

ORDINANCE 2017-07

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-271, "B-1 DISTRICT – BUSINESS" TO REVISE REQUIREMENTS FOR MARINAS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

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

4 **WHEREAS**, On May 24, 2016, the Town adopted regulations providing for Marina Use
5 as a conditional use in the B-1 zoning district; and

6 **WHEREAS**, one of the requirements for Marina Uses was that a Marina be certified as a
7 Florida Clean Marina by the Florida Department of Environmental Protection within nine
8 months after conditional use approval; and

9 **WHEREAS**, the Town has learned from the Florida Department of Environmental
10 Protection that the Clean Marina certification requirement is not currently feasible in the context
11 of facilities within the Town; and

12 **WHEREAS**, the Town Commission desires that any marinas approved by the Town
13 maintain standards equivalent to those established by the Clean Marina Program; and

14 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
15 reviewed the contents of this Ordinance at a duly noticed public hearing on April 19, 2017, and
16 recommended approval of the amendment; and

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

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

24 **SECTION 1.** Recitals. The preceding “Whereas” clauses are ratified and incorporated
25 as the legislative intent of this Ordinance. ¹

26 **SECTION 2.** Amendment. Chapter 30, Unified Land Development Regulations of the
27 Code of Ordinances, Article V, Zoning, Division 2, Districts, is hereby amended as follows:

28 **Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS**

29 * * *

30 **ARTICLE V. – ZONING**

31 * * *

32 **DIVISION 2. - DISTRICTS**

33 * * *

34 **Subdivision H. - B-1 District Regulations**

¹ Additions to existing text are shown in underline. Deletions to existing text are shown in ~~striketrough~~. Additional language included in the text since first reading are shown in double underline or ~~double striketrough~~.

35 Section 30-271. - B-1 district—Business.

36 * * *

37 (i) Specific conditional use requirements.

38 * * *

39 (2) Marina Uses. The Town may approve a conditional use for a Marina, subject to all of the
40 following requirements:

41
42 a. *Application.* In addition to the standard site plan (if applicable), and
43 conditional use application requirements, an application for a marina shall
44 provide:

45 * * *

46 3. A Clean Marina Best Practices Plan (the “Plan”) for approval as part of
47 the conditional use approval. The Plan shall be based on the Florida
48 Clean Marina Program’s Best Management Practices that are applicable
49 for a marina of its type and services provided and will include a timeline
50 for the implementation of each best practice, ~~statement that the~~
51 ~~applicant will;~~

52 ~~i. Ensure that the marina will implement the Florida Clean Marina~~
53 ~~Program’s Best Management Practices that are applicable as~~
54 ~~standard practices for facility operations of its type and services~~
55 ~~provided; and~~

56 ~~ii. If the marina is or becomes eligible for Florida Clean Marina~~
57 ~~certification, take such action as necessary to have the marina certified~~
58 ~~as a Florida Clean Marina by the Florida Department of Environmental~~
59 ~~Protection within nine months after either the conditional use approval~~
60 ~~date or becoming eligible and shall maintain such certification~~
61 ~~thereafter.~~

62 * * *

63 c. *Conditions of approvals.* In addition to any other conditions imposed by the
64 Town Commission, the following requirements shall be included as conditions
65 of the development order:

66 * * *

67 3. The marina shall maintain compliance with the Clean Marina Best
68 Practices Plan as approved by the Town Commission as part of the
69 conditional use approval. The Plan may be reviewed annually by the
70 Town Commission Manager and modifications may be required to
71 ensure continued operation is consistent with current Florida Clean

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Marina Best Practices. Failure to adhere to the Plan will be considered to be a material default of a conditional use permit.

4. If the marina is or becomes eligible for certification as a Florida Clean Marina, then ~~the~~ the marina shall be certified as a Florida Clean Marina by the Florida Department of Environmental Protection within nine months after either the conditional use approval date or the date of eligibility for certification and shall maintain such certification thereafter.

* * *

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 9th day of May, 2017.

Passed and adopted on the second reading, this 13th day of June, 2017.

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MAYOR SCOT SASSER

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First Reading

Second Reading

Mayor Sasser
Vice-Mayor Brown
Commissioner Oldaker
Commissioner Sokolow
Commissioner Vincent

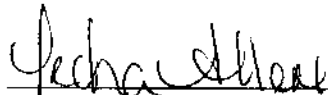
Aye
Aye
Aye
Aye
Aye

Aye
Aye
Aye
Aye
Aye

107 ATTEST:

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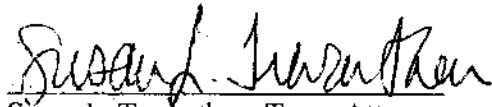
Tedra Allen, Town Clerk

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113 APPROVED AS TO FORM:

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Susan L. Trevarthen, Town Attorney

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