

**ORDINANCE NO. 13-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING DIVISION 4, "LIMITED COMMERCIAL (LC) DISTRICT" OF ARTICLE VI "DISTRICTS" OF CHAPTER 86 "ZONING," BY AMENDING SECTION 86-262 "PERMITTED PRINCIPAL USES AND STRUCTURES", BY ADDING RESTAURANT, RESTAURANT, CARRYOUT, RESTAURANT, DRIVE-IN, AND RESTAURANT, FAST FOOD TO PERMITTED PRINCIPAL USES; BY AMENDING SECTION 86-271 "MINIMUM OFF-STREET PARKING REQUIREMENTS" BY ADDING MINIMUM PARKING REQUIREMENTS FOR RESTAURANT, RESTAURANT, CARRYOUT, RESTAURANT, DRIVE-IN, AND RESTAURANT, FAST FOOD; AND BY AMENDING SECTION 86-273 "SPECIAL REGULATIONS" BY ADDING AN EXCEPTION FOR OUTDOOR SEATING FOR RESTAURANTS AND BY ADDING AN ALLOWANCE FOR PASS THROUGH WINDOWS AND BY PROVIDING FOR DRIVE THROUGH LANES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, the Town Council has reviewed certain sections of the Town's Code of Ordinances related to zoning and has determined that certain changes are needed to encourage new business growth to the limited commercial (LC) district which is located along Forest Hill Boulevard; and

**WHEREAS**, the Town Council has determined that the addition of restaurants as permitted uses in the limited commercial district would be in the public interest and would be beneficial to the Town and its residents and would provide a convenient place to purchase ready to eat food items; and

**WHEREAS**, the Town Council has determined that the addition of parking requirements for restaurants will circumvent or alleviate problems associated with restaurant parking.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 86-262. "Permitted Principal Uses and Structures", of Division 4, "Limited Commercial (LC) District", of Article VI, "Districts" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by adding Restaurant, Restaurant, carryout, Restaurant, drive-in and Restaurant, fast food, as follows:

**Sec. 86-262. - Permitted principal uses and structures.**

Permitted principal uses and structures in the limited commercial (LC) district are as follows:

- (1) Financial Institutions.
- (2) Professional and business offices and office buildings.
- (3) Retail outlets for sale of wearing apparel, sundries and notions, drugs, hardware, garden supplies, toys and similar products, florists, gift and jewelry shops or similar shops.
- (4) Retail outlets such as household furnishings and household appliances or departments stores.
- (5) Music, art or dance studios, exclusive of adult entertainment establishments.
- (6) Repair services.
- (7) Personal services.
- (8) Restaurant.
- (9) Restaurant, carryout.
- (10) Restaurant, drive-in.
- (11) Restaurant, fast food.

**SECTION 2.** Subsection (a) of Section 86-271, "Minimum off-street parking requirements", of Division 4, "Limited Commercial (LC) District", of Article VI, "Districts" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by adding Restaurant, Restaurant, carryout, Restaurant, drive-in and Restaurant, fast food, as follows:

**Sec. 86-271. - Minimum off-street loading and parking requirements.**

- (a) The minimum off-street parking requirements in the limited commercial (LC) district are as follows:
- (1) *Financial institutions.* One space per every 200 square feet of gross floor area.
  - (2) *Professional and business offices and office buildings.* One space per every 200 square feet of gross floor area.
  - (3) *Retail outlets for sale of wearing apparel, sundries and similar notions, drugs, hardware, garden supplies, toys and similar products, florist gift and jewelry shops or similar shops.* One space per every 200 square feet of gross floor area.
  - (4) *Retail outlets for the sale of food.* One space for every 30 square feet of gross floor area.

- (5) *Church*. One space per every three seats in the main auditorium. If there are no fixed seats, one space per every 30 square feet of gross floor area in the main auditorium.
- (6) *Convent, parish house or religious center*. One space per bedroom, plus one space per 200 square feet of gross floor area devoted to offices and meeting rooms. If no offices or meeting rooms are provided, one-half space per bedroom shall be provided for guest parking.
- (7) *Public areas*. One space per every 10,000 square feet of gross land area, with a minimum of five spaces provided.
- (8) *Public facilities*. One space per every 200 square feet of gross floor area.
- (9) *Restaurant*. One (1) space per every 150 square feet of gross floor area.
- (10) *Restaurant, carryout*. One (1) space per every 100 square feet of floor area.
- (11) *Restaurant, drive-in*. One (1) space per every 75 square feet of floor area.
- (12) *Restaurant, fast food*. One (1) space per every three (3) seats.

**SECTION 3.** Section 86-273. "Special Regulations", of Division 4, "Limited Commercial (LC) District", of Article VI, "Districts" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended, as follows:

**Sec. 86-273. - Special regulations.**

- (a) All permitted uses in the limited commercial (LC) district shall be carried on entirely within and under cover of a building, with the exception of outdoor seating for restaurant uses, which shall be reflected on the approved site plan. No business may be conducted if any side of a room or area of the structure is open to the air by reason of a lack of an enclosing wall, door, window or other fixtures. ~~No product or merchandise may be sold, conveyed, delivered or handed out through a window or opening to a buyer outside the building.~~
- (b) ~~Products sold in the limited commercial (LC) district shall be sold only at retail. No~~ Products, services or merchandise may be sold, conveyed, delivered or handed out through a window or opening to a buyer outside the building, only if reflected on the approved site plan, and only if the following drive through lane establishment requirements are provided:
  - 1. A minimum of six (6) queuing spaces including the one (1) accommodating the vehicle being serviced. Each queuing space shall be a minimum of ten (10) feet in width by twenty (20) feet in length. Queuing shall be measured from the front of the stopped vehicle (that would be located at the point of ultimate service) to the rear/end of the queuing lane.
  - 2. A by-pass lane a minimum of twelve (12) feet wide shall be provided. Subject to the Town's approval, a by-pass lane may not be required if the queuing lane is adjacent to a parking lot drive isle which could function sufficiently as a by-pass lane. If required, the by-pass lane shall be clearly designated and distinct from the queuing area.

**SECTION 4.** The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 5.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

**SECTION 6.** The provisions of this Ordinance shall become effective immediately upon adoption.

**PASSED** this 14<sup>th</sup> day of May, 2013, on first reading.

**PUBLISHED** this 20<sup>th</sup> day of June, 2013 in Lake Worth Herald / coastal Observer

**PASSED AND ADOPTED** this 9<sup>th</sup> day of July, 2013, on second and final reading.

**TOWN OF LAKE CLARKE SHORES, FLORIDA**

	FOR	AGAINST
BY: <u>[Signature]</u> Valentin Rodriguez Jr., Mayor	<u>[checkmark]</u>	<u>          </u>
<u>[Signature]</u> Robert M. W. Shalhoub, Vice-Mayor	<u>[checkmark]</u>	<u>          </u>
<u>[Signature]</u> Gregory Freebold, President Pro Tem	<u>[checkmark]</u>	<u>          </u>
<u>[Signature]</u> Malcolm K. Lewis, Council Member	<u>[checkmark]</u>	<u>          </u>
<u>[Signature]</u> Thomas C. Mayes Jr., Council Member	<u>[checkmark]</u>	<u>          </u>

**ATTEST:**

By: Mary Pinkerman  
Mary Pinkerman, Town Clerk

Ordinance #13-02      Sponsored by:    The Town Council