valet parking may only be permitted pursuant to a License Agreement approved by the Town.
- d. Waterfront hotel sleeping rooms shall be a minimum of one hundred twenty (120) square feet in gross floor area exclusive of bathrooms, toilets, closets or similar appurtenances.
- e. A waterfront hotel rooftop may only be used for passive recreation as specified in section 30-313(y).
- f. Notwithstanding the minimum side and rear setback requirements established pursuant to section 30-271(f) for properties within the B-1 zoning district, the minimum side and rear setback requirements for properties developed with waterfront hotel uses shall be the same as those zoning district setback requirements established for neighboring properties which share a common lot line with another lot or parcel of land.

SECTION 3. Amendment. Division 2 “Districts,” Subdivision Q “Supplemental Regulations,” of Chapter 30 “Unified Land Development Regulations” of the Code of Ordinances, is hereby amended as follows²:

DIVISION 2. - DISTRICTS
Subdivision Q. - Supplemental Regulations

Sec. 30-313. - General provisions.

(y) *Rooftop passive recreation.* The rooftop of a building located in the RM-25 district, or in the B-1 or B-1A district, may be used for passive recreation subject to the following.

(1) *Definitions.* For purposes of this section, the following definitions will apply:

- a. "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 and is for the private use of that living area.

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Ordinance 2019-07

- b. "Passive recreation" shall mean activities such as walking, sitting, eating and scenic observation that can be carried out with no disruption to the atmosphere or ambiance in the area or impact on adjacent properties. Restaurant seating is not considered passive and is not permitted.
- c. "Rooftop" shall mean the exterior surface on the top of a building. "Rooftop" does not include:
1. A balcony; or
 2. An enclosed space, as defined by the Florida Building Code, on the top floor of a building.
- d. "Rooftop activity area" shall mean an area of a rooftop that does not exceed 75 percent of the total square footage of the floor area below the rooftop, including balconies which may be used for passive recreation.
- (2) *Setbacks.* Rooftop activity areas must be setback a minimum of five feet from the front building façade and five feet from any contiguous private property under separate ownership and shall be demarcated by physical barriers to restrict access to non-designated areas.
- (3) *Structures permitted in the rooftop activity area.*
- a. Permanent awnings and canopies.
 - b. Outdoor kitchens no larger than 30 square feet.
 - c. Hot tubs.
- (4) *Temporary objects and furniture.*
- a. All parapets, railings and code-required safeguards shall remain free from towels or other temporary objects at all times.
 - b. 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 any time the building will be unoccupied, whether temporarily or permanently, for more than 14 days.
 - c. 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.
- (5) *Hours of use.* The use of rooftop activity areas shall be limited to 7:00 a.m. to 10:00 p.m. except for emergency access or repairs.
- (6) *Zoning district limitations.* In addition to the requirements above, rooftop activities are only permitted in the following districts, subject to the specific requirements below:
- a. RM-25 zoning district.

Ordinance 2019-07

1. Commercial rooftop activities. The use of rooftops for restaurants and hotel bars are prohibited.

b. B-1 and B-1A zoning districts.

1. Commercial rooftop activities. The use of rooftops by commercial or business uses is prohibited, except for waterfront hotel uses permitted as a conditional use in the B-1 zoning district.

2. Mixed use rooftop activities. Rooftop activities in mixed use properties are permitted solely by the residential occupants for passive recreation.

c. All other zoning districts. Rooftop activity areas and the passive or active recreational use of a rooftop or the roof of a structure is prohibited.

Section 3. Codification. This Ordinance shall be codified in accordance with the

foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

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 _____, 2019.

Passed and adopted on the second reading, this ____ day of _____, 2019.

Ordinance 2019-07

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent		
Vice-Mayor Sokolow		
Commissioner Oldaker		
Commissioner Strauss		
Commissioner Malkoon		

ATTEST:

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

Ordinance 2019-07

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17 Ordinances are periodically necessary in order to ensure that the Town’s regulations are current
18 and consistent with the Town’s planning and regulatory needs; and

19 **WHEREAS**, the Town Commission desires to amend the Land Development Code to
20 permit waterfront hotels as a conditional use in the B-1 Zoning District, modify district
21 regulations and establish specific conditional use requirements for waterfront hotel uses; and

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23 reviewed the contents of this Ordinance at a duly noticed public hearing on June 5, 2019, and
24 recommended the amendments be approved; and

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26 at duly noticed public hearings, as required by law, and after having received input from and
27 participation by interested members of the public and staff, the Town Commission has determined
28 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
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Ordinance 2019-07

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Ordinance 2019-07

- c. A waterfront hotel, including all permitted accessory uses, shall provide a minimum 60% of the required parking to be located on-site. The remainder of required on-site parking may be satisfied by utilizing the Town PILOP program, as specified in section 30-321. The use of Town property for overflow valet parking may only be permitted pursuant to a License Agreement approved by the Town.
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- e. A waterfront hotel rooftop may only be used for passive recreation as specified in section 30-313(y).
- f. Notwithstanding the minimum side and rear setback requirements established pursuant to section 30-271(f) for properties within the B-1 zoning district, the minimum side and rear setback requirements for properties developed with waterfront hotel uses shall be the same as those zoning district setback requirements established for neighboring properties which share a common lot line with another lot or parcel of land.

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- a. "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

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Ordinance 2019-07

- 130 extension of the habitable space that is at least 100 square feet in floor area on
131 the same floor level and is for the private use of that living area.
- 132 b. "Passive recreation" shall mean activities such as walking, sitting, swimming,
133 eating and scenic observation that can be carried out with no disruption to the
134 atmosphere or ambiance in the area or impact on adjacent properties.
135 Restaurant seating is not considered passive and is not permitted.
- 136 c. "Rooftop" shall mean the exterior surface on the top of a building. "Rooftop"
137 does not include:
- 138 1. A balcony; or
- 139 2. An enclosed space, as defined by the Florida Building Code, on the top
140 floor of a building.
- 141 d. "Rooftop activity area" shall mean an area of a rooftop that does not exceed 75
142 percent of the total square footage of the floor area below the rooftop,
143 including balconies which may be used for passive recreation.
- 144 (2) *Setbacks.* Rooftop activity areas must be setback a minimum of five feet from the
145 front building façade and five feet from any contiguous private property under
146 separate ownership and shall be demarcated by physical barriers to restrict access to
147 non-designated areas.
- 148 (3) *Structures permitted in the rooftop activity area.*
- 149 a. Permanent awnings and canopies.
- 150 b. Outdoor kitchens no larger than 30 square feet.
- 151 c. Hot tubs.
- 152 d. Swimming pools and pool decks-limited only to waterfront hotel uses
153 permitted as a conditional use in the B-1 zoning district.
- 154 (4) *Temporary objects and furniture.*
- 155 a. All parapets, railings and code-required safeguards shall remain free from
156 towels or other temporary objects at all times.
- 157 b. All temporary objects or furniture are the responsibility of the property owner
158 and shall be secured or removed from the rooftop when not in use so as to
159 prevent them from being blown from the roof. Temporary objects and furniture
160 shall be removed from the roof any time the building will be unoccupied,
161 whether temporarily or permanently, for more than 14 days.
- 162 c. Upon the issuance of a "Hurricane Warning or "Hurricane Watch" by the
163 Broward County Office of Emergency Management, the permittee shall
164 forthwith remove and place indoors all tables, chairs, planters, umbrellas and
165 other temporary objects or furniture located on the rooftop.
- 166 (5) *Hours of use.* The use of rooftop activity areas shall be limited to 7:00 a.m. to
167 10:00 p.m. except for emergency access or repairs.

Ordinance 2019-07

(6) *Zoning district limitations.* In addition to the requirements above, rooftop activities are only permitted in the following districts, subject to the specific requirements below:

a. RM-25 zoning district.

1. Commercial rooftop activities. The use of rooftops for restaurants and hotel bars are prohibited.

b. B-1 and B-1A zoning districts.

1. Commercial rooftop activities. The use of rooftops by commercial or business uses is prohibited, except for waterfront hotel uses permitted as a conditional use in the B-1 zoning district.

2. Mixed use rooftop activities. Rooftop activities in mixed use properties are permitted solely by the residential occupants for passive recreation.

c. All other zoning districts. Rooftop activity areas and the passive or active recreational use of a rooftop or the roof of a structure is prohibited.

Section 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

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 _____, 2019.

Ordinance 2019-07

197 Passed and adopted on the second reading, this ____ day of _____, 2019.

198

199

200

MAYOR CHRIS VINCENT

201

202

First Reading

Second Reading

203 Mayor Vincent

204 Vice-Mayor Sokolow

205 Commissioner Oldaker

206 Commissioner Strauss

207 Commissioner Malkoon

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210 ATTEST:

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212 _____
Tedra Allen, Town Clerk

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217 APPROVED AS TO FORM:

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220 _____
Susan L. Trevarthen, Town Attorney

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223