

Subdivision E. - RM-25 District Regulations

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

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

Secs. 30-243—30-250. - Reserved.

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

1. The following part of the platted area of Unit "A" of the inclusive subdivision known as Silver 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 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 Town of Lauderdale-By-The-Sea, except Units "A" and "B" of the inclusive subdivision known as Silver Shores, the inclusive subdivision known as Beverly Shores (zoning for which is provided in this article) and Lots 21 and 22, Block 1, of the subdivision known as Lauderdale Surf and Yacht Estates, not specifically set out in the preceding sections, is zoned as RM-25 district.
2. *Use.* No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended or designed for any one or more of the following uses:
 - (a) *Permitted uses:*
 - (1) Apartment house; and
 - (2) Hotel.
 - (b) *Conditional uses.* The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-56 of the Town Code:
 - (1) Single-family residence;
 - (2) Duplex;
 - (3) Group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);
 - (4) Church or parish building;
 - (5) Office of professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building.
 - (c) *Temporary uses.* A temporary real estate sales office may occupy an existing structure prior to the removal of said structure provided the parcel has an active Town Commission approved site plan and adequate parking spaces for the sales use. The temporary sales office shall not exceed 1,000 square feet. The temporary sales office must be approved by the Town Commission in conjunction with the Commission's approval of the site plan, or by other separate consideration, and shall not be allowed to remain in use for more than six months from the effective date of site plan approval unless time extensions are granted by the Town Commission.
 - (d) *Special accessory uses.*
 - (1) Hotels, motels and apartment hotels, with a minimum of 100 dwelling units or more may provide restaurants and gift shops when the uses are an ancillary use to the primary hotels or residential use, subject to the following:
 - a.

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

- (2) Parking shall be permitted as an accessory use.
 - (3) Bicycle parking when accessory to a hotel or apartment hotel use, shall be permitted in lieu of providing required off-street parking, as specified in [section 30-318](#), Minimum parking requirements, (c) Hotels and motels.
 - (4) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to [section 30-327](#).
- (e) *Site plans to be approved.* Any development in the RM-25 district shall be permitted only upon review and approval of plans for such development by the procedures provided in Article IV of this chapter. In reviewing development plans, the Board shall consider the effect of the proposed development on existing and future buildings in the vicinity and may impose conditions and restrictions upon the construction, location and operation of any development, including but not limited to lighting, building, setbacks, off-street parking and loading, vehicular accessway and landscaping, as may be deemed necessary to promote the general objective of this subdivision and to minimize any injury to the value of the property in the neighborhood. All building or structures shall be of C.B.S. or reinforced concrete construction and shall be designed with every practical consideration for appearance, safety, fire protection, health, light and air. All final plans and specifications of any building or structure shall be approved by the Town Building Inspector. Failure to maintain such conditions and restrictions as may have been imposed shall constitute a violation of this subdivision.
- (f) *Height.*
- (1) No building shall be erected or altered exceeding three stories which shall not be higher than 33 feet above normal grade level. Elevator shafts or stairways shall not be subject to this height limit.
 - (2) The rooftop of a three-story structure, may be used for passive recreational purposes only provided:
 - a. No permanent structures are erected, following the level of review set forth below;
 - b. The area of the roof to be used shall be limited to 35 percent of the square footage of the enclosed floor area of the floor below;
 - c. Permanent roofs, awnings and canopies are prohibited;
 - d. All passive recreational items shall be temporary (non-permanent) and portable in nature;
 - e. The temporary items shall not be visible when viewed at eye level (five feet to six feet from grade) from a point opposite the structure on the opposite side of the adjacent right-of-way;
 - f. For corner properties, the temporary items shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way;
 - g. All parapets, railings and code required safeguards shall remain free from towels or other passive recreational use objects;
 - h. Site plan approval is required for passive recreational use of the rooftop;
 - i. All passive recreational rooftop use requires a conditional use permit, subject to the requirements for conditional use review as set forth in [section 30-56](#) of the Town Code.
 - i. *Transient uses.* A conditional use permit for transient uses such as hotel, motel, apartment building, condominium, or time share will be issued for a period of one year. The transient use shall apply for renewal of the permit annually to the Town Manager, prior to re-issuance. The conditional use permit may be renewed if the Town determines that: (a) the conditional use does not adversely impact neighboring properties; and (b) it complies with the conditions of site plan approval. An administrative decision not to renew a rooftop use may be appealed to the Town Commission by the property owner. An administrative decision to renew a rooftop use may be appealed to the Town Commission by a neighboring property owner. The Town Commission's decision on appeal shall constitute a final development order.
 - ii.

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

- (3) Ground floor elevation required to be not less than eight feet above the mean sea level in the oceanfront. Federal Department of Housing and Urban Development, Federal Insurance Administration, designations of special hazard areas show base flood elevations above mean sea level as six feet for Zone A-1 and eight feet for Zones V-1 and V-2. All new buildings or additions to existing buildings shall conform to these minimum standards.
- (g) *Seawalls.* Approval shall be given for the construction of seawalls or barriers for the protection of property situated east of El Mar Drive of projection thereof against erosion, riptide or other hazards, such as windstorms and hurricanes, provided that the same shall be of the retaining type waterfront construction erected in accordance with standard structural practices and design. No physical part of said seawall shall extend eastward from the front lot line a distance greater than the distance specifically shown for the respective lots in the tabulation herein, and shall not exceed in height of over three feet, six inches as measured from the contour or crown of El Mar Drive at a point directly in front of the lot upon which erected. Plans and specifications for all such seawalls or barriers shall be submitted to the Building Inspection Department for approval before starting any construction, renovation or removal of same.
- (h) *Intra lot placement.* All buildings or structures which are grouped together shall be separated by a minimum distance equal to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or structures are not parallel, the distance measured on a straight line connecting the midpoints of the two oblique walls shall be considered as the line along which the building separation requirement shall be measured, but in no instance shall the minimum distance between buildings or structures be less than 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed on either adjacent wall less than 20 feet apart.
- (i) *Foundations.* Foundations of all hotel buildings must conform with specifications of the State Hotel Commission and Building Inspector of the Town of Lauderdale-By-The-Sea.
- (j) *Size of buildings.* Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.
- (k) *Buildings facing two streets.* Any building extending from street to street shall have two building fronts, and observe applicable setbacks on both streets with the exception of Block 30 between Datura Avenue and Hibiscus Avenue where the setback on Bougainvillea Drive shall be a minimum of 20 feet.
- (l) *Setbacks.*
 - (1) *Front setbacks.* No building, or part of building, shall be set closer than 25 feet to the street line upon which the front of said building shall face, provided that each building shall be considered as having one front, and provided that in no event shall the setback from the front line be greater than 35 feet unless approval is given by the Board of Adjustment. In the case of a building being erected on a lot where there is a building each on the adjacent lot, the setback need not be greater than that of the building set farthest back from the street line. In the case of a building being erected on a lot where there is a building on one adjacent lot, the setback need not be greater than ten feet more than the setback of the adjacent building.
 - (2) *Structures east of El Mar Drive.* No part of any building or seawall on the east side of El Mar Drive shall extent eastward from El Mar Drive to a distance greater than the distance specifically shown for the respective lots in the tabulation set out this subsection:

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

	<u>11</u>	141
2	1	146
	2	146
	3	146
	<u>4</u>	146
	<u>5</u>	146
	<u>6</u>	146
	<u>7</u>	146
	<u>8</u>	146
	<u>9</u>	147
	<u>10</u>	148
	<u>11</u>	149
	<u>12</u>	150
3	1	152
	2	153
	3	154
	<u>4</u>	155
	<u>5</u>	158
	<u>6</u>	161
	<u>7</u>	164
	<u>8</u>	167
	<u>9</u>	170
	<u>10</u>	173
	<u>11</u>	177
	<u>12</u>	178
<u>4</u>	1	179
	2	184
	3	189
	<u>4</u>	194
	<u>5</u>	199
	<u>6</u>	200
	<u>7</u>	200
	<u>8</u>	200
	<u>9</u>	201
	<u>10</u>	201
	<u>11</u>	201
	<u>12</u>	201
<u>5</u>	<u>7</u>	201
<u>6</u>	<u>7</u>	201
<u>7</u>	1	210
	2	203
	3	196
	<u>4</u>	192
	<u>5</u>	188
	<u>6</u>	184
	<u>7</u>	179
	<u>8</u>	173
	<u>9</u>	167
	<u>10</u>	161
	<u>11</u>	155
	<u>12</u>	149
	<u>13</u>	143
<u>8</u>	1	138
	2	131
	3	125
	<u>4</u>	125
	<u>5</u>	125
	<u>6</u>	125
	<u>7</u>	121
	<u>8</u>	117
	<u>9</u>	113

	<u>10</u>	109
	<u>11</u>	105
	<u>12</u>	101
	<u>13</u>	106
	<u>14</u>	111
	<u>15</u>	117
	<u>16</u>	122
	<u>17</u>	127
<u>9</u>	1	136
	2	136
	3	136
	<u>4</u>	136
	<u>5</u>	136
	<u>6</u>	136
	<u>7</u>	136
	<u>8</u>	136
	<u>9</u>	136
	<u>10</u>	137
	<u>11</u>	138
	<u>12</u>	139
	<u>13</u>	140
	<u>14</u>	140
	<u>15</u>	142
	<u>16</u>	143
	<u>17</u>	144

- (3) *Corner setback.* For a corner lot, the setback from the side street line shall be not less than ten feet, provided that if the height of the building exceeds 22 feet the setback shall be 15 feet.
- (4) *Side setbacks.* Side setbacks shall not be less than ten feet, with the proviso that if the height of the building exceeds 22 feet, the ten-foot setback shall be increased by one foot for every two feet by which the height of the building exceeds 22 feet. Lots on the intracoastal or inland waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12 feet from the seawall.
- (5) *Side roof overhangs.* Side roof overhangs, cornices or eaves shall not extend closer than five feet to the side line.
- (6) *Length of building.* No building shall be erected or altered to a length exceeding 200 lineal feet.
- (7) *Rear roof overhangs.* Rear roof overhangs, cornices or eaves shall not extend closer than two feet to the rear line.
- (m) *Rear setback requirements.* No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line, provided that where the height of the building exceeds 22 feet, the ten-foot minimum setback shall be increased by one foot for each four feet by which the height of the building exceeds 22 feet.

Notwithstanding the setback requirements hereinbefore specified, all new buildings or additions to existing buildings shall be located a minimum of 50 feet landwards of the mean high waterline of the Atlantic Ocean, as required by the Florida Department of Environmental Protection.

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

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

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

- (o) *Density.* Required lot area shall be at least 1,742 feet per kitchen dwelling unit and at least 871 square feet per hotel room (1,742 square feet for condominium). Net density of development shall not exceed 25 kitchen dwellings units or 50 hotel rooms per acre of site (25 units per acre for condominiums and apartments). In computing the permissible number of units for a given site, one-half or more of a unit shall be counted and permitted as a full unit in meeting density limits.

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

- (p) *Number of buildings.* Construction shall be limited to one building on lots of 80 feet or less in width.
- (q) *Storm drainage.* All construction shall include provision for drainage or catch basins and adequate drainfields, properly located in all areas where stormwater is sealed out by paving or otherwise, or where water is drained from the roof of a structure. Where the roadside swale is paved as an approach to a driveway or parking areas for the construction, owner may use the swale area for installation of the catch basins and drainfields prior to paving. Owner will be responsible for maintenances of these drainage facilities constructed for the benefit of his property. All such construction shall be subject to the approval of the Town Inspector.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 473, § 2, 5-22-01; Ord. No. 03-507, § 2, 2-25-03; Ord. No. 03-526, § 2, 10-28-03; Ord. No. 2005-19, § 2, 12-13-05; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2009-19, § 7, 5-26-09; Ord. No. 2009-30, § 6, 12-1-09; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2011-09, § 4, 5-24-2011; Ord. No. 2012-06, § 2, 3-27-2012)

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

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

- (a) *Density.*
 - (1) Lots or plots with less than or equal to 140 feet in depth shall be limited to two dwelling units per lot or plot with a minimum of 1,800 square feet of living area in each dwelling unit;
 - (2) Lots or plots greater than 140 feet in depth shall be limited to three dwelling units per lot or plot with a minimum of 2,000 square feet of living area in each dwelling unit.
 - (3) Hotel, motel or short-term tenancy units are a prohibited use for such lots or plots west of Bougainvillea Drive.
- (b) *Setbacks.*
 - (1) *Front setback.* No building shall be set closer than 25 feet to the street line upon which the front of said building shall face, provided that each building shall be considered as having one front, and provided that in no event shall the setback from the front line be greater than 35 feet unless approval is given by the Board of Adjustment. Balconies and roof overhangs may encroach no closer than 20 feet to the front property line.
 - (2) *Side setbacks.* Side setbacks shall not be less than five feet. No building encroachments or overhangs may encroach with five feet of the side lot line. Any portion of the building that exceeds 22 feet in height shall have an additional side setback of one foot for each two feet of height exceeding 22 feet. Parapet walls and ornamental features not exceeding four feet in height above a flat roof shall be exempt from the additional setback requirement. Lots on the intracoastal or

inland waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12 feet from the seawall.

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

(c) *Minimum ground floor area.*

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

- (1) Lots or plots with less than or equal to 140 feet in depth shall have a minimum of 1,800 square feet of living area under air conditioning in each dwelling unit;
- (2) Lots or plots greater than 140 feet in depth shall have a minimum of 2,000 square feet of living area under air conditioning in each dwelling unit.

(d) *Parking.*

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

- (1) The minimum width shall be ten feet for a one-way driveway and 20 feet for a two-way driveway.
- (2) The minimum back-up dimension for a driveway serving a garage or parking space shall be 24 feet.

(e) *Landscape strip.*

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

(Ord. No. 444, § 2, 9-13-00; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011)

Secs. 30-243—30-250. - Reserved.