



## Town of Lauderdale-by-the-Sea

Development Services  
4501 N. Ocean Drive  
Lauderdale-by-the-Sea, FL 33308  
Phone (954) 640-4210  
Fax (954) 640-4211

To: Planning and Zoning Board  
Thru: Bud Bentley, Assistant Town Manager  
From: Linda Connors, Town Planner  
Date: March 16, 2012  
Meeting Date: March 21, 2012

### Town Planner Report: Commission Priority No. 2 - Proposed amendments to Chapter 30 to support Hotel Uses

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The purpose of this agenda item is to review the proposed amendments (**Exhibits II and III**) to Chapter 30 of the Town Code that implement the Commission's Planning Priority No. 2. Planning Priority No. 2 was established to facilitate the development of new hotels, encourage redevelopment of existing hotels, and discourage the conversion of tourist units to residential use. The Commission's priorities were set during the Commission's 2011/12 budgetary process.

#### Background

The following actions have been taken within the last fifteen months regarding the analysis of the Town's code related to hotels:

- December 2010 The Town retained the services of JC Consulting, Inc., to conduct a comparative analysis of the Town's land use and land development regulations.
- March/April 2011 JC Consulting presented their findings to the Town Commission, which included a summary of the guiding principles and goals, objectives and policies within the Town's adopted Comprehensive Plan that are to be implemented through the Town's Land Development Regulations.
- June 2011 The Commission established planning priorities at its June 21, 2011 Budget Workshop.
- November 2011 The Commission approved Resolution 2011-39, which was the Notice of Intent for the review of the codes related to hotels; and JC Consulting completed hotel survey effort.
- January 2012 JC Consulting presented hotel study to the Commission for their consideration
- February 2012 Staff presented report re: hotel amendments to the Commission and set first reading for March 13, 2012 with second reading set for April 10, 2012.
- March 2012 Commission approved the first reading of the proposed amendments 5 - 0.

## Justification

JC Consulting's review of the land development regulation codes related to the Town's hotel uses resulted in the recommendation that the Town should amend associated regulations consistent with the Goals, Objectives and Policies (GOP's) and overall guiding principles as expressed in the Town's adopted Comprehensive Plan. Those GOPs supporting these amendments are as follows:

*Future Land Use Guiding Principles:*

*Irrespective of future redevelopment efforts, the Town Land Use Plan provides for "encouraging quality commercial development along Commercial Boulevard."*

*Future Land Use*

*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.

*Policy 1.3.2* Continue to evaluate and adopt revisions to planning or regulatory means to improve the appearance of the Town's business areas. Efforts could include local signage regulations, provision or requirement for increased property landscaping and open space.

*Objective 1.6*

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

*Policy 1.4.1* Where necessary, modify all zoning and subdivision regulations to be consistent with the Comprehensive Plan

...

*Policy 1.4.4* Develop and implement land use programs to encourage the elimination or reduction of existing and the prevention of future incompatible land uses.

*Economic / Redevelopment*

*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 10.3.*

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

*Policy 10.3.3* Working with the local business community and based in part on the Design Guidelines study, the Town shall continue to modify the Land Development Regulations and consider enacting 'amortization' ordinances for landscaping, building façade and signage modifications on existing hotel and business properties.

*Policy 10.4.1* The Town's Planning and Zoning Board shall undertake a review of the local Zoning Code oriented to potential revisions in the following areas:

- *Further segregating year round versus tourist oriented business establishments by allowing, limiting or prohibiting certain types of establishments in certain zoning categories.*
- *On-site business parking space requirements*

*Policy 10.6.2 With regard to the above, consider amendments to the Plan with a clear emphasis towards maintaining an open, pedestrian friendly building character.*

### **Proposed Amendments**

To assist in drafting amendments to the code that address Planning Priority No. 2, JC Consulting completed a review of the Town's existing codes related to hotels and also completed a survey of hotel operators and owners. This survey included personal interviews in order to analyze current hotel facility conditions. JC Consulting compiled this information into a Hotel Study (**Exhibit 1**) and presented it to the Commission on January 10, 2012. This exercise identified suggested code amendments that would support the hotel uses within the town. These suggestions were further reviewed by the Town Attorney. The suggestions that could be implemented within the limitations of the Town's charter are provided in the attached suggested code amendments (**Exhibit 2**).

The proposed amendments encourage hotel use, discourage the conversion of existing hotels to residential single family uses and other nonresidential uses, and clarify existing language as it pertains to hotel uses and regulations.

Proposed amendments that benefit hotel uses in the RM-25 zoning district include the following:

- eliminate the restrictions that prohibit hotels, motels and apartment hotels that are 100 units or more from advertising special accessory uses [restaurants and gift shops] and removing off-street parking requirements for such special accessory uses;
- allow up to 25% of required parking to be provided as bicycle parking, at a four bike space to one car space ratio, when located on a hotel or motel site;
- revise the definition of bed and breakfast to clarify that this type of lodging is also allowed where hotel uses are permitted;
- remove the prohibition of signs advertising accessory uses;
- clarify that bed and breakfast establishments may have shared bathrooms; and
- eliminate the requirement for resident supervision when associated with an apartment hotel.

Additionally, in order to discourage the conversion of existing hotel uses to residential uses, a requirement for conditional use procedure is proposed for several currently permitted uses including single family and duplex residential uses, residential, group and foster homes, church parish buildings and home office uses. Conditional uses require review by the Development Services Department, Planning and Zoning Board and then Town Commission approval (Section 30-56 of the Town code). We are also proposing eight (8) additional modifications to provide clarity to the code and improve the overall organization of the current code provisions that are more specifically outlined in **Exhibit 3**.

To ensure the amendments would have the intended impact to the community, we retained the services of a lodging industry expert, Mr. Scott Brush of Brush & Company and transportation specialist, Mr. Alan Tinter, PE with IBI Group, to review the results of the study and provide their input regarding the proposed changes. Both Mr. Brush and Mr. Tinter support the changes to the code that result in the preservation of the Town's hotel industry and hotel parking and bicycle exemption changes respectively.

### **Procedure**

The Town was without a Planning and Zoning Board during the month of February due to the seating of the new Town Commission. To ensure that there was no unnecessary delay in processing the code amendments,

staff presented the hotel ordinance to the Commission for first reading on March 13<sup>th</sup>. The Commission approved the amendments on first reading and set second reading for March 27<sup>th</sup>. Planning and Zoning Board action will be presented to the Commission at their second reading.

Exhibits: 1 – Hotel Study and Survey  
2 – Ordinance 2012-06  
3 – Summary of Proposed Hotel Code Changes  
4 – RM-25 Map

## Summary of Proposed Hotel Code Changes

### **AMENDMENTS THAT ENCOURAGE HOTEL USE/REDEVELOPMENT**

#### A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Remove the restriction on hotel, motel or apartment hotel uses with 100 units or more to allow signs or advertising relating to special accessory restaurant and gift shop uses on the exterior or interior of the building visible from any street, waterway, oceanfront, or adjacent property. This change is proposed in that such signage has existed on sites that contained a restaurant in conjunction with the larger hotel facility.
2. Remove the requirement that off-street parking for such accessory uses is required in addition to the parking required for a hotel, motel or apartment hotel use in that such uses are ancillary to the hotel, motel or apartment hotel use and primarily for the benefit of their guests and do not warrant the need for such additional parking to be required.
3. Allow a hotel or motel use when located in the RM-25 zoning district to receive an exemption for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel use, subject to certain criteria. [See proposed amendments to Section 30-318, below].

#### B. Section 30-318 Minimum Parking Requirements:

1. Provide for bicycle parking exemption for hotel and motel uses located in the RM-25 for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel use, and subject to the following criteria:
  - a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-vehicular parking space; and
  - b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet.

#### C. Section 30-20 Definitions:

1. Amend the definition of *apartment hotel* to remove the requirement for resident supervision.
2. Remove the phrase "*other than a motel or hotel*" in the definition of *bed and breakfast* to clarify that when a hotel is listed as a permitted use in a zoning district it is interpreted to include bed and breakfast use, as well.

## **AMENDMENTS THAT DISCOURAGE RESIDENTIAL CONVERSION**

### A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Revise the code to require *Conditional Use Review and Approval* for the following uses currently permitted as a means to preserve the integrity of the RM-25 area for apartments and hotel related uses.
  - a. single-family residence;
  - b. duplex;
  - 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 or 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.

## **AMENDMENTS THAT CLARIFY AND IMPROVE ORGANIZATION**

### A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Add the word "lodging" to the title of the RM-25 zoning district to properly identify this zoning.
2. Change "office *or* professional person residing on premises..." to office *of* professional person residing on premises to clarify that office uses are ancillary uses to persons residing on the premises, and that such uses are not permitted as free standing principal uses, unless otherwise approved consistent with the Town and Broward County Future Land Use Element, which requires the application of Commercial Flex Acreage to allow commercial uses in residential land use designated areas.
3. Provide a reference for clarification to Section 30-56 when Conditional Use Review and Approval is required for rooftop uses.
4. Move the definition of "apartment buildings" to the definitions section of the Code (30-20 Definitions).
5. Clarify that setbacks required in the RM-25 zoning are not only applicable to apartments but that they are also applicable to all uses permitted in the district.

### Section 30-20 Definitions:

1. Add a reference to *apartment motel* to refer to the definition of *apartment hotel*.
2. Delete the definition of *condominium hotel* in that this use is not referred to in any other section of the code, therefore there is no need for the definition to exist.
3. Remove the word "*facilities*" from the definition of a hotel to clarify that a hotel unit may include some kitchen appliances, such as a microwave, mini refrigerator, coffee maker, and the like, and that the exclusion in the definition is meant to only prohibit a full kitchen in a hotel unit (with a stove and oven).

# Town of Lauderdale By The Sea

## Zoning Map with Hotel & Motels

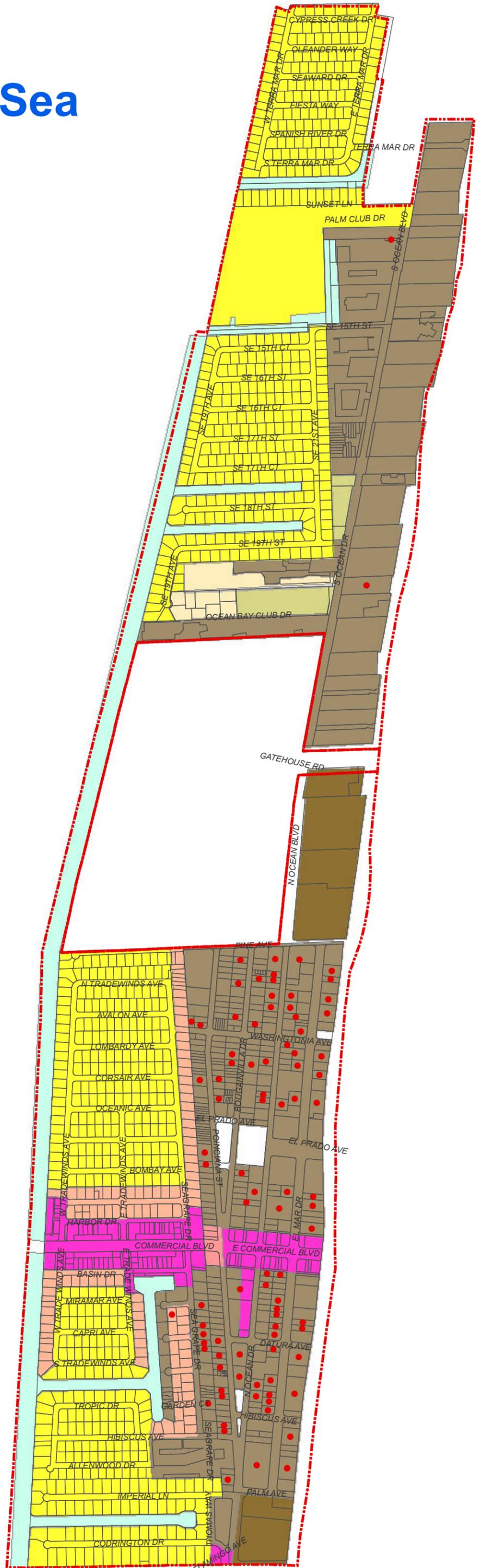
### Legend

• Hotels & Motels

▭ Town Boundary

### Town Zoning Districts

- RS-4
- RS-5
- RD-10
- RM-15
- RM-16
- RM-25
- RM-50
- R-5
- PUD
- B-1A
- B-1
- WATER



## **Town of Lauderdale-By-The-Sea**

### **Priority #2 - Hotel Study**

#### **Phase I Report**

This report presents the findings of the Phase I of the Town of Lauderdale –By-The-Sea Hotel Study, which was jointly prepared by the Town Development Services Department and JC Consulting Inc.

This Phase I report builds upon the findings and results of the Hotel Survey effort. The overall aim of the project is to identify ways to reduce the regulatory impediments and introduce incentives so as to preserve and enhance the Town’s presence as a vacation beachfront community.

Phase I included a survey of 9 lodging facilities, which represents approximately 25% of the total number of lodging facilities located in the Town.

#### ***I. Survey Results:***

The survey revealed the following:

1. Reduce the time it takes for permit reviews.
2. Assist in understanding building and zoning regulations when applying for permits.
3. Ensure consistency in permit reviews.
4. Reduce building and permit fees.
5. Allow for Cafes and Gift Shops, and potentially for rooftop uses.
6. Allow food and beverage services.
7. Preserve integrity of area for hotel uses so they are not replaced by residential uses.
8. Provide market support and business incentives for hotels within the Town.

#### ***II. Strategies:***

To address these issues the following strategies have been identified:

1. Provide fast track permit review for hotel uses.
2. Provide professional day meeting with zoning and building staff, at no charge to the applicant, to assist with the preparation and determination of building code / zoning requirements associated with hotel uses.

3. Explain to hoteliers that the permit fee schedule adopted last month does reduce permit fees.
4. Reduce land development permit fees for hotel uses.
5. Address parking issues: parking requirements for hotels versus other uses, swale parking impacts, alternatives to meet parking demand (i.e. shuttle service, bikes, etc.)
6. Determine what code changes are needed to accommodate accessory uses (i.e. cafes and gift shops and potentially rooftop uses).
7. Provide supplemental zoning criteria that supports hotel over other uses within particular zoning districts.
8. Develop Branding and Marketing program unique to Town tourism.

**III. Recommendations:**

The issues and strategies identified in Phase I have been translated into the following recommendations:

1. Revise the definitions of tourist accommodations to provide clarity and to reflect current conditions. These include the following terms, as defined in Section 30-20 In General – Subsection (i) Definitions (4) Terms Defined:

Dwelling, apartment hotel.

Dwelling, bed and breakfast.

Dwelling, condominium hotel.

Dwelling, timeshare.

Hotel.

Motel.

2. The majority of hotel uses are located in the RM-25 zoning category.

A. Revise the RM-25 Zoning to:

- Provide Purpose and Intent that supports the preservation of the area studied for hotel uses.
- Provide an improved list of permitted uses that support hotel uses, and identify other uses as conditional uses, with criteria.
- Ensure that density and other regulatory issues, i.e. requirement for “residence supervision”, are clearly written in the code.

- Consider adding new definition for a “boutique hotel” to distinguish the unique aspects of the hotel uses located within the Town.
  - Compare how changes in the RM-25 relate to other zoning districts re hotel uses. (I.e. R-5 Motel District).
3. Clarify the types of “kitchen /cooking facilities” that are and/or should be permitted in relation to apartment hotels and other hotel uses.
    - For example, hotels are not allowed to have kitchens, yet apartment hotels are permitted to have kitchens.
  4. Address parking issues in the code that are problematic to hotels and provide alternative incentives to required parking.
    - Develop options to traditional parking standards (i.e. parking spaces), including, but not limited to, bicycle rack standards.
    - Investigate the use of shuttle service as a means to reduce the use of limited parking.
  5. Determine if and which rooftop uses are appropriate.
    - Consider noise and other potential nuisance issues.
    - Consider establishing “lodging district” to distinguish from other areas to prevent compatibility issues.

#### ***IV. NEXT STEPS: Consideration of Zoning and Design***

Phase II of the study is in progress and will translate the issues raised in accordance with the strategies and suggestions provided in this report into practical zoning regulations. These proposed amendments will be “tested” by both parking and hotel industry experts to ensure that the proposed revisions have the desired intent of facilitating the development of new hotels, encouraging the redevelopment of existing hotels and discouraging the conversion of tourist units to residential use. The outcome of Phase II will be proposed code amendments to the RM-25, RM-50 and R-5 zoning districts.



28           **WHEREAS**, the Town Commission recognizes the tourist orientation of the Community,  
29 the implementation of new bicycle friendly programs in the Town, and the desirability of  
30 encouraging bicycle transportation and reducing vehicular traffic; and

31           **WHEREAS**, the Town Commission desires to provide for a limited, partial parking  
32 exemption for hotels/motels which provide alternate bicycle parking facilities; and

33           **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to  
34 the processing of any amendment to the land development regulations in Chapter 30 of the Code,  
35 and such notice was given of this amendment on November 29, 2011; and

36           **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has  
37 reviewed this Ordinance at a duly noticed hearing on March 21, 2012, and recommended  
38 \_\_\_\_\_; and

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

44           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**  
45 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

46  
47           **SECTION 1. Recitals.** The foregoing “Whereas” clauses are ratified and confirmed as  
48 being true, correct and reflective of the legislative intent underlying this Ordinance and are  
49 hereby made a specific part of this Ordinance.

50            **SECTION 2.Amendment.** Section 30-241 of Chapter 30 is hereby amended<sup>1</sup> as  
51 follows:

52 Sec. 30-241. - RM-25 district—Apartmentsand Lodging.

53            1. The following part of the platted area of Unit "A" of the inclusive subdivision known as Silver  
54 Shores is zoned as RM-25 district: All of Block 1; Lots 2, 3 and 4 of Block 2; Lots 5 and 6 of Block  
55 3; Lots 5 and 6 of Block 4; Lots 5 and 6 of Block 5; and Lot 1 of Block 6. All other parts of the  
56 Town of Lauderdale-By-The-Sea, except Units "A" and "B" of the inclusive subdivision known as  
57 Silver Shores, the inclusive subdivision known as Beverly Shores (zoning for which is provided in  
58 this article) and Lots 21 and 22, Block 1, of the subdivision known as Lauderdale Surf and Yacht  
59 Estates, not specifically set out in the preceding sections, is zoned as RM-25 district.

60            2. ~~(a)~~ Use.

61            No building or premises shall be used and no building with the usual accessories shall be erected  
62 or altered other than a building or premises arranged, intended or designed for any one or more  
63 of the following uses: Single-family residence, duplex,

64            (a) Permitted Uses:

65            (1) ~~a~~ Apartmenthouse; and

66            (2) ~~H~~ Hotel.

67            (b). Conditional Uses: The following uses may be permitted, subject to the requirements for  
68 Conditional Use Review as set forth in Section 30-56 of the Town Code:

69            (1) single-family residence;

70            (2) duplex;

71            (3) group or foster homes (as defined in the Town's land use plan as special residential  
72 facilities category 1 and 2);

73            (4) church or parish building;

74            (5) office of professional person residing on premises, such as architect, real estate broker,  
75 physician, dentist, engineer, lawyer, and customary home occupations when conducted  
76 on the premises, such as dressmaker, millinery and sewing, provided there is no display of  
77 goods or advertising other than a small name plate, and that area for such occupation  
78 shall not constitute more than one-third of the area of such residential  
79 building. ~~Construction limited to one building on lots of 80 feet or less in width.~~

80  
81

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<sup>1</sup> Words in ~~strike through~~ type are deletions; words in underlined type are additions.

82 (c)Temporary Uses:A temporary real estate sales office may occupy an existing structure prior to  
83 the removal of said structure provided the parcel has an active Town Commission approved  
84 site plan and adequate parking spaces for the sales use. The temporary sales office shall not  
85 exceed 1,000 square feet. The temporary sales office must be approved by the Town  
86 Commission in conjunction with the Commission's approval of the site plan, or by other  
87 separate consideration, and shall not be allowed to remain in use for more than six months  
88 from the effective date of site plan approval unless time extensions are granted by the Town  
89 Commission.

90 ~~(b)~~(d)Special accessory uses.

91 (1) Hotels, motels and apartment hotels, with a minimum of 100 dwelling units or more may  
92 provide restaurants and gift shops when the uses are an ancillary use to the primary  
93 hotels or residential use, subject to the following: ~~There shall be no signs or advertising~~  
94 ~~relating to such special accessories uses on the exterior or interior of the building visible~~  
95 ~~from any street, waterway, oceanfront, or adjacent property.~~

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

98 ~~Off-street parking for said uses shall be provided according to requirements of the~~  
99 ~~Town's Code.~~

100 (2) Parking shall be permitted as an accessory use.

101

102 (3) Bicycle Parking when accessory to a hotel or apartment hotel use, shall be permitted in  
103 lieu of providing required off-street parking, as specified in Section 30-318 Minimum  
104 parking requirements (c) Hotels and Motels.

105

106 (4) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained  
107 pursuant to section 30-327.

108 ~~(e)~~(e)Site plans to be approved.

109 Any development in the RM-25 district shall be permitted only upon review and approval of  
110 plans for such development by the procedures provided in Article IV of this chapter. In reviewing  
111 development plans, the Board shall consider the effect of the proposed development on existing  
112 and future buildings in the vicinity and may impose conditions and restrictions upon the  
113 construction, location and operation of any development, including but not limited to lighting,  
114 building, setbacks, off-street parking and loading, vehicular accessway and landscaping, as may  
115 be deemed necessary to promote the general objective of this subdivision and to minimize any  
116 injury to the value of the property in the neighborhood. All building or structures shall be of  
117 C.B.S. or reinforced concrete construction and shall be designed with every practical  
118 consideration for appearance, safety, fire protection, health, light and air. All final plans and

119 specifications of any building or structure shall be approved by the Town Building Inspector.  
120 Failure to maintain such conditions and restrictions as may have been imposed shall constitute a  
121 violation of this subdivision.

122 ~~(e)~~(e) Height.

123 (1) No building shall be erected or altered exceeding three stories which shall not be higher than  
124 33 feet above normal grade level. Elevator shafts or stairways shall not be subject to this  
125 height limit.

126 (2) The rooftop of a three story structure, may be used for passive recreational purposes only  
127 provided:

- 128 a. ~~No~~ permanent structures are erected, following the level of review set forth below;
- 129 b. The area of the roof to be used shall be limited to 35 percent of the square footage of  
130 the enclosed floor area of the floor below;
- 131 c. Permanent roofs, awnings and canopies are prohibited;
- 132 d. All passive recreational items shall be temporary (non-permanent) and portable in  
133 nature;
- 134 e. The temporary items shall not be visible when viewed at eye level (five feet to six feet  
135 from grade) from a point opposite the structure on the opposite side of the adjacent  
136 right-of-way;
- 137 f. For corner properties, the temporary items shall also not be visible when viewed at  
138 eye level from the diagonal corner at the opposite side of the right-of-way and from  
139 the opposite side of the side street right-of-way;
- 140 g. All parapets, railings and code required safeguards shall remain free from towels or  
141 other passive recreational use objects;
- 142 h. Site plan approval is required for passive recreational use of the rooftop.
- 143 i. All passive recreational rooftop use requires a conditional use permit, subject to the  
144 requirements for Conditional Use Review as set forth in Section 30-56 of the Town  
145 Code
  - 146 i. Transient uses. A Conditional use permit for transient uses such as hotel, motel,  
147 apartment building, condominium, or time share will be issued for a period of  
148 one year. The transient use shall apply for renewal of the permit annually to the  
149 Town Manager, prior to re-issuance. The conditional use permit may be  
150 renewed if the Town determines that (a) the conditional use does not adversely  
151 impact neighboring properties and (b) it complies with the conditions of site  
152 plan approval. An administrative decision not to renew a rooftop use may be  
153 appealed to the Town Commission by the property owner. An administrative  
154 decision to renew a rooftop use may be appealed to the Town Commission by a  
155 neighboring property owner. The Town Commission's decision on appeal shall  
156 constitute a final development order.

158 ii. Non-transient uses. A passive recreational rooftop use for a non-transient  
159 residential property is exempt from the annual review for such roof tops for  
160 transient uses.

161 ~~For the purpose of this section, "apartment building" is defined as a residential rental property with four~~  
162 ~~or more dwelling units.~~

163 (3) Ground floor elevation required to be not less than eight feet above the mean sea level in  
164 the oceanfront. Federal Department of Housing and Urban Development, Federal  
165 Insurance Administration, designations of special hazard areas show base flood elevations  
166 above mean sea level as six feet for Zone A-1 and eight feet for Zones V-1 and V-2. All new  
167 buildings or additions to existing buildings shall conform to these minimum standards.

168 ~~(e)–(f)~~ Seawalls.

169 Approval shall be given for the construction of seawalls or barriers for the protection of property  
170 situated east of El Mar Drive of projection thereof against erosion, riptide or other hazards, such as  
171 windstorms and hurricanes, provided that the same shall be of the retaining type waterfront  
172 construction erected in accordance with standard structural practices and design. No physical part of  
173 said seawall shall extend eastward from the front lot line a distance greater than the distance  
174 specifically shown for the respective lots in the tabulation herein, and shall not exceed in height of over  
175 three feet, six inches as measured from the contour or crown of El Mar Drive at a point directly in front  
176 of the lot upon which erected. Plans and specifications for all such seawalls or barriers shall be  
177 submitted to the building inspection department for approval before starting any construction,  
178 renovation or removal of same.

179 ~~(f)–(g)~~ Intra lot placement.

180 All buildings or structures which are grouped together shall be separated by a minimum distance equal  
181 to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or  
182 structures are not parallel, the distance measured on a straight line connecting the midpoints of the two  
183 oblique walls shall be considered as the line along which the building separation requirement shall be  
184 measured, but in no instance shall the minimum distance between buildings or structures be less than  
185 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed  
186 on either adjacent wall less than 20 feet apart.

187 ~~(g)–(h)~~ Foundations.

188 Foundations of all hotel buildings must conform with specifications of the State Hotel Commission and  
189 Building Inspector of the Town of Lauderdale-By-The-Sea.

190

191

192 ~~(A)~~ (i) Size of buildings.  
193 Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.

194 ~~(j)~~ (i) Buildings facing two streets.

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

198 ~~(j)~~ (k) ~~Apartment-s~~ Setbacks.

199 (1) Front setbacks. No building, or part of building, shall be set closer than 25 feet to the street line upon  
200 which the front of said building shall face, provided that each building shall be considered as having one  
201 front, and provided that in no event shall the setback from the front line be greater than 35 feet unless  
202 approval is given by the Board of Adjustment. In the case of a building being erected on a lot where  
203 there is a building each on the adjacent lot, the setback need not be greater than that of the building set  
204 farthest back from the street line. In the case of a building being erected on a lot where there is a  
205 building on one adjacent lot, the setback need not be greater than ten feet more than the setback of the  
206 adjacent building.

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

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

	<b>6</b>	<b>146</b>
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	<b>10</b>	<b>148</b>
	<b>11</b>	<b>149</b>
	<b>12</b>	<b>150</b>
<b>3</b>	<b>1</b>	<b>152</b>
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	<b>3</b>	<b>154</b>
	<b>4</b>	<b>155</b>
	<b>5</b>	<b>158</b>
	<b>6</b>	<b>161</b>
	<b>7</b>	<b>164</b>
	<b>8</b>	<b>167</b>
	<b>9</b>	<b>170</b>
	<b>10</b>	<b>173</b>
	<b>11</b>	<b>177</b>
	<b>12</b>	<b>178</b>
<b>4</b>	<b>1</b>	<b>179</b>
	<b>2</b>	<b>184</b>
	<b>3</b>	<b>189</b>
	<b>4</b>	<b>194</b>
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	<b>9</b>	<b>201</b>
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	<b>11</b>	<b>201</b>
	<b>12</b>	<b>201</b>
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<b>6</b>	<b>7</b>	<b>201</b>
<b>7</b>	<b>1</b>	<b>210</b>
	<b>2</b>	<b>203</b>
	<b>3</b>	<b>196</b>
	<b>4</b>	<b>192</b>
	<b>5</b>	<b>188</b>
	<b>6</b>	<b>184</b>
	<b>7</b>	<b>179</b>
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	<b>12</b>	<b>149</b>
	<b>13</b>	<b>143</b>
<b>8</b>	<b>1</b>	<b>138</b>
	<b>2</b>	<b>131</b>
	<b>3</b>	<b>125</b>
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	<b>17</b>	<b>127</b>
<b>9</b>	<b>1</b>	<b>136</b>
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	<b>3</b>	<b>136</b>
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	<b>12</b>	<b>139</b>
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	<b>14</b>	<b>140</b>
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256  
257 (3)Corner setback. For a corner lot, the setback from the side street line shall be not less than ten  
258 feet, provided that if the height of the building exceeds 22 feet the setback shall be 15 feet.

259 (4)Side setbacks. Side setbacks shall not be less than ten feet, with the proviso that if the height of  
260 the building exceeds 22 feet, the ten-foot setback shall be increased by one foot for every two  
261 feet by which the height of the building exceeds 22 feet. Lots on the intracoastal or inland  
262 waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12  
263 feet from the seawall.

264 (5)Side roof overhangs. Side roof overhangs, cornices or eaves shall not extend closer than five  
265 feet to the side line.

266 (6)Length of building. No building shall be erected or altered to a length exceeding 200 lineal feet.

267 (7)Rear roof overhangs. Rear roof overhangs, cornices or eaves shall not extend closer than two  
268 feet to the rear line.

269 ~~(k)~~ (l)Rear setback requirements. No building or any part thereof shall be erected on any lot closer than  
270 ten feet from the rear lot line, provided that where the height of the building exceeds 22 feet, the ten-  
271 foot minimum setback shall be increased by one foot for each four feet by which the height of the  
272 building exceeds 22 feet.

273 Notwithstanding the setback requirements hereinbefore specified, all new buildings or additions to  
274 existing buildings shall be located ~~not less than a minimum of~~50 feet ~~from~~landwards of the mean high  
275 waterline of the Atlantic Ocean, as required by the Florida ~~State~~ Department of Environmental  
276 Protection Natural Resources.

277 Where a plot for development consists of two or more platted lots abutting or adjoining each other on  
278 their rear lot lines, there shall be a rear setback of not less than 12 feet in depth immediately adjacent to  
279 the rear lot line of each such abutting or adjoining platted lot.

280 ~~(h)~~(m) Open area. Every plot used for multi-family or hotel structures shall have not less than 25  
281 percent of the total setback area required by the Zoning Code to be open and not occupied by any  
282 roofed structure. This 25 percent of the required setback shall be landscaped with trees, shrubs, hedges  
283 and flower beds and grass. Hedges shall not be over three feet in height. Trees and shrubs shall not  
284 obscure vision of traffic.

285 The remaining 75 percent of the required setback area may be used for pools, aprons, recreation,  
286 parking and other open uses. This 75 percent shall be suitably landscaped. All landscaping shall be  
287 properly watered and maintained in a clean, properly trimmed and healthy condition.

288 ~~(m)~~(n) Density. Required lot area shall be at least 1,742 feet per kitchen dwelling unit and at least 871  
289 square feet per hotel room, (1,742 square feet for condominium). Net density of development shall not  
290 exceed 25 kitchen dwellings units or 50 hotel rooms per acre of site (25 units per acre for condominiums)

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

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

297 ~~(n) — (o) Reserved.~~ Number of buildings. Construction shall be limited to one building on lots of 80 feet or  
298 less in width.

299 ~~(e) — (p)~~ Storm drainage. All construction shall include provision for drainage or catch basins and  
300 adequate drainfields, properly located in all areas where stormwater is sealed out by paving or  
301 otherwise, or where water is drained from the roof of a structure. Where the roadside swale is paved as  
302 an approach to a driveway or parking areas for the construction, owner may use the swale area for  
303 installation of the catch basins and drainfields prior to paving. Owner will be responsible for  
304 maintenances of these drainage facilities constructed for the benefit of his property. All such  
305 construction shall be subject to the approval of the Town Inspector.

306 **SECTION 3.Amendment.** Section 30-20 of Chapter 30 is hereby amended as follows:

307 Sec. 30-20. - General provisions.

308 \* \* \*

309 (i) Definitions.

310 \* \* \*

311 (4) Terms defined.

312 \* \* \*

313 Apartment building. A residential rental property with four or more dwelling units.

314 \* \* \*

315 Dwelling, apartment hotel. A building designed for, or containing, both apartment dwellings and  
316 individual hotel guest rooms ~~under resident supervision.~~

317 Dwelling, apartment motel. See apartment hotel.

318 Dwelling, bed and breakfast. A building or part thereof, ~~other than a motel or hotel. Where~~  
319 sleeping accommodations and breakfast are provided for transient guests, and which also serves  
320 as the residence of the operator. A bed and breakfast may provide bathroom facilities that serve  
321 more than one room or one unit.

322 ~~Dwelling, condominium hotel. A hotel or motel comprised of units that are owned by an~~  
323 ~~individual, corporation, or any other legal entity having mandatory membership into an~~  
324 ~~association comprised of all owners within the same development, and is a building or buildings~~  
325 ~~collectively, "facility" containing individual guest rooms, units, or efficiencies for which daily,~~  
326 ~~weekly or monthly lodging is provided as transient accommodations.~~

327 \* \* \*

328 Hotel. One or more buildings or structures, or part of one or more buildings or structures kept,  
329 used, advertised as or held out to be a place where sleeping accommodations, with or without  
330 meals, are provided for transient lodgers; and, where a guest register or record is kept; and,  
331 where except for a bed and breakfast, each room or unit contains a full bathroom consisting of a  
332 minimum of a toilet, sink and shower or bathtub; and, where no kitchen facilities are provided.

333 \* \* \*

334 Short term tenancy uses. As used in Section 30-242, short term tenancy uses shall include a  
335 hotel, motel or a use comprised of apartment hotel dwellings, apartment motel dwellings, time  
336 share dwellings, and bed and breakfast dwellings, as those terms are defined herein.

337 \* \* \*

338 **SECTION 4.Amendment.** Section 30-318 of Chapter 30 is hereby amended as follows:

339 Sec. 30-318. - Minimum parking requirements.

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

341 (b) Multiple-family dwellings: 1½ parking spaces for each unit with less than three bedrooms and two  
342 parking spaces for each unit with three or more bedrooms plus one guest space for every five units. If, in  
343 addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the  
344 multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be  
345 required by this section, if such uses were separate from the multiple dwelling.

346 (c) Hotels, ~~and~~ motels and apartment hotels:

347

348 1. One parking space for each rentable tourist unit. A rentable tourist unit is defined as a unit with  
349 an outside entry door and bathroom which can be rented individually. The unit may or may not  
350 have a kitchen facilities. For example, a two-bedroom unit that can be converted to two separate  
351 units, each with outside door and bathroom, is counted as two rentable tourist units. A two-  
352 bedroom, one-bath unit with only one outside door is counted as one rentable tourist unit. If, in  
353 addition to rentable tourist units there are other uses operated in conjunction with and/or as

354 part of the hotel/motel, additional off-street parking spaces shall be provided for such other  
355 uses as would be required by this section if such uses were separate from the hotel/motel.

356 2. Exemption for Bicycle Parking: A hotel or motel use located in the RM-25 zoning district may  
357 receive an exemption for up to 25% of the total amount of required parking when bicycle  
358 parking is located on the same building site as the hotel or motel,subject to the following:

359 a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-  
360 vehicular parking space;

361 b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet;  
362

363 **SECTION 5.Codification.** This Ordinance shall be codified in accordance with the  
364 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall  
365 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the  
366 sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be  
367 changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such  
368 intentions.

369 **SECTION 6.Severability.** If any section, sentence, clause, or phrase of this Ordinance is  
370 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
371 in no way affect the validity of the remaining portions of this Ordinance.

372 **SECTION 7.Conflicting Ordinances.** All prior ordinances or resolutions or parts  
373 thereof in conflict herewith are hereby repealed to the extent of such conflict.

374 **SECTION 8.Effective Date.** This Ordinance shall become effective immediately upon  
375 passage on second reading.

376 Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

377 Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2012.

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\_\_\_\_\_  
Mayor Roseann Minnet

	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Brown	_____	_____
Commissioner Sasser	_____	_____
Commissioner Vincent	_____	_____

Attest:

\_\_\_\_\_  
Town Clerk, June White, CMC  
(CORPORATE SEAL)

Approved as to form:

\_\_\_\_\_  
Town Attorney, Susan L. Trevarthen